



Under the Charities Act 2005

The Constitution of the University of Otago Pacific Islands Law Students' Association (PILSA)

Amendment Passed by Ballot:

Wednesday, 5th September 2018

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Under the Incorporated Societies Act 1980

The Constitution of the University of Otago Pacific Islands Law Students' Association (PILSA)

1.0 Name

1.1 The name of this Association shall be 'The Pacific Island Law Students' Association', hereafter referred to as PILSA.

2.0 PILSA Emblem/ Common Seal

2.1 PILSA will have an emblem stored as an electronic document that will be affixed to the PILSA email account and saved in the documentation held by the President. 2.2 PILSA's emblem will be attached to letterhead for use on official documents and at the discretion of the Executive.

2.3 This emblem shall be agreed upon by the Association as the official PILSA emblem.

3.0 Definitions and Interpretation

- 3.1 'The Executive' means PILSA members who hold representative positions. 3.2 'The Faculty' means the Faculty of Law at the University of Otago.
- 3.3 'The Division' means the Division of Humanities at the University of Otago. 3.4 'PILSA' and 'the Association' mean University of Otago Pacific Island Law Students' Association.
- 3.5 'SOULS' means the Society of Otago University Law Students.
- 3.6 'The Pacific Island Centre' means the Pacific Island Centre at the University of Otago.
- 3.7 'Executive member' means an Executive member referred to in clause 6.1 3.8 'Member' means any member of the Association in accordance with clause 5.1 3.9 'Life member' means any persons bestowed with a life membership in accordance with clause 5.3.
- 3.10 'SGM' means Special General Meeting.
- 3.11 'AGM' means Annual General Meeting.
- 3.12 'Public Meeting' refers to a meeting called by the Executive in accordance with clause 12.2.
- 3.13 'Public notice' means notice conveying information directly related to the Association published publically on campus at the University of Otago and/or issued via Faculty email and other forms of social media.
- 3.14 'UOPISA' means the University of Otago Pacific Island Students' Association.

4.0 Aims and Functions

- 4.1 PILSA aim to support and advocate for Pacific Islands Law students within the University of Otago Law Faculty. The Association also places a high priority on developing initiatives to increase representation of Pacific Islands students within this Law School and thus the wider legal community. The Association believes that the values of community, collegiality, inclusion and reciprocity as integral to the objectives and processes set out in this constitution.
- 4.2 To support academic excellence by Pacific Island Law students within the University of Otago Law Faculty.
- 4.3 To promote and encourage participation of Pacific Islands students in Law Faculty events and competitions.
- 4.4 To ensure communication between the Faculty of Law, Pacific Islands Centre, SOULS, Te Roopu Whai Putake and PILSA.
- 4.5 To facilitate and develop positive networks and relations with other Pacifica Student Associations that are affiliated with the Pacific Island Centre.
- 4.6 To ensure that all processes and initiatives implemented by the Executive reflect the principle of inclusion and respects the cultural diversity of the Association and that of the Law Faculty and wider University Community.
- 4.7 To promote and project a positive image of a Pacifica legal identity at the University of Otago.
- 4.8 Nothing in this constitution shall allow any monetary funds of PILSA to be used by or made available to any Association member or person associated with PILSA for their own benefit or profit.
- 4.9 To create and run events as to further the abovementioned objectives.

5.0 Membership

- 5.1 All students of Pacific Island descent as identified in enrolment records of the University of Otago, enrolled in any Laws 100, 200, 300 or 400 level undergraduate paper, or studying towards a Masters of Laws (LLM) or Doctor of Philosophy in Law (PhD) shall be deemed to be a member of PILSA.
- 5.2 Any PILSA member may at any reasonable time request to inspect the records and documentation of PILSA.
- 5.3 Membership shall also include any persons bestowed with life membership. 5.4 Life membership shall be vested in persons via a special resolution at an AGM or SGM.

6.0 Executive Committee

- 6.1 The Executive Committee of this Association must consist of:
- 6.1.1 President
 - 6.1.2 Vice-President
 - 6.1.3 Secretary
 - 6.1.4 Treasurer
 - 6.1.5 Welfare Officer
- 6.2 Only PILSA members are permitted to hold any of these positions.
- 6.3 Persons elected to the Executive Committee shall be elected into their respective roles at the AGM.
- 6.4 Details of the expectations and responsibilities of each role are summarised at clause 8.0.
- 6.5 No member shall hold more than one position on the Executive at any one time.
- 6.6 Executive members shall normally hold office for 12 months, beginning from the day of appointment at the AGM until the election at the next AGM.
- 6.7 The Executive will make decisions via Executive resolution.
- 6.8 An Executive member that fails to attend three (3) consecutive meetings without apology from the Executive will be excused from their position via Executive resolution.

7.0 Executive Powers

- 7.1 The Executive consists of the President, Vice President, Treasurer, Secretary and Welfare Officer.
- 7.2 All powers herein granted shall be vested in the Executive. The Executive may make all decisions for the Association on behalf of its members.

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- 7.3 The Executive is bound by the Constitution and cannot alter it except by legitimate process. The Executive may also not bind its successors.
- 7.4 Decisions are made by a vote amongst the members of the Executive at meetings.
- 7.5 The President, Vice-President and Treasurer shall have signing authority for PILSA and may access and manage the PILSA account as so to further the aims and objectives of the group as authorised by vote.
- 7.6 The Executive strive to all such things in accordance with the aims and functions outlined in clause 4.0

8.0 Roles of the Executive

- 8.1 The Executive shall consist of the following five roles, with the following duties: 8.2 *President*.
- 8.2.1 Be recognisable as the head of PILSA.
 - 8.2.2 Chair meetings in a formal fashion.
 - 8.2.3 Contact the Executive of PILSA regarding important matters.
 - 8.2.4 Ability to call special meetings to deal with urgent matters.
 - 8.2.5 Delegate tasks to other Executive members as appropriate.

8.2.6 Liaise with the Faculty of Law, the Pacific Islands Centre, SOULS, Te Roopu Whai Putake and other related groups.

8.3 Vice President

8.3.1 To support the President in their role.

8.3.2 To stand in for the President where necessary.

8.4 Treasurer

8.4.1 Prepare and present financial statements showing details of transactions.

8.4.2 Monitor and scrutinise spending of Association funds

8.4.3 Actively seek funding and sponsorship for projects and expenses.

8.4.4 Be aware of financial obligations of PILSA as they arise.

8.5 Secretary

8.5.1 Prepare agenda for meetings.

8.5.2 Give notice for meetings.

8.5.3 Record minutes of meetings.

8.5.4 Process correspondence.

8.5.5 Manage the PILSA website on the Faculty of Law page and any other relevant social media.

8.5.6 To represent PILSA on the UOPISA sub-committee

8.6 Welfare Officer

8.6.1 Run and co-ordinate the PILSA buddies programme each year. 8.6.2 Organise and hold a social event once each semester for association members.

8.6.3 Co-ordinate with the Law faculty the 100 level and 200 level supplementary Pacific Island law tutorial programme.

8.6.4 Promote any welfare or wellbeing events held on campus that they deem appropriate for association members to participate in or attend.

8.6.5 Conduct an end of year feedback process from association members and report findings at the AGM.

9.0 Meetings of the Executive

9.1 The Executive shall meet at least once a month.

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9.2 Meetings shall enable the Executive to discuss actions and development of the Association, monitor and scrutinise progress and expenditure and make decisions in accordance with the Aims and Functions outlined at clause 4.0.

9.3 No Executive meeting may take place without a quorum.

9.4 Quorum shall be achieved when three sitting members of the Executive attend a meeting. Votes cannot be binding without a quorum.

9.5 It is the responsibility of the President to chair meetings. However, in their absence,

the President shall designate a chair, normally the Vice-President.

9.6 The Secretary or another Executive member in their absence, normally the Vice President shall keep minutes of all meetings.

9.7 Agenda items must include:

9.7.1 A review of delegated actions from the previous meeting

9.7.2 Update reports from each Executive member

9.7.3 Any other business

9.7.4 Confirmation of the next meeting date

- 9.8 An agenda shall be distributed to each Executive member at least 12 hours before the commencement of a meeting.
- 9.9 Only Executive members have voting rights. All others present shall only have speaking rights.
- 9.10 A copy of the meeting minutes shall be distributed to the each Executive member.
- 9.11 It is the responsibility of the President and Secretary to keep all meeting agendas and minutes during their period in office.
- 9.12 Any PILSA member may request to see meeting agendas and minutes. 9.13 All meeting agendas and minutes shall be presented to the Association at the AGM.

10.0 Annual General Meetings

- 10.1 PILSA will hold an annual general meeting in Semester Two before 31st October each year.
- 10.2 The President shall give at least ten (10) days' notice of the AGM date to all PILSA members and interested parties
- 10.3 All persons may attend the AGM
- 10.4 All PILSA Executive members must be present unless extraordinary circumstances require otherwise.
- 10.5 In order for an AGM to take place 10 current members of the Association must be present to make a quorum and for an AGM to take place.
- 10.6 The Chair-elect will officiate the AGM, will be nominated by the Executive and must be accepted by quorum at the beginning of the AGM
- 10.7 The Secretary or in their absence another Executive member is to keep detailed minutes of the AGM
- 10.8 These minutes are to be made available to all members within ten (10) days of the AGM
- 10.9 The following items will be permanent agenda items:
- 10.9.1 Welcome
 - 10.9.2 Appointment of Chair-elect
 - 10.9.3 Apologies
 - 10.9.4 Confirmation of Previous AGM minutes
 - 10.9.5 Financial statement
 - 10.9.6 Executive Reports
 - 10.9.7 Confirmation of Election results
- 10.10 Other agenda items may be added as the Executive sees fit
- 10.11 An agenda for the AGM shall be publically distributed no less than 48 hours before the AGM.
- 10.12 PILSA members may make additions to the AGM agenda

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- 10.13 Decisions made at the AGM shall be decided on by a vote of hands, except for the election of the new Executive, which shall be determined through the use of voting slips distributed at the beginning of the meeting and filled out at the appropriate time.
- 10.14 PILSA members unable to attend the AGM may hand in their voting paper in advance to the nominated returning officer.

11.0 Election of the Executive Committee

11.1 Nominations

- 11.1.1 Only PILSA members enrolled in Laws 200 and/ or above at the University of Otago shall be eligible for nomination, election and re election.
- 11.1.2 All nominees must qualify as an officer under the Charities Act 2005

or alternatively have a waiver from the Charities Commission.

11.1.3 Nominations for positions on the Executive Committee shall open no less than 7 working days before the AGM date and close no less than 2 working days before.

11.1.4 It is the responsibility of the outgoing Executive Committee to advertise nominations and elections as widely as is reasonably possible.

11.1.5 It will be the Executive Committee's responsibility to publically announce the list of nominees for each position, including a brief description of each nominee.

11.2 Voting

11.2.1 The Executive shall be elected annually at the Annual General Meeting via a secret ballot.

11.2.2 The ballot shall be overseen by the returning officer.

11.2.3 It shall be the responsibility of the Executive to invite a third party to take on the role of returning officer.

11.2.4 Elections will take the form of nomination and subsequent seconding by current PILSA members or another PILSA member for a position of President, Vice President, Treasurer, Secretary or Welfare Officer. All PILSA members present will then indicate their preference for the candidates.

11.2.5 The candidate with the most votes wins.

11.2.6 In the case of a tie, there will be a repeat of this process with only the tied candidates.

11.2.7 Should a sitting member of the Executive retire from their position, or be dismissed from their position, a by-election will be held at a Special General Meeting where the above voting process will take place.

11.2.8 There shall be a 'No Confidence' Vote for all positions.

11.2.9 There shall be a 'No Vote' vote option for all positions.

11.3 Vacancies

11.3.1 When a vacancy arises on the Executive, the Executive Committee shall determine with the consultation of the Association, Dean of Law and Pacific Island Centre whether this position shall be filled via a by election, SGM or is left vacant for the remainder of the year.

11.3.2 If determined that the vacancy shall be filled via a by-election, conducted in the manner articulated in clause 11.2.1.

11.3.3 If determined that the vacancy shall be filled via SGM then the quorum present may elect via special resolution any member who is eligible to stand for a position to fill this vacancy.

11.3.4 The member elected to fill the vacancy is bound by the responsibilities of their role and hold office for the remainder of the year.

11.4 Dissolution and Establishment of Executive Roles

11.4.1 If the need arises for an Executive role to be established or dissolved, the Executive Committee shall endeavour to consult with Association members, the Pacific Island Centre and Dean of Law.

11.4.2 No action shall be taken without consultation with these groups.

11.4.3 Such action shall be decided on at an SGM or AGM by a quorum of Association members and interested parties.

12.0 Special General Meetings and Public Meetings

12.1 Special General Meetings

- 12.1.1 The Executive may determine that an SGM may be called where it is deemed necessary for the Association to pass a motion via special resolution.
- 12.1.2 In order for an SGM to take place 10 current members of the Association must be present to make a quorum and for an SGM to take place.
- 12.1.3 Notice shall be given before any SGM takes place no less than two (2) working days.

12.2 Public Meetings

- 12.2.1 The Executive may determine that a Public Meeting may be called no less than two (2) working days, usually on a monthly basis.
- 12.2.2 The purpose of Public Meetings is to update Association members on the progress of the Executive Committee and allow an open forum for all members to discuss issues and ideas.
- 12.2.3 No voting shall take place at Public Meetings.
- 12.2.4 An agenda and minutes will be distributed to all members no less than two working days before and after the meeting respectively.
- 12.2.5 Association members are entitled to make additions to the agenda at the discretion of the President.

13.0 Affiliation

- 13.1 PILSA is affiliated with the University of Otago Law Faculty.
- 13.2 PILSA is affiliated with the Pacific Islands Centre.
- 13.3 PILSA is affiliated with the Society of University of Otago Law Students (SOULS).
- 13.4 PILSA is affiliated with the Otago University Students' Association (OUSA)
- 13.5 PILSA is affiliated with the University of Otago Pacific Island Students' Association

14.0 Finances

- 14.1 Any payments made to a member of PILSA or person associated with a member must be for goods or services that advance the charitable purpose of the Association and must be reasonable and relative to payments that would be made between unrelated parties.
- 14.2 All money acquired by PILSA, whether by donation, contribution and bequests shall be paid into an account under the Association's name operated by a reputable bank or the University of Otago.
- 14.3 All income and expenditure are the responsibility of the Treasurer who shall be accountable to ensure all funds are utilised in accordance with the Aims and Functions in clause 4.0.
- 14.4 It is the responsibility of the Treasurer to establish an annual budget and ensure that the Association remains within this budget

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- 14.5 Official accounts shall be maintained and examined via an annual audit by an accountant who is not a member of PILSA

14.6 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the AGM. The aforementioned auditor's report shall also be attached to this statement.

- 14.7 Financial statements shall be made readily available for inspection at each Executive Committee meeting and made available to any Association members upon written request.

14.8 PILSA's financial year shall run in accordance with dates outlined by the Charities Commission; 1 December to 30 November.

14.9 PILSA's beneficial account owners will be:

14.9.1 President

14.9.2 Vice President

14.9.3 Secretary

14.9.4 Treasurer

14.9.5 Welfare Officer

15.0 Charitable Status

15.1 PILSA is a registered charitable organisation in accordance with the Charities Act 2005.

15.2 In order to ensure transparency and continuity of this status it is the responsibility of the outgoing Treasurer (as outlined in clause 6.0) to amend if necessary the Association's charity officers at the beginning of each year in accordance with the changeover to the newly elected Executive Committee as stipulated in the Charities Act 2005.

16.0 Constitutional Amendments

16.1 Constitutional amendments can only be made at an annual general meeting or special general meetings.

16.2 Amendments will be passed by a majority vote of two-thirds and effective immediately unless otherwise stated in the amendment.

16.3 Notice must be given for each proposed amendments before it is to be voted on.

17.0 Dispute Resolution

17.1 In the event of any dispute that should arise regarding any procedural aspect of this Constitution, the power of adjudication shall rest with Tofilau Nina Kirifi Alai of the Pacific Islands Centre.

18.0 Dissolution

18.1 PILSA may be dissolved if deemed necessary via a majority member vote at either an SGM or AGM.

18.2 A resolution dissolving the Association must be passed by a two-thirds majority of the members present and voting.

18.3 Any remaining assets and funds after debts is to be returned to providers or transferred to the Pacific Island Centre in trust until a similar organisation is established.