



# UNSW Circus Society Constitution

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# 1 Introduction

- 1.1 The official name of the club shall be The UNSW Circus Society Inc. (Circusoc).
- 1.2 The club shall be affiliated with Arc @ UNSW.
- 1.3 The aims and objectives of the club are:
  - 1.3.1 To create a space where university students can learn and perform circus skills and have the opportunity to perform on and off campus.
  - 1.3.2 Club activities include but are not limited to: meeting weekly, organising and enjoying social events, juggling, fire twirling, fire breathing, devil sticks, acrobatics, acro-balance, face painting, balloon twisting, costume making.
- 1.4 During the course of affiliation, the club shall comply with any requirements of the Arc @ UNSW.
- 1.5 In all matters not specifically dealt with herein, the procedures set out in Guide for Meetings and Organisations by N.E.R. Renton (5th Edition) shall apply.
- 1.6 Unless a contrary statement appears in Section 7 of this Constitution, the club shall be bound by all the clauses in Section 2 to Section 6 of this Constitution.
- 1.7 The Club shall be an incorporated association in accordance with the Associations Incorporation Act 1984
- 1.8 Definitions
  - 1.8.1 The “Club” shall mean the UNSW Circus Society Inc.;
  - 1.8.2 The “University” shall mean the University of New South Wales;
  - 1.8.3 The “Arc” shall mean Arc @ UNSW Limited;
  - 1.8.4 “Affiliation” shall mean affiliation with Arc @ UNSW Limited;
  - 1.8.5 “Tharunka” shall mean the official publication of the of the Arc titled “Tharunka”;
  - 1.8.6 “Blitz” shall mean the official publication of the Arc titled “Blitz”;
  - 1.8.7 “Re-affiliation” shall mean re-affiliation with the Arc;
  - 1.8.8 “Members” shall mean fully registered UNSW student members of the club;
  - 1.8.9 “Associate members” shall mean fully registered non-UNSW student members of the club;
  - 1.8.10 “The executive” shall mean the elected and co-opted members executive members of the UNSW Circus Society;
  - 1.8.11 The “AGM” shall mean the Annual General Meeting of the UNSW Circus Society;
  - 1.8.12 An “academic day” shall mean a day during the first or second session of the University’s academic year which is not a Saturday, Sunday, Public Holiday or University Holiday;
  - 1.8.13 The “Sports Association” shall mean the Sports Association of the University;
  - 1.8.14 The “Public Officer” shall be as defined in the Associations Incorporation Act 1984
  - 1.8.15 The “Commissioner” shall mean the Commissioner of the Office of Fair Trading
  - 1.8.16 The “Secretary” shall mean the person holding the office of secretary, or, if no such person exists, the public officer of the association.
  - 1.8.17 The “Act” shall mean the Associations Incorporation Act 1984
  - 1.8.18 The “Regulation” shall mean the Associations Incorporation Regulation 1999.

## 2 Membership

- 2.1 A register of members of the club and their contact details are to remain with the Executive and only be accessibly by executive members and the Arc. Contact details are not to be given or sold to any other person. Breaches of this guideline will cause an expulsion motion to be moved against your executive and the matter will be reported to University Security and the Police.
- 2.2 The club shall be recognised as a Financial Club.
- 2.3 Full membership of the club shall be open to all UNSW Students subject to affiliation requirements of Arc, provided that they pay a membership fee that is set by the club executive (currently \$5 AUD), and complete a membership form.
- 2.4 Associate membership shall be open to all persons who are not UNSW Students subject to affiliation requirements of Arc, provided that they pay a membership fee that is set by the club executive (currently \$10 AUD), and they complete a membership form prepared by the club executive.
- 2.5 The duration of a person's membership shall be until the end of week one in Session One of the University year after they have become a member.
- 2.6 A person's membership will cease upon their death, resignation or expulsion from the society.
- 2.7 The club shall comply with the Anti-Discrimination Act (1977) and subsequent amendments and related legislation, in all of its activities or procedures, including the granting of club membership.
- 2.8 Notwithstanding clause 2.7, a member of a club Executive may have their position declared vacant according to the procedures set out in section 3.10.
- 2.9 Notwithstanding clause 2.7, a member or associate member of a club may have their membership terminated after the following procedure is followed:
  - 2.9.1 A motion is carried by the Executive, or the Executive is petitioned by fifteen members to instigate impeachment proceedings
  - 2.9.2 The members of the club are notified of the proceedings formally as a motion on notice to an Extraordinary General Meeting, or Annual General Meeting under clause 4.1.3.
  - 2.9.3 The member concerned is notified in writing of the procedures and reasons for proceedings at least five academic days prior to the meeting.
  - 2.9.4 The member concerned is given five minutes to speak against the motion at the Extraordinary General Meeting
  - 2.9.5 The motion is carried by the Extraordinary General Meeting
- 2.10 Any member of a club or club Executive who believes they have been wrongly expelled may appeal to the Arc, who will arrive at the final resolution of the matter.
- 2.11 Resolution of internal disputes
  - 2.11.1 Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to the Arc dispute resolution service.
  - 2.11.2 At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the Arc.
- 2.12 The liability of a member of the club to contribute towards the payment of the debts and liabilities of the club or the costs, charges and expenses of the winding up of the club is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by section 2.3 or 2.4.

### 3 Executive

3.1 The Executive of the UNSW Circus Society shall be elected by its members at the Annual General Meeting and shall consist of:

3.1.1 A President

3.1.2 A Vice President

3.1.3 A Secretary

3.1.4 A Treasurer

3.1.5 An Arc Delegate

3.1.6 A Social Director

3.1.7 A Web Master

3.1.8 An Equipment Manager

3.1.9 A Publicity Officer

3.1.10 A Safety officer

3.1.11 An Artistic Director

3.2 Two members may run for one of the above roles together, in which case they will share that roles duty and title (with a co- prefix) and both be executive members if elected. Presidential role sharing must be done in accordance with clause 7.1.

3.3 At the beginning of a new executive term, within two weeks following the AGM, the secretary must submit a *Annual Statement* form to the Office of Fair Trading, along with the Treasurer's report from the previous year and a certificated signed by two members of the executive to the effect that the treasurers statement has been submitted to the members at the AGM.

3.4 If the secretary is not already the Public Officer of the club officially with the Office of Fair Trading, they must also submit a *Notice of Vacancy/Appointment/Change of Address of Public Officer* to the Office of Fair Trading declaring themselves the Public Officer of the Club.

3.5 The secretary must be over 18 years of age as required by the Office of Fair Trading for the role of public officer.

3.6 Other executive positions may be deemed necessary by the Circusoc Executive Committee at the AGM. In such a case they may nominate and elect the position at the AGM, subject to amendment and ratification to the Circusoc Constitution which must also be passed at the same AGM.

3.7 One member is permitted to hold two executive positions, provided that a minimum of four different members shall remain on the executive at all times.

3.8 The executive shall be responsible for the following duties:

3.8.1 The activities of the club;

3.8.2 The finances and assets of the club.

3.9 The executive is at all times bound by the decisions of the UNSW Circus Society Annual or Extraordinary General Meeting.

3.10 Any member of the Executive shall have their position declared vacant if they:

3.10.1 Die;

- 3.10.2 Resign;
  - 3.10.3 Cease to be a member of the club;
  - 3.10.4 Cease to be a member of the Arc;
  - 3.10.5 Are absent from any three (3) consecutive executive meetings of the club without apology or leave; or
  - 3.10.6 Have their position declared vacant in accordance with section 3.11.
- 3.11 Notwithstanding clause 2.7, a member of the executive who is not the: President, Co-president, Vice-President, Secretary, Treasurer, or Arc delegate; shall have their position declared vacant if:
- 3.11.1 The executive add a motion to declare the aforementioned position vacant to the agenda of an executive meeting at least one week before the meeting;
  - 3.11.2 Reasonable effort is made to ensure the member can attend the meeting;
  - 3.11.3 The member concerned is notified in writing of the procedures and reasons for proceedings at least a week prior to the meeting;
  - 3.11.4 The member concerned is given five minutes to speak against the motion at the executive meeting; and
  - 3.11.5 The motion is carried by a two thirds majority of the executive.
- 3.12 A member whose position has been declared vacant in accordance with section 3.11 who believes they have been wrongly expelled may appeal to the Arc, who will arrive at the final resolution of the matter.
- 3.13 Any vacancy on the club Executive must be filled at an Extraordinary General meeting, via the procedures outlined in section 4.2. However, if the vacant position is not the: President, Co-presidents, Vice-President, Secretary, Treasurer, or Arc delegate; the Executive may choose to co-opt a replacement executive member in following manner.
- 3.13.1 The vacant position be advertised in the Circusoc newsletter at least 2 weeks prior to appointment. Any member is at this point able to nominating themselves in a written (email is acceptable) response to the president and secretary in regard to the notice.
  - 3.13.2 A Candidate or candidates are nominated and seconded at an executive meeting
  - 3.13.3 Candidates are given adequate information about the duties of the vacant position and their responsibilities if co-opted, and provide their consent in writing to the Executive.
  - 3.13.4 The candidate or candidates are given at least five minutes to speak as to why they are suitable for the position at the next executive meeting.
  - 3.13.5 After this, the executive then meets briefly in camera to discuss the suitability of the candidate or candidates.
  - 3.13.6 If there is only one candidate, a motion to co-opt the candidate is put forward and passed if there is a majority vote.
  - 3.13.7 If there are multiple candidates, a secret ballot is to take place in camera, and the candidate with the majority vote is to be co-opted.
- 3.14 The duties of the executive are described in the Executive Members' Handbook. Which is to accompany the constitution and be publicly available. Changes to the Handbook must be outlined in the Circusoc newsletter following the change.
- 3.15 The policies of the executive are described in the Executive Policy Handbook.
- 3.16 The executive members must be members of the club. The President, Co-presidents, Secretary, Treasurer, and delegate must be Full members of the club. The remaining executive may be elected or co-opted Full Members or Associate members.

## 4 Meetings

### 4.1 Annual General Meetings

4.1.1 There shall be one Annual General meeting every calendar year.

4.1.2 The Annual General Meeting shall be held during University session.

4.1.3 Notice in the form of an agenda for the Annual General Meeting shall be no less than seven (7) days, and is to be:

- i) Advertised in an Arc publication;
- ii) Given in writing to the Arc;
- iii) Given in writing to all club members, or upon approval by the Arc displayed in a way that will guarantee an acceptable level of exposure among club members.

4.1.4 Quorum for the Annual General Meeting shall be fifteen members or one half of the club membership, whichever is the lesser.

4.1.5 At an Annual General Meeting:

- i) Reports shall be presented by at least the President and the Treasurer;
- ii) Full financial reports shall be presented and adopted;
- iii) Elections for a new executive shall be conducted; and
- iv) Constitutional amendments and other motions on notice may be discussed and voted upon.
- v) For changes in the Constitution to be passed a majority vote at least 75% must be reached.
- vi) Other motions on notice may be passed with a simple majority vote.

4.1.6 Full minutes of this meeting, including a list of the new executive, written financial reports, and constitutional amendments, shall be forwarded to the Arc within ten academic days of the meeting, for the purpose of affiliation.

### 4.2 Extraordinary General Meetings

4.2.1 There shall be Extraordinary General Meetings as the executive sees fit or as petitioned under clause 4.2.3.

4.2.2 The format, procedures, notice and quorum for an Extraordinary General Meeting shall be the same as for an Annual General Meeting, except that executive elections will not be held unless specifically notified.

4.2.3 To petition Extraordinary General Meeting fifteen (15) members or half of the club membership, whichever is the lesser, must petition the executive in writing.

4.2.4 Such a petitioned meeting must be held within twenty-one (21) days, but no sooner than five (7) days.

4.2.5 There shall be other general meetings of the club as the executive sees fit.

4.2.6 Constitutional changes passed at an Annual or Extraordinary General Meeting will not take effect unless all of the conditions for hosting the AGM or EGM are met.

### 4.3 General requirements for all executive meetings are as follows:

4.3.1 All voting at meetings shall be with a simple majority required for a resolution to be passed;

4.3.2 Each executive member is entitled to one vote;

4.3.3 No proxies shall be allowed in any meetings; except in the case of illness or emergency.

4.3.4 In the case of equality of voting the President shall have a casting vote;

- 4.3.5 Constitutional changes must be in the form of motion on notice to an Annual or Extraordinary General Meeting;
- 4.3.6 Quorum for executive meetings shall be half of the current executive.
- 4.3.7 The executive are to meet at least once every 6 weeks. (See Exec handbook)
- 4.3.8 An agenda for the executive meeting must be submitted to the executive in written form no less than three working days prior to the executive meeting. The agenda is to be compiled by the intended chair of the meeting.
- 4.3.9 Non-executive members are permitted to attend the executive meetings but must not partake in the executive voting process, and must not disrupt the meeting.

## 5 Finance

- 5.1 The UNSW Circus Society shall hold an account with a financial institution on University campus.
- 5.2 The executive must approve all accounts for payment.
- 5.3 All financial transactions shall require two signatures, of members of the executive.
- 5.4 The executive shall nominate 3 three executive members as signatories for the account, one of which MUST be the Treasurer.
- 5.5 The financial records of the club shall be open for inspection by the Arc at all times.
- 5.6 All performance generated revenues are to be legitimately invoiced prior to the event and given to the client in request for payment by cheque or cash. A receipt of payment must be given to the client.
- 5.7 All revenues generated by the club are to be used exclusively for the club in a not-for-profit organisation manner, to sustain the club's operation and longevity. No portion shall be distributed to the members of the club except as bona fide compensation for services rendered or expenses incurred on behalf of the club.
- 5.8 The executive's duties as outlined in the Executive Members' Handbook are not to be considered services rendered for the purposes of section 5.7.

## 6 Dissolution

- 6.1 Dissolution of the UNSW Circus Society will occur after the following conditions have been met:
  - 6.1.1 An Extraordinary General Meeting is petitioned in accordance with section 4.2.3.
  - 6.1.2 Procedures for notification as set out in section 4.1.3 are followed, and the reasons for the proposed dissolution are included with the notification to the Arc;
  - 6.1.3 Quorum for the meeting to dissolve the club shall be twenty members or three quarters of the club membership, whichever is the lesser;
- 6.2 No other business may be conducted at the meeting to dissolve the club;
  - 6.2.1 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;
  - 6.2.2 A vote is taken and the motion to dissolve fails if opposed by a majority of those members present at the meeting.

- 6.2.3 If the motion to dissolve is carried, the Arc must be notified within ten academic days.
- 6.3 Dissolution of the club will also occur if the club has been financially and administratively inactive for a period of eighteen months.
- 6.3.1 The Arc must give twenty academic days notice in Tharunka and in writing to the last known President before dissolving the club in this way.
- 6.3.2 On dissolution of the club, the club is not to distribute assets to members. All assets are to be distributed to an organisation with similar goals or objectives that also prohibits the distribution of assets to members. This organisation may be nominated at the dissolution meeting of the club. If no other legitimate club or organisation is nominated, the Arc will begin procedures to recover any property, monies or records belonging to the club which it perceives would be useful to other Arc-affiliated clubs.

## 7 Additions

- 7.1 Co-Presidency or President/Vice Presidency:  
Should Circusoc elect a Co-Presidency at the AGM all duties normally held by president and vice-president will be shared equally by both presidents. For Co-presidency to occur both candidates must run together at the AGM as Co-Presidents. If candidates do not run together as a co-presidency then the President/Vice presidency protocol will apply once they assume their roles. (see Executive Handbook, 1).
- 7.2 Executive Member Duties and Guidelines The executive must follow the guidelines describing their duties and responsibilities as set out in the Executive Members Handbook.
- 7.3 Internet Utilisation
- 7.3.1 The website is [www.circusoc.com](http://www.circusoc.com)
- 7.3.2 The decision over our web host rests with the executive, and the decision to change internet service provider/webhost should not be made unless it has been thoroughly investigated to be beneficial for the club, or internet service provider/webhost is no longer able to provide us with their service.
- 7.3.3 The websites aims are as follows:
- i) To provide information to Circusoc members and the public about the club such as:
    - To provide publicity and information for hiring Circusoc to perform
    - To provide a visual and written record of Circusoc activities and performances
    - To provide information about upcoming Circusoc events
  - ii) To provide links to Circusoc associates and affiliates
  - iii) To provide information to the public about contacting the club
  - iv) To provide resources for Circusoc members such as:
    - Safety information
    - Information about the history of the club
    - Documents and resources utilised by the executive
  - v) To promote circus related events around Sydney and Australia
- 7.3.4 Ethical Use of Email Lists:
- i) The only people with access to send emails to the entire Circusoc email list shall be those on the executive.
  - ii) The secretary is to be the primary email list administrator. The secretary must cooperate with the web master to keep the email list up to date.



- iii) The email lists are to be used ethically and with respect of privacy of information legislation.
- iv) The email list is not be given or sold to any third party unless legally required to do so.
- v) Not to be used for spamming, or chain mail, or personal reasons.
- vi) All emails sent to the list must not be discriminatory or intentionally offensive, and must not contain offensive language.

#### 7.4 Circusoc Equipment

##### 7.4.1 Equipment loans and Returns Protocol

- i) A Circusoc member may borrow gear for a maximum period of 2 university session weeks.
- ii) Equipment may be borrowed at the discretion of the Circusoc exec, provided adequate records are kept
- iii) Upon return of the equipment and the receipt, the deposit will be returned and the equipment loan form will be completed.
- iv) If the equipment is lost, not returned in its original condition, the member will not be reimbursed.
- v) If the equipment is not returned for a period greater then 6 weeks, the deposit will not be returned
- vi) Equipment will not be loaned after week 12 session 2.

#### 7.5 Van Management

7.5.1 The purpose of the van is to provide a safe, permanent storage space for gear, as well as offer transportation of that gear and Circusoc performers to official Circusoc events.

7.5.2 Each year the executive assigns one executive member to act as the Van Manager. This member should have a full license.

7.5.3 Each year the Van Manager, or an executive delegated by the executive committee, must re-register the Circusoc van with the RTA.

- The van must not fall out of registration.

7.5.4 Each year, third party property insurance must be updated or reviewed such that the van is insured.

7.5.5 Only the Van Manager, on advice of the executive, may decide who is allowed to drive the van; subject to the van's insurance policy.

7.5.6 In the event of an accident with the van, an emergency executive meeting should be called to discuss:

- Any injuries which took place and their consequences.
- The potential for litigation.
- The possibility of repair of the van.
- The financial situation this puts the club in.

7.5.7 The Van Manager must see that the van is properly serviced regularly such that the van will last.

7.5.8 The Van Manager must see that the van is kept presentable.

#### 7.6 Safety Management

- 7.6.1 All Circusoc members must agree with and sign the terms and conditions of membership before taking part in any Circusoc activities. If people attend Circusoc meetings and partake in Circusoc activities, and claim to have signed the waiver when in fact they have not, their actions and consequences are not the responsibility of Circusoc. If they refuse to sign the terms and conditions then membership will not be granted.
- 7.6.2 A Safety Officer must be on hand during all Circusoc Activities. If anyone is hurt or injured in any way during a Circusoc Activity the acting Safety officer they must:
- i) Assess the situation and perform what first aid is necessary. If on the UNSW campus contact security on 9385 6666, or elsewhere 000 if emergency medical attention is necessary.
  - ii) If emergency, make sure that the members registered emergency contact is phoned.
  - iii) Immediately fill out an Incident report, with multiple witnesses (at least one executive member).
  - iv) Immediately seek further professional medical attention (in non emergency situation) if necessary
  - v) If any kind of insurance claim is to be made, then the safety officer must contact the Risk Management on 9385 8283
  - vi) Maintain correspondence regarding the incident between Circusoc safety manager and injured person until it is completely resolved
- 7.6.3 Circusoc will not be liable for any incidents which occur during any of its activities as according to its Terms and Conditions (see Executive Handbook Appendix)
- 7.6.4 A Safety Officer must possess a current first aid certificate.
- 7.6.5 A Chihuahua is a bizarre little dog which always looks like its really far away. Under no circumstance is a Chihuahua to be the president of Circusoc.
- 7.7 The objectives and constitution of the club may only be changed at an Annual General Meeting or an Extraordinary General Meeting by the protocols listed in section 4.
- 7.8 Common seal
- 7.8.1 The common seal of the association must be kept in the custody of the public officer.
- 7.8.2 The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer.
- 7.9 Custody of books
- 7.9.1 Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the club.
- 7.10 Inspection of books
- 7.10.1 Excluding membership lists and other documents containing private details of any member or non-member, the records, books and other documents of the club must be open to inspection, free of charge, by a member of the association at any reasonable hour.