



March ECU Student Guild Emergency Senate Meeting Minutes

Location: JO 1.447

Date: 31/03/2017

Time: 09:00AM



Table of Contents

1.0	Attendance.....	3
1.1	In Attendance	3
1.1	Observers.....	3
1.2	Apologies.....	3
2.0	Preliminary Matters	3
2.1	Acknowledgement of Country.....	3
2.2	Declaration of Conflict of Interest	3
2.3	Announcements.....	3
2.4	Office Bearers Reports.....	4
2.3	Approval of Previous Senate Meeting Minutes.....	4
3.0	Priority Items.....	6
3.1	Reimbursement of Costs	6
3.2	Retraction of Allegations	6
3.3	SSAF Steering Committee	7
4.0	Discussion Items.....	8
4.1	Senators Duties.....	8
4.2	Non-Secretariat Senators' Honoraria and Departmental/Project Proposals	8
4.3	Secretariat Honoraria	8
4.4	Budget.....	8
4.5	Policy and Accountability Committee.....	9
4.6	Missed Meetings.....	9
4.4	Senate Meetings	9
5.0	Appendices.....	10
5.1	Appendix B – CEO Legal Costs Memo of Conditions	10
5.2	Appendix B – Memo re Allegations of Misconduct	10
5.3	Appendix C – Allegations of Serious Misconduct Letter.....	10



1.0 Attendance

1.1 In Attendance

President – (Vacant)	
General Secretary –	Caitlin Gibbs
Vice-President (Academic) –	Lewis Todman
Vice-President (Equity & Diversity) –	Aqila Burhani
Vice-President (Social Activity) –	Jason Duffin
Environmental Sustainability Officer –	Kelsey Field
Postgraduate Officer –	Diane Smith
General Senator –	Simon Waddilove
CEO –	Brett Callender
Financial Controller –	Melissa Johnston

1.1 Observers

1.2 Apologies

General Senator –	Lauren Thomas
South West Officer –	Rebecca Joyce (proxy Caitlin Gibbs)
General Senator –	Adnan Akram (proxy Aqila Burhani)
International Officer –	Jason D'Souza

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

Brett Callender acknowledges a conflict for Item 3.1. The Senate resolves that he will leave the room during discussion and voting.

Melisa Johnston acknowledges a conflict for Item 3.2. The Senate resolves that she will leave the room during discussion and voting.

2.3 Announcements

As per the Constitution Clause 66, subsection (2) the Budget must be approved and provided to University Council by March 31st in each year. As today is March 31st, the Senate must approve a budget before the conclusion of today's meeting.



2.4 Office Bearers Reports

2.4.1 President

2.4.2 General Secretary

Caitlin reports she has been working with Jason to aid him with his department's clubs and events, the most recent of which was the Clubs' Carnival.

2.4.3 Vice-President (Academic)

Lewis reports he has been working on the National Day of Action and Penalty Rates forum.

2.4.4 Vice-President (Equity and Diversity)

Aqila reports she has been working with the Equity Collectives on Harmony Day. She is planning de-stress workshops for exam time and an Islamic Festival.

2.4.5 Vice-President (Social Activity)

Jason reports he has been working with the Social Clubs to hold Clubs' Carnival which was a huge success. He is also planning the mid-Semester Toga Party and a number of Quiz Nights.

2.4.6 Environmental Sustainability Officer

Kelsey reports she has been working on the NUS National Day of Action.

2.4.7 International Officer

2.4.8 Postgraduate Officer

Diane reports she is working with the Postgraduate Research Centre and is still attempting to access the bank account of the previous PGA.

2.4.9 South West Officer

2.4.10 General Senator (Lauren)

2.4.11 General Senator (Adnan)

2.4.12 General Senator (Simon)

Simon reports he has been working closely with a number of clubs and Departments. He assisted the Engineering Society and Women in Engineering with their Drone Day, assisted Paul with Harmony Day and Clubs' Carnival, and has been watering the Student Garden.

2.3 Approval of Previous Senate Meeting Minutes

SM1703/05 - Motion that the ECU Student Guild Senate approves the minutes from the February 10th Senate Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Simon Waddilove

Motion Carried Unanimously



Correction:

Acknowledgment that the minutes so passed reflect the corrections listed in the February 10 2017 minutes.

SM1703/06 - Motion that the ECU Student Guild Senate approves the minutes from the March Senate Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Jason Duffin

Motion Carried Unanimously



3.0 Priority Items

3.1 Reimbursement of Costs

Substantiation:

- The Senate breached due process defined in the Guilds Enterprise Agreement and denied Brett the principles of fairness and natural justice when they supposedly terminating him while he was on sick leave for Worker's Compensation due to workplace stress.
- Because of the Senate's actions he was forced into a situation where he had no choice but to seek legal support to protect his livelihood.
- The reasons for the supposed termination; were baseless and unsubstantiated.
- In their formal response to the Fair Work General Protections claim, the Guild acknowledged and accepted all statements of defence; as well as, the listed remedies, confirmed the claims against Brett were unfounded.

Brett has agreed that he will withdraw his Fair Work claim if the Senate approves a full reimbursement of his legal costs, and receive a written retraction by the two remaining Senators Lewis Todman and Aqila Burhani, who were signatories to the allegations and supposed termination. Please see Appendix A.

SM1703/07 – Motion that pending submission of receipts, the ECU Student Guild Senate approve the reimbursement of legal costs to the Guilds CEO, Brett Callender, currently amounting to \$4,029.60, which were incurred as a result of the CEO having to defend his workplace rights against an attempt by Senate members to terminate his employment for allegations of serious misconduct.

Moved: Caitlin Gibbs

Seconded: Simon Waddilove

Discussion:

Caitlin advises that Brett's Fair Work Case is looking strong and advises that the Senate pass the Motion to reimburse his legal costs so that he will withdraw the case. Lewis and Aqila are concerned that this would open them up to personal liability should they pass this. Lewis suggests that Brett is only offering this option as his case is weak and it would allow his legal costs to be reimbursed even though he is at fault.

**Three for; five against
Motion Failed**

3.2 Retraction of Allegations

Melissa has formally requested that the Senate, and in particular Lewis Todman and Aqila Burhani, formally retract in writing, the allegations of serious misconduct made against her in their letter dated 10th February 2017. Please see Appendices B and C.

SM1703/08 - Motion that the ECU Student Guild Senate formally retract the Allegations of Serious Misconduct against Financial Controller Melissa Johnston.



Moved: Caitlin Gibbs
Seconded: Simon Waddilove

Discussion:

Caitlin advises that Mel will be going to the Fair Work Commission unless a retraction is issued. Aqila and Lewis state that they still do not believe the allegations were unfounded, however would consider issuing a retraction to prevent the case going to the Fair Work Commission. They are concerned that this would open them up to personal liability. Lewis suggests that the Senate issue a statement that the allegations were investigated and found to be false. Aqila states she is concerned that this would influence Brett's case and calls to adjourn the motion, which Lewis Seconds.

Motion adjourned.

3.3 SSAF Steering Committee

SM1703/09 – Motion that the ECU Student Guild Senate appoint Aqila Burhani as the Undergraduate Senate Representative on the SSAF Steering Committee.

Moved: Kelsey Field
Seconded: Lewis Todman

Motion Carried Unanimously



4.0 Discussion Items

4.1 Senators Duties

Caitlin announces that she has received a number of complaints from a number of Guild Members about Lewis not fulfilling the duties of his position. She has had formal complaints from the Nursing and Midwifery Collective and the Finance and Accounting Society, and unofficial complaints from Engineering Society members who have not received any training, funding, or other assistance with their Societies and that he has failed to appoint any student Representatives to the various Teaching and Learning Committees across the Schools.

She states that she has spoken to Lewis separately on a number of occasions and that she must now make it known to other Senators. She recounts that Lewis stated that during elections, that he campaigned that he would be representing students on a National level, which is why he has focussed his attention on the NUS 'Make Education Free Again' Campaign and the Penalty Rates Forum. Caitlin reminds him that his position also entails responsibilities at a local level and advises that he commence those duties immediately, or risk not meeting the KPIs that the University sets for the Guild, and risking funding being cut off.

4.2 Non-Secretariat Senators' Honoraria and Departmental/Project Proposals

Caitlin reminds Senators to submit their Project/Departmental Proposals and to make sure they report each week to receive their honoraria.

4.3 Secretariat Honoraria

Caitlin reminds Senators that only Guild work can be included on Timesheets and that they must be submitted by 10am Monday at the end of each pay period.

4.4 Budget

As per Clause 58 of the Constitution, the Budget is required to be approved and submitted to University Council no later than March 31st.

Please see the 2017 Draft Budget
Free Printing Model

SM1703/10 – Motion that the ECU Student Guild Senate approve NUS Affiliation fees of \$5000.

Moved: Lewis Todman
Seconded: Kelsey Field

Motion Carried Unanimously

SM1703/11 – Motion that the ECU Student Guild Senate approve the draft Budget for submission to the University.

Moved: Caitlin Gibbs
Seconded: Kelsey Field



Motion Carried Unanimously

4.5 Policy and Accountability Committee

Need one Senator to sit on the Committee with the General Secretary and two Guild staff.

SM1703/12 – Motion that the ECU Student Guild Senate appoint Diane Smith to the Policy and Accountability Committee pending her availability. If she is unavailable, the General Secretary will appoint another Senator.

Moved: Kelsey Field

Seconded: Lewis Todman

Motion Carried Unanimously

4.6 Missed Meetings

Caitlin reminds Senators of Clause 58, subsection (2) – that an officer automatically vacates their position if they are absent from meetings without leave (explanation or medical certificates need to be provided) on three occasions. This is a self-fulfilling clause in that it does not require a motion to ratify.

4.4 Senate Meetings

The next two Senate Meetings will be on the 21st of April and the 12th of May. Senate Meetings will then occur on the first Friday of each month.

The next meetings will be as follows:

April 21st

May 12th

June 2nd

July 7th

August 4th

September 1st

October 6th

November 3rd



5.0 Appendices

[Appendices should be a separate document exported as an image file and dropped in one page at a time]

5.1 Appendix B – CEO Legal Costs Memo of Conditions

5.2 Appendix B – Memo re Allegations of Misconduct

5.3 Appendix C – Allegations of Serious Misconduct Letter