



February ECU Student Guild Senate Meeting Minutes

Location: JO 31.441

Date: Friday 10th February 2017

Time: 10:00 – 12:00



Table of Contents

1.0 Attendance.....	3
1.1 In Attendance	3
1.2 Apologies	3
2.0 Preliminary Matters	4
2.1 Acknowledgement of Country.....	4
2.2 Declaration of Conflict of Interest	4
2.3 Announcements.....	4
2.4 Office Bearers Reports.....	4
2.3 Approval of Previous Senate Meeting Minutes.....	5
3.0 Priority Items.....	6
3.1 Restoration of Vineet Chawla’s rights as the President of the Guild	6
3.2 Removal of Sam Martyn’s Access	6
3.3 Alan Camp Legal Costs	6
3.4 Alan Camp Legal Costs (2).....	7
3.5 Guild Legal Advice.....	8
3.6 NUS “Make Education Free Again” Campaign.....	8
3.6 NUS “Make Education Free Again” Campaign Funding.....	8
4.0 Discussion Items.....	9
4.1 Appointment of new Operational Executive	9
4.2 Budget.....	9
Meeting Closed 01:00PM.....	9
5.0 Appendices.....	9
5.1 Appendix A – ECU Student Guild Staff Dispute Resolution Request	9



1.0 Attendance

1.1 In Attendance

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

1.1.2 Observers

Non-Member	Malcolm Stokes
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1.2 Apologies

South West Officer –	Rebecca Joyce (Proxy to Simon Waddilove)
Vice-President (Social Activity) –	Robert Callan
General Senator –	Lauren Thomas (proxy to Lewis Todman)



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

2.3 Announcements

2.4 Office Bearers Reports

2.4.1 President

Vineet reports that he spoke with Jason Duffin as a casual to organise Guild parties and events on behalf of Robert Callan who has been absent since the beginning of his term. He reports that the ball will go ahead.

Vineet spoke with Trent about the ECU Jets funding and finalised how much would be spent on each campus.

N.B. Caitlin Gibbs and Simon Waddilove note that they do not recognise Vineet as President.

Correction:

Vineet Chawla is not and never has been the President of the ECU Student Guild at law, therefore these comments will be struck from the published minutes.

2.4.2 General Secretary

Caitlin reports she is working on the final draft of the social club affiliation policy. Being in contact of clubs finding out what the requirements are to affiliate. Gave notice of the Guild staff going to a dispute with the fair work. The Guild CEO gave notice on the 8th February that he has submitted a dispute with the fair work commission in relation to his supposed termination.

2.4.3 Vice-President (Academic)

Lewis reports he had been dealing with the legal disputes regarding the Presidency and the termination of CEO Brett Callender; he is seeking advice from the National Tertiary Education Union.

He reports he has been working on the National Union of Students "Make Education Fee Again" campaign.

2.4.4 Vice-President (Equity and Diversity)

Aqila reported she has spoken and had meetings with the collectives within the Equity and Diversity Department and helped organised their stalls for O'day.

She is in the process of reviewing her Department's budget.



She has the Equity and Diversity Collectives' Training Day on Wednesday 15th of February 2017.

2.4.5 Vice-President (Social Activity)

2.4.6 Environmental Sustainability Officer

Kelsey reports she is assisting Lewis with the National Union of Students "Make Education Free Again" Campaign.

2.4.7 International Officer

Jason reports he will be giving a speech for ECU's My International Day on the 24th of February at Mt Lawley. He also declared that he wishes to start planning for an International Food Festival.

2.4.8 Postgraduate Officer

Di has been in contact with Postgraduate Representatives from other universities and has begun planning workshops for Postgraduate students at ECU.

She has submitted a number of questions to the Political Representatives campaigning for the seat of Joondalup in the WA State Election; these questions will be asked during the upcoming Seat of Joondalup Debate organised through the Guild.

She also reports she has given an interview for Edith Cowan Magazine which is published by the university twice yearly.

2.4.9 South West Officer

2.4.10 General Senator (AA)

2.4.11 General Senator (LT)

2.4.12 General Senator (SW)

Simon is in the process of planning a debate between the Political Candidates who are campaigning for the Seat of Joondalup in the WA State Elections.

2.3 Approval of Previous Senate Meeting Minutes

SM1702/01 - Motion that Minutes of ECU Student Guild Senate Meetings be placed on the Guild website after their Approval by the Senate as accurate and factual accounts.

Moved: Lewis Todman

Seconded: Vineet Chawla

Ten for; one abstention

Motion Carried

SM1702/02 - Motion that the unapproved minutes from the December 2016 ECU Student Guild Senate Meeting be removed from the Guild website.

Moved: Lewis Todman

Seconded: Kelsey Field



Ten for; one abstentions

Motion Carried

Correction:

A motion cannot be used to unlawfully change the minutes of a meeting for any purpose particularly when that purpose is to remove a statement of accountability relating to the Vice-President Academic. Constitutional Clause 41, General Secretary, sub-clause (2) (a) (ii) states the General Secretary is responsible for ensuring that *'accurate and complete minutes are taken of all meetings of Guild bodies'*.

Motion SM1702/02 is therefore invalid and the record shall show the statement made by the VP Academic in respect to the 1 December 2016 Senate meeting.

3.0 Priority Items

3.1 Restoration of Vineet Chawla's rights as the President of the Guild

SM1702/03 - Motion that the ECU Student Guild Senate directs Guild Staff to recognise Vineet Chawla as the President of the Guild and grant him access to Guild resources and facilities.

Moved: Aqila Burhani

Seconded: Diane Smith

Seven for; three against; one abstention

Motion Carried

Correction:

Vineet Chawla is not and never has been the President of the ECU Student Guild at law, therefore this motion has no validity.

Motion SM1702/03 is therefore null and void

3.2 Removal of Sam Martyn's Access

SM1702/04 - Motion that the ECU Student Guild that the Senate directs Guild staff to revoke all the access given to Sam Martyn.

Moved: Diane Smith

Seconded: Aqila Burhani

Six for; three against; one abstention

Motion Carried

3.3 Alan Camp Legal Costs

SM1702/05 - Motion that the ECU Student Guild Senate retrospectively approve spending of \$2,500 for legal advice in relation to the Presidency.



Moved: Lewis Todman
Seconded: Kelsey Field

Eight for; three against
Motion Carried

N.B. Caitlin Gibbs and Simon Waddilove (with proxy of Rebecca Joyce) note their dissent.

Correction:

Motion SM1702/05 is in breach of the Constitution – Clause 66, Budget, sub-clause (3)

'The Budget may be amended after confirmation by the Senate by a Resolution passed by Special Majority and the amended Budget shall be provided to Council in accordance with the Rules'.

Vineet Chawla is not and never has been the President of the ECU Student Guild at law, he therefore does not form part of the legitimate members voting; as the motion requires a special majority (i.e. 75% of the vote) it fails as the real count, excluding Chawla, was 7 for and 3 against. This is not a special majority.

Therefore, Motion fails.

3.4 Alan Camp Legal Costs (2)

SM1702/06 - Motion that the ECU Student Guild Senate retrospectively approve spending of \$2,300 for second set of legal advice.

Eight for; three against
Motion Carried

N.B. Caitlin Gibbs and Simon Waddilove (with proxy of Rebecca Joyce) note their dissent.

Correction:

Motion SM1702/06 is in breach of the Constitution – Clause 66, Budget, sub-clause (3)

'The Budget may be amended after confirmation by the Senate by a Resolution passed by Special Majority and the amended Budget shall be provided to Council in accordance with the Rules'.

Vineet Chawla is not and never has been the President of the ECU Student Guild at law, he therefore does not form part of the legitimate members voting; as the motion requires a special majority (i.e. 75% of the vote) it fails as the real count, excluding Chawla, was 7 for and 3 against. This is not a special majority.

Therefore, Motion fails.



3.5 Guild Legal Advice

SM1702/07 - Motion that the ECU Student Guild Senate revokes the right of staff to seek legal advice on behalf of the Guild without approval from the Senate.

Moved: Vineet Chawla

Seconded: Aqila Burhani

**Eight for; three against
Motion Carried**

N.B. Caitlin Gibbs and Simon Waddilove (with proxy of Rebecca Joyce) note their dissent.

Correction:

This is not a valid or legitimate motion; the Senate have no power to raise and/or vote on such a motion because:

General staff have no authority under their contracts of employment to seek legal advice; however,

The right of the CEO to seek legal advice in the interests of the Guild is entrenched in the CEO's contract of employment and duties.

Therefore, motion SM1702/07 is null & void

3.6 NUS "Make Education Free Again" Campaign

SM1702/08 - Motion that the ECU Student Guild support the NUS' "Make Education Free Again" campaign.

Moved: Lewis Todman

Seconded: Kelsey Field

**Eight for; three against
Motion Carried**

3.6 NUS "Make Education Free Again" Campaign Funding

SM1702/09 - Motion that the ECU Student Guild that the ECU Student Guild approve \$5000 for NUS "Make Education Free Again" campaign.

Moved: Lewis Todman

Seconded: Kelsey Field

Amendment - Motion that the ECU Student Guild approve \$1000 for the NUS "Make Education Free Again" campaign.

**Four for; three against; four abstentions
Motion Failed**



4.0 Discussion Items

4.1 Appointment of new Operational Executive

A number of Senators wish to appoint a new CEO due to the termination of Brett Callender. Brett Callender has lodged a dispute with the Fair Work Commission on 08/02/2017 alleging wrongful termination, as his termination was not done in accordance with the EBA.

A number of Guild employees have lodged a Dispute Resolution Request in accordance with their EBA. See attached Appendix A.

Caitlin advises that due to Brett being on sick leave when he was terminated, his termination is not valid and that any action to hire someone in his place while the investigation is open would be illegal.

Lewis states that he has been in contact with the NTEU and has received advice that the termination was valid.

Vineet advises Lewis to seek advice regarding the matter particularly in relation to employee and staff changes whilst the Fair Work Commission and EBA Dispute Resolution cases are ongoing.

Lewis and Vineet state their intent to seek advice about their rights to see the employment contracts of Brett Callender and other Guild employees.

4.2 Budget

Discussion of the Budget was adjourned by the Chair.

Senators are asked to familiarise themselves with the draft 2017 Budget.

Meeting Closed 01:00PM

5.0 Appendices

5.1 Appendix A – ECU Student Guild Staff Dispute Resolution Request