



# WESTERN SYDNEY MEDICAL SOCIETY INC.

CONSTITUTION (AS OF 13<sup>TH</sup> MARCH 2017)

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## PART 1: PRELIMINARY

The aims and the objectives of the Western Sydney Medical Society Inc., hereby known as “the Society”, are:

- (1) to foster a sense of community between students of the Society
- (2) to further the interests of members, represent their views, and enhance their educational opportunities;
- (3) to encourage Western Sydney University and specifically the School of Medicine to provide the highest quality of education to members;
- (4) to promote communication between WSMS members;
- (5) to promote co-operation between medical students and medical student representative organisations and societies throughout Australia.
- (6) to improve student wellbeing and to cater to the broader needs of WSMS members
- (7) to provide support, advice and representation on policy and advocacy issues on behalf of members

### 1.1 DEFINITIONS

- (1) In these rules:

**Commissioner** means the Commissioner of the Office of Fair Trading.

**Ordinary member** means a member of the Society who is not a member of the Executive committee, or an office-bearer of the Society, as referred to in rule 14(2).

**Secretary** means:

- a) the person holding office under these rules as Secretary of the Society under section 3.7 of these rules, or
- b) if no such person holds that office – the Public Officer of the Society.

**General meeting means an Annual general meeting or a Special general meeting of the Society.**

**Special general meeting** means a general meeting of the Society other than an Annual general meeting.

**The Act** means the *Associations Incorporation Act 1984*.

**The Regulation** means the *Associations Incorporation Regulation 1999*.

- (2) In these rules

- a) a reference to a function includes a reference to a power, authority and duty, and
- b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty

- (3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

- (4) In these rules:

The MBBS course refers to the Western Sydney University Bachelor of Medicine/Bachelor of Surgery.

The Society refers to the Western Sydney Medical Society Inc.

The Office Bearers of the Society are

- a) The President of the Society
- b) The Vice President Internal of the Society
- c) The Vice President External of the Society
- d) The Secretary of the Society
- e) The Treasurer of the Society

The Executive Committee refers to the five office bearers of the Society, and members elected to the Executive committee, including Academic Director and Events Director.

## PART 2: MEMBERSHIP

### 2.1 MEMBERSHIP QUALIFICATIONS

A person is qualified to be a member of the Society if, and only if:

- (1) The person is currently enrolled in Western Sydney University's Bachelor of Medicine/Bachelor of Surgery or,
- (2) The person has deferred their place in the course, after commencing Year 1 Semester 1 of the MBBS degree with the intention of recommencing the MBBS course and currently holds such a deferred place with the University or,
- (3) The person is a person referred to in section 15(1) (a), (b) or (c) of the Act and has not ceased to be a member of the Society at any time after incorporation of the Society under the Act or,
- (4) The person qualifies to be an Associate member under Section 2.12 in these rules.

### 2.2 BECOMING A MEMBER

Automatic membership will be granted to any student who qualifies under the conditions stated in Section 2.1 of these rules.

### 2.3 CESSATION OF MEMBERSHIP

A person ceases to be a member of the Society if the person:

- (1) ceases to qualify for membership as stated in Section 2.1 of these rules, or
- (2) resigns membership through the channels stated in Section 2.5 of these rules, or
- (3) is expelled from the Society under the conditions stated in Section 2.10 of these rules, or
- (4) dies.

### 2.4 MEMBERSHIP ENTITLEMENTS NOT TRANSFERRABLE

A right, privilege or obligation that a person has by reason of being a member of the Society:

- (1) is not able to be transferred or transmitted to another person, and
- (2) terminates on cessation of the person's membership, the terms of which are stated in Section 2.3 of these rules.

### 2.5 RESIGNATION OF MEMBERSHIP

- (1) A member of the Society is not entitled to resign that membership except in accordance with this rule.
- (2) An ordinary member or Executive member of the Society who wishes to terminate their membership, for any reason, may do so by giving to the Secretary 14 days of notice, in written form, of the member's intention to resign and, on the expiration of the 14 days, the member ceases to be a member.
- (3) If an ordinary member of the Society ceases to be a member under clause (2), and in every other case where a member ceases to hold membership under Section 2.3 of these rules, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member

### 2.6 REGISTER OF MEMBERS

- (1) The Secretary of the Society must establish and maintain a register of members of the Society specifying the name of each person who is a member of the Society together with the date on which the person became a member.
- (2) Any person, who qualifies as a member under section 2.1 of these rules, will be placed on the register.
- (3) The register of members can only be accessed by members of the Society.
- (4) The register of members may not be duplicated by ordinary members of the Society, without a motion passed by the Executive Committee.
- (5) The register must be stored by the Secretary of the Society and must be open for inspection, free of charge, to any member of the Society at any reasonable hour.

## 2.7 FEES AND SUBSCRIPTIONS

A member of the Society does not have to pay any membership fee to join the Society. Membership is granted under the conditions stated in Section 2.1 of these rules.

## 2.8 MEMBERS' LIABILITIES

Members of the Society have no liability to contribute towards the payment of the debts and liabilities of the Society or the costs, charges and expenses of the winding up of the Society.

## 2.9 RESOLUTION OF INTERNAL DISPUTES

- (1) Disputes between members (in their capacity as members) of the Society, and disputes between members and the Society, in their capacity as members, are to be resolved internally, with a mediation session.
- (2) The mediating body is to consist of 6 representatives appointed by the Executive committee of the Society and who formally declare no conflict of interest or bias
- (3) Should an Executive committee member be involved in the said dispute, that Executive committee member may not participate in the mediating body as described in clause (2).
- (4) At least 7 days prior to the commencement of the mediation session, the parties involved are to exchange written statements outlining their case and supply copies to the mediating body.
- (5) The mediation session must be attended by the mediating body, as described in clause (2), and involved parties.
- (6) The mediation session will not be open to uninvolved parties, unless this clause is overruled by a majority vote of the Executive committee of the Society.
- (7) If the involved parties cannot come to an agreement, the mediating body may reach a resolution.
- (8) The resolution reached by the mediating body may include;
  - a) Involved parties are pardoned, or
  - b) Involved parties will have their membership suspended for a period of time, as determined by the mediating body, or
  - c) Involved parties will be expelled, and so will cease to be members of the Society

## 2.10 DISCIPLINING OF MEMBERS

- (1) A complaint may be made to the Executive committee by any person that is a member of the Society against another member who:
  - a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
  - b) has persistently and deliberately acted in a manner prejudicial to the interests of the Society.
- (2) On receiving such a complaint, the Executive committee:
  - a) must cause notice of the complaint to be served on the member concerned; and
  - b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Executive committee in connection with the complaint, and
  - c) must take into consideration any submissions made by the member in connection with the complaint.
  - d) The submissions from both parties will be considered by the mediating body, which is made up of the Executive committee, or a person or group appointed by the Executive committee, and appropriate action will be taken.
  - e) Conflict resolution must adhere to any appropriate WSMS policy as determined by the WSMS Executive Committee and will be followed in a systematic manner to ensure appropriate action is taken for each complaint.
- (3) The Executive committee may, by resolution, expel the member from the Society or suspend the member from membership of the Society if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the Executive committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under section 2.11 of these rules.

- (5) An expelled or suspended member will not have any membership fees or subscriptions refunded to them and any existing membership benefits will be rendered void.
- (6) The expulsion or suspension does not take effect:
  - a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - b) if within that period the member exercises the right of appeal, unless and until the Society confirms the resolution under section 2.11 of these rules, whichever is the latter.

## 2.11 RIGHT OF APPEAL OF A DISCIPLINED MEMBER

- (1) A member may appeal to the Society for a special general meeting against a resolution of the Executive committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
  - a) The notice must be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (2) On receipt of a notice from a member under clause (1), the secretary must notify the Executive committee, within 7 days of receiving the notice, which is to convene a general meeting of the Society to be held within 28 days after the date on which the secretary received the notice.
- (3) At a special general meeting of the Society convened under clause (1):
  - a) no business other than the question of the appeal is to be transacted, and
  - b) the Executive committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If at the general meeting the Society passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## 2.12 ASSOCIATE MEMBERSHIP

- (1) For persons who did not qualify for membership under the regulations stated in section 2.1, but wish to become a member, "Associate membership" may be granted to them;
  - a) upon submission of their intention to become a member to the Secretary, and,
  - b) the approval of the submission by the executive committee, and,
  - c) upon payment of the annual Associate membership fee, to be revised by the Executive Committee on an annual basis.
- (2) Associate members have the same rights as ordinary members except the right to ;
  - a) Vote in any election of the Society, or
  - b) Nominate and run for a position on the Executive committee, or
  - c) Vote in a general or special general meeting, or
  - d) Contribute towards quorum at a general or special general meeting.

## 2.13 ALUMNI MEMBERSHIP

- (1) People who were members of WSMS until they graduated with their MBBS degree are considered hence forth as 'Alumni Members' and have relinquished the following rights of a current student member within WSMS;
  - a) Vote in any election of the Society, or
  - b) Nominate and run for a position on the Executive committee, or
  - c) Vote in a general or special general meeting, or
  - d) Contribute towards quorum at a general or special general meeting.
  - e) Receive subsidised tickets to WSMS events, unless these are available to the public
- (2) WSMS wishes to maintain a mutually beneficial relationship with Alumni which can consist of, but is not limited to;
  - a) Creation and attendance of Alumni targeted events
  - b) Invitations to Alumni to speak at, or attend, WSMS Events
  - c) Donations to WSMS by Alumni for use by the Society

## 2.14 POLITICAL STANCES OF WSMS

WSMS is a non-political, secular organisation, which will not pass any resolutions or general comments on behalf of its members on any international or national political issues that do not relate directly to the professional lives or wellbeing of WSMS medical students and as future graduates. Any member found to be broadcasting a political opinion under the name of WSMS will be subject to disciplinary action under Section 2.10.

## PART 3: THE EXECUTIVE COMMITTEE

### 3.1 POWERS OF THE EXECUTIVE COMMITTEE

The Executive committee is to be called the committee of management of the Society and, subject to the Act, the Regulation and these rules and to any resolution passed by the Society in general meeting:

1. is to control and manage the affairs of the Society, and
2. may exercise all such functions as may be exercised by the Society, other than those functions that are required by these rules to be exercised by a general meeting of members of the Society, and
3. has power to perform all such acts and do all such things as appear to the Executive committee to be necessary or desirable for the proper management of the affairs of the Society.

All members of the Executive must liaise with council members with in accordance with the Council Terms of Reference, which will be updated regularly by the Vice President Internal.

### 3.2 CONSTITUTION & MEMBERSHIP

- (1) Subject in the case of the first members of the Executive committee to section 21 of the Act, the Executive committee is to consist of:
  - a) The five office-bearers of the Society as per section 1.2 (4), and
  - b) 2 other members under the roles of Academic Director and Events Director, each of whom is to be elected under the procedures outlined in section 3.3
- (2) Each member of the Executive committee is, subject to these rules, to hold office until the conclusion of the election procedure stated under section 3.3 of these rules, following the date of the member's election, but is eligible for re-election, as specified in the appropriate by-laws.
- (3) In the event that the Executive committee member will not be able to fulfil their duties for a short period of time, no greater than a month, the Executive committee may:
  - a) Appoint a member of the Society to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the executive member is able to fulfil their duties.
  - b) Appoint a member of the executive to be their proxy, until the executive member is able to fulfil their duties.
- (4) In the event that an executive member is unable to fulfil their duties for an extended period of time, in accordance of section 3.6 of these rules, the Executive committee:
  - a) May fill the role in accordance with clause (3) of this section until such a time that a new Executive Member is elected or the role and/or responsibilities is/are redistributed within the Executive.
  - b) May hold a re-election for this position or redistribute the portfolio, under the guidelines stated in section 3.3 clause (9) of these rules.

### 3.3 ELECTION OF EXECUTIVE COMMITTEE

- (1) Nominations of candidates for election as office-bearers of the Society or as members of the Executive committee:
  - a) must be made in writing, seconded by one member of the Society and the current Executive committee member in the nominated position, accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination)
  - b) if signature of the current executive committee member cannot be obtained, email approval can be given
  - c) Nominees must be members of the Society
- (2) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (4) If insufficient further nominations are received, any vacant positions remaining on the Executive committee are taken to be casual vacancies.
  - a) In this instance, casual vacancies will be voted on by the newly elected Executive committee
  - b) WSMS Executive committee or President are/is allowed to extend the nominations for the vacant positions for a maximum of one (1) week longer

- (5) The ballot for the election of office-bearers and ordinary members of the Executive committee is to be conducted over a number of days. This time period will be decided on a vote by the Executive committee.
- (6) The ballot will be held in such usual, proper, anonymous and fair manner as the Executive committee may direct
- (7) A member is not entitled to nominate or vote in the election of the Executive committee unless all money due and payable by the member to the Society has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (8) In the event of a tie, a re-election will be held for only the tied candidates.
- (9) In the event that an elected Executive committee member is unable to fulfil their duties as stated in section 3.6 of these rules:
  - a) a re-election will be held within a one-month period, or
  - b) the roles and/or responsibilities may be redistributed among the Executive for the remainder of the term
- (10) No member shall at any time hold more than one Executive position, excluding the case of 3.3 (9) (b) and in this case, this Executive Committee member will not hold more than one (1) voting right.

### 3.4 PRESIDENT

Roles of the WSMS President include but are not limited to:

- (1) Public Officer of the Incorporated Society, being the official point of contact for the organisation. The WSMS Public Officer must resign from the post at the end of their term on the Executive Committee, and that the President or another suitable Executive Committee member, who fulfils the criteria stated in the form, will assume the role of the Public Officer by lodging form A9 with the Department of Fair Trading, within 28 days of taking office as the Public Officer
- (2) Spokesperson for the Society
- (3) Guide the vision and direction of WSMS with enthusiasm and passion.
- (4) Chairs meetings and oversees the Executive Body
- (5) An official signatory on the WSMS bank accounts unless another Executive Committee member is appointed by the Executive
- (6) Guide and assist the Executive in their portfolios.
- (7) Provides assistance and guidance to the WSMS Executive to ensure we meet all of our goals and responsibilities.
- (8) Organises and chairs WSMS General Committee Meetings including Council on a regular basis
- (9) Sits on the AMA (NSW) Council as an Observer if applicable
- (10) Attends AMSA Council 2 times in the year (or organise a proxy to go in their place)
- (11) Meets regularly with the Dean and other key staff members of the School of Medicine.
- (12) Consults the Immediate Past President for advice or guidance and/or management of conflicts
- (13) Works closely with the Vice-Presidents Internal and External

### 3.5 VICE PRESIDENT INTERNAL

Roles of the WSMS Vice President Internal include but are not limited to:

- (1) Assists the president in all duties.
- (2) Works with the Secretary/Treasurer in renewing WSMS' liability insurance under the WESTERN SYDNEY UNIVERSITY School of Medicine yearly.
- (3) Play a large role in internal communication between the MedSoc Executive Committee members, including but not limited to, overseeing the individual WSMS Council members' portfolios.
- (4) Provide assistance and guidance to the WSMS Council and Special Interest Groups.
- (5) Acts as a Special Interest Groups (SIGs) Liaison Officer, being in regular contact with GHAWS and SAWS and taking part in important SIG meetings
- (6) Ensures the WSMS Council Terms of Reference 2016 are adhered to
- (7) Act as the reporting medium between WSMS Special Interest Groups and the WSMS Executive Committee
- (8) Coordinates creation and publicity all WSMS Merchandise, including but not limited to, WSMS hoodies and other official apparel for events
- (9) Oversee all internal wellbeing, acting as a Wellbeing Officer

(10) Development, maintenance and implementation of the WSMS Wellbeing Policy 2016

### 3.6 VICE PRESIDENT EXTERNAL

Roles of the WSMS Vice President External include but are not limited to:

- (1) Assists the president in all duties.
- (2) Attends AMSA Council meetings whenever the President/AMSA Representative are unable to attend.
- (3) Meets regularly with relevant external bodies such as Western Sydney University, Western Sydney University Connect and other potential partners of WSMS.
- (4) Medical Society Representative on NSW MSC
  - a) Attends NSW MSC Council meetings 3-4 times per year
  - b) Acts as conduit of information between WSMS & NSW MSC
- (5) Represent all WSMS members on a state level, and vote on behalf of Western Sydney University medical students on important policy and advocacy matters
- (6) Provide guidance and support to the WSMS AMSA Rep (in voting matters as well as the AMSA MedSoc Report), the Junior AMSA Rep, and the WSMS International Officer on advocacy matters.
- (7) Ensure the WSMS Website is up to date and information is consistent with the WSMS Special Interest Group websites
- (8) Development, maintenance and implementation of the WSMS Communications Policy 2016
- (9) In charge of coordinating the WSMS Policy and Advocacy arms.

### 3.7 SECRETARY

Roles of the WSMS Secretary include but are not limited to:

- (1) Assists with organisation of meetings, including setting times and dates.
- (2) Responsible for the dissemination of agenda and other meeting documents
- (3) Keep and ensure placement on the official WSMS website of the minutes
  - a) All appointments of office-bearers and members of the Executive committee
  - b) The names of members of the Executive committee present at a Executive committee meeting or any general meeting
  - c) All proceedings at committee meetings and general meetings
  - d) An official signatory of the WSMS bank accounts unless another Executive Committee member is appointed by the Executive
- (4) Keeps records of meeting minutes and agendas, and upload approved minutes to the website in a timely manner.
- (5) Keeps records of important WSMS documents including Department of Fair Trading forms, and ensures nomination of the new WSMS Public Officer yearly.
- (6) Development, maintenance and implementation of the WSMS Constitution
- (7) Responsible for membership of Medical Society.
- (8) Co-ordinates the WSMS Council members election & the WSMS Executive Committee elections together with other Returning Officers
- (9) Organises the Annual General Meeting (AGM)
- (10) Oversees the annual Audit summary and financial documents in correspondence with the Treasurer and/or President.
- (11) Responsible for maintaining the tidiness of the MedSoc storeroom.

### 3.8 TREASURER

Roles of the WSMS Treasurer include but are not limited to:

- (1) Ensure the fiscal accountability, transparency and efficiency of WSMS, including the meeting of regulatory requirements and identification of significant financial risk
- (2) Investigate finances for potential savings and cost cuts
- (3) Responsible for the administrative duties relating to the finances of WSMS and their authorisation, including reimbursements, the use of money for regular activities and generating invoices on behalf of WSMS, among others.

- (4) Coordinates the official processes of Society operations including bank account provision, taxation compliance and audit. The treasurer is an official signatory on the WSMS bank accounts and other online payment accounts.
  - a) The WSMS Treasurer from the previous Executive (Immediate Past Treasurer) may retain access to the bank accounts for a period of 6 additional months upon completion of their term, for auditing purposes
- (5) Oversee and audit, the spending of finances by all WSMS subcommittees
- (6) Organise for the audit summary to be provided to the Department of Fair Trading before required deadlines following the AGM of the following year
- (7) Report frequently to the Executive on the financial status of WSMS.
- (8) Co-ordinates the Travel Grants Scheme (TGS), and reports applications anonymously to the Executive Committee in order to discern the most deserving applicants.
- (9) Provide guidance and support to the 2 WSMS Sponsorship Officers.
- (10) Produce an End of financial year report that must be available to members and affiliated parties, following the end of financial year of the Society.

### 3.9 SOCIAL DIRECTOR

Roles of the WSMS Events Director include but are not limited to:

- (1) Responsible for the coordination of the social calendar for Western Sydney University Medical Society.
- (2) Coordinates the creation of event-specific organising teams.
- (3) Responsible for researching, contacting and continued negotiation with function venues and clubs in organising events.
- (4) Works closely with the WSMS Publication Officer and IT Officer in promoting and publicising all events including, but is not limited to, events such as MedBall, Red/Blue Party etc.
- (5) Works closely with event convenors (MedCamp, Halfway Dinner), MedRevue team and the organisers of Graduation initiatives including GradBall, disOrientation Week and GradBook.
- (6) Provide guidance and support to the Social Events Convenors.

### 3.10 ACADEMIC DIRECTOR

Roles of the WSMS Academic Director include but are not limited to:

- (1) Responsible for ensuring communication on academic issues between the Western Sydney University Medical Student Body and the Western Sydney University School of Medicine, via the WSMS Executive and the Western Sydney University School of Medicine Medical Education Unit
- (2) Seeks and recruits student representatives for Western Sydney University School of Medicine committees in collaboration with the School of Medicine and the WSMS Special Interest Groups (including but not limited to):
  - a) Management committees
  - b) Assessment committee
  - c) Evaluation committee
  - d) Community Engaged Teaching and Learning committee
  - e) School of Medicine Aboriginal and Torres Strait Islander committee
  - f) Rural committee
  - g) Other working groups, as they are created
- (3) Coordinates and/or oversees the coordination of academic events
  - a) Electives Night
  - b) Surgical Careers Night
  - c) Physicians Careers Night
  - d) Any competitions and projects including those hosted on the WSMS website.
- (4) Coordinates and/or oversees the coordination of
  - a) mOSCEs (mock objective structured clinical examinations)
  - b) Anatomy Mentoring
  - c) ICM Mentoring
  - d) Clinical Skills Mentoring

### 3.11 EXTENDED VACANCIES

For the purposes of these rules, it is considered an extended vacancy, and the Executive committee position is open for re-election or redistribution if the Executive committee member;

- (1) ceases to be a member of the society under Section 2.3 of these rules, or
- (2) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
- (3) resigns office by notice in writing, given to the Secretary, or
- (4) is removed from office under resolution of section 2.10 of these rules, or
- (5) are incapable of fulfilling their role due to medical condition/issues
- (6) is absent without the consent of the Executive committee from all meetings of the committee held during a period of one month.

### 3.12 REMOVAL OF AN EXECUTIVE COMMITTEE MEMBER

- (1) The procedure to remove a member of the Executive committee may be initiated by a complaint in writing by an ordinary or Executive member made to the Executive committee.
- (2) At the meeting of the Executive Committee:
  - a) The Executive Committee will review statements from the complainant and the Executive Committee member in question, and
  - b) Will come to a majority decision regarding the complaint, or
  - c) If they are unable to come to a decision or if they are unable to remain objective in the decision making process the issue will be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (3) Removal of any member of the Executive committee before the expiration of the member's term, will be cause for appointment of another person, through a re-election or role redistribution under Section 3.3 clause (9), to hold office until the expiration of the term of office of the Executive committee member so removed.
- (4) If a member of the Executive committee to whom a proposed resolution referred to in clause (1) relates, makes submissions in writing (not exceeding a reasonable length) to the Secretary or President, and requests that the submissions be notified to the members of the Society, the Secretary or the President may send a copy of the submissions to each member of the Society or, if the submissions are not so sent, the member is entitled to require that the submissions be read out at the meeting at which the resolution is considered.
- (5) The Executive Committee may come to the following resolutions:
  - a) Dismissal of the complaint, or
  - b) Dismissal of Executive Committee member from office and application of an Extended vacancy as per section 3.6 of these Rules, or
  - c) Referral of complaint to the community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

### 3.13 MEETINGS AND QUORUM

- (1) At a meeting of the Executive committee:
  - a) the President or, in the President's absence, the Vice President Internal or External is to preside, or
  - b) if the President and the Vice Presidents are absent or unwilling to act, such one of the remaining members of the Executive committee as may be chosen by the members present at the meeting is to preside.
- (2) Oral or written notice of a meeting of the Executive committee must be given by the office-bearers of the Society and to each member of the executive committee at least 24 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (3) Notice of a meeting given under clause (2) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Executive committee members present at the meeting unanimously agree to treat as urgent business.
- (4) 51% of the Executive committee constitutes a quorum for the transaction of the business of a meeting of the committee.

- (5) No business is to be transacted by the Executive committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the following week.
- (6) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved, unless it is decided to adjourn to the next meeting.
- (7) At a meeting of the Executive committee:
  - a) the President or, in the President's absence, the Vice President is to preside, or
  - b) if the President and the Vice President are absent or unwilling to act, such one of the remaining members of the Executive committee as may be chosen by the members present at the meeting is to preside.
  - c) Executive committee members may be present at a meeting and participate in debate and discussion through the use of video conferencing and teleconferencing facilities.

### 3.14 WSMS COUNCIL, SPECIAL INTEREST GROUPS (SIG) AND INTERNAL AFFILIATIONS (IA)

- (1) The WSMS Council's election process, structure and role descriptions are outline in the WSMS Council Policy.
- (2) No member at any time shall hold more than two WSMS Council positions
  - a) In addition, no member may at any time hold more than one WSMS Council First Year Representative positions (WSMS and SIG)
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified by the WSMS Executive Committee
- (4) Any act or thing done or suffered by the WSMS Council acting in the exercise of the WSMS Executive committee under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (5) The Executive committee may, by instrument in writing, revoke wholly or in part any council member(s) under this rule.
- (6) The WSMS Council will meet a minimum of monthly with the WSMS Executive committee. All council members must report fortnightly to the WSMS Vice President Internal and to the WSMS Executive committee monthly - this reporting may be at a Council meeting, verbally or in writing
- (7) Any Special Interest Group (SIG) or Internal Affiliation (IA) within WSMS is subject to the rules and regulations outlined in the Terms of Reference/WSMS Special Interest Group Policy/WSMS Internal Affiliations Policy which has been passed by WSMS Executive committee with consultation from the Special Interest Groups and Internal Affiliation

### 3.15 VOTING AND DECISIONS

- (1) Questions arising at a meeting of the Executive committee or Council are to be determined by a majority of the votes of Executive committee members physically present or present through the use of videoconferencing and teleconferencing facilities, at the meeting
- (2) Each Executive committee member present at a meeting of the Executive committee or WSMS Council is entitled to one vote but, in the event of an equality of votes on any question, a second vote will be cast and if an equality of votes remains, the person presiding may exercise a second or casting vote.
- (3) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or WSMS council
- (4) Decisions which require immediate attention or attention prior to the next scheduled meeting may be voted on through an email chain of the executive committee abiding by the following rules:
  - a) The email must be circulated to current email addresses of all members of the Executive Committee, and
  - b) The subject line of the email must contain the nature of the vote with the official motion to be proposed, and
  - c) The motion must be seconded by a member of the Executive Committee, and
  - d) Cases for, against or abstaining the decision must be emailed within 24hrs of initial email, and
  - e) Each executive member has one vote and must place this vote within 48hrs of receiving the initial email, and
  - f) The motion may only be passed by a simple majority of the Executive committee, and
  - g) A call must be placed to the Secretary so that they may document the outcome of the vote in the minutes of the next scheduled meeting.

### 3.16 STANDING ORDERS

- (1) The Society shall have Standing Orders, which shall apply to all meetings.

- (2) The Executive committee will develop Standing Orders within one month of their election to office.
- (3) Standing orders may be changed at a General meeting of the Society by a vote as per the rules of the Special Election under Section 5.9 of these rules.
- (4) It is the duty of the Presiding member to ensure a copy of Standing Orders is circulated to all Executive committee members at the beginning of their term and following any change to Standing Orders.

## PART 4: ELECTION RULES

### 4.1 DEFINITIONS

- (1) Returning Officers are defined as the WSMS Executive or Council members overseeing the current election. The Returning Officers may not be participating as nominees in the current election and must have no conflicts of interest regarding the current election.
- (2) WSMS refers to the Western Sydney Medical Society, that is, the peak representative body for the students of the Western Sydney University's School of Medicine.
- (3) Notice of Nomination document is a form (see Appendix 1) where the nominee is required to submit their contact details, student number and have their application seconded by another WSMS member

### 4.2 NOMINATION

- (1) Any member of WSMS may nominate as a candidate for an offered position provided they have:
  - a) Emailed their notice of nomination form to the Returning Officers of WSMS (elections@wsms.org) before the advertised closing date & time of nomination acceptance
  - b) Signed the Notice of Nomination document with their correct student number and have had their nomination seconded by any member of WSMS
  - c) Fulfilled any additional criteria stated as a requirement for the desired position, including additional application questionnaires / provision of proof of experience in the form of a CV
  - d) Contacted the current/relevant executive/council member for the position for which they are submitting the nomination.
- (2) Applying for and holding multiple positions
  - a) A candidate is allowed to run for a maximum of two positions in one election period.
  - b) A candidate is permitted to accept at most, ONE position on WSMS Executive and TWO positions on WSMS Council only in the interests of sharing leadership roles and being mindful of student wellbeing.
- (2) Applying as part of a team
  - a) The WSMS Council Terms of Reference outline how many students can share any particular role
  - b) If you are applying as part of a team, only one application should be submitted per team.
  - c) The rules regarding word count remain the same regardless of whether you are applying individually or as a team.
  - d) If a CV is requested, separate CVs should be submitted for all team members.
- (3) If requested, candidates should submit a photograph which will appear on the online ballot
  - a) WSMS may adjust or crop the picture to ensure that the picture sizes are consistent amongst all candidates, or change the format of the picture to ensure that it is compatible with the website
  - b) Photographs should be submitted via email as an attached file along with their submission
  - c) Photographs will not be requested for de-identified elections such as those held for some SIG elections.
- (4) Campaigning and self promotion is prohibited. Violation of the rules will result in disqualification
  - a) Candidates may share the link to the elections page to promote the election process, but may not promote themselves in doing so.
  - b) Candidates or their helpers may not use 'vUWS'/eLearning/BlackBoard or 'student email' to contact/spam all students
  - c) Candidates or their helpers may not create written or audiovisual material (videos, posters, paraphernalia, apparel).
  - d) Public forums such as Facebook groups, Facebook events, online polls, applications, chalking or lecture bashing may not be used for self promotion by candidates or their helpers.
  - e) Candidates or their helpers may not use their own or other people's personal Facebook pages for self promotion.
  - f) Candidates or their helpers may not use the WSMS website or WSMS social media pages (Facebook, Twitter) for their promotion (apart from the official blurb process)
  - g) Candidates or their helpers must not bring the WSMS into disrepute

- h) Candidates or their helpers must not interfere with the functioning of the online voting system (including attempting to vote more than once or using other students' student IDs)
- i) Candidates must not engage in dishonest, corrupt or unlawful behavior
- j) Candidates helpers must not be involved in slander, intimidation, or harassment of other candidates, current executive or any other WSMS members
- k) The WSMS Returning Officers will be in charge of communication relating to and/or promoting any past/current/future WSMS initiatives during the election period
- l) Breaches of these conditions will result in disqualification from the current election

#### 4.3 ELECTION

- (1) Elections can be held in two ways:
  - a) An online vote open to all WSMS members or to all relevant members (explained in 2.6)
  - b) A de-identified, application based selection by WSMS/SIG executive
  - c) Election of WSMS and SIG Executive will always be vote based.
  - d) Election of WSMS Council and SIG coordinator roles can be either vote based or application based, at the discretion of the executive.
- (2) If the number of nominations received exceeds the number of vacancies to be filled, a ballot (online public, or WSMS Executive internal) is to be held
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected
- (4) If insufficient nominations are received, any vacant positions remaining are taken to be casual vacancies. In this instance, it is at the discretion of the WSMS Returning Officers to:
  - a) Either extend the nomination process for another 24 hours and ensure that this be advertised via the WSMS website and/or Facebook page
  - b) Or have those casual vacancies voted at the next AGM following the election
  - c) The WSMS Returning Officers must consult the current WSMS Executive Committee in order to make this decision
- (5) For elections conducted as an online vote, the election will be held using the Medical Society's secure polling software, and be overseen by at least three current Executive Committee members (Returning Officers)
  - a) Only members registered to the online WSMS website will be allowed to vote
  - b) A registered member can only vote once
  - c) In the event of a technical malfunction, the voting period will either be extended or a revote will occur. This will be at the discretion of the WSMS Returning Officers.
- (6) Counting of votes
  - a) Votes for the internal ballot will be counted by the WSMS Returning Officers.
  - b) If it is an online ballot, the votes will be tallied automatically.
  - c) Should only a select group of members be allowed a vote (i.e. members from a particular year group), votes from members who are not in that group will be automatically deleted from the system and will not count toward the final tally. For example, if a position is advertised only to first year students, votes from students in Years 2-5 will be disregarded.
- (7) Candidates must read and comply with the conditions set out in the relevant Positions Document

#### 4.4 ANNOUNCEMENT

- (1) The candidate with the greatest number of votes in a position (from the internal ballot, or online ballot if relevant) will be offered that position
  - a) Successful candidates will be contacted via telephone or email within 24 hours after "close of public voting" or "completion of internal application based election"
  - b) Successful candidates have up to 24 hours to decide if they wish to accept the position. They may also accept immediately.
  - c) Should the successful candidate choose not to accept, the candidate with the next greatest number of votes will be offered the position, and so on until the position is filled. Candidates will not be informed if the position has already been offered and refused.

- (2) Should one candidate obtain the greatest number of votes in two positions,
  - a) both positions will be offered to the candidate,
  - b) and candidate must then select only one position to fill,
  - c) the unfilled position will be offered to the person with the next greatest number of votes
- (3) Remaining candidates will be notified they have been unsuccessful prior to announcement of the election results. (If an unsuccessful candidate(s) cannot be contacted on the phone number provided, an email will be sent, and election results may still be announced)
- (4) The public and other WSMS members will be officially notified of the winners via our website [www.wsms.org.au](http://www.wsms.org.au). Announcements may also be included on the WSMS Facebook page and in Plexus, WSMS' Newsletter.

#### 4.5 REPRESENTING WSMS

- (1) In submitting an application and accepting an offered position, the candidate is agreeing to
  - a) Operate within the terms outlined in the
    - i. WSMS Constitution
    - ii. WSMS Council Terms of Reference
    - iii. WSMS Communications Policy
  - a) Take responsibility for coordinating and fulfilling all the tasks allocated to them as outlined in the WSMS Constitution and/or the WSMS Council Terms of Reference
  - b) Attend and contribute to WSMS Executive meetings, WSMS Full Council Meetings and the Annual General Meeting to the best of their ability

## PART 5: GENERAL MEETING

### 5.1 HOLDING OF ANNUAL GENERAL MEETINGS

- (1) The Society must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year (As per NSW Fair Trading this is 30 January) of the Society, convene an annual general meeting of its members.
- (2) Clause (1) has effect subject to any extension or permission granted by the Commissioner under section 26(3) of the Act.

### 5.2 CALLING OF AND BUSINESS AT ANNUAL GENERAL MEETINGS

- (1) The Annual general meeting of the Society is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the Executive committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual general meeting, the business of an Annual general meeting is to include the following:
  - a) to confirm the minutes of the last preceding annual general meeting and of any Special general meeting held since that meeting,
  - b) to receive from the Executive committee reports on the activities of the Society during the last preceding financial year,
  - c) to elect office-bearers of the Society and ordinary members of the Executive committee, unless the executive committee deems it appropriate and necessary to conduct elections outside of the Annual general meeting,
  - d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
  - e) An Annual general meeting must be specified as such in the notice convening it.

### 5.3 CALLING OF SPECIAL GENERAL MEETINGS

- (1) A Special general meeting will be called;
  - a) by the Executive committee, whenever it thinks fit, or
  - b) on the requisition in writing of at least 5 per cent of the total number of members of the Society.
- (2) The quorum for Special general meetings will be 5 per cent of all members.
- (3) A requisition of members for a special general meeting:
- (4) must state the purpose or purposes of the meeting, and
- (5) must be signed by the members making the requisition, and
- (6) must be lodged with the secretary, and
- (7) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
  - a) If the Executive committee fails to convene a Special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a special general meeting to be held no later than 3 months after that date.
  - b) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Executive committee.

### 5.4 NOTICE

- (1) Notice of 21 days must be given by the Executive committee to the members of the Society when calling a General meeting.
- (2) Point of discussion at the General meeting must be distributed to members 7 days prior to the General meeting.
- (3) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Society, the secretary must, at least 7 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- (4) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Society, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (5) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2). Business other than that specified in the notice convening a general meeting, may be transacted given that the Executive committee deems it urgent business.
- (6) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

## 5.5 PROCEDURE

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) 5% present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within 20 minutes after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - a) if convened on the requisition of members, is to be dissolved, and
  - b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

## 5.6 PRESIDING MEMBER

- (1) The President or, in the President's absence, the Vice President Internal, is to preside as chairperson at each general meeting of the Society.
- (2) If the President and the Vice Presidents are absent or unwilling to act, the Secretary or Treasurer is to preside as chairperson at the general meeting.

## 5.7 ADJOURNMENT

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Society stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## 5.8 MAKING OF DECISIONS

- (1) A question arising at a general meeting of the Society is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Society, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Society, a poll may be demanded by 40% of those members present in person at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;

- a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
- b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

## 5.9 SPECIAL RESOLUTION

- (1) A special resolution is required for changes made to the WSMS Constitution.
- (2) A special resolution may only be passed at a General meeting of the Society.
- (3) A resolution of the Society is a special resolution:
  - a) if it is passed by a majority which comprises at least 66% of the members of the Society present at the General meeting.

## 5.10 VOTING

- (1) On any question arising at a General meeting of the Society a member has one vote only.
- (2) All votes must be given personally, or through videoconferencing or teleconferencing facilities.
- (3) In the case of an equality of votes on a question at a general meeting, a second vote will be cast. In the result of an equality of votes for a second time, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the Society unless all money due and payable by the member to the Society has been paid, other than the amount of the annual subscription payable in respect of the then current year.

## 5.11 PROXIES

- (1) No business, including that of voting, is to be conducted by proxies.

## PART 6: MISCELLANEOUS

### 6.1 INSURANCE

- (1) The Society may effect and maintain insurance.

### 6.2 FUNDS – SOURCE

- (1) The funds of the Society are to be derived from donations and sponsorship, subject to any resolution passed by the Society in an Executive committee meeting, such other sources as the committee determines.
- (2) All money received by the Society must be deposited as soon as practicable and without deduction to the credit of the Society's bank account.
- (3) The Society must after receiving any money, issue an appropriate receipt, as soon as practicable.
- (4) The Society will not accept funds from pharmaceutical or tobacco companies

### 6.3 FUNDS – MANAGEMENT

- (1) The assets and income of the Society and all its sub-committees ("Special Interest Groups") shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.
- (2) Subject to any resolution passed by the Society in an Executive committee meeting, the funds of the Society are to be used in pursuance of the objects of the Society in such manner as the committee determines.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any member of the Executive committee or employees of the Society, being members or employees authorised to do so by the committee.
- (4) In the event that the Society and/or its sub-committees ("Special Interest Groups") is/are being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

### 6.4 ALTERATION OF OBJECTS AND RULES

- (1) The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Executive Committee.
- (2) All members must be notified of the changes as soon as practicable
- (3) Should a member request that the statement of objects and these rules may be altered, rescinded or added to, this request must be submitted in writing to an office-bearer, for consideration by the Executive Committee.

### 6.5 COMMON SEAL

- (1) The common seal of the Society must be kept in the custody by the Publications and Communications officer, or the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Executive committee.

### 5.6 CUSTODY OF BOOKS

- (1) Except as otherwise provided by these rules, the treasurer, or secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the Society

### 6.7 INSPECTION OF BOOKS

- (1) The records, books and other documents of the Society must be open to inspection, free of charge, by a member of the Society at any reasonable hour.

- (2) Modified minutes will be available as soon as practicable, for viewing by members.
- (3) Modified minutes will also be available to affiliated parties on request to the Secretary as soon as practicable

## 6.8 SERVICE OF NOTICES

- (1) For the purpose of these rules, a notice may be served on or given to a person:
  - a) by delivering it to the person personally, or
  - b) by sending it by post to the address of the person, or
  - c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
  - a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - b) in the case of a notice sent by post, on the date when it would have been delivered in the ordinary course of post, and
  - c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## 6.9 DISSOLUTION

- (1) Dissolution of the club will occur after the following conditions have been met
  - a) General Meeting is petitioned as is set out in section 5.2;
  - b) All student members will be emailed and given the reasons for the proposed dissolution;
  - c) Notification will be given to the Western Sydney University School of Medicine and an agreement to break the Memorandum of Understanding must be reached;
  - d) Quorum for the meeting to dissolve the Society shall be 10 per cent of ordinary members;
  - e) No other business may be conducted at the meeting to dissolve the Society;
  - f) After the petitioning body has stated its case any opposition must be given the opportunity to reply, with at least ten minutes set aside for this purpose;
- (2) Dissolution of the Society will also occur if the Society has been financially and administratively inactive for a period of eighteen (18) months
- (3) In the event that the Society and/or its sub-committees ("Special Interest Groups") is/are being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.
- (4) The Executive of a sub-committee of the Society ("Special Interest Group") is not permitted to disband the subcommittee.
  - a) Disbanding of a sub-committee may only be initiated by the WSMS Executive in consultation with the WSMS member base.
  - b) The Executive of a sub-committee may resign. In this case, it is the responsibility of WSMS Executive to coordinate elections for the selection of a new Executive for that sub-committee.
  - c) The name, books and seal of the WSMS sub-committees remain the property of the Society.