



# **CONSTITUTION OF THE UNIVERSITY OF NEWCASTLE LAW STUDENTS' ASSOCIATION**

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## **Related Documentation**

[By-Laws of the University of Newcastle Law Students' Association](#)



## **PART I - GENERAL**

### **Preamble**

**1.** This is the Constitution of the University of Newcastle Law Students' Association (the *Association*).

**1.1** The Association is not-for-profit.

### **Objects**

**2.** The objects of the Association are to:

- 2.1** safeguard and further the academic interests of members, including monitoring of study conditions, courses, library facilities and all other matters of concern to members;
- 2.2** raise awareness of, and involve members in, matters of general concern to the Association;
- 2.3** foster a good relationship between the Association and the legal profession;
- 2.4** organise academic competitions including mooted competitions, client interviewing competitions and negotiation competitions;
- 2.5** provide activities for the social recreation of members including the annual Law Ball;
- 2.6** foster a good relationship between members and staff;
- 2.7** promote the University of Newcastle and the Newcastle Law School; and
- 2.8** foster a positive culture and spirit of collegiality among members.

### **Powers**

**3.** The Association has the power to:

- 3.1** charge membership fees in accordance with the Constitution and By-Laws;
- 3.2** raise funds by receiving grants, seeking sponsorship, charging fees, investing funds, borrowing or any other appropriate means;
- 3.3** purchase and deal with property;

- 3.4 pay all necessary preliminary or other expenses incurred in the formation of the Association;
- 3.5 give guarantees;
- 3.6 join or cooperate with any organisation whose objects are similar to those of the Association;
- 3.7 make donations for patriotic, charitable or community purposes;
- 3.8 enter into contractual or other arrangements which further or are incidental to the Association's purposes;
- 3.9 acquire, print and distribute any publication consistent with the Association's purposes;
- 3.10 organise competitions, including mootings, client interviewing and negotiation;
- 3.11 award scholarships and prizes;
- 3.12 give recognition to any person;
- 3.13 give assistance (financial or otherwise) to any deserving person;
- 3.14 delegate powers to any subcommittee consisting of one or more persons; and
- 3.15 do anything else incidental to these powers or consistent with the Association's objects.

#### **Affiliation**

4. The Association is affiliated with the Clubs and Societies Council of the Newcastle University Student Association (**NUSA**).
5. Any provision in the Constitution which is inconsistent with the Clubs and Societies Council Constitution and Regulations as amended from time to time will, to the extent of any inconsistency, be invalid. All matters not specifically dealt with in the Constitution are governed by the Clubs and Societies Regulations of the NUSA Rules and Regulation.
6. If the Association is disaffiliated by the NUSA, the Association will forfeit all funds and property to the NUSA to the extent that those funds and property were provided by the NUSA in the current or previous financial year.

7. If the Association ceases to operate for more than one year, the Association will forfeit its funds and property to the NUSA to the extent that those funds and property were provided by the NUSA in the current or previous financial year, and any surplus funds or property will be donated to the Newcastle Law School for the benefit of law students. The NUSA will return any funds and property forfeited in accordance with this section to the Association if it resumes operation within five years and makes a written application to the NUSA.
  
8. The Association is to become and remain an affiliated member of the Australian Law Students' Association (**ALSA**).

#### **Alteration of objects and rules**

9. The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Association.



## **PART II – MEMBERSHIP**

### **Number of members**

**10.** There is no limit to the number of members the Association may have.

### **Eligibility of membership**

**11.** Any student currently enrolled at the University of Newcastle and completing an undergraduate or graduate Bachelor of Laws program is eligible to join the Association.

**12.** In order to join the Association, a person must:

**12.1** pay the membership fee; and

**12.2** provide the Association with their full name, address, student number, and any other details the Association deems appropriate.

### **Membership fee**

**13.** All members must pay an annual membership fee. The membership fee is prescribed in the By-Laws and should be assessed by the Committee annually.

**13.1** Honorary members do not have to pay an annual membership fee.

**13.2** Members are not entitled to a refund of their membership fee.

### **Duration of membership**

**14.** Membership shall be from the start of Week One, Semester One of the University's academic year, or when membership is granted, until the start of Week One, Semester One of the University's academic year of the following year.

### **Rights of members**

**15.** All members have the right to:

**15.1** attend annual and special general meetings;

**15.2** vote at annual and special general meetings;

- 15.3 nominate another member to become a Committee member of the Association;
- 15.4 be nominated to become a Committee member of the Association;
- 15.5 become a Committee member of the Association; and
- 15.6 have the minutes of any Committee or Executive meeting made available to them upon the submission of a written request by the member to the Vice President (Administration).

#### **Register of members**

16. The Vice President (Administration) will maintain a register of members.
17. The register will contain the full name, address, student number, date of entry and any other details the Association deems appropriate of each member.
18. The Vice President (Administration) will make the register of members open for inspection to any member by appointment and free of charge.

#### **Honorary members**

19. The Committee may appoint any person who has made a substantial contribution to the Association as an honorary member.
20. In order for the appointment of an honorary member to become effective, it must be ratified by Special Resolution at an annual or special general meeting.
21. Appointment as an honorary member does not confer or impose any of the rights or liabilities of members set out in the Constitution.

#### **Register of honorary members**

22. The Vice President (Administration) will maintain a register of honorary members.
23. The register will contain the full name, address, date of appointment and a brief summary of the contribution to the Association of each honorary member.

- 24.** The Vice President (Administration) will make the register of honorary members open for inspection to any member by appointment and free of charge.

### **Cessation of membership**

- 25.** A member will cease to be a member of the Association if he or she:
- 25.1** ceases to be enrolled in an Undergraduate or Graduate Law program at the University of Newcastle;
  - 25.2** dies;
  - 25.3** resigns; or
  - 25.4** is expelled.

### **Resignation by member**

- 26.** A member of the Association may resign from the Association by giving written notice to the Vice President (Administration).
- 26.1** The member will cease to be a member from the date the Vice President (Administration) receives this notice.

### **Expulsion of member**

- 27.** A member may be expelled by Special Resolution at an annual or a special general meeting if the member has:
- 27.1** wilfully refused or neglected to comply with any provisions of the Constitution;
  - or
  - 27.2** engaged in conduct which is prejudicial to the interests of the Association.
- 28.** Any such expulsion must be preceded by the Committee:
- 28.1** giving reasonable notice in writing to the affected member; and
  - 28.2** giving ample opportunity for the affected member to explain his or her behaviour to the Committee.
- 29.** Any member expelled, in accordance with sections 27 and 28 of the Constitution, may appeal to the Executive of the Clubs and Societies Council within two academic weeks.

The decision of the Executive of the Clubs and Societies Council will be final and binding on the Association.

**Liability of members**

**30.** No member is liable to contribute towards the payments of the debts and liabilities of the Association or to the costs, charges and expenses of the winding up of the Association except to the amount of any unpaid membership fees.



### **PART III – MEETINGS**

#### **Annual General Meetings**

- 31.** The Association will convene an annual general meeting each calendar year.
  
- 32.** The annual general meeting will be held:
  - 32.1** in September;
  - 32.2** after the Association Financial Year; and
  - 32.3** on the grounds of the University of Newcastle.
  
- 33.** The Vice President (Administration) will give at least fifteen (15) academic days' written notice of an annual general meeting.
  
- 34.** Quorum at the annual general meeting will be fifteen (15) members.
  
- 35.** An academic will act as Chairperson at the annual general meeting. If an academic is not available, the Committee will select a responsible individual to act as Chairperson.
  
- 36.** The business of the annual general meeting will be to:
  - 36.1** confirm the minutes of the preceding annual general meeting and of any special general meeting held since that meeting;
  - 36.2** receive from the Committee reports on the operations and activities of the Association during the preceding year;
  - 36.3** elect new Committee members;
  - 36.4** deal with special business; and
  - 36.5** deal with any other business.
  
- 37.** The Vice President (Administration) will make an agenda available to members prior to the commencement of the meeting.

### **Special General Meetings**

- 38.** The Committee may, whenever it thinks necessary, convene a special general meeting.
- 39.** The Vice President (Administration) will give at least five (5) academic days' written notice of a special general meeting.
- 40.** Quorum at the special general meeting will be fifteen (15) members.
- 41.** The President, or in his or her absence, an Executive member chosen by the Committee members present, will act as Chairperson at the special general meeting.
- 42.** The business of the special general meeting will be to:
  - 42.1** confirm the minutes of the preceding annual general meeting and of any special general meetings held since that meeting;
  - 42.2** deal with special business; and
  - 42.3** deal with any other business.

### **Decisions at meetings**

- 43.** All questions arising at an annual or a special general meeting will be determined by a simple majority on a show of hands. In the event of an equal number of votes, the Chairperson has a casting vote.
- 44.** Each member has one (1) vote.

### **Special Resolutions**

- 45.** A Special Resolution is required for:
  - 45.1** the adoption of a new Constitution;
  - 45.2** the amendment of a Constitutional provision;
  - 45.3** the appointment of an honorary member;
  - 45.4** the expulsion of a member; and
  - 45.5** the dissolution of the Association.

46. All Special Resolutions will be determined by a minimum three-quarters majority on a show of hands.

47. Special Resolutions constitute Special Business for the purposes of section 48 of the Constitution.

#### **Special Business**

48. Any member wishing to raise Special Business at an annual or a special general meeting must give written notice to the Vice President (Administration) explaining the nature of the Special Business before 5.00pm at least two (2) days prior to the meeting.

49. Any business arising from, incidental to or sufficiently related to Special Business is not itself Special Business and therefore not subject to the notice requirement in section 47 of the Constitution.



## **PART IV – MANAGEMENT OF THE ASSOCIATION**

### **Management of the Association**

- 50.** The affairs of the Association will be managed by the Committee which is comprised of the Executive and Directors.
- 51.** Where a matter arises for determination, which is not provided for in the Constitution or the By-Laws, the Committee may determine the matter at its discretion.
- 52.** Where a matter arises for determination at a duly convened Executive meeting, the Executive may determine the matter at its discretion, in accordance with section 64 of the Constitution.

### **By-Laws of the Association**

- 53.** The Executive members may make, amend or rescind sections of the By-Laws as they see fit.
- 53.1** The Committee shall be governed by the By-Laws of the Association.
  - 53.2** The Executive must give notice to the Committee within seven (7) days of any amendments to the By-Laws.
- 54.** Members may make, amend, confirm or rescind By-Laws at an annual or a special general meeting.

### **Executive**

- 55.** The Executive of the Association will consist of the:
- 55.1** President;
  - 55.2** Vice President (Events);
  - 55.3** Vice President (Education);
  - 55.4** Vice President (Finance and Marketing);
  - 55.5** Vice President (Administration); and

**55.6** Immediate Past President.

### **Directors**

**56.** The Directors of the Association will consist of the:

**56.1** Director of Social Justice (Equity and Diversity);

**56.2** Director of Sport and Recreation;

**56.3** Director of Competitions (Skills);

**56.4** Director of Competitions (Advocacy);

**56.5** Director of Careers (Events);

**56.6** Director of Careers (Publications);

**56.7** Director of Sponsorship;

**56.8** Director of Marketing and Design;

**56.9** Director of Student Publications;

**56.10** Director of Information Technology;

**56.11** Senior Student Representative;

**56.12** Junior Student Representative;

**56.13** Graduate Student Representative; and

**56.14** International Student Representative.

### **Subcommittee**

**57.** The Committee or any individual Executive or Director may establish subcommittees at their discretion.

**58.** The Committee may appoint any number of members to serve on a subcommittee, subject to the following:

**58.1** all subcommittees must include at least one Committee member;

**58.2** all subcommittees must be chaired by a Committee member; and

**58.3** no decision or action of a subcommittee has any binding effect on the Committee.

**Term of office**

**59.** The term of office of Committee members elected at the Annual General Meeting will be from 1 November of the year of election until 31 October of the following year.

**60.** The term of office of Committee members elected subsequent to the Annual General Meeting will be from the date of their election until the 31 October following their election.

**61.** No Committee member will hold more than one position on the Committee.

**Resignation by Committee member**

**62.** A Committee member may resign by giving written notice to the Vice President (Administration). The Committee member will cease to be a Committee member from the date the Vice President (Administration) receives this notice.

**Casual vacancies**

**63.** The Executive may fill any casual vacancies at its discretion, subject to sections 60 and 61 of the Constitution.

**Executive meetings**

**64.** The Executive is responsible for managing the day-to-day affairs of the Association and is directly responsible to the Committee.

**65.** The Executive will meet when necessary throughout the semester and summer vacation.

**66.** Quorum for Executive meetings will be three (3) Executive members, excluding the Immediate Past President.

**67.** The President, or in his or her absence, an Executive member chosen by the Executive members present will act as Chairperson at the Executive meeting.

68. All questions arising at Executive meetings will be determined by a simple majority on a show of hands. In the event of an equal number of votes, the Chairperson has a casting vote.

69. Each Executive member has one (1) vote, excluding the Immediate Past President.

### **Committee meetings**

70. The Committee will meet at least once per month during the academic semester and at least once during the summer vacation.

71. Quorum for Committee meetings will be seven (7) Committee members, of which at least two (2) must be Executive members.

72. The President, or in his or her absence, an Executive member chosen by the Committee members present will act as Chairperson at the Committee meeting.

73. All questions arising at Committee meetings will be determined by a simple majority on a show of hands. In the event of an equal number of votes, the Chairperson has a casting vote.

74. Each Committee member has one (1) vote, excluding the Immediate Past President.

75. The Chairperson has the discretion to grant observer status to any person wishing to attend a Committee meeting.

### **Removal of Committee members**

76. The Committee may remove a Committee member from office if the Committee member:

**76.1** fails to attend more than three consecutive duly convened Committee meetings without reasonable excuse; or

**76.2** fails to adequately fulfil his or her obligations and duties as a Committee member.

**77.** Any such removal of a Committee member:

- 77.1** must be preceded by the Committee giving reasonable notice in writing to the affected Committee member;
- 77.2** must be preceded by the Committee giving ample opportunity for the affected Committee member to explain their behaviour to the Committee; and
- 77.3** requires a three-quarter majority vote of the Committee members present at a Committee meeting.

### **Committee Handover**

**78.** All Committee members should note the various methods of performing duties within the position held and ensure this knowledge is passed from one year to the following year. This knowledge transfer should occur in the period between the annual general meeting and the start of term of office. The incoming Committee should be invited to any Committee meetings and Association activities within this period.

### **Indemnity of Committee**

**79.** Officers of the Association who, with the authority of the Committee, incur any liability on behalf of the Association will be indemnified by the Association to the extent of the authorised liability.



## **PART V - ELECTIONS**

### **Appointment of Returning Officer**

**80.** The Committee will appoint a responsible person to act as a Returning Officer. The Returning Officer will be responsible for the conduct of the elections including the conduct of any ballot and the counting of any votes immediately following that ballot.

### **Appointment of Chairperson**

**81.** The Committee will appoint an academic from the Law School to act as Chairperson. In the event that an academic is not available, the Committee will appoint a responsible person.

**82.** The Chairperson shall read each nomination in turn, specifying:

- 82.1** the name of the nominees; and
- 82.2** the Committee position/s for which the nominee has nominated.

### **Nominations**

**83.** The Vice President (Administration) will give written notice to members inviting nominations for Committee positions at least fifteen (15) academic days before an annual general meeting or a special general meeting where elections will take place.

**84.** In order to nominate for election as an Executive or non-Executive Committee member, a person must:

- 84.1** be a member of the Association;
- 84.2** expect to be enrolled as a law student at the University of Newcastle during the term of office of the Committee position/s for which her or she is nominating;
- 84.3** give written notice of his or her nomination/s, including the name and signature of one other member supporting the nomination, to the Vice

President (Administration) before 5.00pm at least two (2) days prior to the election.

**85.** A candidate may only nominate for one Committee position at any election, subject to sections 85.1 and 85.2 of the Constitution.

**85.1** A candidate nominating for an Executive position may also nominate for a Director position.

**85.2** If a candidate nominating for an Executive and Director position is successful in being elected to the Executive position, the nomination for the Director position will be automatically withdrawn.

### **Ballots**

**86.** At any election, a ballot will be held for any contested Committee positions.

**86.1** The ballot will be conducted under a majority system of voting. The nominee with the highest number of votes will be elected to the position.

### **Voting**

**87.** Each member is entitled to one (1) vote.

**88.** In the event of an equal number of votes for any Committee position, a by-election will be held to determine the successful candidate for that position.

**89.** The procedure for the by-election will be the same as that for an ordinary election.

### **Results**

**90.** The Returning Officer will, as soon as possible after the ballot, give written notice to members of the names of the candidates elected and their respective positions.

### **Election By-Laws**

**91.** Subject to the Constitution, elections shall be conducted in accordance with the By-Laws regarding Elections as the Executive may provide, in accordance with sections 50 and 51 of the Constitution.



## PART VI – DUTIES OF EXECUTIVE

### Duties of President

92. The President is responsible for:

- 92.1 representing the Association at a local, state, national and international level;
- 92.2 promoting the objects of the Association and the interests of members;
- 92.3 ensuring the smooth operation of the Executive and the Committee;
- 92.4 ensuring that all Executive and Director members complete their duties;
- 92.5 nominating for a representative position on the Faculty Board of the Faculty of Business and Law, if he or she is eligible to so nominate; and
- 92.6 contributing at least one article to *Justitia* during the term of office.

### Duties of Vice President (Events)

93. The Vice President (Events) is responsible for:

- 93.1 organising a range of social activities, including the Committal, the Trial, the Sentencing and the annual Law Ball;
- 93.2 advertising social events;
- 93.3 complying with all sponsorship and Clubs and Societies Council obligations in relation to advertising;
- 93.4 supplying the Vice President (Finance and Marketing) with all documentation necessary to enable Clubs and Societies Council reimbursement applications to take place;
- 93.5 encouraging participation in social events by members and staff; and
- 93.6 supporting and reporting regularly the activities of the Director of Social Justice (Equity and Diversity) and Director of Sport and Recreation to the Executive; and
- 93.7 contributing at least one article to *Justitia* during the term of office.

### Duties of Vice President (Education)

94. The Vice President (Education) is responsible for:

- 94.1 actively representing the Association's interests to ALSA;
- 94.2 coordinating all aspects of the Association's relationship with ALSA;
- 94.3 preparing three (3) reports per year detailing ALSA's activities and their impact on members;
- 94.4 organising activities to promote awareness of educational issues among members;
- 94.5 representing the Association's educational interests to the Newcastle Law School, University, business, government and the community;
- 94.6 acting on behalf of the President when the President so nominates;
- 94.7 nominating for a representative position on the Faculty Board of the Faculty of Business and Law, if he or she is eligible to so nominate;
- 94.8 supporting and reporting regularly the activities of the Director of Competitions (Skills), the Director of Competitions (Advocacy), the Director of Careers (Events) and the Director of Careers (Publications) to the Executive; and
- 94.9 contributing at least one article to *Justitia* during the term of office.

#### **Duties of Vice President (Finance and Marketing)**

95. The Vice President (Finance and Marketing) is responsible for:

- 95.1 collecting and receiving funds due to the Association;
- 95.2 arranging for prompt payment of all amounts authorised by the Association;
- 95.3 maintaining accounts and books showing accurately the financial affairs of the Association, including details of all receipts and expenditure;
- 95.4 preparing an annual budget for the Association by the end of January each year;
- 95.5 preparing annual financial statements (including a Profit and Loss statement and Balance Sheet) to be presented at the annual general meeting;
- 95.6 assisting the Vice President (Administration) to complete documentation required for Incorporation purposes;
- 95.7 preparing additional interim summaries of financial affairs as directed by the Committee;
- 95.8 reporting on the finances of the Association at each Committee meeting;

- 95.9 liaising with the Director of Sponsorship in relation to sponsorship and other financial issues;
- 95.10 arranging for the Association to be reimbursed by the Clubs and Societies Council for any expenditure which may be recouped under the Clubs and Societies Rules;
- 95.11 supporting and reporting regularly the activities of the Director of Sponsorship, Director of Marketing and Design and the Director of Student Publications to the Executive; and
- 95.12 contributing at least one article to *Justitia* during the term of office.

### **Duties of Vice President (Administration)**

96. The Vice President (Administration) is responsible for:

- 96.1 acting as the Association's Public Officer;
- 96.2 keeping minutes of all meetings;
- 96.3 circulating the minutes of Committee and Executive meetings to all Committee members within at least three academic days after the meeting;
- 96.4 recording the names of all people present at all meetings;
- 96.5 filing all correspondence relevant to the Association;
- 96.6 ensuring that the Association's office filing system is always in order;
- 96.7 giving reasonable notice to all Committee members of upcoming Committee meetings;
- 96.8 maintaining the register of members;
- 96.9 maintaining the register of honorary members;
- 96.10 maintaining a list of Committee member contact details, and ensuring that this list is readily available to Committee members;
- 96.11 coordinating staffing of the Association's office;
- 96.12 fulfilling the Association's obligations with respect to annual and special general meetings;
- 96.13 publishing minutes and action sheets for distribution to all Committee members promptly after each Committee meeting;
- 96.14 coordinating the Association's reaffiliation with the Clubs and Societies Council by no later than March of each year;

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- 96.15** within one month after the annual general meeting, filing an Annual summary of financial affairs (Form A12) to the Registry of Co-operatives and Associations with NSW Fair Trading;
- 96.16** all other aspects of the Association's administration;
- 96.17** supporting and reporting regularly the activities of the Director of Information Technology, Senior Student Representative, Junior Student Representative, Graduate Student Representative and International Student Representative to the Executive; and
- 96.18** contributing at least one article to *Justitia* during the term of office.



## **PART VII – MISCELLANEOUS**

### **Minutes**

**97.** The Vice President (Administration) will make the Minutes of all meetings available for inspection to any member by appointment and free of charge.

### **Common seal**

**98.** The common seal of the Association must be kept in the custody of the Public Officer.

**99.** 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 of two (2) members of the Executive.

### **Public Officer**

**100.** The Public Officer of the Association is the Vice President (Administration).

### **Resolution of Internal Disputes**

**101.** Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

**102.** At least seven (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 mediator.

### **Chequebook**

**103.** The Vice President (Finance and Marketing) will keep the Association's chequebook.

**104.** The signatories to the chequebook will be the President, Vice President (Finance and Marketing) and Vice President (Administration).

**105.** All cheques must be signed by any two (2) of the signatories listed in section 104 of the Constitution.

#### **Funds - Source**

**106.** The funds of the Association are to be derived from annual subscriptions of members, sponsorship from law firms and other relevant organisations, donations, and, subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.

**107.** All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.

**108.** The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

#### **Dissolution**

**109.** The Association may be dissolved by a Special Resolution passed at an annual or special general meeting where more than two-thirds of the total members of the Association are present.



## PART VIII – INTERPRETATION

### Dictionary

**110.** In these Rules, unless the contrary intention appears:

- 110.1** “Academic Year” means the formal teaching periods adopted by the University of Newcastle;
- 110.2** “start of week” means a Monday;
- 110.3** “the Committee”, “Committee” or “Committee member” means those persons described in section 55 and 56 of the Constitution;
- 110.4** “the Executive”, “Executive” or “Executive member” means those persons described in section 55 of the Constitution;
- 110.5** “the Directors” or “Director” or “Director member” means those persons described in section 56 of the Constitution;
- 110.6** “member” means a member of the Association;
- 110.7** “the Constitution” or “Constitution” means the Constitution of the University of Newcastle Law Students’ Association including all schedules and by laws;
- 110.8** “University” means the University of Newcastle;
- 110.9** “semester” means a semester as adopted by the University of Newcastle;
- 110.10** “Special Resolution” means Special Resolution in accordance with sections 45 to 47 of the Constitution; and
- 110.11** the “Association Financial Year” is from 1 September to 31 August.

### Interpretation

**111.** In the Constitution:

- 111.1** headings, subheadings and history notes are for the reader’s convenience only and are not intended to alter the interpretation of the text;
- 111.2** words or expressions contained in these Rules will be interpreted in accordance with the provisions of the *Acts Interpretation Act 1901* as amended; and

**111.3** written notice will be deemed to be given to members if such notice is placed on at least two readily accessible noticeboards in the Newcastle Law School premises.