

**AUSTRALIAN NATIONAL UNIVERSITY**  
**STUDENT MEDIA**

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**PROPOSED INCORPORATED ASSOCIATION**

VERSION 1.0

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## NAME

- 1 The name of the Association is "*Australian National University Student Media*".

## DEFINITIONS

- 2 Except where the contrary intention appears, in this Constitution:
  - (a) "Academic week" means any week of the calendar year that includes at least one (1) week-day that falls during a teaching period of the University;
  - (b) "Academic year" means the period between the first day of the first teaching period of the University and the last day of the last teaching period of the University in a calendar year;
  - (c) "ACT" means the Australian Capital Territory;
  - (d) "the Act" means the *Associations Incorporation Act (ACT) 1991*;
  - (e) "College" means an ANU College established by the University Council;
  - (f) "Association" means Australian National University Student Media Incorporated;
  - (g) "AGM" means the Annual General Meeting of the Association;
  - (h) "Council" means the University Council of The Australian National University;
  - (i) "Editor" means a member of the Board of Editors described in section 7.
  - (j) "OVC" means the Office of the Vice-Chancellor;
  - (k) "Undergraduate student" means a student enrolled in a unit or program of study for a Bachelors degree or any other undergraduate award of the University;
  - (l) "University" means The Australian National University, an institution of higher education established under the *Australian National University Act (Cth) 1991*;
  - (m) "Vice-Chancellor" means the Vice-Chancellor and President of The Australian National University;
  - (n) "Working day" means a 24 hour period during any day or days that do not fall on a weekend or a public holiday day, and that do not fall during an examination period of the Colleges.

## OBJECTS

- 3 The objects of the Association are:
  - (a) to produce an interesting, entertaining, informative, recognised and regular hard-copy and online publication for the students of the University;
  - (b) to contribute to a sense of University identity and reflect the scholarly and cultural diversity of the University community;
  - (c) to promote open public dialogue and debate in the University community;
  - (d) to promote awareness of the variety of curricular and extra-curricular activities undertaken by students of the University;

- (e) to discover and develop the creative talents of students at the University in journalism and the media arts;
- (f) to promote best practice in professional journalism; and
- (g) to innovate and explore new media forms.

4 The Association is a not-for-profit organisation.

## **MEMBERSHIP**

5 Membership of the Association is open to all undergraduate and postgraduate students of the University. There are three classes of membership: ordinary, associate and honorary life.

### **5.1 Ordinary membership**

Any person who:

- (a) is an undergraduate or postgraduate student of the University; and
- (b) has not notified the Deputy Editor-in-Chief, in writing, that she/he does not wish to be a member.

is an ordinary member of the Association.

### **5.2 Associate membership**

Any person who:

- (a) has been an ordinary member of the Association for twelve (12) months or more;
- (b) is not currently an ordinary member; and
- (c) has not notified the Deputy Editor-in-Chief, in writing, that she/he does not wish to be an associate member

is an associate member of the Association.

### **5.3 Honorary life membership**

Honorary life membership of the Association may be conferred upon any person by a general meeting of the Association.

### **5.4 Rights of associate and honorary life members**

Associate and honorary life members shall not vote at any meeting or election of the Association, shall not constitute a quorum, and shall not be eligible for election to the Board, but shall otherwise have rights equal to ordinary members.

### **5.5 Cessation of membership**

An ordinary or associate member ceases to be a member of the Association at such time if:

- (a) they cease to fulfil the conditions in sub-sections 5.1 and 5.2 respectively; or

(b) their membership is revoked.

An honorary life member ceases to be a member if her/his membership is revoked by a general meeting of the Association.

#### **5.6 Membership fee**

There is no fee payable for membership of the Association as an ordinary, associate or honorary life member.

#### **5.7 Members liabilities**

The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to membership of the association as required in sub-section 5.6.

### **PUBLIC OFFICER**

**6** The Board shall appoint a member of the Board to be the Public Officer of the Association.

#### **6.1 Duties**

The Public Officer will, within fourteen (14) working days of their appointment, notify the relevant authority in writing of the appointment and supply their full name and address. The Public Officer will also supply any and all documents required by the relevant authority and shall perform any other duties as required by the relevant legislation.

#### **6.2 Vacancy**

The office of Public Officer becomes vacant if the person holding that office:

- (a) dies; or
- (b) becomes bankrupt, applies to take the benefits of a law for the relief of bankrupt or insolvent debtors or compounds with their creditors; or
- (c) suffers from mental or physical incapacity; or
- (d) resigns their office by writing to the Editor-in-Chief; or
- (e) ceases to be resident in the ACT.

If the office of Public Officer becomes vacant the Board will, within fourteen (14) days after it becomes vacant, appoint another person to fill the vacancy.

### **BOARD OF EDITORS**

**7** The Board of Editors is the committee of the Association for the purposes of the Act.

#### **7.1 Powers of the Board of Editors**

The Board, subject to the Act, the regulations, this Constitution, and to any resolution passed by the Association in general meeting:

- (a) controls and manages the affairs of the Association; and
- (b) may exercise all functions that may be exercised by the Association other than those functions that are required by this Constitution to be exercised by a general meeting of the Association; and
- (c) has power to perform all acts and do all things that appear to the Board to be necessary or desirable for the proper management of the affairs of the Association.

## **7.2 Duties of the Board of Editors**

The Board, subject to the Act, the regulations, this Constitution, and to any resolution passed by the Association in general meeting, must:

- (a) implement the objects of the association;
- (b) ensure that Members of the Board act in accordance with this Constitution and their respective duties;
- (c) appoint, encourage, manage and supervise sub-editors, staff writers and contributors of publications.

## **7.3 Membership of the Board of Editors**

**7.3.1** The Board of Editors has ten (10) members, including:

- (a) the Editor-in-Chief;
- (b) the Deputy Editor-in-Chief;
- (c) the Managing Editor;
- (d) five (5) General Editors; and
- (e) two (2) Honorary Advisors in accordance with 7.10.

**7.3.2** The Editor-in-Chief, Deputy Editor-in-Chief and Managing Editor are Officers of the Association.

## **7.4 Duties of Office Bearers**

### **7.4.1 Editor-in-Chief**

The Editor-in-Chief is the President of the Association and Chairperson of the Board. Subject to the Act, the regulations, this Constitution and to any resolution passed by the Association in general meeting, the Editor-in-Chief must:

- (a) convene and chair meetings of the Board;
- (b) chair meetings of the Association;
- (c) be the spokesperson of the Association on matters of concern to members of the Association;
- (d) be primarily responsible for the management and supervision of the Association's employees, in conjunction with the other Officers of the Association;
- (e) actively promote the Constitution and objects of the Association;

- (f) ensure that all publications of the Association comply with the Constitution and objects of the Association; and
- (g) report on the activities of the Association at general meetings of the Association.

#### **7.4.2 Deputy Editor-in-Chief**

The Deputy Editor-in-Chief is the Secretary of the Association and Deputy Chairperson of the Board. Subject to the Act, the regulations, this Constitution and to any resolution passed by the Association in general meeting, the Deputy Editor-in-Chief must:

- (a) convene general meetings of the Association;
- (b) create and maintain all records, decisions, policies and minutes of the Association;
- (c) ensure that all members of the Association have adequate notice of general meetings of the Association;
- (d) create and maintain an accurate record of the published and unpublished contributions made to publications of the Association; and
- (e) perform the role of Acting Editor-in-Chief when the Editor-in-Chief is on leave.

#### **7.4.3 Managing Editor**

The Managing Editor is the Treasurer of the Association. Subject to the Act, the regulations, this Constitution and to any resolution passed by the Association in general meeting, the Managing Editor must:

- (a) create and maintain the books and financial records of the Association;
- (b) manage the Association's business relationships;
- (c) prepare and manage the budget of the Association;
- (d) report on the state of the budget at each Board meeting of the Association;
- (e) prepare the annual financial statements of the Association.

#### **7.5 Duties of General Editors**

Subject to the Act, the regulations, this Constitution and to any resolution passed by the Association in general meeting, the General Editors must:

- (a) perform any duties assigned to them by the Board;
- (b) provide assistance to the Officers of the Association in the performance of their duties as requested by the Board; and
- (c) manage and supervise sub-editors, staff writers and contributors of publications.

## **7.6 Election of the Board of Editors (other than Honorary Advisors)**

The Board of Editors is a rotational committee. Except where the contrary intention appears, four Members of the Board shall be elected by the ordinary members of the Association every six (6) calendar months to replace four retiring Members of the Board.

**7.6.1** The term of office for a Member of the Board is twelve (12) calendar months, beginning on the day they assume office.

**7.6.2** Every six (6) calendar months, the four (4) Members of the Board who have served twelve (12) calendar months must retire.

**7.6.3** The Board must arrange an election to fill vacancies on the Board at least two (2) calendar months prior to vacancies being created.

**7.6.4** The Returning Officer for elections for the Board must be a staff member of the University appointed by the Vice-Chancellor.

**7.6.5** Elections for the Board must:

- (a) be held by online ballot open to all ordinary members of the Association;
- (b) be accompanied by at least two (2) official notices of the election delivered to all ordinary members of the Association by email at least once each week in the two weeks preceding the election;
- (c) be accompanied by prominent and informative notices posted at the primary thoroughfares at each College and in Union Court; and
- (d) be held over the course of five (5) consecutive academic days.

**7.6.6** Nominations to fill vacancies on the Board must:

- (a) be made to the Returning Officer at least three (3) weeks prior to the opening of the poll and include the name, student number, year of study, one (1) example of written, videographic, photographic or multimedia work which is the original work of the nominee, and a short biography of two hundred (200) words or less;
- (b) when validly received, be displayed online (excluding student number) during the two (2) weeks prior to the opening of the poll and be viewed online by all voting ordinary members of the Association prior to casting their ballots;
- (c) be invited at least five (5) weeks prior to the opening of the poll by email to all ordinary members of the Association.

**7.6.7** A nomination is only valid where the nominee has previously made at least three (3) contributions duly recorded by the Deputy Editor-in-Chief.

**7.6.8 Ascertaining result of poll**

- (a) The poll is to be conducted by optional preferential vote.
- (b) The four (4) validly nominated ordinary members with the most votes following the distribution of preferences shall be declared elected to the Board.
- (c) The Board may make regulations for the management of elections which are consistent with section 7.6.

**7.7 Election of Office Bearers**

**7.7.1** The term of office for an Officer Bearer of the Association is six (6) calendar months or the remainder of their term of office as a Member of the Board, whichever is the lesser.

**7.7.2** At the first meeting of the Board following an election for the Board a secret ballot must be held for the Officer Bearers. This ballot is to be conducted by compulsory preferential vote.

**7.8 Casual Board Vacancies**

**7.8.1** Where a casual vacancy exists on the Board, the Board must advertise the vacancy and invite written applications from ordinary members to fill the vacancy.

**7.8.2** Written applications to fill the vacancy should take the same form of nominations in 7.6.6(a).

**7.8.3** The application period must be open for at least two (2) calendar weeks.

**7.8.3** The Board will consider applications to fill the vacancy and may decide to appoint the most meritorious applicant to the Board. A decision to appoint an applicant must be supported by at least five (5) Board members or the majority of the current membership of the Board, whichever is greater.

**7.8.4** The Board may decide that the applications received are unsatisfactory and re-advertise for applications.

**7.9 Removal and Resignation of Board Members**

**7.9.1** Where valid grounds exist for removal, a member of the Board may be removed by:

- (a) a motion of no-confidence supported by two thirds of those present and voting at a general meeting of the Association; or
- (b) a motion of no-confidence supported by all other members of the Board.

Seven (7) academic days notice must be given of any motion of no-confidence to the Board member who is the subject of the motion for the motion to be valid.

**7.9.2** Valid grounds for removal of a member of the Board are:

- (a) failure to attend three (3) or more meetings of the Board without apologies and an accompanying reasonable excuse;
- (b) a breach or breaches of this Constitution or any regulations or orders made under this Constitution.

**7.9.3** A Board member may resign from the Board in writing to the Editor-in-Chief.

## **7.10 Honorary Advisors**

**7.10.1** In addition to the elected Members of the Board, the Board shall appoint – in consultation with the OVC - two (2) Honorary Advisors for a term of two (2) years from the date of their appointment.

**7.10.2** An appointed Honorary Advisor must be a recognised professional with experience and skills relevant to the activities of the Association. One Honorary Advisor must be a media professional; the other a legal professional.

**7.10.3** The role of the Honorary Advisor is to:

- (a) Mentor the members of the Board;
- (b) Contribute their professional knowledge and experience to the decision making and activities of the Board.

**7.10.4** An Honorary Advisor does not have a vote in decisions of the Board but should attend all Board meetings at which a publication is to be approved under Section 10. If the Honorary Advisor cannot attend they must be given an opportunity to see the publication prior to its approval.

**7.10.5** At the conclusion of their term of appointment an Honorary Advisor is to be granted honorary life membership of the Association.

## **PUBLICATIONS**

**8** The Association may publish a publication or publications in the name of the Association. A publication may be in hard copy and/or digital format.

**9** The Association must publish a hard copy and online publication with the masthead *Woroni – The Australian National University Student Newspaper – Since 1948*.

- 9.1** *Woroni* must be published at least once every two academic weeks of the academic year. Special editions of *Woroni* must be published for University Orientation Week and Bush Week.
- 10** A publication of the Association may not be published without the approval of the Board. The Board may only authorise publication where:
- (a) the publication complies in its entirety with the Principles outlined in Schedule 1 of this Constitution and is not otherwise contrary to this Constitution or any regulations or orders;
  - (b) the publication does not contain any material which may impose civil or criminal liability on the Association or members of the Board.
- 11** Notwithstanding section 10, the Board may only authorise publication where at least six (6) Members of the Board vote in favour of authorising a publication.

### **CO-OPTION OF ASSOCIATION MEMBERS**

- 12** The Board may co-opt other ordinary members of the Association to a publication of the Association to perform the roles of sub-editors, staff writers and contributors, or in any other role that the Board may create from time to time.
- 12.1** Where the Board has a position/s to fill for a publication, the Board must publicly advertise the position/s and call for applications. The Board must make appointment decisions on merit.
- 12.2** Once appointed, a sub-editor, staff writer or contributor holds their role until removed by the Board or an election of the Association is held.
- 12.3** Co-opted members enjoy indemnity from the Association for duties performed for the Association under section 26.

### **EMPLOYEES**

- 13** The Board may appoint employees of the Association from time to time in accordance with relevant laws of the Australian Capital Territory and the Commonwealth, and any applicable industrial relations award or enterprise agreement. Employees of the Association must enjoy the same conditions and entitlements as employees of the University.

### **MEETINGS**

#### **14 General Meetings**

A general meeting of the Association shall be called by the Deputy Editor-in-Chief at the direction of the Board, or upon receipt of a written request signed by at least twenty (20) ordinary members. There is no limit to the number of general meetings which may be held each year.

- 14.1** A general meeting must only be held on an academic day.
- 14.2** Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association,

notice of the time, place and provisional agenda of a general meeting shall be given by advertisement to members at least seven (7) days prior to the meeting.

**14.3** Advertisement shall be effected by:

- (a) the placement of a notice in an official newspaper, website, or similar publication that the ANU Student Media might produce; and
- (b) prominent and informative notices posted at the primary thoroughfares at each College and in Union Court.

**14.4** Matters for inclusion on the agenda of a general meeting, other than those matters requiring a special resolution, may be submitted by any member and must be given to the Deputy Editor-in-Chief at least two (2) academic days prior to the meeting. In any case there shall be an item on the agenda under which any other business may be raised by those present at the meeting.

**14.5** The quorum at a general meeting shall be twenty (20) ordinary members.

**14.6** Decisions at a general meeting must be by a majority vote of ordinary members present. In the event of a tie, the chairperson shall have a casting vote as well as a deliberative vote. At the request of any five (5) ordinary members present at the general meeting, a secret ballot shall be held. Voting by proxy shall not be permitted at any general meeting of the Association.

**14.7** A general meeting must be run in accordance with standing orders determined by the Board.

**14.8** The Chairperson at a general meeting is the Editor-in-Chief.

## **15 Annual General Meetings**

**15.1** The Annual General Meeting (AGM) of the Association must be convened by the Board within five (5) months of the end of the financial year, and must be held on an academic day.

**15.2** The Editor-in-Chief's Annual Report, the Managing Editor's Annual Report, draft budget and duly audited Annual Financial Statements and such other reports as the Board determines shall be presented at the AGM and shall be made available for inspection by members at least fourteen (14) calendar days before the AGM.

**15.3** The AGM must be conducted in accordance with the rules for general meetings with the additional provision that a notice of the AGM shall also be sent to every member for whom the Association has a University email address.

## **16 Board Meetings**

- 16.1** The Board must meet at least once each fortnight during the academic year. Meetings of the Board may be convened at any time by the Editor-in-Chief.
- 16.2** The quorum at a meeting of the Board is five (5) members of the Board and must include at least two (2) Officers of the Association.
- 16.3** The Deputy Editor-in-Chief must provide notice to all members of the Board by email.
- 16.4** Decisions at a Board meeting shall be by a majority vote of members present. In the event of a tie, the chairperson shall have a casting vote as well as a deliberative vote. At the request of any two (2) members present at the Board meeting, a secret ballot shall be held. Voting by proxy shall not be permitted at any Board meeting.

## **FINANCE**

- 17** The Association and the Board will exercise all due-care and diligence in the management of the financial affairs of the Association.

### **17.1 Members' Benefit**

Subject to sub-section 18.2, no member of the Association shall benefit from any funds held by the Association except by way of bona fide remuneration for liabilities incurred on behalf of the Association.

### **17.2 Honoraria for Members of the Board**

A general meeting of the Association may authorise the payment of honoraria to the Members of the Board.

### **17.3 Disclaimer**

No member of the Association will be personally liable to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and any expenses of the dissolution or winding up of the Association.

### **17.4 Budget**

The Managing Editor will prepare a budget, to be presented to the first meeting of the Board of the calendar year, for approval. The Managing Editor will report to each meeting of the Board on the current budgetary position of the Association.

### **17.5 Audited Statements**

The Managing Editor will prepare all relevant financial statements and records for audit and presentation at the AGM in compliance with all relevant legislation. The Managing Editor must ensure that the audit is completed at least fourteen (14) working days before the AGM. In accordance with the relevant legislation, the Managing Editor must

lodge the annual return of the Association within six (6) months of the end of each financial year.

#### **17.6 Other Financial Provisions**

**17.6.1** The financial year of the Association shall commence on the first day of July in each year, and end on the last day of June in the following year.

**17.6.2** The Association may maintain such bank accounts in its name as the Board deems necessary.

**17.6.3** Withdrawal of monies from any bank account of the Association may only be authorised by any two (2) of the Editor-in-Chief, Deputy Editor-in-Chief and Managing Editor.

**17.6.4** No person may incur liabilities on behalf of the Association without consulting the Editor-in-Chief or the Managing Editor. Should a situation arise where actions taken in good faith have caused expenditure to exceed a budget estimate, then this fact must be reported to the next meeting of the Board.

#### **17.7 Association Books**

Subject to the relevant legislation the Deputy Editor-in-Chief must keep in their custody or under their control all records, books and other documents relating to the Association. The records, books and other documents of the Association shall be open to inspection in the office of the Association at any reasonable hour.

### **AUDITOR**

**18** An auditor, not being a member of the Association, will be appointed by the Board and will audit the financial affairs of the Association each financial year and certify as to the correctness of the Annual Financial Statements.

### **FREEDOM OF INFORMATION**

#### **19 Specified Documents**

Upon receipt of a request in writing, the Board shall supply to any member of the Association within fourteen (14) days copies of:

- (a) this Constitution, as amended;
- (b) any regulations or orders of the Association;
- (c) the minutes of any general meeting or Board meeting;
- (d) audited financial statements and Managing Editor's reports;
- (e) the current draft or approved budget; and
- (f) the most up-to-date version of the record of the published and unpublished contributions made to publications of the Association maintained by the Deputy Editor-in-Chief.

#### **20 General Freedom of Information**

**20.1** Upon receipt of a request in writing, the Board must within fourteen

(14) days grant to any member of the Association access to documents or electronic records other than those referred to in section 19 produced by the Association, its officers, employees or the Board, except that the Deputy-in-Chief may restrict access to protect the confidentiality of any document or records.

**20.2** Access to any document or record not produced by the Association, its officers, employees or the Board but which has been submitted to or is held by the Association explicitly or implicitly in confidence, must only be granted with the permission of the other parties to that document or record. All disputes concerning access shall be resolved by the Board.

## **COMMON SEAL**

- 21** The Association will keep and maintain a Common Seal of the Association. The Common Seal must:
- (a) be kept in the custody of the Editor-in-Chief; and
  - (b) not be attached to any instrument except by the authority of the Board and the attaching of the common seal must be attested by the signatures of two (2) members of the Board, one (1) of whom must be the Editor-in-Chief or the Managing Editor.

## **INTERPRETATION**

- 22** The Deputy Editor-in-Chief of the Association is empowered to interpret this Constitution. An alternative interpretation of this Constitution may only be made by:
- (a) Two-thirds of those members present and voting at a meeting of the Board; or
  - (b) Two-thirds of those members present and voting at a general meeting of the Association.

## **REGULATIONS AND ORDERS**

- 23** Subject to this Constitution, the Board may make such regulations or orders as it sees fit to assist the convenient conduct of the Association's business. These regulations may include, but are not necessarily limited to, standing orders to govern the conduct of any meeting of the Association or its members, methods by which meetings and elections are to be advertised, and electoral regulations to govern the conduct of any election held by the Association. These regulations or orders must be advertised and made available to all members.

## **ALTERATION OF THE CONSTITUTION**

- 24** This Constitution may be amended by special resolution at any general meeting of the Association in accordance with section 15 except that at least twenty-one (21) working days notice of the special resolution shall be given to members and a decision to amend the Constitution must require the support of three-quarters (75%) of ordinary members present and voting.

- 24.1** Full notice of proposed amendments to the Constitution shall be given to members at the same time and in the same way as notice of the general meeting at which the amendments are to be proposed.
- 24.2** The Deputy Editor-in-Chief must ensure that, once passed at a general meeting, amendments to the Constitution are submitted to the Council for ratification and thence to the relevant local authority.
- 24.3** No amendment to the Constitution will have any effect until ratified by the Council and, if necessary, by the relevant local authority.

## **INDEMNITY**

- 25** All members and employees of the Association are indemnified by the Association against losses or expenses incurred by them in or about the discharge of their respective duties except against any liability that by law would otherwise attach to them in respect of any negligence, default, breach of duty or breach of trust of which they may be guilty in relation to the Association.

## **DISSOLUTION OR WINDING-UP**

- 26** A motion may be put to dissolve or wind up the Association, subject to sub-sections 27.1, 27.2 and 27.3.
  - 26.1** A motion to dissolve or wind up the Association may be considered at any general meeting of the Association where twenty-one (21) days' notice of such a general meeting has been given to members, accompanied by a notice of intention to propose a motion to dissolve or wind up the Association.
  - 26.2** A motion to dissolve or wind up the Association must be passed by a special resolution, at least three quarters (75%) of those present and voting at a general meeting held in accordance with section 15.
  - 26.3** If, upon the dissolution or winding up of the Association there appears after the satisfaction of all its debts and liabilities any property whatsoever, that property shall be transferred to another student body or association with similar objects to the Association. Any intellectual property will transferred to the ANU Students' Association (ANUSA).

## **GRIEVANCES AND DISPUTES**

### **27 Grievances and Disputes Panel**

The Association has a Grievances and Disputes Panel to hear and resolve grievances and disputes between members of the Association and members of the Association and the Board. The Panel may also hear complaints about publications of the Association from non-members.

#### **27.1 Membership of the Panel**

The Grievances and Disputes Panel has three (3) members:

- (a) one (1) ordinary member of the Association appointed by the Board who must not be a member of the Board or a co-opted member;
- (b) one (1) ordinary member of the Association elected at the Annual General Meeting of the Association who must not be a member of the Board or a co-opted member; and
- (c) one (1) staff member of the University appointed by the Vice-Chancellor.

The ordinary members of the Panel appointed by the Board and the Annual General Meeting must be appointed annually. A general meeting may remove a Panel member.

## **27.2 Grievances and Disputes**

The Grievances and Disputes Panel may hear and resolve grievances and disputes relating to:

- (a) an alleged breach or breaches of this Constitution or any orders or regulations made under this Constitution by an ordinary member of the Association and/or the Board;
- (b) an alleged breach of the Press Council Principles in Schedule 1 of this Constitution by an ordinary member of the Association and/or the Board;
- (c) an alleged breach of the Code of Conduct in Schedule 2 of this Constitution by an ordinary member of the Association and/or the Board.

In determining whether to uphold or dismiss a complaint the Grievances and Disputes Panel must apply accepted principles of natural justice, including the provision of a fair and timely hearing and published reasons for a decision.

## **27.3 Remedies**

If a complaint is upheld, the Grievances and Disputes Panel may:

- (a) revoke or suspend the membership of the Association of the person/s found to be in breach;
- (b) impose a fine (which may not exceed \$100AUD) on the person/s found to be in breach, the non-payment of which will result in the revocation of membership;
- (c) where the complaint relates to a breach of the Press Council Principles in Schedule 1, require the publication concerned to promptly and prominently publish the decision and/or issue a retraction.

## **RIGHT TO APPEAL**

### **28 Right of appeal of disciplined member**

**28.1** A disciplined member may appeal a decision of the Grievances and Disputes Panel at a general meeting.

- 28.2** The disciplined member must notify, in writing, the Deputy Editor-in-Chief of their intention to appeal within 7 academic days of being informed of the decision of the Grievances and Disputes Panel.
- 28.3** The Deputy Editor-in-Chief on receipt of a notice under subsection (2) must notify the Board within 1 academic day. The Board must subsequently direct the Deputy Editor in Chief to call a general meeting of the association within 21 academic days of when notice of the appeal was received.
- 28.4** At this general meeting of the association called under subsection (3):
- 28.4.1** the only business which may be considered is the appeal against the Panel's decision;
  - 28.4.2** the Grievances and Disputes Panel and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and,
  - 28.4.3** the members present must vote by secret ballot on the question of whether the resolution made under section 28.3 should be confirmed or revoked.

## **TRANSITION PROVISIONS**

- 29** This section shall be removed from this once Constitution once this section has been satisfactorily complied with.
- 29.1** Those ordinary members of the Association duly elected in 2010 as the 'Editors of *Woron*' for 2011 under the Constitution of the ANU Students' Association are the inaugural members of the Board.
  - 29.2** The inaugural members of the Board hold office for 12 months.
  - 29.3** Six (6) months into the term of the inaugural Board members, the Board must arrange for the election of enough further Board members to bring the number of Board members to eight (8).
  - 29.4** The inaugural Board is responsible for incorporating the Association in the Australian Capital Territory.
  - 29.5** The inaugural Board is responsible for negotiating the transfer of the intellectual property rights over the name '*Woron*' from the ANU Students' Association to the Association.
  - 29.6** This Constitution comes into effect on 1 December 2010 or at such time as it is approved by the Office of Regulatory Services pursuant to the *Associations Incorporation Act 1991* (ACT).
  - 29.7** Quorum of the inaugural board of four (4) members shall be two (2) Office Bearers. Upon the election of further board members under s 29.3, quorum as per s 16.2 will take effect. Section 16.2 will be suspended until such time.

## **SCHEDULES**

### **Schedule 1 – Press Council Principles**

The freedom of the press to publish is the freedom, and right, of the people to be informed. These are the justifications for upholding press freedom as an essential feature of a democratic society. This freedom includes the right to publish the news, without fear or favour, and the right to comment fairly and responsibly upon it.

The freedom of the press is important more because of the obligation it entails towards the people than because of the rights it gives to the press. Freedom of the press carries with it an equivalent responsibility to the public. Liberty does not mean licence.

The Board must ensure that publications of the Association are published in line with the Principles in this Schedule.

#### **Principles**

1. Publications should take reasonable steps to ensure reports are accurate, fair and balanced. They should not deliberately mislead or misinform readers either by omission or commission.
2. Where it is established that a serious inaccuracy has been published, a publication should promptly correct the error, giving the correction due prominence.
3. Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article. Failing that, it should provide a reasonable and swift opportunity for a balancing response in an appropriate section of the publication.
4. News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such.
5. Information obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an over-riding public interest.
6. Publications are free to advocate their own views and publish the by-lined opinions of others, as long as readers can recognise what is fact and what is opinion. Relevant facts should not be misrepresented or suppressed, headlines and captions should fairly reflect the tenor of an article and readers should be advised of any manipulation of images and potential conflicts of interest.
7. Publications have a wide discretion in publishing material, but they should balance the public interest with the sensibilities of their readers, particularly when the material, such as photographs, could reasonably be expected to cause offence.

8. Publications should not place any gratuitous emphasis on the race, religion, nationality, colour, country of origin, gender, sexual orientation, marital status, disability, illness, or age of an individual or group. Where it is relevant and in the public interest, publications may report and express opinions in these areas.

## **Schedule 2 – Code of Conduct**

Board members, sub-editors and staff are expected to carry out their duties honestly, responsibly and impartially to the best of their ability. This Code of Conduct applies to Board members, sub-editors and staff during those times in which they perform work for the Association. It does not apply to conduct engaged in outside of official work.

### **Exercising care and diligence**

All Board members, sub-editors and staff members should:

- (a) carry out their duties in a professional, responsible and conscientious manner;
- (b) carry out official directions and policies in a faithful, impartial and transparent manner;
- (c) ensure decisions can be seen to be reasonable, fair and appropriate to the circumstances based on consideration of all the relevant facts;
- (d) report genuinely suspected or known fraud or corrupt conduct to appropriate authorities;
- (e) take reasonable steps to ensure adequate protection of all confidential information;
- (f) take reasonable steps to ensure compliance with intellectual property laws;
- (g) maintain as appropriate the confidentiality of Association dealings when interacting with outside organisations and others within the Association;
- (h) maintain adequate security over Association property, facilities and resources and information;
- (i) ensure that Association resources are managed effectively and efficiently.

### **Respect and fair treatment of people**

This obligation covers the conduct of Board members, sub-editors and staff members in their dealings with others including students, staff of the University and members of the community.

All Board members, sub-editors and staff members should:

- (a) treat others with respect;
- (b) treat others with courtesy, fairness and equity;
- (c) engage in conduct that is respectful of differences and non-discriminatory on the basis of sex, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities;

- (d) avoid behaviour that may be reasonably perceived as harassing, intimidating, overbearing, bullying or physically or emotionally threatening;
- (e) be responsive, courteous and prompt in Association dealings.