

THE CONSTITUTION

Malaysian Students' Council of Australia (MASCA)

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Preface I – Preamble

WE, THE PEOPLES OF THE MALAYSIAN STUDENTS' COUNCIL OF AUSTRALIA
DETERMINED:

to facilitate the interaction and unification of Malaysians from different backgrounds, faiths, and beliefs; and

to develop our Malaysian students with the necessary skills, knowledge, and character to become leaders of tomorrow; and

to promote, share, and embody the Malaysian spirit of multiculturalism, tolerance, respect, and fair treatment for all.

AND FOR THESE ENDS:

to strengthen the ties between various Malaysian Students' Organisations in Australia and other organisations to achieve the goal of serving the Malaysian student community via initiatives, programs, events, and other efforts; and

to be the role models for the Malaysian student community and champion for the betterment of all Malaysian student by striving to serve in excellence; and

to represent, champion, and advocate our Malaysian students' welfare and interests.

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS:

Accordingly, our Council Members and the Malaysian Student Organisations our Council represent, have agreed to the present Constitution of the Malaysian Students' Council of Australia for Malaysian Students and do hereby establish the Malaysian Students' Council of Australia.



Preface II – Foreword

Dear MASCA,

The document you are reading now is the Constitution of our Council, the product of evolution for many years since the Council's inception.

The Council has undergone many revisions of their previous Constitution and it was deemed in the sustainable interest of the Council, a new one has to be written, including the removal of any artefacts in the previous Council. This is in no way a belittling or diminishing of previous efforts of the previous Councils. But however, this begs the question of what happened along the way?

I believe in the humblest opinion of mine is the sustainability and the transition of the Constitution. This is not simply a transfer of the document, but the ideals and the values the Constitution strives to uphold. This is where we need to improve.

It is with fervent hope that this Constitution will strive to further defend the sole purpose of the Council: to serve the interests and welfare of Malaysian students in Australia. We also further hope that this Constitution will stand the test of time. This however, comes with a caveat. As the future Council, it is your responsibility to defend it and uphold it. The Constitution must never be misinterpreted in such a way to benefit any sole individual. As Chairpersons, and the National Council, it is not just a matter of "knowing or reading the Constitution", but a duty to understand and interpret it in a fair and just way; staying true to our values and our objective which is to represent the interests and welfare of Malaysian students in Australia.

The Constitution is the supreme framework and law of the Council. Hence, it would do no justice to it if amendments or repeals are done to leverage against something temporary; bearing in mind that your actions now, will have consequences for the future. I ask that you treat this document with respect and acknowledge the amount of power and responsibility entrusted to you as the future Council.

And with that, I bid you good luck. Remember that as the new Council, it is your own time to craft how will you be remembered as your term. Previous Council terms are there to just provide external opinions or any further nuggets of wisdom they have, but ultimately, it is your call as the leaders of the Council, not them, and also including myself. Whenever anything falls, remember your duty, and remember the Council's objectives.

Charting the way for Malaysians down under,

Arthur Eng Lip Yeow

National Chairperson

MASCA 2017/2018



Preface III – Acknowledgements

The Council would like to specifically acknowledge the following person(s) and/or organisations(s) for their constructive work towards the Constitution:

Chareesa Usaha

National Secretary of MASCA National 17/18

Nik Alif Imran

Chairperson of MASCA NSW 17/18

Winson Tan

Chairperson of MASCA VIC 17/18

Ling Leong Wai

Chairperson of MASCA QLD 17/18

(Kenny) Ng Wi Kiat

Legislation and Compliance NET Officer 17/18

Ahmad Rais Abdul Razak

Legislation and Compliance NET Officer 17/18

Clarence Chua

Legislation and Compliance NET Officer 17/18

Lim Ying Yi

Corporate Development NET Officer 17/18

Soo Jian Guan

Chairperson of MASCA VIC 16/17

Shafiq Shatar

Corporate Relations Director of MASCA VIC 16/17

Michelle Liu

Human Rights & Activism Officer of KPUM 17/18

Cia Yee Goh

Human Rights & Activism Officer of KPUM 16/17

Wong Guan Jie

Malaysian Progressives in Australia (MPOZ) 17/18

Anas Nor'azim

Malaysian Progressives in Australia (MPOZ) 17/18

Ethan Wong Yew Hong

Malaysian Progressives in Australia (MPOZ) 17/18

Bernard Woolley

Malaysian Progressives in Australia (MPOZ) 17/18

Malaysian Students' Global Alliance (MSGA)

Legal Affairs Team of Term 17/18

Khai Leed Yau

VP Corporate and External Relations of MSGA 17/18

Paul Sigar

2nd Year Law student of The University of Adelaide 18

Brandon Lau

2nd Year Law student of The University of Adelaide 18

Nur Qyira Yusri

Co-founder of Undi 18



Preface IV – Amendments and Repeals Records

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Part I – Definitions and Interpretation

Article 1 – Definition of Malaysian

- a) A Malaysian is defined as person(s) who hold Malaysian citizenship and shall prove their citizenship by producing legal Malaysian identification documents.
- b) With respect to clause (a), a legal Malaysian identification includes, but is not limited to a Malaysian Identity Card, or a valid Malaysian passport.
- c) Should there be a difficulty in determining the Malaysian status of any person(s) due to extenuating circumstances such as citizenship issues beyond the person(s) control, then it shall be at the discretion of the Council by Resolution to consider the person(s) as a Malaysian.

Article 2 – Definition of Student

- a) A Student is defined as person(s) currently in Australia, who:
 - i. If is a Temporary Resident, is under a valid student visa as prescribed by the Australian Government;
 - ii. If any other residency status, shall show proof of valid enrolment, regardless of full-time or part-time enrolment.
- b) With respect to clause (a), a student visa may include multiple subclasses, as long they are recognised by the Australian Government as a student visa.
- c) With respect to clause (a), a valid enrolment will end on the census date of the student's proceeding University study term from the last active enrolment.

Article 3 – Definition of MASCA

- a) MASCA shall be defined as the Malaysian Students' Council of Australia, inclusive of both National and State/Territory unless otherwise specified.
- b) MASCA shall be known in its entirety in this Constitution as ***the Council***.

Article 4 – Definition of MASCA National and State/Territory Chapter

- a) A MASCA State/Territory Chapter shall be any State/Territory Chapter of MASCA, as stipulated in Article 31(b).
- b) MASCA National shall be the entity elected by the State/Territory Chapters of MASCA with respect to Article 23 and Article 24 and is not considered a State/Territory Chapter.

Article 5 – Definition of Malaysian Student Organisation (MSO)

- a) An MSO is defined as a student-run, not-for-profit organisation serving the interests of Malaysian students in Australia.
- b) An MSO shall have at least 50% of their Executive Council who are Malaysian Students.
- c) An MSO may be institutionally affiliated or otherwise.



Part I – Definitions and Interpretation

Article 6 – Definition of The Constitution

- a) Generally, the Constitution is defined as the Constitution of MASCA.
- b) Otherwise, constitution shall be defined accordingly in the individual clauses in the respective Articles.

Article 7 – Definition of General Meeting

- a) A General Meeting (GM) shall be defined as the weekly, regular meeting called by the Chairperson of MASCA in their respective National or State/Territory Chapter.

Article 8 – Definition of Special General Meeting

- a) A Special General Meeting (SGM) shall be defined as an ad-hoc, irregular meeting called by the Chairperson of MASCA in their respective National or State/Territory Executive Council.
- b) With respect to clause (a), the SGM shall be held to discuss issues, debates, and Resolutions that need the attention of either MASCA National or the MASCA State/Territory Executive Council, but not both.
- c) With respect to clause (a), the SGM shall be held if the attendance of an external entity is required.

Article 9 – Definition of Extraordinary General Meeting

- a) An Extraordinary General Meeting (EGM) shall be defined as an ad-hoc, irregular and urgent meeting called by the Chairperson of MASCA in their respective National or State/Territory Council.
- b) With respect to clause (a), the EGM shall be held to discuss issues, debates, and Resolutions that:
 - i. require the entire Voting Entity if it pertains a National Resolution and/or Resolutions that require the consensus of all State/Territory Chapters;
 - ii. require the entire Executive Council of the State/Territory urgently, which is called separate from a General Meeting either due to logistical or time constraints as deemed fit by the Chairperson of the aforementioned Council.
- c) With respect to clause (a), the EGM shall not include any external entity.

Article 10 – Definition of Annual General Meeting

- a) An Annual General Meeting (AGM) shall be defined as an annual, regular and defined meeting called by the Chairperson of MASCA in their respective National or State/Territory Council, with a Returning Officer.
- b) With respect to clause (a), the main objective of the AGM is to elect the incoming Executive Council as stipulated in **Part X – Elections**.
- c) The AGM shall be held to discuss issues, debates, and Resolutions that includes, but is not limited to ones that involve the entirety of MASCA, and/or any decisions made that will bind the entirety of MASCA.



Part I – Definitions and Interpretation

Article 11 – Definition of Council Member

- a) A Council Member shall be defined as any Malaysian student who holds an Executive Council position in the Council.

Article 12 – Definition of Executive Council

- a) The Executive Council of MASCA National shall be defined as the collective body of Council Members in the MASCA National.
- b) The Executive Council of MASCA State/Territory shall be defined as the collective body of Council Members in the MASCA State/Territory.

Article 14 – Definition of Education Malaysia Australia (EMA)

- a) Education Malaysia Australia (EMA) shall be defined as the governmental body that is responsible for the welfare/education of Malaysian students in Australia, as a representative from the Malaysian Government.

Article 15 – Definition of Formal Notice

- a) A Formal Notice shall be defined as an official form of communication between two entities via email or postal mail.
- b) With respect to clause (a), an additional method of official communication may be added upon consensus and agreement between the two entities, such as the utilisation of instant messaging applications.
- c) With respect to clause (b) the mode of communication and relevant communication shall be documented by the secretary of the Executive Council undertaking the Resolution as a supplementary document with the same emphasis as a meeting minute.

Article 16 – Definition of Voting Entity

- a) A Voting Entity shall be defined as the collective entity of person(s) who hold a vote in National Resolutions that are meant to bind the Council in its' entirety, involving MASCA National and each State/Territory Chapter.
- b) Each of these person/entities shall count as one (1) vote:
 - i. MASCA National Executive Council (1 vote for each National Director);
 - ii. A MASCA State/Territory Chairperson (1 vote each).
- c) Voting done by the Voting Entity with respect to clause (a) shall require a simple majority unless otherwise stated.
- d) Voting done by the Voting Entity shall have a quorum of two-thirds of the entire Voting Entity.



Part I – Definitions and Interpretation

Article 17 – Definition of Voting Body

- a) A Voting Body shall be defined as person(s) who hold a vote in the AGM that elects the MASCA National Executive Council.
- b) Each of these person/entities shall count as:
 - i. Every MASCA National Council Member (1 vote each);
 - ii. A MASCA State/Territory Chairperson representing the State (5 votes each).

Article 18 – Definition of Voting Party

- a) A Voting Party shall be defined as person(s) who hold a vote in Resolutions that shall require either the consensus of a State/Territory Chapter with the Affiliates of the aforementioned State/Territory Chapter, and/or to hold a vote in the AGM that elects the MASCA State/Territory Chapter Executive Council.
- b) With respect to clause (a), each of these person/entities shall count as:
 - i. Every MASCA State/Territory Chapter Council Member (1 vote each);
 - ii. A State/Territory Affiliate's Representatives (5 votes).
- c) Should there be a requirement that an Affiliate be involved in a National discussion due to a National Affiliation, then each of these person/entities shall count as:
 - i. Every MASCA National Council Member (1 vote each);
 - ii. A National Affiliate's Representatives (5 votes).

Article 19 – Definition of Resolution

- a) A Resolution shall be defined as the process, which includes, but is not limited to discussions, deliberations, negotiations, and debates, where a formal decision has been made by the parties involved in the Resolution.
- b) A Resolution Date shall be defined as the date where meeting minutes of any meeting that was held was approved, that includes the formal record of the decision and resolution made and confirmed.
- c) Should there be any multiple dates which cause confusion on the actual Resolution Date, then the earliest date that acknowledges the Resolution shall be upheld.



Part I – Definitions and Interpretation

Article 20 – Internal Process

- a) An Internal Process shall be defined as the process of discussion, debate, and confirmation by Resolution in an individual Executive Council, where the Resolution made shall only be intended to bind the aforementioned Executive Council.
- b) With respect to clause (a), an Internal Process may still be subjected to appeals and disputes.
- c) With respect to clause (a), Internal Process shall also be further defined as a process where the individual Executive Council determines details of the Resolution which includes, but is not limited to:
 - i. the quorum required;
 - ii. number of positive votes;
 - iii. the ability of voters to abstain from voting.
- d) Internal Process shall only be invoked by invoking clauses or Articles in this Constitution that specifically allows the invocation of an Internal Process.
- e) Internal Process shall not indemnify the Council from not undertaking appropriate documentation on the Resolution that arises from the aforementioned process.

Article 21 – Other Terminology

- a) **Day** shall be defined as a Gregorian Calendar Day unless otherwise specified. Should there be any confusion over the actual period of a day, then the day shall be deemed to end at the beginning of the following calendar day at midnight following AEST.
- b) **Operations** shall be defined as any action, steps, procedures, activity, and transaction that is done on behalf of the Council to achieve the Council's objectives and principles.
- c) **Gazette** shall be defined as the action of the Council that publicizes any information from the Council to the general public via digital or physical communications.



Part II – The Council

Article 22 – Details of the Council

- a) This student council, in full, shall be known in English as the ***Malaysian Students' Council of Australia***, abbreviated as MASCA.
- b) This student council, should there be a need for it, shall be known in Malay as ***Majlis Perwakilan Pelajar Malaysia di Australia***. However, the abbreviation shall still be designated as MASCA.
- c) Only in special circumstances that the Malay name be used. The Council shall strive to always maintain the English version of this Council's name.
- d) With respect to clause (c), special circumstances include, but is not limited to:
 - i. Official documents that require a full Malay translation in transactions and dealings with the Government of Malaysia;
 - ii. In Malay press statements issued by MASCA as a supplement to the English version.
- e) The official language used shall be English (Australia).
- f) MASCA shall be comprised of entities and bodies with respect to Article 23(a).
- g) The Council shall be registered with the Australian Business Register and be incorporated in a State in Australia, where the responsibilities to maintain such records, status, and other compliance shall be the responsibility of the MASCA National Executive Council.



Part II – The Council

Article 23 – Composition of the Council

- a) MASCA shall be comprised of the following entities:
 - i. MASCA National;
 - ii. MASCA State/Territory Chapters.
- b) The Council may elect or select the following committees under any of the entities with respect to clause (a):
 - i. An Executive Officer team;
 - ii. A temporary subcommittee comprised of any person(s) who may or may not hold no relation to the Council but appointed to execute the Council's Operations.
- c) The Executive Council of each entity stipulated in clause (a) shall have the following Council Member positions/offices:
 - i. Chairperson;
 - ii. Deputy Chairperson (*may be known as Vice Chairperson*);
 - iii. Secretary;
 - iv. Treasurer (*may be known as Finance Director*).
- d) With respect to clause (c), any other additional positions or offices may be invoked with respect to Article 65.
- e) With respect to clause (b), the committees may be temporary or permanent, at the discretion of the Executive Council responsible for the invocation of the offices.
- f) With respect to clause (a), there shall be limitations on the number of Council Members for each of the entities stipulated in Article 46(g).
- g) The secretary shall automatically be known as the Public Officer for the Executive Council the aforementioned secretary belongs to.



Part II – The Council

Article 24 – Separation of Powers of the Council

- a) MASCA National shall act as the caretaker and the governing body to represent MASCA as a whole to external organisations within and outside Australia.
- b) However, MASCA State/Territories shall have their exclusive jurisdictions in matters that pertain to their own State/Territory with respect to Article 34.
- c) With respect to clause (b), an Internal Process shall be defined as the process where the MASCA National or State/Territory Executive Council decides on their own matters and the formality proceedings on confirming a Resolution; which may include, but is not limited to:
 - i. obtaining a full vote of the Executive Council of the National or State/Territory Council, with the minimum majority determined at the discretion of the Chairperson of the respective Executive Council;
 - ii. in certain cases, to invoke a Chairperson's reserve powers with respect to Article 61 and Article 62;
 - iii. by the will of the Council.
- d) With respect to Article 23(a), the entities have their own unique jurisdictions, which includes but is not limited to:
 - i. maintenance of the entities' individual website, physical and digital communication channels;
 - ii. contract in their own name, with respect to Article 34 and Article 35;
 - iii. Affiliate in their own name, with respect to Article 34, 35, and 64;
 - iv. search for means of funding their own Operations with respect to Article 84
 - v. run events, activities, and initiatives as part of their own Operations;
 - vi. maintain exclusive sponsors with mutual discussions with MASCA National Executive Council;
 - vii. maintenance of their Operations records, such as reports, financial documents, and procedures, including their release;
 - viii. the right to refuse assistance towards MASCA National Executive Council if the assistance will be detrimental to their own Operations, or should it be seen as unfeasible for their individual context;
 - ix. issue statements in their own name with mutual discussions with MASCA National Executive Council;
 - x. establishment of their own internal Executive Council By-Law(s) with mutual discussions with MASCA National Executive Council;
 - xi. invocation of new offices, subcommittee, or officers with respect to Article 65.

Article 25 – Objectives of the Council

- a) The Council serves to represent and serve the interests and welfare of the Malaysian student community in Australia.



Part II – The Council

Article 26 – Vision of the Council

- a) The Council serves to facilitate the interaction and unification of various Malaysian student bodies and their members in Australia.
- b) To develop and equip the future leaders of Malaysia with the necessary skills.
- c) To promote the spirit of Malaysia amongst the Malaysian student community and the wider Australian community.

Article 27 – Ideology of the Council

- a) The Council is an independent, not-for-profit organisation run by students for students.
- b) The Council is a non-partisan organisation or a lobby group for any parties.
- c) The Council is a multiracial and multicultural organisation, depicting the true spirit of Malaysia.

Article 28 – The Voting Proceedings of the Council

- a) Unless otherwise stated, all Resolutions shall involve the Council as a whole and not any particular single Council Member.
- b) A Resolution, may occur, read, confirmed, or abandoned in the following methods and/or form of communication:
 - i. as long the record shows on a meeting minutes recorded, signed off by the Minute taker, and the Chairperson of the respective Council;
 - ii. a publicly gazetted press statement or media release statement;
 - iii. an official letter released by the Council;
 - iv. in a form of communication, digital or physical, that expresses the will of the Council.
- c) Should clause (b(iv.)) be invoked, any digital communication apart from email, such as social media channels shall be documented by the secretary of the Executive Council undertaking the Resolution as a supplementary document with the same emphasis as a meeting minute.
- d) Should any Resolutions undertaken by the Council contradict with the Constitution, then the Constitution shall be upheld, and the Resolution automatically becomes null and void.
- e) Any entity may request for a secret ballot for a Resolution, which shall be confirmed by two-thirds supermajority from either the Voting Entity, Party, or Body.
- f) With respect to clause (e), the secret ballot shall exclude the Voting Entity, Party or Body from being named in the voting conclusion and resolution. However, the entity that proposed and seconded the secret ballot shall be named.
- g) Unless otherwise stated, the Council's Resolutions shall require the approval of the Voting Entity or Voting Body with a simple majority.
- h) Resolutions or discussions made may not require a proposer or seconder, unless explicitly stated otherwise in the Constitution, or if By-Laws of the individual Executive Council dictates so. This does not invalidate or prohibit the proposer or seconder from voting.



Part II – The Council

Article 29 – Order of Succession of the Council

- a) Should there be any requirement of the delegation of responsibilities in an event where MASCA National Executive Council undergoes a dissolution or is otherwise incapable of conducting their Operations, the order of succession shall be:
 - i. MASCA New South Wales Chapter;
 - ii. MASCA Victoria Chapter;
 - iii. MASCA Queensland Chapter;
 - iv. MASCA Western Australia Chapter;
 - v. MASCA South Australia Chapter;
 - vi. MASCA Australian Capital Territory Chapter;
 - vii. MASCA Tasmania Chapter.
- b) Should there be any requirement of the delegation of responsibilities in an event where the MASCA State/Territory Chapter(s) undergo a dissolution or is(are) otherwise incapable of conducting their Operations, the responsibilities will be relegated to MASCA National.
- c) With respect to clause (b), should MASCA National Executive Council deem fit, the National Executive Council may relegate the Operations to another State/Territory, following the Order of Succession stipulated in Article 29, excluding the State/Territory in question. The Voting Entity shall approve the invocation of this clause by Resolution with a two-thirds supermajority.
- d) For an Executive Council, the order of succession, including the delegation of duties from the Chairperson down the hierarchy shall be as follows:
 - i. Chairperson;
 - ii. Deputy Chairperson;
 - iii. Secretary;
 - iv. Treasurer.
- e) With respect to clause (d), any subsequent order of succession after the position stipulated in clause (d(iv.)) shall be at the Chairperson of the individual Executive Council's discretion.

Article 30 – Logo of the Council

- a) The use of the Council's logo in any way, physical or digital, is a privilege of the Council, their respective National and State/Territory Executive Council, and Council Member.
- b) The official logo shall be maintained and made accessible by all State/Territory Executive Council by MASCA National Executive Council.
- c) MASCA National Executive Council shall determine the guidelines on the logo usage.
- d) The Council shall have the authority to allow and/or disallow other entities to utilise the Council logo, subject to the provisions of other Articles in the Constitution.



Part III – The States and Territories

Article 31 – The MASCA State/Territory Chapters

- a) The Council shall have Chapters in the States/Territories that have at least fifty (50) Malaysian Students, or if it serves the interest of the Council to establish one.
- b) With respect to clause (a), the State and Territories are:
 - i. MASCA New South Wales Chapter (MASCANSW);
 - ii. MASCA Victoria Chapter (MASCA VIC);
 - iii. MASCA Queensland Chapter (MASCAQLD);
 - iv. MASCA Western Australia Chapter (MASCA WA);
 - v. MASCA South Australia Chapter (MASCA SA);
 - vi. MASCA Australian Capital Territory Chapter (MASCA ACT);
 - vii. MASCA Tasmania Chapter (MASCA TAS).
- c) With respect to clause (a) and (b), MASCA National and/or the State/Territory Chapters have the right to elect Council Member or Officers into their team.
- d) Any potential nominees who wish to be elected into any Executive Council that preside under the entities stipulated in clause (a) shall have to abide by the process and procedures with respect to **Part X – Elections**.
- e) With respect to clause (b), the Voting Entity, with a two-thirds supermajority, may choose to invoke or disband, and change the composition in clause (b) as stipulated in Article 32 and Article 33.

Article 32 – Establishment of State/Territory Chapters

- a) Should there be a requirement or a need to establish a new State/Territory Chapter, any member of the Voting Entity may file in a Resolution to begin the process of establishing a new State/Territory Chapter.
- b) MASCA National Executive Council shall then undertake a feasibility study which includes, but is not limited to:
 - i. the objectives of the establishment;
 - ii. if it is necessary for a Chapter, or if an MSO is sufficient;
 - iii. the cost and investment needed to maintain the Chapter;
 - iv. a three (3) year succession plan of the Chapter, including the timeline;
 - v. the way to link the Chapter with EMA;
 - vi. training and familiarisation of the Council Operations with the new Chapter;
 - vii. the establishment of the pioneering Executive Council.
- c) After satisfaction of clause (b), MASCA National Executive Council shall present to the Voting Entity on the findings and provide a recommendation. The entire process stipulated in clause (b) shall not exceed sixty (60) days.
- d) Regardless of the recommendation provided by, MASCA National Executive Council shall call for an EGM, where the Voting Entity shall vote in favour, against, or abstain on the Resolution to establish the State/Territory Chapter, or to abandon the establishment.
- e) Should the Resolution with respect to clause (d) be confirmed, then MASCA National Executive Council shall begin the formal proceedings in establishing the State/Territory Chapter with respect to the timeline stipulated in clause (b(iv.)).



Part III – The States and Territories

Article 33 – Revocation of State/Territory Chapters

- a) A Revocation of a State/Territory Chapter shall be defined as the formal process where the State/Territory Chapter ceases to exist, either temporarily or permanently.
- b) A Revocation shall only occur when:
 - i. the outgoing State/Territory Executive Council's Chairperson obtains a two-thirds supermajority of their Executive Council to revoke the Chapter, and subsequently obtains a two-thirds supermajority by the Voting Entity;
 - ii. upon invocation of Article 62:
 1. should the preceding State/Territory Executive Council fail to satisfy the requirements to elect the new incoming State/Territory Executive Council with respect to **Part X – Elections** as deemed fit by MASCA National Executive Council;
 2. should State/Territory collectively violate any clauses, Articles, or Parts of the Constitution intentionally and ignores the orders to desist from MASCA National Executive Council;
 - iii. the State/Territory does not have fifty (50) students, and there is an existing MSO to represent them, and once this condition is satisfied, obtains a two-third supermajority by the Voting Entity;
 - iv. the State/Territory declares the intention to secede from the Council.
- c) Should clause (b) be satisfied and invoked, MASCA National Executive Council shall then undertake steps to confirm or abandon the Revocation within thirty (30) days, which includes but is not limited to:
 - i. negotiating with the State/Territory to abandon their declaration to revoke or to secede;
 - ii. if an AGM or SGM may be held to satisfy **Part X – Elections**, conducted by MASCA National Executive Council;
 - iii. obtain a confirmation of cease and desist compliance by the State/Territory with respect to clause (b(ii.(2))).
- d) Regardless of the actions undertaken with respect to clause (c), MASCA National Executive Council shall call for an EGM, where the Voting Entity shall vote in favour, against, or abstain on the Resolution to revoke the State/Territory Chapter, or to abandon the establishment. The EGM shall be done within sixty (60) days upon whichever satisfaction stipulated in clause (b).
- e) With respect to clause (d), the State/Territory Chapter in question which is still in the process of Revocation shall still hold a vote.
- f) A State/Territory Chapter undergoing a Revocation shall still be obliged to fulfil their responsibilities stipulated in the Constitution, including voting in matters pertaining to the Council.
- g) No other entities apart from the Council itself shall be a part of the Revocation process.



Part III – The States and Territories

Article 34 – Autonomy and Freedoms of State/Territory Chapters

- a) MASCA State/Territory Chapters shall have the autonomy in running Operations that pertain to their jurisdictions with respect to Article 24(d).
- b) In cases of Internal Processes, the State/Territory have the absolute autonomy and freedom to decide on the Resolution process and the outcome of it, as long it does not contradict any of the provisions provided in the Constitution.
- c) The State/Territory Chapters may maintain the following autonomy and freedoms, regardless if they are existing autonomies or not:
 - i. the State/Territory Chapter unique domain name which does not fall under the Council's official domain which is maintained by MASCA National Executive Council;
 - ii. a supplementary addition of the State/Territory Chapter name in addition to the Council's logo;
 - iii. their own letterheads;
 - iv. their own email signatures;
 - v. their own formatting of Operation documents, including meeting minutes and reports;
 - vi. their own By-Laws with mutual discussions with MASCA National Executive Council;
 - vii. their own unique additional Executive Council positions, and their relevant responsibilities or job descriptions associated.



Part III – The States and Territories

Article 35 – Responsibilities of MASCA National towards State/Territory Chapters

- a) MASCA National shall have the following responsibilities towards the State/Territory Chapters:
- i. act as a liaison between EMA and the State/Territory Executive Councils;
 - ii. with respect to clause (a(i.)), represent the interests of the State/Territory Chapters as a priority compared to EMA;
 - iii. interpret the Constitution as required;
 - iv. act as a mediator for any disputes regarding State/Territory Chapters with respect to **Part IX – Appeals and Disputes**;
 - v. provide necessary support crucial to State/Territory Chapters, which includes, but is not limited to:
 1. providing letters of support for the State/Territory Chapter Operations;
 2. assist in obtaining Public Liability Insurance;
 3. assist in sponsorship and business development to represent all State/Territory Council's Operations;
 4. provide any other necessary support, such as consultancy or technology support to aid in Operations;
 5. compiling national data and tailoring information, packaging them for Operations;
 - vi. respect the autonomy and freedoms as stipulated in Article 34;
 - vii. provide structure and standard operating procedures that streamline Operations that involve the entirety of the Council;
 - viii. plan and execute initiatives that benefit the entirety of the Council;
 - ix. provide timely, fair, and accurate relevant updates for the State/Territory Chapters.



Part III – The States and Territories

Article 36 – Responsibilities of State/Territory Chapters towards MASCA National

- a) The State/Territory Chapters, shall have the following responsibilities towards MASCA National:
- i. act as a liaison between MASCA National Executive Council and the MSOs of their respective State/Territory;
 - ii. comply with the policies and procedures stipulated by MASCA National Executive Council which has been confirmed by Resolution, which includes, but is not limited to:
 1. procedures to obtain Operations support, such as letter requests;
 2. Council's policies in administrative affairs such as standard operating procedures;
 3. this Constitution;
 4. the Council's By-Laws;
 - iii. provide necessary support to MASCA National initiatives, and render services to achieve the initiative goals, which includes but is not limited to:
 1. sharing promotional materials to their individual social media pages and/or MSOs as possible;
 2. provide data, such as marketing and demographics;
 3. provide necessary reports and relevant materials (physical or digital) in a timely manner for Operations;
 - iv. exercise due diligence in providing feedback, direction, and voting towards MASCA National Executive Council initiatives;
 - v. report any anomalies in Operations that may have repercussions in the future;
 - vi. update MASCA National Executive Council regarding State/Territory Operations, including visits from external entities and sponsorship approaches for streamlining Operations;
 - vii. understand their responsibilities as Operating State/Territory Chapters that represent the Council in its entirety;
 - viii. provide timely, fair, and accurate relevant updates for the MASCA National Executive Council.



Part IV – The Relations of the Council

Article 37 – The National Council and MASCA State/Territory Chapters

- a) MASCA National and the State/Territory Chapters shall coexist and mutually support each other's Operations to achieve the Objectives of the Council.
- b) With provisions enshrined in the Constitution, each Executive Council of the aforementioned entities in clause (a), shall maintain and effect their unique Operations as required.
- c) While having unique jurisdictions and autonomy, both the National Executive Council and all State/Territory Executive Council shall strive to consistently update one another to prevent conflicts of interests and to ensure clarification over any overlapping jurisdictions if any.
- d) MASCA National and the State/Territory Chapters shall strive to share information, good case practices, and examples of each Executive Council's work with the Council for the mutual benefit of the Council and to assist with Operations.

Article 38 – The Council and other MSOs

- a) The Council shall respect the freedom and the autonomy of other MSOs, and not act to absorb the operations of other MSOs.
- b) The Council shall acknowledge and support the efforts of MSOs who represent Malaysian student interests in Australia with respect to other provisions enshrined in the Constitution.
- c) By Resolution, the Council may choose to assist or cooperate/collaborate with MSOs to run initiatives, events, or activities with respect to Article 25.
- d) MSOs, if they are not Affiliated, shall be treated in a lower hierarchy when compared to other Affiliates with respect to Article 39.
- e) MSOs have the right to declare their intention to Affiliate. However, the approval of Affiliation lies solely with the Council.
- f) With respect to clause (e), an MSO may seek to be partnered with the Council should the Affiliation not be confirmed by Resolution.



Part IV – The Relations of the Council

Article 39 – The Council and the Affiliates

- a) The Council shall treat Affiliates as the highest status among all MSOs in Australia, but in equal standing when compared to other Affiliates.
- b) With respect to clause (a), status may include, but is not limited to:
 - i. priority in acknowledgements or announcements;
 - ii. decisions made to support an MSO;
 - iii. amount of support or manpower provided towards an MSO.
- c) The Council and the Affiliates shall be bound to the Affiliation By-Law which shall be prepared by MASCA National Executive Council.
- d) The Council and Affiliates shall have the benefits, privileges, and responsibilities as prescribed in the Affiliations By-Law.
- e) No Affiliations undertaken by the Council shall be perpetual.
- f) The scope of Affiliation shall be undertaken with respect to Article 24.
- g) The Council shall not affiliate with the following entities that:
 - i. do not represent the interests of Malaysian students as deemed fit by the Council;
 - ii. are politically partisan in nature;
 - iii. are religiously aligned to one single religion;
 - iv. promote extremism, violence, or terrorism;
 - v. threaten the fabric of the Malaysian students' society in Australia.

Article 40 – The Council and EMA

- a) Although EMA is a patron of the Council, the Council remains independent from any wishes, direction, intention, or directives from EMA, regardless if it is written or verbal.
- b) The primary objective of the relations between the Council and EMA is to serve as the link between the Government of Malaysia's representatives and the greater Malaysian student community in Australia.
- c) With respect to clause (b), either by its own merit or in tandem, clause (b) shall not invalidate or prohibit the Council from executing the Council's objectives as stipulated in Article 25; the interests of the students are paramount.
- d) The Council however, shall strive to disseminate information that pertains to the interests of the Malaysian student community in Australia from EMA. However, the Council shall not reciprocate in information sharing when it comes to personal data of students pursuant to the Laws of Australia.
- e) The Council shall make necessary concessions and by effect, assist EMA Operations to ensure the mutual benefit of both entities. This clause shall not invalidate or prohibit any clauses in this Article.
- f) EMA shall serve as the main primary contact for the Government of Malaysia when the Council engages in any business, activities, or communications with the aforementioned entity.



Part IV – The Relations of the Council

Article 41 – The Council and The High Commission of Malaysia in Australia

- a) The Council shall maintain a link with the High Commission of Malaysia in Australia but shall respect the primary contact with EMA with respect to Article 40(f).
- b) The Council remains independent from any wishes, direction, intention, or directives from the High Commission of Malaysia in Australia, regardless if it is written or verbal.
- c) However, clause (a) shall not invalidate or prohibit the Council from engaging with the High Commission of Malaysia in Australia, due to justifications which include but is not limited to:
 - i. The request of the High Commission of Malaysia in Australia, where the Council sees fit to engage and participate;
 - ii. When the Council sees fit due to Operational reasons.
- d) With respect to clause (a), should there be any reason for justification for the Council's resolutions, actions, or Operations, the Council shall only answer to EMA with respect to Article 40(f) and not the High Commission of Malaysia in Australia. This does not invalidate or prohibit the invocation of Article 25.

Article 42 – The Council and other Non-Government Organisations (NGO)

- a) The Council may by Resolution undertake the following relations with another NGO, which includes, but is not limited to:
 - i. affiliate, with respect to Article 64;
 - ii. officially Partner, with respect to Article 64;
 - iii. initiate and maintain formal communication links with another NGO;
 - iv. initiate and maintain formal engagements with another NGO.
- b) The Council shall not undertake any action stipulated in clause (a), that relate to NGOs that:
 - i. do not represent the interests of Malaysian students as deemed fit by the Council;
 - ii. promote extremism, violence, or terrorism;
 - iii. threaten the fabric of the Malaysian students' society in Australia.
- c) Should an NGO approach the Council, the Council shall be duty bound to mutually update the Executive Councils of MASCA National or the State/Territory Chapters on the developments, proceedings, and the nature of the engagements.

Article 43 – The Council and Other Malaysian Student Councils

- a) The Council shall strive to maintain links and communications with other Malaysian Student Councils across the world.
- b) With respect to clause (a), the Council shall meet the requests of the other Malaysian Student Councils to aid and assist them within necessary and reasonable means by the Council, where the Council's Operations shall not be negatively impacted in any way.
- c) The Council may by Resolution, engage with other Malaysian Student Councils which aligns with the Council's Operations which includes, but is not limited to organising events or planning and executing initiatives.



Part IV – The Relations of the Council

Article 44 – The Council and Other Student Councils

- a) The Council may by Resolution, engage with other Student Councils which aligns with the Council's Operations which includes, but is not limited to organising events or planning and executing initiatives.
- b) The Council shall not necessarily maintain links and communications with other Student Councils and is left at the discretion of the MASCA National Executive Council or individual State/Territory Chapters.
- c) However, should other Student Councils approach the Council or vice versa to cooperate in its entirety, then the confirmation or rejection of the Resolution to engage with respect to clause (a) shall be done by the Voting Entity.
- d) Other Student Councils may partner with the Council, with respect to Article 64.

Article 45 – The Council and External Organisations

- a) The Council may by Resolution, engage with other external organisations which aligns with the Council's Operations which includes, but is not limited to organising events or planning and executing initiatives.
- b) With respect to clause (a), external organisations shall be known as organisations that do not fall into the categorisations enshrined in Article 39, 40, 41, 42, 43, and 44.
- c) The Council shall not necessarily maintain links and communications with other external organisations and is left at the discretion of the MASCA National Executive Council or individual State/Territory Chapters.
- d) However, should other external organisations approach the Council or vice versa to cooperate in its entirety, then the confirmation or rejection of the Resolution to engage with respect to clause (a) shall be done by the Voting Entity.
- e) Other external organisations may partner with the Council, with respect to Article 64.



Part V – Membership

Article 46 – Council Members

- a) A Council Member shall be confirmed with respect to **Part X – Elections**, after a successful confidence vote, or by any other provisions enshrined in this Constitution.
- b) A Council Member shall be a:
 - i. Malaysian;
 - ii. current student;
 - iii. hold a membership in any MSO;
- c) A National Council Member cannot be:
 - i. an Executive Council Member position in any MSO;
 - ii. a Council Member of a State/Territory Executive Council.
- d) A State/Territory Executive Council may have their own By-Laws that imposes additional restrictions on the maintenance of the Council Member's eligibility.
- e) Council Members shall automatically be bound by the Constitution upon confirmation for the Resolution and the respective By-Laws that apply depending on the Executive Council that the Council Member was elected to.
- f) Council Members shall belong to an Executive Council.
- g) State/Territory Chapters Executive Councils shall have no more than twenty (20) Council Members. The MASCA National Executive Council shall have no more than ten (10) Council Members.
- h) The Council may by Resolution, invoke other offices with respect to Article 65(f), known as Council Officers. However, these Council Officers shall have no voting rights and shall not be considered as part of the Executive Council.
- i) Council Officers may be presented in lieu of the Executive Council during certain parts of the Council Operations, which include but is not limited to, as part of the Council:
 - i. be featured as a member, but not with the definition of a Council Member;
 - ii. running activities;
 - iii. planning and executing initiatives;
 - iv. negotiate and conduct business.
- j) With respect to clause (i), the presentation and relevant approvals to conduct any action shall be an Internal Process, with respect to Article 65.
- k) Council Members shall have the right to resign from their position with at least three (3) days' notice, through a Formal Notice towards the MASCA National Secretary.
- l) With respect to clause (k), should the Council Member not give at least three (3) days' notice, then the Council Member automatically relinquishes any subsequent recognition or acknowledgements with respect to Article 52(c).



Part V – Membership

Article 47 – Nomination of Membership

- a) Any Malaysian student may be nominated for a Council Member position.
- b) A Malaysian student shall adhere to the procedures stipulated in **Part X – Elections** to be an eligible nominee for the conduct of Elections during an AGM or SGM.
- c) A Nomination Form shall be prepared by the Secretary of MASCA National Executive Council, where the form shall include:
 - i. the name of the nominee;
 - ii. the Executive Council the Nominee is running for;
 - iii. the Position/Office of the Executive Council;
 - iv. the signature of two (2) outgoing Council Members of the Executive Council with respect to clause (c(ii.)), who are identified;
 - v. signed date of the Nomination Form.
- d) Should any part of the form stipulated in clause (c) not be filled or is incomplete, then the Nomination Form shall not be considered complete and the person(s) shall not be eligible for nomination.

Article 48 – Election of Membership

- a) A Council Member may run and/or be successfully elected for any number of terms within the Council, with respect to Article 95(e), 95(f), and 95(g).
- b) A nominee shall be elected to become a Council Member by procedures stipulated in **Part X – Elections**, or by other provisions provided in this Constitution should none of the Articles enshrined in **Part X – Elections** be feasible.
- c) No person(s) shall be able to directly be elected as a Council Member due to actions or resolutions undertaken by any other entity apart from the Council itself.
- d) The successful election of the new Executive Council(s) shall be gazetted no later than sixty (60) days after the Resolution Date where the Council Members are successfully elected with respect to Article 93.

Article 49 – Cessation of Membership

- a) A Council Member may lose their Membership and a Casual Vacancy occurs should any of the following occur if the Council Member:
 - i. Dies;
 - ii. ceases to be a member of the association due to not satisfying Article 46(b) and Article 46(c);
 - iii. willingly resigns;
 - iv. expelled from the Council with respect to Article 50;
 - v. removed from office with respect to Article 57 and Article 109;
 - vi. becomes mentally incapacitated;
 - vii. convicted of an offence involving fraud or dishonesty, where Article 50 is automatically triggered;
 - viii. absent from three consecutive meetings without the consent of the Council;
 - ix. completes their term with respect to Article 51.



Part V – Membership

Article 50 – Expulsion of Membership

- a) Expulsion of Membership shall only specifically refer to a process and/or procedure as stipulated in Article 53.
- b) An Expulsion shall mean the Council Member receives a dishonourable discharge, which includes, but is not limited to the following transactions:
 - i. the Council Member shall not be eligible to receive acknowledgements, certification, recommendations, or recognition of their service, either formally or informally;
 - ii. the Council shall have the right to expunge the Council Member from the Council's records as the Voting Entity sees fit;
 - iii. the Council Member shall have no recourse to the Council's resources or services;
 - iv. the Council Member may be declared as a *persona non-grata*.
- c) Article 50 may or may not be the terminal and final act of the Council. The Council shall act in full accordance of the law as required.

Article 51 – Term and Duration of Membership

- a) Any Council Member, once elected and effective from the Resolution Date, shall hold their official position for three-hundred-and-sixty-five days (365) days.
- b) With respect to clause (a), the Chairperson of MASCA National or the State/Territory Chapter may choose to amend the duration of the Membership for any Council Member in their own Executive Council as deemed fit by the Chairperson and approved by Resolution with a simple majority.
- c) Should there be an extension, the extended duration shall not exceed one-hundred-and-twenty (120) days from the original end date of the Council Member's term.
- d) Should there be a reduction, the reduced duration shall not be more than ninety (90) days from the original end date of the Council Member's term.
- e) With respect to clause (a), if the Council Member was elected, but not during the AGM (either by an SGM or by invoking Article 100), then the duration shall be left at the discretion of the Internal Processes of the MASCA National or State/Territory Chapter Executive Council, but not exceed the combined total days as stipulated in clause (a) and (c).



Part V – Membership

Article 52 – Entitlements of Membership

- a) A Council Member shall be able to undertake and execute the Council's Operations, and by effect, all Council Members have the authority and deed of undertaking.
- b) A Council Member shall be allowed to use the Council's merchandises, which includes but is not limited to:
 - i. name cards;
 - ii. nametags;
 - iii. any memorabilia or items that bear the Council's logo or name.
- c) A Council Member shall be able to receive acknowledgements, certification, recommendations, or recognition of their service, either formally or informally.
- d) A Council Member may be entitled to be insured by the Council or EMA to indemnify the Council Member conducting the Council's Operations.



Part V – Membership

Article 53 – Disciplinary Actions

- a) The Council may effect disciplinary actions against any Council Member, by Resolution of the Council, or by the Chairperson of the Executive Council in question.
- b) For a State/Territory Chapter, it shall be an Internal Process left for the Executive Council to decide on how disciplinary actions shall be conducted, and the scope of the disciplinary actions for the own Executive Council.
- c) For the MASCA National Executive Council, it shall be an Internal Process left for the Executive Council to decide on how disciplinary actions shall be conducted, and the scope of the disciplinary actions for the own Executive Council.
- d) Superseding clause (b) and (c), for the Council, there shall be disciplinary actions that may be undertaken on a Council Member by the MASCA National Chairperson, for the following infractions, which includes but is not limited to:
 - i. minor Infraction:
 1. misbehaviour or misdemeanour when conducting the Council's Operations;
 - ii. intermediate Infraction:
 1. failure to attend three (3) meetings consecutively;
 2. failure to adhere to procedures, protocols, and policies of the Council;
 3. minor dereliction of duties such as improper management;
 - iii. major Infraction:
 1. violating the Constitution;
 2. major dereliction of duties;
 3. intentionally acts against the Council;
 4. committed an indictable crime/offence (i.e. assault);
- e) Disciplinary actions may include, but is not limited to depending on the severity:
 - i. minor Infraction:
 1. a verbal warning;
 2. placing the offending Council Member on Probation;
 - ii. intermediate Infraction:
 1. an official and written warning;
 2. suspension from duties temporarily;
 3. placing the offending Council Member on Probation;
 - iii. major Infraction:
 1. expulsion from the Council.



Part V – Membership

- f) Disciplinary actions shall be undertaken by the MASCA National Chairperson when made known to the Council, or when the State/Territory Chairperson reports it to the MASCA National Chairperson.
- g) Clause (d) may be invoked by any member of the Voting Entity as deemed fit by the Voting Entity should Internal Processes stipulated in clause (b) and (c) be unfeasible or insufficient.
- h) Should clause (d) be undertaken, the Voting Entity shall approve or reject the Resolution to undertake disciplinary action on the offending Council Member.
- i) The MASCA National Chairperson shall not be immune to disciplinary actions, and the MASCA National Deputy Chairperson shall preside over the duties stipulated in clause (d) and (e) when actions are required to be undertaken towards the MASCA National Chairperson.
- j) The MASCA National Chairperson shall preside over disciplinary actions and proceedings against State/Territory Chairpersons, with the approval of the Voting Entity.

Article 54 – Resolution of Internal Disputes

- a) Any internal dispute shall be resolved via an Internal Process first by means of informally resolving the dispute without any further escalation.
- b) Should an informal method stipulated in clause (a) be unfeasible, then the Chairperson of the Executive Council for the Council Member(s) having a dispute shall mediate and resolve it informally first, and should the informal method not work, via a formal meeting with Resolutions made pertaining to the dispute. This process is still considered an Internal Process.
- c) An escalation to the MASCA National Executive Council shall be undertaken once clause (a) and (b) have been invoked, but the dispute is not resolved.
- d) MASCA National Executive Council shall undertake the mediator role and mediate the dispute between the Council Members and be impartial.
- e) The decision made by MASCA National Executive Council and the Resolutions undertaken associated shall be deemed as final and binding on the dispute and the aforementioned Council Member(s).
- f) Any clause in this Article shall not invalidate or prohibit the invocation of Article 55.



Part V – Membership

Article 55 – Rights of Appeal and Disputes

- a) A Council Member's appeal and disputes process shall be done with respect to this Article, and not any Articles enshrined in **Part XI – Appeals and Disputes**. **Part XI – Appeals and Disputes** pertain to only other entities who are not Council Members.
- b) A Council Member shall have a Right of Appeal towards any Resolution made, regardless if they are directly involved in the Resolution or otherwise, within their own Executive Council.
- c) Any member of the Voting Entity shall have the Right of Appeal towards any Resolution that is made to bind the entirety of the Council, regardless if they are directly involved in the Resolution or otherwise, within their own Executive Council.
- d) An appeal shall be made via a Formal Notice:
 - i. if it is a National Executive Council, to the Secretary of MASCA National Executive Council;
 - ii. if it is a State/Territory Executive Council, to the Secretary of the aforementioned State/Territory Executive Council.
- e) All appeals shall have to be entertained and be received without prejudice.
- f) An appeal may be resolved in the following decisions and/or Resolution, where:
 - i. an EGM shall be held to determine the nature of the appeal;
 - ii. discussion on the entire appeal, including from events leading to the appeal, and events after the appeal;
 - iii. the appeal shall be confirmed, or abandoned, with a Resolution confirming or abandoning the Resolution made towards a decision where the appeal is made against.
- g) Should clauses (d), (e), and (f) be invoked but no further Resolution can be made to resolve the appeal, the appeal shall be escalated to the Voting Entity to repeat the appeal resolution process stipulated in clause (f), where the decision is final.



Part V – Membership

Article 56 – Casual Vacancy

- a) A Casual Vacancy occurs when a Council Member ceases to become a Council Member effectively with respect to Article 49 and Article 50, or by invocation of Article 97.
- b) A Casual Vacancy shall only be declared by:
 - i. the Chairperson of the State/Territory Chapter if it involves a State/Territory Executive Council;
 - ii. the National Chairperson of MASCA should it involves a Casual Vacancy of a State/Territory Chairperson, or a Council Member in the National Executive Council;
 - iii. the Returning Officer if a position contested in an AGM with respect to **Part X – Elections** is not filled.
- c) With respect to clause (b), the person declaring the Casual Vacancy must do so and gazette the Casual Vacancy with immediate effect after the vacancy is effective, where:
 - i. in event of clause (b(i.)) be satisfied and invoked, within three (3) days;
 - ii. in event of clause (b(ii.)) be satisfied and invoked, within three (3) days;
 - iii. in event of clause (b(iii.)) be satisfied and invoked, during the AGM before the AGM is adjourned.
- d) To fulfil the Casual Vacancy, the following actions shall be undertaken, depending upon the satisfaction to invoke the respective Articles:
 - i. by invoking Article 48;
 - ii. if the position is not a Chairperson position:
 1. to leave the position vacant by the Voting Entity if it is a MASCA National Council Member Casual Vacancy;
 2. to leave it to the internal decision of the State/Territory Chapter if it is a State/Territory Chapter Council Member Casual Vacancy, which includes leaving it vacant, or by undertaking the provisions provided in the Constitution;
 - iii. by calling an SGM for a State/Territory Executive Council, where the procedures shall be an internal process, and approval of the Voting Party;
 - iv. by calling an EGM for a National Executive Council, where the procedures shall be an internal process, and approval of the Voting Body;
 - v. by invoking Article 100.



Part V – Membership

Article 57 – Vote of No Confidence

- a) Any Council Member may call for a Vote of No Confidence and challenge against another Council Member in their respective MASCA National or State/Territory Executive Council.
- b) The only other Council Member eligible outside the MASCA National Executive Council is a State/Territory Chairperson, who may call for a Vote of No Confidence against a MASCA National Council Member.
- c) A Vote of No Confidence, when called, shall have a proposer and a seconder recorded in the meeting minutes and confirmed as a Resolution.
- d) The proposer shall then have to provide the basis of the Vote of No Confidence tabled against the Council Member.
- e) Should clause (c) and (d) not be satisfied, then the Vote of No Confidence shall automatically not be carried.
- f) The Chair of the meeting shall call for an EGM within the next seven (7) days to table the motion of the Vote of No Confidence. The EGM, shall be held, depending on the nature of the Vote of No Confidence where:
 - i. if the Vote of No Confidence is called against another Council Member in a State/Territory Executive Council, then the EGM shall be held with the Executive Council of the State/Territory Chapter;
 - ii. if the Vote of No Confidence is called against another Council Member in the MASCA National Executive Council, then the EGM shall consist of the Voting Entity.
- g) In the EGM, the meeting shall consist of discussion of:
 - i. further basis provided by the proposer on the motion for the Vote of No Confidence;
 - ii. the challenged Council Member to provide counter-claims or further deliberation for the Executive Council/Voting Entity to consider;
 - iii. the counting of the votes, where the total eligible votes will exclude the Council Member being filed against and the vote proposer;
 - iv. appeals (if any).
- h) Should clause (f) and (g) be invoked and satisfied:
 - i. if the Vote of No Confidence is not carried, then no further action shall be undertaken;
 - ii. if the Vote of No Confidence is carried, Article 49 is automatically triggered, with the effective date as the Date of Resolution of the EGM to confirm the carrying of the Vote of No Confidence.
- i) Should clause (f) and (g) not be invoked/satisfied, then no further action is taken, and the Vote of No Confidence is automatically deemed to be not carried.
- j) A proposer or seconder, regardless if the Vote of No Confidence is carried or not carried, cannot propose or second any other Vote of No Confidence for the next thirty (30) days after the Resolution stipulated in clause (c).
- k) The Council Member who was challenged in the Vote of No Confidence cannot be challenged again for another ninety (90) days after the Date of Resolution.



Part V – Membership

Article 58 – Cooling Period of Malaysian/Student Status

- a) A Council Member, upon being aware that they will lose their status as either a Malaysian or a Student may invoke this Article by notifying the Secretary of MASCA National via a Formal Notice.
- b) With respect to clause (a), the Council Member shall invoke Article 58 within fourteen (14) days after the date where the Council Member ceases to be eligible.
- c) With respect to clause (b), should there be no Formal Notice received by the Secretary of MASCA National, then Article 49 is automatically triggered, regardless of the position held by the Council Member.
- d) Upon receiving the Formal Notice, MASCA National Executive Council shall have three (3) days to call for an EGM to discuss on a Resolution that pertains to either allowing the Council Member to remain eligible, or to invoke Article 49.
- e) The EGM shall involve the discussion on the following, which includes but is not limited to:
 - i. if the extension serves the Council's interests such as to ensure smooth and uninterrupted Operations;
 - ii. the potential risks of extending the Council Member's eligibility;
 - iii. the transitional plan of the Council Member;
 - iv. the exit mechanism of the Council Member, and subsequent discharge and acknowledgements of the Council Member.
- f) Should the resolution stipulated in clause (d) be confirmed, then the maximum period of extended eligibility shall be thirty (30) days from the Resolution Date. Otherwise, Article 49 is triggered automatically.
- g) Article 58 shall not be invoked to allow an extension of a Council Member's term for Operations. It shall be used to ensure that sufficient time is provided to allow the proper transition to a new successor in their official capacity.



Part VI – Powers of the Council

Article 59 – General Powers of the Council

- a) The Council shall be able to hold meetings, discussions, and other relevant procedures to reach a Resolution to conduct the Council's Operations.
- b) A Council Member shall, if provisions in this Constitution involves their office and their current situation is to invoke provisions in this Constitution and therefore makes it improper for them to be the Council Member responsible in the provision, delegate the authority in the provisions in this Council Member to the Chairperson of the Executive Council of the position stipulated in the aforementioned position.
- c) The Council, with provisions enshrined in the Constitution, may invoke Articles to conduct the Council's Operations.
- d) The Council may establish means to obtain funding, such as obtaining sponsors, donations, grants, investments, to be utilised in the conduct of the Council's Operations.
- e) The Council may sell or fundraise, in the form of merchandise, products, or services only if approval is obtained by the Voting Entity to raise funds for the conduct of the Council's Operations.
- f) With respect to clause (d) and (e), all funding and transactions must be recorded with respect to Article 81 and clause (d) and/or (e) does not invalidate or prohibit Article 84.
- g) Generally, all Council Members shall have the right of undertaking to execute the duties and invoke powers enshrined in the Constitution, unless the Article and/or clause limits their ability to do so, or unless stated otherwise.
- h) The Council may effect Insurance for Operational purposes with respect to Article 91.
- i) The Council may purchase, lease, and dispose of assets that are related to Operational purposes.
- j) The Council may hire or obtain paid services from other external entities that are required for Operational purposes.



Part VI – Powers of the Council

Article 60 – Establishing Referendums

- a) Any State/Territory Chapter Executive Council may establish Referendums, which may be to obtain data, opinions, or perceptions of the Malaysian student which the Council represents.
- b) The Executive Council, when establishing the Referendum with respect to clause (a), shall only establish it to involve the principality and the jurisdiction within their own State/Territory Chapter.
- c) A National Referendum shall only be undertaken if there is approval by the Voting Entity.
- d) With respect to clause (c), the approval includes but is not limited to the questions asked, the duration of the Referendum, the mechanisms, and the data protection obtained from the Referendum.
- e) The State/Territory Chapter Executive Council establishing the Referendum shall require approval from the MASCA National Executive Council on the Referendum and the details stipulated in clause (d).



Part VI – Powers of the Council

Article 61 – Reserve Powers and Prerogatives of the State/Territory Chairperson

- a) The State/Territory Chapter Chairperson shall have reserve powers, also known as prerogatives.
- b) Reserve Powers shall only be used in extreme conditions, where the Chairperson deems it shall be done to protect the interests of the Council.
- c) Should this Article be invoked, the State/Territory Chairperson shall gazette the decision and the justification for the invocation of this Article to:
 - i. all Council Members;
 - ii. all Affiliates.
- d) With respect to clause (c), the decision and justification shall be formatted and treated as meeting minutes which are readily accessible. This clause does not invalidate or prohibit the decisions and justification recorded in any meeting where the invocation of this Article occurs.
- e) The State/Territory Chairperson, may in extreme conditions:
 - i. expel a member with respect to Article 50;
 - ii. file an injunction and with powers vested, cancel an Affiliation without notice;
 - iii. declare an Emergency for the State/Territory in question;
 - iv. cancel and void a State/Territory By-Law and the relevant Acts associated with the by-Law;
 - v. dissolve their entire Executive Council prematurely and call for a fresh AGM;
 - vi. with approval of at least three (3) of the Chairpersons of the MASCA State/Territories, null and void any invocation of Article 62 and actions associated;
 - vii. veto a Resolution in their own Executive Council;
 - viii. release funds from their own Executive Council for Operational purposes without consultation, with a maximum threshold of five-hundred (500) Australian dollars;
 - ix. with approval of at least three (3) of the Chairpersons of the MASCA State/Territory declare a Sudden Dissolution of MASCA National Executive Council.
- f) All actions and Resolutions undertaken are still subject to all other relevant Articles in the Constitution, such as disputes and appeals.
- g) The Council shall review this Article and decide to retain, amend, or repeal this Article annually within ninety (90) days after the AGM for the incoming Council's term.



Part VI – Powers of the Council

Article 62 – Reserve Powers and Prerogatives of the National Chairperson

- a) The National Chairperson shall have reserve powers, also known as prerogatives.
- b) Reserve Powers shall only be used in extreme conditions, where the Chairperson deems it shall be done to protect the interests of the Council.
- c) Should this Article be invoked, the State/Territory Chairperson shall gazette the decision and the justification for the invocation of this Article to:
 - i. all Council Members;
 - ii. all Affiliates.
- d) With respect to clause (c), the decision and justification shall be formatted and treated as meeting minutes which are readily accessible. This clause does not invalidate or prohibit the decisions and justification recorded in any meeting where the invocation of this Article occurs.
- e) The National Chairperson, may in extreme conditions:
 - i. file for an injunction and with powers vested, cancel an Affiliation without notice;
 - ii. refuse recognition of contract signed by State/Territory and nullify the contract when State/Territory acted in *ultra vires* or *mala fide*.
 - iii. invoke Article 33 without prejudice;
 - iv. demand records of the State/Territory Operations and the associated documents;
 - v. veto an Ascension performed by the individual State/Territory;
 - vi. relax the AGM requirements upon satisfaction of Article 93(m);
 - vii. expel a Chairperson of the State/Territory with a two-thirds supermajority approval of the National Executive Council;
 - viii. veto a Resolution in their own Executive Council;
 - ix. directly elect a new State/Territory Executive Council with the minimum number of Council Members stipulated in Article 23(c) should the State/Territory have no remaining Council Members;
 - x. release funds from the Council for Operational purposes without consultation with a maximum threshold of one-thousand (1000) Australian dollars;
 - xi. determine the State/Territory Executive Council as unconstitutional and revoke the entire State with a two-thirds supermajority approval from the Voting Entity.
- f) All actions and Resolutions undertaken are still subject to all other relevant Articles in the Constitution, such as disputes and appeals.
- g) The Council shall review this Article and decide to retain, amend, or repeal this Article annually within ninety (90) days after the AGM for the incoming Council's term.



Part VI – Powers of the Council

Article 63 – Calling and Chairing of Meetings

- a) The Chairperson of the Executive Council shall generally be the chair of the meeting, and the Council Member calling for the meeting, unless there is a requirement for a relegation of the chairing or calling of the meeting with respect to the order of succession for the particular Executive Council (e.g. a Deputy Chairperson calling and chairing the meeting should the Chairperson be unable to do so)
- b) An EGM shall only be called by a Council Member of the MASCA National Executive Council unless special circumstances permit otherwise.
- c) An SGM shall:
 - i. if it is a State/Territory level SGM, then the Chairperson of the MASCA State/Territory Chapter with respect to clause (a) shall call and chair the meeting;
 - ii. if it is a National level SGM, then the Chairperson of MASCA National Executive Council with respect to clause (a) shall call and chair the meeting.
- d) An AGM shall be called by the Chairperson of the State/Territory Council. However, the chairing of the AGM shall be with respect to **Part X – Elections**, as the Returning Officer shall be the chair in certain parts of the AGM proceedings as stipulated in Article 93.

Article 64 – Power to Affiliate

- a) Any Executive Council, may by Resolution declare, process, and officially Affiliate with another organisation, as long as the Affiliation falls within the scope of the Executive Council's jurisdiction.
- b) The Council shall not Affiliate with an organisation that does not meet the following criteria of an acknowledged MSO stipulated in Article 5.
- c) Depending on the scope of Affiliation:
 - i. if it is a State/Territory Affiliation, then there shall be Internal Process to determine the approval of the Affiliation by the State/Territory, and formally approved by the MASCA National Executive Council;
 - ii. if it is a National Affiliation, then there shall be Internal Process to determine the approval of the Affiliation by MASCA National Executive Council, and formally approved by the Voting Entity.
- d) The Council shall draft, prepare, and effect the Affiliation By-Laws to determine the exact procedure, scope, jurisdiction, responsibilities, benefits, and other relevant provisions that pertain to Affiliation.
- e) No Affiliation with any organisation shall be perpetual; the Council shall determine the actual Affiliation duration ranging from anywhere between one-hundred-and-eighty (180) days to one-thousand-and-eighty (1080) days.
- f) For an organisation to be fully Affiliated, the Council and the Applicant to become an Affiliate shall have to understand, agree, sign, and ratify the MASCA Affiliation Agreement.



Part VI – Powers of the Council

Article 65 – Invocation of New Offices

- a) MASCA National and/or State/Territory Executive Council may have their own Council Member and respective additional portfolio/offices held, in addition to the Executive Council with respect to Article 29(d).
- b) An invocation of new offices may only be done before an AGM, and after an AGM, but not during the AGM.
- c) If the invocation of new offices is done before an AGM, it shall be the Internal Process and the decision of the outgoing Executive Council
- d) If the invocation of new offices is done after an AGM, it shall be the Internal Process and the decision of the incoming Executive Council.
- e) With respect to clause (c) and (d), the Executive Council that invoked the new offices shall determine the hierarchy, job description, and portfolio of that office. The hierarchy, however, shall not be equal or above the position stipulated in Article 29(d(iv.)).
- f) An Executive Council may appoint officers or temporary subcommittees with respect to Article 23(b). The process shall be an Internal Process, where the Executive Council shall determine the process of the entire appointment, subsequent duties, and restrictions to the completion of the appointment.
- g) The new offices shall report to the Chairperson of the Executive Council that invoked the new office unless agreed otherwise via an Internal Process.
- h) With respect to clause (g), should the new office be a Council Member position, then the Council Member shall report to the Chairperson of the Executive Council that invoked the new office.



Part VI – Powers of the Council

Article 66 – The Council’s Jurisdictions

- a) The Council shall have jurisdictions depending on the Executive Council in question.
- b) With respect to clause (a):
 - i. the jurisdiction for the MASCA National Executive Council shall be:
 1. affiliation proceedings and the approval of Affiliation;
 2. contracts that involve the entirety of the Council;
 3. MSOs that have no specific State/Territory site of operations. This does not include parental organisation or headquarters. Should there be any kind of State/Territory Chapter equivalent of operation, that particular operation shall fall within the jurisdiction of the State/Territory with respect to clause (b(ii.(3.)));
 4. EMA matters with the Council;
 5. external entities establishing any relationship with the Council. This is superseded by clause (b(ii.(4.)));
 6. organisation of national events involving the entirety of the Council;
 7. preparation, executors, and custodians of policies and standard operating procedures involving the entirety of the Council;
 - ii. the jurisdiction for individual State/Territory Executive Council shall be:
 1. the State/Territory Chapter Operations;
 2. contracts that only involve the State/Territory;
 3. MSOs of the respective State/Territory;
 4. an external entity if the entity:
 - I. has a pre-existing relationship with the State/Territory Chapter;
 - II. been directed to MASCA National Executive Council, and the entity has requested a specific State/Territory for their operations;
 - III. with respect to clause (b(ii.(4.(II))))), any first contact shall be redirected to MASCA National Executive Council first, before being relegated as appropriate.
- c) The Council shall have limited jurisdiction, as stipulated in Article 69.



Part VI – Powers of the Council

Article 67 – The Council By-Laws

- a) The Council, may by Resolution establish, adopt, and ratify By-Laws that may pertain to:
 - i. the entirety of the Council;
 - ii. specific Executive Council (National or State/Territory);
 - iii. the Voting Entity.
- b) The By-Laws shall be treated as Acts and are binding to the individual Executive Council, or the entirety of the Council, depending on the scope of the By-Laws.
- c) If the By-Law is meant to bind the entirety of the Council or the Voting Entity, then it shall be ratified or revoked by Resolution by the Voting Entity with a two-thirds supermajority in a GM, EGM, or AGM.
- d) If the By-Law is an individual Executive Council meant to only bind their own respective Executive Council, then the By-Law shall be an Internal Process to ratify or revoke by the respective Executive Council.
- e) Should any By-Law contradict with the Constitution, then the Constitution is upheld, and the By-Law automatically becomes null and void. The Council or the individual Executive Council shall be required to amend the By-Law, and to undergo the similar process of ratification should the aforementioned entities wish to enact the By-Law.

Article 68 – Letters of Authority

- a) The Council may draft, prepare, and effect Letters of Authority to aid the Operations of the Council.
- b) A Letter of Authority shall be signed by any Council Member of the Executive Council of the issuing Executive Council, as long as it is consented by the Chairperson of the Executive Council in question through an Internal Process.
- c) All Letters of Authority shall have limited scope as stipulated in Article 69.
- d) A Letter of Authority may include but is not limited to letters of:
 - i. recommendation;
 - ii. undertaking;
 - iii. verification;
 - iv. certification;
 - v. endorsement/support;
 - vi. statements.



Part VI – Powers of the Council

Article 69 – Limitations of the Council

- a) The Council shall not absorb the duties or jurisdictions held by EMA, the High Commission of Malaysia in Australia, and the Government of Australia. This clause does not invalidate or prohibit the Council to conduct its Operations when students are concerned, such as by raising a dispute with the aforementioned entities on the encroaching the students' welfare.
- b) With respect to clause (a), such duties and jurisdictions include, but is not limited to:
 - i. verifying a Malaysian student's status for any purposes apart from the Council Member eligibility requirement as stipulated in Article 1, 46, and 95;
 - ii. issue any letter of authority or endorsement for migration or visa purposes;
 - iii. undertake any procedures or receive forms (unless explicitly expressed to do so by the authority of the Government itself) which lies under Governmental jurisdictions;
 - iv. certify marriages, births, divorces, and deaths;
 - v. any legal documents or advice where the Council is unable to provide without legal advice;
 - vi. provide any advice where the Council has no certified knowledge of, such as taxation and migration.



Part VII – Responsibilities of the Council

Article 70 – General Responsibilities of the Council

- a) The Council shall conduct all Operations to achieve the Objectives of the Council.
- b) The Council shall remain independent from any other entities whatsoever.
- c) The Council shall ensure that all conduct undertaken by the Council are to benefit the Malaysian student community in Australia.
- d) The Council shall not undertake activities that cannot be justified to support the Malaysian student community in kind; unless the benefits are offered to the Council *pro bono* or as part of a bigger negotiation of partnership that does benefit the Malaysian student community.
- e) The Council shall remain professional and respectful in all forms of conduct.
- f) The Council shall respect the laws of the land.
- g) The Council shall uphold the office they hold in the highest manner and shall faithfully and dutifully execute the responsibilities associated with the position and the Council.
- h) The Council shall, when appropriate, promote the Malaysian culture with the local community in Australia.
- i) The Council may be engaged with political and religious activities directly under the name of the Council, with respect to Article 39, 42, 78, and 79.

Article 71 – The Spirit of Malaysia

- a) The Council shall exercise the rights and Operations of the Council with the spirit of Malaysia.
- b) The Council, when embodying the spirit of Malaysia, embodies the values of:
 - i. embracing multiculturalism;
 - ii. respect and tolerance;
 - iii. promoting the love and sense of belonging as Malaysians and towards Malaysia.

Article 72 – Exercising Due Diligence

- a) The Council shall exercise due diligence in all aspects of the Council's Operations.
- b) With respect to clause (a), due diligence would require all Council Members, which includes but is not limited to the following to ensure that they are aware on:
 - i. the Operations of the Council;
 - ii. making informed votes based on the understanding of the Resolution;
 - iii. to provide true and fair updates, presenting facts in an unbiased manner;
 - iv. responding effectively and efficiently to matters pertaining to Operations.

Article 73 – Representing Malaysian Students

- a) The Council's objective stipulated in Article 25 shall be observed.
- b) Council Members shall to the best of their ability, represent all Malaysian students, irrespective of race or religion.



Part VII – Responsibilities of the Council

Article 74 – Meetings and Quorum

- a) Any meeting or Resolution, unless otherwise stated in the Constitution, shall have a minimum of 50% of eligible voters present in the meeting.
- b) Should the quorum not be reached for the meeting, the meeting and all associated Resolutions shall be null and void.

Article 75 – Confidentiality of the Council

- a) Any discussions, internal disputes, properties, procedures, property, materials, and strategies are deemed property of the Council.
- b) Hence, with respect to clause (a), unless expressed permission has been given by the Council; the Council Member shall treat the Operations of the Council as confidential.
- c) With respect to clause (b), the following documents shall be deemed as publicly available documents:
 - i. annual reports of the Council;
 - ii. policies of the Council;
 - iii. the Constitution;
 - iv. the Council's By-Laws.
- d) The Voting Entity may release other documents not stipulated in clause (c) for public access by Resolution, such as meeting minutes.

Article 76 – Calling of Annual General Meeting

- a) The Council shall call for an AGM for each entity with respect to Article 23(a).
- b) The AGM shall be called no earlier than thirty (30) days and no later than ninety (90) after the term of the Executive Council expires, counted as the earliest date of a Council Member expires his term with respect to Article 51.
- c) The AGM shall discuss, which includes, but is not limited to:
 - i. the report summary of the outgoing Executive Council;
 - ii. the finances of the outgoing Executive Council;
 - iii. the closing speech of the Chairperson of the outgoing Executive Council;
 - iv. time(s) for any of the attendees of the AGM to raise questions or to challenge the reports provided stipulated in clause (c(i.)) and (c(ii.));
 - v. any Resolutions that may pertain to the entirety of the Council.
- d) The AGM shall be gazetted, with all information that are required to be included as stipulated in Article 93.



Part VIII – Liberties of the Council

Article 77 – The Fundamental Liberties

- a) No Council Member shall be deprived of life or personal liberty except in accordance with the law.
- b) No Council Member shall be discriminated based on culture, gender, sex, race, skin colour, religion, creed, sexual orientation, gender identity, national origin, ancestry, age, disability unrelated to job requirements, genetic information, military service, or other protected status.
- c) A Council Member shall have the freedom to profess and practice or cease from professing and practising any religion.
- d) A Council Member shall have the right to resign any time upon a Formal Notice to the Secretary of MASCA National with at least three (3) days of notice.
- e) Clauses in this Article, either by its own merit or in tandem, does not invalidate or prohibit:
 - i. any provision that restricts the eligibility of nomination to be a Council Member;
 - ii. any provision that regulates the Operations of the Council.
- f) Council Members, are indemnified, as far as the Laws of Australia allow, from the financial or legal implications that may arise due to the Council's Operations, should the following conditions be satisfied, where the Council Members have:
 - i. not acted in *ultra vires*;
 - ii. acted in *bona fides*.

Article 78 – Member Participation in Political Parties

- a) A Council Member may still hold membership or participate in activities/events that are politically partisan in nature in their personal capacity.
- b) With respect to clause (a), the Council Member shall not engage any political parties or organisations in official Council's capacity when not authorised to by Resolution of the Council, which includes, but is not limited to:
 - i. distribution or usage of the Council's merchandise in the activity/event;
 - ii. misleading the public on the Council's apparent involvement, support, or endorsement of the activity/event;
 - iii. makes decisions, discussions, negotiations, or Resolutions on behalf of the Council;
 - iv. receives financial support in any kind from the political organisation.
- c) With respect to clause (a), the Council Member shall have to declare any membership to a political party or activities with organisations that are politically partisan that may affect the Council Member's ability to remain independent in their conduct in the Council.
- d) Should the Council believe the Council Member engaged in activities with respect to clause (b), the Council shall invoke Article 53.



Part VIII – Liberties of the Council

Article 79 – Member Participation in Other NGOs

- a) A Council Member may still hold membership or participate in activities/events of other NGOs in their personal capacity.
- b) With respect to clause (a), the Council Member shall not engage organisations in official Council's capacity, which includes, but is not limited to:
 - i. misleading the public on the Council's apparent involvement, support, or endorsement of the activity/event;
 - ii. makes decisions, discussions, negotiations, or Resolutions on behalf of the Council.
- c) With respect to clause (a), the Council Member shall declare any conflicts of interest that they may be involved in any situation that may arise due to the Council's engagement, negotiations, or interactions with the NGO in question.
- d) Should the Council believe the Council Member engaged in activities with respect to clause (b), the Council shall invoke Article 53.

Article 80 – Freedom of Speech

- a) A Council Member shall have the freedom of speech to discuss matters that pertain to Council Operations, and without the fear of retribution.
- b) A Council Member shall have the freedom of speech to discuss on matters that do not pertain to the Council, and express their own thoughts, provided they are not done to mislead others on the Council's apparent endorsement and it is done in their personal capacity; which include but is not limited to their:
 - i. religious beliefs;
 - ii. political alignment;
 - iii. sexuality;
 - iv. other issues of public interest.
- c) With respect to clause (a) and (b), the freedom does not entitle the Council Member to:
 - i. disrespect another person(s);
 - ii. issue incendiary or insinuating remarks meant to cause discord;
 - iii. false accusations or statements;
 - iv. jeopardise the reputation of another person(s).
- d) With respect to clause (c), and Council Member believed to have done any of the actions may be subjected to disciplinary actions as stipulated in Article 53.



Part IX – Finances of the Council

Article 81 – Reporting of Financial Affairs

- a) The Council shall report the state of financial affairs during a General Meeting at least once a month, via an Internal Process depending on the individual Executive Council.
- b) Financial affairs, including financial statements and audited accounts, shall be reported to the general public:
 - i. annual reports should there be any;
 - ii. the AGM of the individual Executive Council with respect to Article 76(c).
- c) MASCA National Executive Council may request the reporting of financial affairs towards State/Territory Chapters should it be deemed necessary.
- d) The Council shall be required to disclose financial affairs and documents when required by law.
- e) The Council may object and refuse the disclosure of financial affairs towards any other external entities that do not pertain to the Council.
- f) The Council's Financial Year shall be a period of twelve (12) months, commencing on 1st December and ending 30th November of the year.

Article 82 – Recording of Financial Affairs

- a) All financial documents shall be signed by the Treasurer and the Chairperson of the Executive Council that the financial documents pertain to, that acknowledges the preparation and understanding that it is a true financial record to the best of the Treasurer's knowledge.
- b) With respect to clause (a), should there be a need for a financial document to be prepared for the entirety of the Council, then the financial document shall be signed by the Treasurer and the Chairperson of MASCA National Executive Council.
- c) The Council, shall maintain a true and accurate record of any financial transactions that occur due to the Operations of the Council, which includes but is not limited to:
 - i. profits and expenses;
 - ii. sponsorship;
 - iii. loss or gain of assets;
 - iv. depreciation;
 - v. interests;
 - vi. any other Operation that incurs some financial implication on the Council.
- d) MASCA National and the State/Territory individual Executive Councils may affect their own procedure, including any necessary software or reporting methods. However, the Council shall always maintain financial documents in the form of:
 - i. balance sheet;
 - ii. income statement;
 - iii. cash flow statement.
- e) With respect to clause (d), the Council shall be required to, upon request or requirement, deliver these documents for the Council for internal Operations, or any other disclosure with respect to Article 92(b) within seven (7) days.



Part IX – Finances of the Council

Article 83 – Budgeting of The Council’s Operations

- a) Each individual Executive Council shall present and prepare a budget of the yearly Operations within sixty (60) days after the Resolution that confirms the incoming Executive Council.
- b) The approval and ratification for the State/Territory Executive Council shall be done via an Internal Process.
- c) The approval and ratification for the State/Territory Executive Council shall be confirmed with the Voting Entity’s approval by Resolution with a two-thirds supermajority.

Article 84 – Fund Sourcing and Utilisation for the Council’s Operations

- a) The Council, may obtain funds from external entities to be utilised in the Council’s Operations, in the form of:
 - i. sponsorships;
 - ii. donations;
 - iii. grants;
 - iv. sales.
- b) There shall be a limitation to what organisations the Council may obtain the funds from, subject to provisions enshrined in this Constitution.
- c) Any funds obtained by the Council shall be explicitly used for the Council’s Operations and not any individual Council Member. However, funds obtained and used may be utilised for the Council Member if:
 - i. the funds used are for the development of the Council Member that will eventually benefit the Operations of the Council;
 - ii. the funds are used for the Council Member to represent the Council.

Article 85 – Financial Audits

- a) The Council shall be required to audit the accounts of the entirety of the Council annually within sixty (60) days after the end of the financial year.
- b) With respect to clause (a), the Council may choose to undertake an internal or external audit of the accounts. This clause is superseded by clause (c).
- c) The Council shall undertake an external audit every three (3) years.



Part IX – Finances of the Council

Article 86 – Management of Banking Accounts

- a) Each individual Executive Council may effect and manage their individual bank accounts, either in Malaysia or Australia.
- b) The signatories of the banking accounts shall be the Treasurer and Chairperson of the Executive Council effecting the bank account.
- c) Should there be a requirement for another signatory of the banking account, then the Deputy Chairperson shall be the third signatory.
- d) With respect to clause (a), the Council may own, effect, and utilise any debit or credit cards associated.
- e) Any management, transactions, and Operations undertaken with the banking accounts shall be recorded accordingly as stipulated in Article 82.
- f) The Council shall fulfil any obligations associated with the opening and effecting of the banking accounts.

Article 87 – Banking and Funds Authority

- a) In each individual Executive Council, only the Treasurer shall have the authority to release funds for Operational purposes.
- b) With respect to clause (a), the Treasurer may enact Internal Processes, or by Resolution of the Executive Council, authorise another Council Member to execute the authority to release funds for Operational purposes.
- c) With respect to clause (a), the Chairperson has partial authority to release funds for Operational purposes but shall have authority to release funds without consultation with the Treasurer with respect to Article 61 and Article 62.
- d) Should there be any Council Member who releases funds without expressed authorisation from the Treasurer, the Council may invoke Article 53 without prejudice.
- e) Should there be any release of funds that are greater than:
 - i. one-thousand (1000) Australian dollars for a State/Territory Executive Council, then the Executive Council shall approve on the funds by Resolution;
 - ii. two-thousand (2000) Australian dollars for the National Executive Council for the entirety of the Council, then the Voting Entity shall approve on the funds by Resolution.



Part IX – Finances of the Council

Article 88 – Emergency Funds

- a) The MASCA National Executive Council shall effect emergency funds for the entirety of the Council.
- b) The emergency funds shall only be released for the Council's Operations, and the funds shall be released directly to the State/Territory Executive Council's banking account, and not a Council Member.
- c) Any release of emergency funds shall require the consensus and approval by the Voting Entity with a two-thirds supermajority.
- d) The situations where emergency funds shall be considered includes, but is not limited to:
 - i. if the Council's reputation would be severely tarnished due to the funds not been provided;
 - ii. the Executive Council will be insolvent without the emergency funds;
 - iii. the Executive Council will be at risk of legal liability without the emergency funds.

Article 89 – Grants to State/Territory Chapters

- a) MASCA National Executive Council may provide grants to State/Territory Chapters, with a two-thirds supermajority approval by the Voting Entity.
- b) There shall be no upper limit or boundary for the grant provided, and it shall be dependent on the discussion and consensus by Resolution with respect to clause (a).

Article 90 – Financial Support and Limitations

- a) The Council may provide loans or grants to:
 - i. their Affiliates to conduct the Affiliate's Operations;
 - ii. from one Executive Council to another Executive Council to conduct the benefiting Executive Council's Operations;
- b) Should clause (a) be invoked, then the Executive Council shall:
 - i. if it is a State/Territory Executive Council providing the financial support, then it shall be an Internal Process, with a Resolution to determine the process, amount, and any relevant agreements to release the financial support;
 - ii. if it is a National Executive Council providing the financial support as part of the entirety of the Council, then the financial support shall only be release by Resolution with approval from the Voting Entity;
- c) The Council may refuse financial support should the Council deem that:
 - i. the Council's financial position will be jeopardised due to the financial support;
 - ii. the financial support is not required or not a matter of urgency;
 - iii. the financial support is not crucial towards the Council's Operations.



Part IX – Finances of the Council

Article 91 – Insurance for the Council

- a) The Council may effect insurance for the Council's Operations.
- b) It is generally accepted that each Council Member shall have their own medical insurance, and the Council shall not be responsible to effect personal medical insurance for its Council Member.

Article 92 – Custody of Financial Documents

- a) Custody of financial documents shall be held with the Treasurer or the Chairperson of the Executive Council where the financial documents pertain to.
- b) At the discretion of the Treasurer or the Chairperson, the financial documents may be made available to any party, to satisfy the Operations of the Council, which includes, but is not limited to:
 - i. auditors;
 - ii. other State/Territory Executive Councils;
 - iii. MASCA National Executive Council;
 - iv. governmental organisations;
 - v. another MSO or Affiliates or Partners;
 - vi. to the general public to satisfy public interests.



Part X – Elections

Article 93 – The Conduct of Elections

- a) The Chairperson shall declare the date to dissolve the current Executive Council, for both National and State/Territory Executive Council, respectively which will be the date of the AGM.
- b) With respect to clause (a), the dates for the AGM do not need to be synchronised, as the individual Chairperson shall have the discretion to declare the Resolution to dissolve the Executive Council of their respective National and/or State/Territory Council, with respect to Article 51.
- c) The notification of the AGM, which shall include the list of Executive Council vacancies, AGM process, and nomination form shall be gazetted for at least thirty (30) days before the AGM date.
- d) The quorum of a State/Territory Election shall be at least two-thirds (2/3) of the outgoing MASCA State/Territory Executive Council and at least two (2) representatives from each eligible voting Affiliate, where the representatives are Executive Council and have the authority to vote on the Affiliate's behalf.
- e) The quorum of a National Election shall be at least two-thirds (2/3) of the outgoing MASCA National Executive Council and at least five (5) representatives from each eligible MASCA State/Territory.
- f) The following Resolutions shall be undertaken, who will include a proposer and seconder, as part of the AGM. No votes shall be required for these Resolutions:
 - i. Before the election of the Returning Officer, called and chaired by the Chairperson of the National or State/Territory Council:
 1. to begin the AGM;
 2. to elect the Returning Officer;
 - ii. After the election of the Returning Officer, called and chaired by the Returning Officer:
 1. confirmation of quorum;
 2. confirmation of proxies;
 3. dissolving the Executive Council;
 4. to open the positions contested for voting (the voting process itself for the contested positions require Resolutions by voting);
 5. opening of Floor Nominations;
 6. to open the Elections for challenges;
 7. confirmation of the incoming Executive Council;
 8. to discharge the Returning Officer;
 - iii. After the discharge of the Returning Officer, called and chaired by the Chairperson of the National or State/Territory Council:
 1. to adjourn the AGM.
- g) Fairness and good conduct shall be observed during the Elections.



Part X – Elections

- h) To elect a nominee successfully, the nominee needs to receive confidence by the Voting Party where:
- i. If the position is contested, then the number of votes required for confidence is a simple majority:
 1. by the Voting Party in a State/Territory Chapter AGM;
 2. by the Voting Body in a National AGM;
 - ii. If the position is uncontested, then the number of votes required for confidence is a two-thirds supermajority
 1. by the Voting Party in a State/Territory Chapter AGM;
 2. by the Voting Body in a National AGM;
 - iii. A vote cast may be in favour, against, or an abstention;
 - iv. A vote cast may be a paper ballot or an electronic ballot.
- i) The conduct of receiving confidence shall be:
- i. Where the Returning Officer declares the current contestants for the position;
 - ii. A nominee is allowed to deliver their manifesto and engage in a questions and answers session;
 - iii. With respect to clause (i(ii.)), if the position is contested, the other nominees shall be required to exit the venue and be excluded temporarily from the AGM until the provisions stipulated in clause (i(ii.)) has been satisfied for the nominee;
 - iv. During the voting confidence process, all nominees shall be required to exit the venue and be excluded temporarily from the AGM.
- j) With respect to clause (i):
- i. For both National and State/Territory Executive Council, it shall be an Internal Process to determine the actual time allowed for the nominee to deliver their manifesto, the questions and answers duration, and the time allowed for the members of the Voting Party to cast their vote;
 - ii. If the election concerns a State/Territory Executive Council, the details stipulated in clause (j(i.)) shall be gazetted at least fourteen (14) days before the AGM date;
 - iii. If the election concerns a National Executive Council, the details stipulated in clause (j(i.)) shall be gazetted at least twenty-one (21) days before the AGM date;
 - iv. Once the details have been determined and gazetted, they shall not be changed earlier than seven (7) days before the AGM date. Any change, however, shall still require the change to be gazetted;
 - v. With respect to clause (j(iv.)), the details may only be changed with the Returning Officer tabling the motion and obtaining the approval of a simple majority of the Voting Party or Voting Body during the AGM.



Part X – Elections

- k) An AGM shall be cancelled, adjourned prematurely, and/or declared null and void by the Returning Officer:
 - i. when the quorum is not satisfied;
 - ii. by invoking Article 98(b);
 - iii. an emergency declared due to unforeseen circumstances (such as an Act of God);
 - iv. the AGM fails to fulfil one-third (1/3) of the positions contested.
- l) Should clause (k) be invoked, then the Chairperson shall have a maximum of fourteen (14) days to gazette the new AGM, where the new AGM shall be held no later than twenty-one (21) days after the first AGM, superseding clause (c).
- m) There shall be no limit on the number of AGMs that will be held to satisfy the requirements of the AGM stipulated in clause (k). However, the National Chairperson may invoke Article 62 to relax the requirements after three (3) consecutive unsuccessful AGMs, or if circumstances make the relaxation of the requirements a necessity which shall be made by the National Chairperson's discretion.
- n) An AGM shall include the report summary and the financial report of the outgoing Executive Council. However, the Chairperson of the Executive Council may include any other matters into the AGM and schedule the agendas as deemed fit.

Article 94 – The Returning Officer

- a) A Returning Officer shall be elected to preside over the Elections, preside, and execute the provisions provided stipulated in Article 93.
- b) The Returning Officer shall follow the order of eligibility, should the first option be unfeasible to execute as deemed fit by the Chairperson of the current Executive Council:
 - i. a previous Council Member from the immediate preceding term of the current outgoing Executive Council in the same State/Territory;
 - ii. a previous Council Member from two preceding terms of the current outgoing Executive Council in the same State/Territory;
 - iii. a previous Council Member from any preceding term of the current outgoing Executive in any State/Territory;
 - iv. a member from the Executive Council from any preceding term of the current Affiliate;
 - v. a representative from EMA.
- c) The Returning Officer shall be elected and confirmed in the AGM with respect to Article 93.



Part X – Elections

Article 95 – Eligibility of Nominations

- a) To be eligible to be nominated, a potential candidate who wishes to run for a Council Director position shall:
 - i. be a Malaysian;
 - ii. be a current student;
 - iii. hold a current membership in any MSO;
 - iv. if running for a National position: not hold any Executive Council positions in any MSO.
- b) With respect to clause (a(iv.)), should a potential candidate wish to run for a National Council Member position, they must relinquish all Executive Council position in any MSO at least one (1) day before the AGM for that position.
- c) A State/Territory Chapter Executive Council may have their own By-Laws that introduce restrictions on potential candidates having any Executive Council position in any MSO.
- d) A potential candidate shall be nominated by:
 - i. submission of a completed and signed Nomination Form to the MASCA State/Territory Secretary in a State/Territory Election;
 - ii. submission of a completed and signed Nomination Form to the MASCA National Secretary in a National Election;
 - iii. via a Floor Nomination, with respect to Article 97.
- e) There shall be no limit on the number of times a nominee may seek election for any offices of the Council. This clause does not invalidate or prohibit the limitation of Article 97(h).
- f) With respect to clause (d), any nominee who has completed two Chairperson terms in a State/Territory Executive Council may not run again for the aforementioned position.
- g) With respect to clause (d), any nominee who has completed two terms in a National Executive Council may not run again for any positions in the Council for the next five (5) years.



Part X – Elections

Article 96 – Nomination of Proxies

- a) Any member of the Voting Body may nominate another Council Member to vote on their behalf as their proxy during the AGM. Should a State/Territory Executive Council choose to nominate another State/Territory Executive Council to vote, then the maximum number of votes that may be delegated shall be three (3) votes. However, there shall be no limit to the number of Executive Councils that the votes may be distributed.
- b) Any member of the Voting Party may delegate their vote(s) to another representative, either in the same entity or different entity and nominate the representative to vote on their behalf as a proxy.
- c) With respect to clause (b), should an Affiliate choose to nominate another Affiliate to vote on the Affiliate's behalf, the maximum number of votes that may be delegated shall be three (3) votes. However, there shall be no limit to the number of Affiliates that the votes may be distributed.
- d) With respect to clause (b), a Council Member may choose another Council Member or another Affiliate as a proxy.
- e) To nominate a Proxy, the notification shall be provided to the Secretary of MASCA National. Once approved, the Secretary of MASCA National, shall inform the Chairperson of the State/Territory Executive Council if it is a State/Territory AGM.
- f) The Returning Officer shall confirm the Proxy during the AGM, or the Proxy shall be declared null and void. Should the Proxy not be confirmed, then the vote shall be counted as an abstention.
- g) Proxies shall only be nominated and confirmed by the Returning Officer during the AGM under extraordinary circumstances where any eligible voting member is required to leave the AGM earlier due to unforeseen circumstances.
- h) Should clause (g) be satisfied and invoked, then the Returning Officer shall confirm the proxy before any further voting commences during the AGM, with respect to clause (a), (b), (c), (d), and (f).



Part X – Elections

Article 97 – Floor Nominations for Council Members

- a) A Floor Nomination shall only be done after the original voting and confidence round for the position contested, but before the adjournment of the AGM, to attempt and fill the positions that are either:
 - i. uncontested;
 - ii. contested, but failed to secure the confidence required with respect to Article 93.
- b) The Returning Officer shall have the discretion to determine when to hold the Floor Nomination with respect to clause (a).
- c) Only the Returning Officer shall have the authority to call for and invoke this Article during the AGM.
- d) Any attendee of the AGM shall be eligible to nominate themselves, as long as they meet the requirements stipulated in Article 95(a).
- e) With respect to clause (d), the Returning Officer shall have the discretion, to call for a Resolution, and confirmed by the Voting Party or Voting Body, to not apply Article 95(a(iii.)), and Article 95(a(iv.)).
- f) Should clause (e) be invoked and confirmed on the basis of Article 95(a(iv.)), and if the nominee secures the confidence with respect to Article 93, the nominee shall relinquish all positions held to satisfy the requirements stipulated in Article 95(a) within three (3) days after the AGM.
- g) A Floor Nomination shall only be called once during the AGM for each vacant position. However, there shall be no restriction on the nominee to run for the vacancy again if they have failed the initial process to obtain confidence.
- h) Should the position be vacant after the Floor Nominations with respect to clause (a), then the Returning Officer shall declare the position(s) a Casual Vacancy.



Part X – Elections

Article 98 – Challenge of Elections

- a) Challenge of Elections may be filed during:
 - i. the AGM, where the Returning Officer declares a period of time for an AGM attendee to challenge the elections;
 - ii. anytime within thirty (30) days after the confirmation of the incoming Executive Council, where the Challenger shall be any Council Member or Affiliate with voting rights in that particular AGM.
- b) To Challenge may be exclusively one or a tandem of the following:
 - i. recount of the votes;
 - ii. revote of the Resolution or Confidence;
 - iii. request eligibility check of the nominee, and cancelling the nomination as required;
 - iv. request injunction and the repeat of the voting process;
 - v. the declaration of the AGM null and void and repeat of the AGM.
- c) The grounds to Challenge an Election shall be due to either:
 - i. on grounds of bias or discrimination;
 - ii. deliberate mismanagement of the Election stipulated in Article 93;
 - iii. a nominee was left off the ballot;
 - iv. the nominee did not fulfil the requirements stipulated in Article 95(a);
 - v. the Returning Officer is not eligible stipulated in Article 94(b).
- d) With respect to clause (a(ii.)), MASCA National Executive Council shall allow the Challenge should there be proof of deliberate mismanagement of the Elections Conduct stipulated in **Part X – Elections**.
- e) If the challenge is filed stipulated in clause (a(i.)):
 - i. the Returning Officer shall evaluate the request and the merits of the Challenge;
 - ii. at the discretion of the Returning Officer, the Returning Officer may undertake measures, including the outcomes stipulated in clause (b) to resolve the Challenge, or to dismiss the challenge.



Part X – Elections

- f) If the challenge is filed as stipulated in clause (a.(ii.)):
- i. and if it is a State/Territory Executive Council Election:
 1. MASCA National Executive Council shall review the challenge and upon discussion and negotiations with the challenger, undertake measures stipulated in clause (b), or to dismiss the challenge within fourteen (14) days;
 2. the challenge shall be officially documented in meeting minutes with the judgement and evaluations undertaken;
 - ii. and if it is a National Executive Council Election:
 1. an Independent Elections Committee (IEC) comprised of all State/Territory Chairpersons shall be temporarily formed to review the challenge and upon discussion and negotiations with the challenger, undertake measures stipulated in clause (b), or to dismiss the challenge within fourteen (14) days;
 2. the challenge shall be officially documented in meeting minutes with the judgement and evaluations done by IEC;

Article 99 – Transitional Period After Elections

- a) The successful incoming Executive Council shall enter a transitional or probationary period for thirty (30) days after the confirmation of the incoming Executive Council stipulated in Article 93.
- b) The outgoing Executive Council shall be obligated to exercise due diligence and transition the new incoming Executive Council regarding the Council's Operations, which includes, but is not limited to:
 - i. introduction of the Constitution;
 - ii. clarification of job scope;
 - iii. transfer of authentication credentials for accounts held by the Council;
 - iv. transfer of banking authority;
 - v. transfer of documents, procedures, records, and financial details of the Council;
 - vi. passing of any relevant information pertaining to the Council;
 - vii. transitional introduction of incoming Executive Council to stakeholders and sponsors.
- c) A Council Member who does not fulfil the obligations with respect to Article 99 shall be liable for actions that may include, but is not limited to:
 - i. refusal of recommendation letters issued to the Council Member;
 - ii. revocation of letters and acknowledgement certificates issued to the Council Member;
 - iii. if the term of the Council Member has not expired during the transitional period:
 1. disciplinary actions with respect to Article 53;
 2. expulsion with respect to Article 50.



Part X – Elections

Article 100 – Election by Ascension

- a) At any time after the AGM of the term for MASCA National or State/Territory Chapter Executive Council, the aforementioned Executive Council for National or the State/Territory may choose to elect a person which satisfies the eligibility stipulated in Article 95 by Ascension to a Casual Vacancy.
- b) Ascension refers to a Resolution where the Executive Council elects a Malaysian Student directly, bypassing the usual requirements of voting in an AGM, SGM, or EGM as stipulated in **Part X – Elections**.
- c) This Article shall not be declared or assumed as the only way to elect another Malaysian student, as a Casual Vacancy may also be filled by conducting an SGM or EGM.
- d) If Article 100 is invoked by the MASCA State/Territory Chapter Executive Council, then it shall be an Internal Process, and the aforementioned Executive Council shall have the discretion in the conduct of the Ascension, which includes, but is not limited to:
 - i. to gazette the Casual Vacancy or otherwise;
 - ii. to include the Affiliates in the discussion or otherwise;
 - iii. determine the process and criteria, such as interviews or any other processes as deemed fit to determine the suitability of the nominee.
- e) If Article 100 is invoked by the Internal Process of MASCA National Executive Council, then the following processes shall be conducted and satisfied:
 - i. the Casual Vacancy shall be gazetted for at least fourteen (14) days before the intended date of Resolution to elect the nominee by Ascension;
 - ii. MASCA National Executive Council shall, at its discretion, determine the process and criteria, such as interviews or any other processes as deemed fit to determine the suitability of the nominee;
 - iii. the Voting Entity shall decide to confirm the Resolution or to abandon instead of an Internal Process.
- f) Provisions in this Article are subjected to Article 119.



Part XI – Appeals and Disputes

Article 101 – Appeals towards the Council's Procedures

- a) An external entity from the Council may file an appeal against the Council regarding the Council's procedures that the Council undertakes to conduct the Council's Operations.
- b) Should there be a Council Member who wishes to appeal against the Council's procedures, the Council Member shall adhere to the procedures stipulated in Article 55.
- c) With respect to clause (a), the external entity shall have to formally file an appeal with the MASCA National Secretary via a Formal Notice.
- d) Among the grounds for appeals towards a Procedure may include, but is not limited to:
 - i. unreasonable demands of the procedure;
 - ii. procedures not abided by the Council;
 - iii. unfair procedures imposed on the appellant.
- e) Depending on the Procedure that is being appealed in question:
 - i. if the procedure relates to the individual National or State/Territory Chapter Executive Council, which includes their own By-Laws or whatsoever procedure that only pertains uniquely to the Executive Council:
 1. it shall be an Internal Process for the appeal to be managed by the Executive Council;
 2. The National Secretary shall relegate the responsibilities of addressing the appeal and notify the Secretary of the Executive Council in question;
 3. If the appeal is against the MASCA National Executive Council, then the duties shall not be relegated, and the National Secretary presides over the responsibilities;
 - ii. if the procedure relates to the Council:
 1. the MASCA National Chairperson shall call for an EGM with the Voting Entity to discuss on the appeal and to evaluate the appeal based on its merits and shall confirm the decision on the appeal by Resolution.



Part XI – Appeals and Disputes

- f) Regardless of the scope of the procedure stipulated in clause (e), the responsible parties to evaluate the appeal by Resolution, the aforementioned entities stipulated in clause (e) may undertake the following decisions or actions against the appeal, which includes but is not limited to:
- i. confirming the appeal and declare any Resolution and/or procedures/actions taken subsequently as void;
 - ii. negotiate with the appellant and to resolve the appeal, without altering any prior Resolutions and/or procedures/actions, the Council to modify or amend the procedure for future purposes;
 - iii. make concessions to modify or amend the procedure for the appellant, and at the Council's discretion, make the change permanent;
 - iv. reject the appellant and terminate any further processes associated with the appeal without prejudice.
- g) Should clause (e(i.)) be satisfied and invoked, the appeal may be repeated and escalated to the Voting Entity for a second appeal should no consensus be made. This step shall then be considered as the final appeal stage.



Part XI – Appeals and Disputes

Article 102 – Appeals towards the Council’s Resolutions

- a) An external entity from the Council may file an appeal against the Council regarding the Council’s Resolutions that the Council undertakes to conduct the Council’s Operations.
- b) Should there be a Council Member who wishes to appeal against the Council’s Resolutions, the Council Member shall adhere to the procedures stipulated in Article 55.
- c) With respect to clause (a), the external entity shall have to formally file an appeal with the MASCA National Secretary via a Formal Notice.
- d) Among the grounds for appeals towards a Procedure may include, but is not limited to:
 - i. resolution not confirmed in accordance with the Constitution;
 - ii. an unconstitutional Resolution;
 - iii. the resolution was made in *mala fide*;
 - iv. procedures leading to the Resolution were flouted.
- e) Depending on the Resolution that is being appealed in question:
 - i. If the procedure relates to the individual National or State/Territory Chapter Executive Council:
 1. it shall be an Internal Process for the appeal to be managed by the Executive Council;
 2. the National Secretary shall relegate the responsibilities of addressing the appeal and notify the Secretary of the Executive Council in question;
 3. if the appeal is against the MASCA National Executive Council, then the duties shall not be relegated, and the National Secretary presides over the responsibilities;
 4. the Executive Council shall have to call for an EGM for their own Executive Council, regardless of the Internal Process and shall confirm the decision on the appeal by Resolution;
 - ii. If the procedure relates to the Council:
 1. the MASCA National Chairperson shall call for an EGM with the Voting Entity to discuss on the appeal and to evaluate the appeal based on its merits and shall confirm the decision on the appeal by Resolution.



Part XI – Appeals and Disputes

- f) Regardless of the nature of the Resolution confirmed by either entity stipulated in clause (e), the aforementioned entities stipulated in clause (e) may undertake the following decisions or actions against the appeal, which includes but is not limited to:
- i. confirm the appeal and declare the Resolution null and void, including subsequent procedures and other Resolutions made based on the appealed Resolution;
 - ii. negotiate with the appellant to resolve the appeal, without the nullification and voiding of the Resolution, by making concessions and/or separate Resolutions confirming such concessions;
 - iii. reject the appellant and terminate any further processes associated with the appeal.
- g) Should clause (e(i.)) be satisfied and invoked, the appeal may be repeated and escalated to the Voting Entity for a second appeal should no consensus be made. This step shall then be considered as the final appeal stage, where the subsequent step should the appellant decide to undertake shall be to invoke Article 105.

Article 103 – Appeals towards EMA Resolutions

- a) The Council may be Resolution of the Voting Entity appeal towards an EMA Resolution via a Formal Notice.
- b) For the interpretation of the Council, an EMA Resolution shall be a decision, procedure, action, event, or will of EMA that pertains to EMA and may or may not include the Council.
- c) The Council shall always strive to resolve the appeal internally with EMA by informal means of mediation
- d) The Council shall appeal towards EMA by confirming in Resolution by the Voting Entity, where the EGM shall comprise of discussions which includes but is not limited to:
 - i. the scope of the Resolution and how it affects the Council's Operations;
 - ii. the Resolution in question and subsequent implications;
 - iii. the statement to be issued towards EMA.
- e) Regardless of the appeal sent, EMA shall be responsible for the appeal management. However, this clause does not invalidate or prohibit the invocation of Article 106.
- f) Regardless of the appeal process and outcome, the Council shall maintain Operations with respect to Article 25.



Part XI – Appeals and Disputes

Article 104 – Appeals towards External Entities

- a) The Council may appeal towards an external entity via a Formal Notice, and:
 - i. if the appellant is a State/Territory Executive Council, it shall be an Internal Process where the appeal may be sent by the State/Territory Chapter Executive Council;
 - ii. if the appellant is the National Executive Council or the Council, the appeal shall be made by Resolution with the Voting Entity.
- b) An appeal towards an external entity may include, but is not limited to:
 - i. the Resolution of the external entity;
 - ii. the procedure of the external entity;
 - iii. the conduct of the external entity that relates to the Council, directly or indirectly.
- c) The Council shall strive to mediate and resolve the dispute internally with the external entity by informal means of mediation.
- d) The Council shall appeal towards external entity by confirming in Resolution by the Voting Entity, where the EGM shall comprise of discussions which includes but is not limited to:
 - i. the scope of the appeal and how it affects the Council's Operations;
 - ii. the appeal in question and subsequent implications;
 - iii. the statement to be issued toward the external entity.
- e) Regardless of the appeal sent, the external entity shall be responsible for the appeal management. However, this clause does not invalidate or prohibit the invocation of Article 107.



Part XI – Appeals and Disputes

Article 105 – Dispute Proceedings for the Council

- a) The Council when receiving an appeal shall resolve the appeal with respect to Article 101 and 102.
- b) Should the appeal be not resolved, either by the invocation of provisions enshrined in this Constitution, or the appellant deems that the appeal was not satisfactorily resolved, the appellant may lodge a dispute by filing a dispute with the National Secretary via a Formal Notice, regardless if it is a dispute with an individual Executive Council or the entirety of the Council.
- c) Should there be a Council Member who wishes to raise a dispute with the Council, it shall be treated as an appeal, and the Council Member shall adhere to the procedures stipulated in Article 55.
- d) Any dispute, once filed with the MASCA National Secretary, shall be made known to the Council, where the Council shall hold an EGM with the Voting Entity, called by the National Chairperson.
- e) The EGM, shall discuss and confirm on the following:
 - i. the previous appeal filed by the appellant, and the justifications of the appellant for the dispute, including any other relevant information;
 - ii. the scope and severity of the dispute and how it affects the Council's Operations;
 - iii. the dispute and the subsequent implications.
- f) The Council may seek for external advice on the nature of the dispute and how the Resolutions made pertaining to the dispute may affect the Council, but the external entities, if any, shall play no part in the final Resolution made by the Council to address the dispute.
- g) The EGM, confirmed by Resolution, may undertake the following actions, in tandem or individually, which includes but is not limited to:
 - i. issuing a statement regarding the dispute and the Resolution of the Council;
 - ii. to confirm or abandon the previous Resolution regarding the appeal and make the necessary steps and subsequent procedures to address the appeal;
 - iii. negotiate with the plaintiff on resolving the dispute formally, with an appointed external mediator as required;
 - iv. reject the dispute and terminate any further processes associated with the dispute without prejudice;
 - v. take other necessary measures and Resolutions to resolve the dispute and demands of the plaintiff.



Part XI – Appeals and Disputes

Article 106 – Dispute Proceedings with EMA

- a) Should the Council find a dispute with an external entity, the Council shall inform the external entity on the dispute via a Formal Notice via an appeal first with respect to Article 103. Article 107 shall be invoked after the appeal has been made and the appeal is not resolved satisfactorily as deemed fit by the Council.
- b) Should clause (a) be satisfied and invoked, the National Chairperson shall then call for an EGM with the Voting Entity to discuss by Resolution:
 - i. approval on the dispute and subsequent proceedings;
 - ii. the dispute and relevance to the Council;
 - iii. any statement/declaration/letters issued by the Council;
 - iv. council's stance and policy towards EMA;
 - v. avenues for mediation if required;
 - vi. demands of the Council;
 - vii. as a last resort, the invocation of Article 112.
- c) Should the dispute be confirmed by Resolution with respect to clause (b), the National Chairperson shall be the chief negotiator to represent the Council with EMA. The National Chairperson shall have three (3) days to inform EMA on the will of the Council and the Resolution via a Formal Notice.
- d) Regardless of the appeal process and outcome, the Council shall maintain Operations with respect to Article 25.



Part XI – Appeals and Disputes

Article 107 – Dispute Proceedings with External Entities

- a) Should the Council find a dispute with an external entity, the Council shall inform the external entity on the dispute via a Formal Notice via an appeal first with respect to Article 104. This Article shall be invoked after the appeal has been made and, at the discretion of the Council, done with confirmation of the appeal or otherwise.
- b) If the dispute is regarding a State/Territory Chapter, it shall be an Internal Process to determine how the State/Territory Chapter will be contacting the external entity, the issue of the dispute, and the Council's will on subsequent rectification.
- c) Should there be a dispute, when deemed fit to have involved the entirety of the Council, then the Voting Entity shall by Resolution approve the dispute and the relevant information regarding the dispute, including the will of the Council, and to be sent to the External Entity.
- d) Should clause (c) be invoked, then the negotiator who shall represent the Council shall be the National Chairperson.
- e) With respect to clause (c), the Resolution may be decided by the calling of an EGM by the National Chairperson, with the EGM comprised of discussion that includes, but is not limited to:
 - i. disputes and the relevance to the Council;
 - ii. any statement/declaration/letters issued by the Council;
 - iii. council's stance and policy towards the external entity;
 - iv. avenues for mediation if required;
 - v. subsequent actions taken against the external entity, which may include revoking existing ties.



Part XII – Contingency Orders

Article 108 – Declaration of Emergency

- a) A Chairperson of the Executive Council may call for an Emergency, where:
 - i. If it is a State/Territory Chapter, the Chairperson for the State/Territory Executive Council shall be able to call for an Emergency either by Resolution of the Executive Council in question, with a two-thirds supermajority, or by invoking Article 61;
 - ii. If it is a National Emergency, then the Chairperson of the MASCA National Executive Council may call for an Emergency by Resolution with a two-thirds supermajority of the Voting Entity.
- b) An Emergency would allow a Chairperson and other Council Member authorised to do so who shall be confirmed by Resolution to bypass Regulations, by-Laws, and Resolutions that normally would need confirmation.
- c) An Emergency shall not allow any Council Member to violate the Constitution or undertake any Resolution or Operations that are unconstitutional.
- d) An Emergency, when called and confirmed in the Resolution, shall have an effective date where the Emergency ends. There shall be no extension for this terminal date for the Emergency.
- e) Should the Chairperson(s) stipulated in clause (a) wish to extend the Emergency, then they may call for an Emergency, and abiding by the procedures stipulated in this Article, with a new Emergency end date to supersede the original Declaration of Emergency.
- f) Any Declaration of Emergency shall be informed to the entirety of the Council and the Affiliates. The notification shall be made via a Formal Notice, where the notification shall include the:
 - i. justification of the Emergency;
 - ii. duration of the Emergency;
 - iii. general implications of the Emergency;
 - iv. rights of appeal;
 - v. direct contact details to discuss on the Emergency.



Part XII – Contingency Orders

Article 109 – Vote of No Confidence Proceedings

- a) In a case of a Vote of No Confidence being tabled, the Council Member voted against shall still have to execute their duties effectively and without prejudice, from the Resolution Date of the motion being tabled to the EGM to confirm or abandon the Resolution.
- b) Should an appeal be made on the Vote of No Confidence proceedings, it shall be made during the EGM to discuss the motion with respect to Article 57(g(iv.)).
- c) With respect to Article 57, should the Vote of No Confidence be confirmed, the Chairperson of the individual Executive Council shall have seven (7) days to inform the Council on the Resolution.
- d) With respect to clause (c), the Chairperson shall hold an EGM within seven (7) days after the Resolution to discuss the following matters:
 - i. if the Council Member voted out due to Vote of No Confidence receive due acknowledgements or otherwise;
 - ii. the Casual Vacancy and discussion and Resolution on either filling the Casual Vacancy or otherwise;
 - iii. relegation of duties from the portfolio to another office or Council Member as required;
 - iv. further discussion for clarification on the decision, and the details to be made known to the entirety of the Council.
- e) Should any Vote of No Confidence not be carried, then no further action is taken. However, the proposer and seconder may discuss as an Internal Process with the Council Member voted against to clarify any misunderstandings or conflicts, with the Chairperson as the mediator.



Part XII – Contingency Orders

Article 110 – In Event of Sudden Dissolution of MASCA State/Territory

- a) A sudden dissolution of a MASCA State/Territory Chapter Executive Council may occur by invoking this Article due to the following reasons which include, but is not limited to:
 - i. there are no longer any remaining Council Members to conduct the Elections with respect to Article 93;
 - ii. the State/Territory Executive Council ceases Operations prematurely for whatsoever reason;
 - iii. there are no longer any remaining Council Members to conduct Operations due to resignations of the aforementioned Council Member(s);
 - iv. the State/Territory was expelled due to the invocation of Article 62.
- b) When clause (a) is satisfied and invoked, then all State/Territory Executive Council Operations shall momentarily cease. Clause (a) shall only be invoked by the National Chairperson
- c) With respect to clause (b), an EGM shall be called with the Voting Entity to discuss on matters pertaining to the sudden dissolution and confirm by Resolution which includes but is not limited to:
 - i. if required, the reselection or re-election of the new State/Territory Executive Council and the relevant procedures;
 - ii. if required, the distribution of assets after liquidation to other State/Territory Chapters. The assets may be transferred temporarily to MASCA National Executive Council for temporary safekeeping but shall be transferred to other State/Territory Executive Councils within thirty (30) days;
 - iii. the implications and subsequent statements required to ensure a smooth transitional and seamless Operations of the Council;
 - iv. informing all Affiliates and Partners under the jurisdiction of the State/Territory Chapter Executive Council in question;
 - v. the decision to inform EMA on the circumstances of the sudden dissolution, and subsequent information transfer to EMA as appropriate;
 - vi. if required the decision to formally invoke Article 33.
- d) Should clause (a) be satisfied and invoked for any of the following State/Territory Chapter Executive Council, the EGM with respect to clause (c) shall be undertaken within fourteen (14) days after the invocation of clause (a).
- e) Provisions in this Article does not invalidate or prohibit any other Articles enshrined in this Constitution to revoke the State/Territory Chapter.
- f) Clauses in this Article shall not constitute as the formal process to revoke a State/Territory Chapter Executive Council. The invocation of Article 33 shall be required to formally revoke a State/Territory Chapter Executive Council.
- g) Should clause (a) and (c) be satisfied and invoked; and should the consequence of the Resolution mean that the State/Territory Chapter will be unable to conduct the Council's Operations, then Article 62 may be invoked to directly elect the new Executive Council within fourteen (14) days.



Part XII – Contingency Orders

Article 111 – In Event of Sudden Dissolution of MASCA National Executive Council

- a) A sudden dissolution of a MASCA National Executive Council may occur by invoking this Article due to the following reasons which include, but is not limited to:
 - i. chairpersons invoking Article 61;
 - ii. the National Executive Council ceases Operations prematurely for whatsoever reason;
 - iii. there are no longer any remaining Council Members to conduct Operations due to resignations of the aforementioned Council Member.
- b) When clause (a) is satisfied and invoked, then all National Executive Council Operations shall momentarily cease.
- c) The sudden dissolution of MASCA National Executive Council shall be informed to all Affiliates and Partners of the Council, the Council, and EMA.
- d) Should the chairpersons with respect to clause (a(i.)) deem fit, gazette the sudden dissolution.
- e) The responsibilities, services, duties, and Operations originally conducted by MASCA National shall be relegated momentarily with respect to Article 29.
- f) The Voting Entity, excluding the parties of MASCA National Executive Council, shall hold an EGM to discuss on matters pertaining to the sudden dissolution and confirm by Resolution which includes but is not limited to:
 - i. if required, the process of re-electing the MASCA National Executive Council until the term end date of the original Executive Council, or with respect to Article 51;
 - ii. if required the decision to not pursue the re-election of the MASCA National Executive Council, until the term end date of the original Executive Council;
 - iii. the implications and subsequent statements required to ensure a smooth transitional and seamless Operations of the Council;
 - iv. the relegation of all relevant policies and procedures that normally falls under MASCA National Executive Council's jurisdiction.



Part XII – Contingency Orders

Article 112 – In Event of Sudden Dissolution of EMA

- a) Should there be any event where EMA is prematurely dissolved, or the relations between the Council and EMA breaks down irrevocably, the MASCA National Executive Council shall inform the entirety of the Council and the Affiliates.
- b) Should there be a sudden dissolution, the Council shall assume the position of patron of the Council as vacant.
- c) Should clause (a) be invoked and satisfied, the Council shall absorb the duties of EMA where the Council may provide to the State/Territory Chapters and shall inform accordingly should the services be no longer provided.
- d) Should clause (a) be invoked and satisfied, MASCA National Executive Council shall call for an EGM with the Voting Entity to discuss on matters pertaining to the sudden dissolution and confirm by Resolution which includes but is not limited to:
 - i. the current state of affairs of the Council, and the implications of temporary termination of services from EMA;
 - ii. the transitional meeting plan should EMA be prematurely dissolved;
 - iii. the decision to reconcile the relationship, or to abandon the relationship with EMA, and the relevant implications;
 - iv. whatsoever relevant discussions that pertain to the Council due to this Article being invoked.
- e) The Council shall conduct a transitional meeting to update the new EMA, or after re-establishing the relations with EMA on the current state of affairs of the Council.
- f) Regardless of the outcomes due to the invocation of this Article, the Council shall maintain Operations with respect to Article 25.

Article 113 – In Event of Impasse

- a) In any meeting which requires the vote of the Voting Entity, Voting Body, or Voting Party, and should there be an impasse, the Chair of the meeting shall hold the tiebreaking vote.
- b) Should there be a Resolution that requires a simple majority, it shall be considered a confirmed Resolution if 50% of the total eligible votes or voters votes in favour of the Resolution. Any decimal place shall be rounded to the nearest number.
- c) With respect to clause (b), if the total positive votes do not reach 50%, then the Resolution shall not be carried.
- d) Should there be a Resolution that requires a two-thirds supermajority, it shall be considered a confirmed Resolution if 67% of the total eligible votes or voters votes in favour of the Resolution. Any decimal place shall be rounded to the nearest number.
- e) With respect to clause (d), if the total positive votes do not reach 67%, then the Resolution shall not be carried.
- f) Should there be a Resolution where could not be carried due to the evasion of responsibilities and jurisdictions that pertain to the Resolution, then the MASCA National Executive Council shall undertake the proceedings to approve or reject the Resolution.



Part XII – Contingency Orders

Article 114 – In Event of Annulled Annual General Meeting

- a) Should an AGM be annulled due to the invocations of provisions enshrined in the Constitution with respect to Article 93(k), the outgoing Executive Council shall resume their duties and execute the Council's Operations for another one-hundred-and-twenty days (120), or until the next incoming Executive Council has been confirmed by Resolution, whichever date comes first.
- b) With respect to Article 93(l), the AGM shall be held within the stipulated timeframe, depending if it is a National or State/Territory Chapter AGM.
- c) MASCA National Executive Council shall advise the State/Territory Chapter Executive Council to ensure that the next AGM is successful where appropriate.
- d) The outgoing Voting Entity shall reconvene should clause (a) be invoked, and proceedings shall be undertaken to ensure the next AGM is successful.
- e) All AGM annulments (if any), shall be recorded, and the Council and the Council's Affiliates shall be made known about the annulments.
- f) Should the AGM be unfeasible to conduct, due to extremely exceptional circumstances, then the National Chairperson may invoke Article 62.

Article 115 – In Event of Statement/Letters Issued Against the Council

- a) The Voting Entity shall convene in an EGM within three (3) days when a statement/letter issued against the Council is made known.
- b) The Council shall discuss and confirm by Resolution the following details of the EGM, which shall be called by the MASCA National Executive Council:
 - i. to respond to the statement/letter or otherwise;
 - ii. to draft responses and other necessary statements as a counter-claim or otherwise;
 - iii. to seek further legal advice;
 - iv. to seek further advice with other relevant stakeholders, such as EMA or other entities that may provide such constructive advice;
 - v. to clarify the nature of the statement/letters and to determine the merit of such statement/letters.
- c) With respect to clause (b), any statement/letter may be issued in private via a Formal Notice, or by publicly gazetted, as deemed fit by the Council.
- d) Any statements made against the Council, should there be its merits, shall be investigated as a normal procedure by the MASCA National Executive Council, and actions taken as necessary with provisions enshrined in this Constitution. Such statements include, but is not limited to allegations of:
 - i. fraud;
 - ii. misconduct, regardless if it is verbal, sexual, or assault;
 - iii. the Council's incompetence in its Operations.



Part XII – Contingency Orders

Article 116 – In Event of Legal Proceedings Against the Council

- a) Any legal proceeding shall be defined as when the Council receives a Formal Notice where there is a demand letter or any other legal letter that is made known to the Council.
- b) Upon knowledge of such legal letters, the MASCA National Executive Council shall call for an EGM with the Voting Entity within three (3) days to discuss on matters pertaining to the sudden dissolution and confirm by Resolution which includes but is not limited to:
 - i. severity of the legal letter and the implications;
 - ii. discussions for settlement if required;
 - iii. the engagement of other legal services as required;
 - iv. the success and merits of the case which works in the Council's favour.
- c) The Council shall strive to mediate the legal proceedings and settle the matter privately without the intervention of the Court.
- d) Should the Council require legal services or advice, then the Council shall refer to EMA to discuss on matters to obtain representation and to resolve the legal proceedings.
- e) Any legal proceeding, if undertaken against a particular Council Member, shall be deemed as to be taken against the Council, and therefore the Council shall intervene to represent the Council Member, provided that the proceedings undertaken are due to:
 - i. the Council Member undertaking the Council's Operations and are authorised to do so;
 - ii. the Council Member has exercised due diligence;
 - iii. the Council Member has abided with the Constitution and all relevant policies and procedures when undertaking the Council's Operations;
 - iv. the Council Member has acted in *bona fide*.



Part XIII – Amendment and Repeals

Article 117 – Amendments towards the Constitution

- a) The Constitution may be amended as deemed fit by any member of the Voting Entity.
- b) The proposed amendment shall be made known to the MASCA National Secretary no earlier than seven (7) days before the intended meeting for discussion.
- c) The MASCA National Secretary and MASCA National Chairperson shall decide to table the proposed amendment in a General Meeting or an Extraordinary General Meeting.
- d) Once the meeting has been finalised, the proposed amendment shall be given to all meeting attendees in a briefing document.
- e) The proposed amendment shall be tabled, presented, and debated during the meeting.
- f) The meeting chair shall provide an explanation on the basis of the amendment and the exact details on how it will affect the outcome of the new parts, articles, or clauses. Any changes to the amendment must be done at this point.
- g) The meeting chair shall call for a vote in the meeting with respect to clause (c) to accept or reject the amendment. The outcome of the decision shall be decided by a two-thirds supermajority.
- h) Each member of the Voting Entity may cast one vote to vote in favour, against, or abstain from the amendment.

Article 118 – Repeals of Parts, Articles, and Clauses of the Constitution

- a) A Part, Article, or Clause of the Affiliation by-Law may be repealed as deemed fit by any member of the Voting Entity.
- b) The proposed repeal shall be made known to the MASCA National Secretary no earlier than seven (7) days before the intended meeting for discussion.
- c) The MASCA National Secretary and MASCA National Chairperson shall decide to table the proposed Part, Article, or Clause to repeal in an Extraordinary General Meeting.
- d) Once the meeting has been finalised, the proposed Part, Article, or Clause to repeal shall be given to all meeting attendees in a briefing document.
- e) The proposed Part, Article, or Clause to repeal shall be tabled, presented, and debated during the meeting.
- f) The meeting chair shall provide an explanation on the basis of the repeal and the exact details on how it will affect the outcome of the new parts, articles, or clauses.
- g) The meeting chair must call for a vote in the meeting with respect to clause (c) to accept or reject the repeal. The outcome of the decision shall be decided by a two-thirds supermajority.
- h) Each member of the Voting Entity may cast one vote to vote in favour, against, or abstain from the repeal.



Part XIV – Special Provisions

Article 119 – Restriction of Ascension

- a) With respect to Article 100, should the National or State/Territory Executive Council not achieve election of at least three-fifths (3/5) of their total number of Executive Council positions in the AGM, then the aforementioned Council shall be unable to invoke Article 100.
- b) Should there be any subsequent SGMs to elect a new Council Director, it shall not satisfy the three-fifths (3/5) requirement with respect to clause (a).
- c) With respect to Article 93, should the first AGM not achieve the minimum elected positions required, clause (a) shall refer to the most recent AGM that the Executive Council has successfully conducted.
- d) The Chairperson position of both MASCA National or the State/Territory Executive Council shall not be filled by Ascension.
- e) Should there be any invocation of new offices which increases the number of Council Members of an Executive Council, the addition shall not count towards the requirements stipulated in clause (a). The Ascension process shall refer to the number of Council Member vacancies as gazetted in the AGM process stipulated in Article 93(c).

Article 120 – Nullification of Retrospective Application

- a) Any Parts or Articles, in part or in whole, shall not be applied to any Resolution or decisions made prior to the Ratification of this Constitution.
- b) Consequently, there shall be no retrospective actions or new Resolutions that shall be made towards any previous Council Operations, which may not warrant any action or invocation of any Articles in the previous Constitution, but provisions are available in this Constitution on the aforementioned matter.
- c) With respect to clause (a), should a dispute, appeal, or revision be made under the provisions of **Part XI – Appeals and Disputes**, this Constitution shall be upheld even if the Resolution or Operation in question was made under the provisions of the previous Constitution.

Article 121 – Honorary Life Council Member

- a) The Council, by Resolution, with a two-thirds supermajority approval by the Voting Entity, may elect any person(s) as an Honorary Life Council Member of the Council who is:
 - i. of sound mind;
 - ii. was previously affiliated with Council's Operations in any way;
 - iii. not a current Council Member;
 - iv. be nominated to MASCA National Executive Council via a Formal Notice.
- b) With respect to clause (a), the Honorary Life Council Member shall not have any voting power(s), or any powers that pertain to the Council.
- c) This privilege confers the acknowledgement of outstanding and exceptional services to the Council.



Part XIV – Special Provisions

Article 122 – Annexes and Schedules of the Constitution

- a) The Council by Resolution may establish and publish Annexes and Schedules for this Constitution, which may be presented in lieu or as part of the Constitution.
- b) With respect to clause (a), Annexes shall refer to supplementary documents that are expected to change annually, and has a relatively fluid structure, which includes but is not limited to:
 - i. organisation chart representations for that term;
 - ii. name list of Council Members;
 - iii. list of positions/offices invoked under the Council, with respect to Article 23;
 - iv. job descriptions for any Executive Council position, regardless if it is National or State/Territory Executive Council.
- c) With respect to clause (a), Schedules shall refer to procedural items that pertain to the procedures listed in this Constitution, but serves as a supplementary procedure only, which includes but is not limited to:
 - i. the optional pledge a Council takes when being sworn into office;
 - ii. formalities and protocols when conducting an Annual General Meeting.
- d) With respect to clause (a), should there be any conflicts between the Constitution and the Annexes and/or Schedules, the Constitution shall be upheld.

Article 123 – Languages and Translated Interpretation

- a) The Constitution may be translated into another language and interpreted as such as long there is approval between the entities who will be undertaking a Resolution that the translation is acceptable.
- b) With respect to clause (a), the meaning of the translation to another language shall be equivalent to this original legislative document.
- c) Should there be any discrepancies between the translations and languages used, then the English (AUS) original document shall be used.
- d) Should there be any dispute in the Resolution that was made in the translated language and has any discrepancies and the dispute could not be resolved with the provisions enshrined in the Constitution, then it shall automatically become null and void.