



# **December ECU Student Guild Senate Meeting Minutes**

**Location: JO 1.447**

**Date: Friday 16<sup>th</sup> December 2016**

**Time: 15:00 – 18:00**



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## **1.0 Attendance**

### **1.1 In Attendance**

President – Sam Martyn  
General Secretary – Caitlin Gibbs  
Vice-President (Academic) – Lewis Todman  
Vice-President (Equity & Diversity) – Aqila Burhani  
Environmental Sustainability Officer – Kelsey Field  
Postgraduate Officer – Diane Smith  
General Senator – Adnan Akram  
General Senator – Simon Waddilove

CEO - Brett Callender

Accredited Observer – Lewis Price (Immediate Past President)

#### **Observers:**

Trent Barron  
Vineet Chawla  
Jason Duffin

### **1.2 Apologies**

Vice-President (Social Activity) – Robert Callan (Proxy Lewis Todman)  
International Officer – Jason D’souza (Proxy Kelsey Field)  
South West Officer – Rebecca Joyce (Proxy Caitlin Gibbs)



## 2.0 Preliminary Matters

### 2.1 Acknowledgement of Country

"I would like to acknowledge that we are meeting on Wadjuk Nyoongar land, and I would also like to acknowledge their elders, both past and present. We recognise that the land was stolen and never ceded, and it always was and always will be Aboriginal land."

### 2.2 Declaration of Conflict of Interest

Caitlin Gibbs is a Director of the ECU Jets and Raises this as a conflict for Motion SM1612/15.

The Senate agrees that Caitlin can participate in discussion but will not vote on the motion.

### 2.3 Announcements\*

CEO announces that legal advice is still being sought regarding the Presidency. Advice was sought through the WA Law Society who recommended a firm Tottle Partners. Tottle Partners have offered 'pro bono' advice.

VPA announces he has independently sought legal advice from Alan Camp who advised verbally that the Appeals Committee was acting outside of their jurisdiction.

VPA announces his intentions to move a motion (SM1612/17) that would see Sam removed from the Presidency and Vineet reinstated.

The CEO advised Senators against voting on the motion being proposed by the VPA, as it could result in them not being indemnified by the Guild. This is because they would not be acting in good faith after being notified of information that suggested they would not be acting in good faith as per their obligations as Public Officers.

The CEO advised Senators the supposed legal opinion the VPA claimed to have received was hearsay and supposition only, with no credibility or written support and to ratify the proposed motion on that basis was dangerous ground.

General Senator (L.T) states that the Returning Officer (RO) will not issue Sam a certificate, and that therefore shows that he doesn't recognise Sam as President. Sam states that the reason he has not been issued a certificate because the Guild is waiting on legal advice, however the RO has stated that he will issue the certificate upon receipt of advice confirming the Presidency.

The CEO advises that the rules of the constitution must be upheld from day to day; if the current appointment of Sam as President is advised as unconstitutional in the legal advice offered by Tottle Partners, the matter is resolved, Vineet will get the Presidency. However, he was found to be in contravention of a ruling and therefore reinstating him before legal advice is received is not acting in good faith.



The Chair requested it be noted that the VPA has made accusations about the 2016 Senate that are very close to being against the code of conduct.

A point of Order is made by the CEO that under Schedule 1 – 5 The Appeals Committee (1) (p):

*Decisions of the Appeals Committee shall be final and shall not be subject to further appeal or review within the Guild.*

Postgraduate Officer (PO) queries whether the advice given to the VPA was verbal or written. VPA confirms that it was verbal but states that Alan Camp will provide the advice in writing. PO states that given that the CEO has advised that Senators who vote for the Motion SM1612/17 that the senate should defer voting on the motion until the advice from Tottle Partners has been received.

General Senator (S.W.) requests that all Senators consider the advice given by the CEO and agrees with the PO.

### **2.3.1 Procedural Motion**

**SM1612/16** – Motion that the ECU Student Guild Senate defer Motion SM1612/17 pending legal advice; in the meantime, the Presidency will remain vacant.

Moved: Diane Smith

Seconded: Simon Waddilove

Four for; eight against

**Motion Invalid**

**\*\*Under Schedule 1 – 5 The Appeals Committee (1) (p):**

*Decisions of the Appeals Committee shall be final and shall not be subject to further appeal or review within the Guild.*

**Therefore, Motion SM1612/17 is voided as the Senate do not have jurisdiction to further appeal or review the matter.**

### **2.3.2 Presidency Motion**

**SM1612/17** - The Guild Senate reaffirms that the purported “interim appeals committee” that purported to ban Vineet Chawla from office for 12 months was acting outside its jurisdiction. We affirm that Vineet Chawla is the elected President of the Guild with a right to sit and vote in Senate meetings and that Sam Martyn is not the elected President of the Guild and does not have a right to sit or vote in Senate meetings.

Moved: Lewis Todman

Seconded: Adnan Akram

Nine for; three against

\*Simon Waddilove and Caitlin Gibbs (proxy Rebecca Joyce) would like their dissent noted.

**Motion Invalid**



**\*\*Under Schedule 1 – 5 The Appeals Committee (1) (p):**

***Decisions of the Appeals Committee shall be final and shall not be subject to further appeal or review within the Guild.***

**Therefore, Motion SM1612/17 is voided as the Senate do not have jurisdiction to further appeal or review the matter.**

### **2.3.3 Appointment of Chairperson**

Under the ECU Student Guild Constitution Clause 38 (2):

In the absence of the President, the General Secretary shall act as chairperson of meetings of the Senate. In the absence of both the President and the General Secretary, the Senate shall by Resolution passed by Simple Majority elect a Senator to act as chairperson of the meeting.

The Senate agreed to allow General Secretary Caitlin Gibbs to Chair the Meeting.

### **2.3.4 Motion**

**SM1612/19** - The Guild Senate directs the Guild CEO Brett Callender to ensure that Guild staff carry out the following by close of business this Monday December 19<sup>th</sup>, 2016:

1. Remove Sam Martyn's access to Guild IT services and email and ensure Sam Martyn returns the Guild laptop given to him.
2. Grant Vineet Chawla access to Guild IT services, email and a Guild laptop.
3. Remove Sam Martyn's keys or access cards to the Guild building and the office of the President.
4. Grant Vineet Chawla access to the Guild building and the office of the President.
5. Remove Sam Martyn from the Guild's payroll system.
6. Add Vineet Chawla to the Guild's payroll system as the Guild President.
7. Communicate to the University that Vineet Chawla is the elected and recognised President of the Guild.
8. Carry out any other actions necessary to recognise Vineet Chawla as the President of the Guild and remove Sam Martyn from his claim to office.

Moved: Aqila Burhani

Seconded: Kelsey Field

Nine for; three abstentions

Caitlin Gibbs (as Proxy vote for Rebecca Joyce) and Simon Waddilove would like their abstentions noted.

**Motion Invalid**

**\*\*Under Schedule 1 – 5 The Appeals Committee (1) (p):**

***Decisions of the Appeals Committee shall be final and shall not be subject to further appeal or review within the Guild.***



Therefore, Motion SM1612/17 is voided as the Senate do not have jurisdiction to further appeal or review the matter.



## **2.4 Office Bearers Reports**

### **2.4.1 President**

### **2.4.2 General Secretary**

### **2.4.3 Vice-President (Academic)**

### **2.4.4 Vice-President (Equity and Diversity)**

Has been in contact with a number of Equity Clubs to organise their plans for 2017.

### **2.4.5 Vice-President (Social Activity)**

### **2.4.6 Environmental Sustainability Officer**

Attended the NUS National Conference

The NUS National Day of Action is March 22<sup>nd</sup>.

### **2.4.7 International Officer**

### **2.4.8 Postgraduate Officer**

Attended the CAPA Conference

Was Appointed as Western Branch President of CAPA

### **2.4.9 General Senator (L.T.)**

Attended NUS National Conference

### **2.4.10 General Senator (S.W.)**

### **2.4.11 General Senator**

### **2.4.12 CEO**

The Guild is being requested to submit a proposal for the café at the gym.

The Operational staff need direction and ideas from the Senate regarding the Café.

## **2.5 Approval of Previous Senate Meeting Minutes**

**SM1612/11** - Motion that the ECU Student Guild Senate accepts the minutes from the December 1<sup>st</sup> Senate Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Sam Martyn

Motion adjourned until the Senate has had time to read through them.

## **Procedural Motion**

**SM1612/14** – Motion that Motions SM1612/12 and SM1612/13 be voted on bloc.

Moved: Lauren Thomas

Seconded: Caitlin Gibbs

Motion passed unanimously

## **2.6 Motions Sent by Circulation**

Motion was sent by circulation, please see Appendix A and note that the items are available for viewing by members of the Guild Senate.





**SM1612/12** - Motion that the ECU Student Guild Senate accepts the motions and the outcomes as circulated on the 2<sup>nd</sup> of December as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Lewis Todman

**SM1612/13** – Motion that the ECU Student Guild Senate accepts the minutes from the December 6<sup>th</sup> Secretariat Meeting as formal, accurate, and read.

Moved: Caitlin Gibbs

Seconded: Lewis Todman

Motions passed unanimously

### **3.0 Priority Items**

#### **3.1 Non-Secretariat Project Development and Honoraria Award Handbook**

See Appendix B.

**SM1612/14** – Motion that the ECU Student Guild Senate approve the Non-Secretariat Project Development and Honoraria Award Handbook as attached in Appendix B for the 2017 Senate term.

Moved: Caitlin Gibbs

Seconded: Simon Waddilove

- Motion passed unanimously



## 4.0 Discussion Items

### 4.1 ECU Jets

**SM1612/15** - Motion that the ECU Student Guild Senate sponsor the ECU Jets for an amount of \$50k for the 2017 calendar year subject to the Memorandum of Understanding.

Moved: Sam Martyn

Seconded: Simon Waddilove

Motion adjourned after discussion by the Senate.



## 5.0 Other Items



## **6.0 Appendices**

**6.1 Appendix A – Circular Motions**

**6.2 Appendix B – Non-Secretariat Project Development and Honoraria Award Handbook**