



ECU Student Guild 2017 Special General Meeting Minutes

Location: JO 1.447 ML 3.251 BU 1.107
Date: Monday 8th May 2017
Time: 11:30 AM – 2:30 PM



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1.0 Attendance

1.1 In Attendance

President –	Sam Martyn
General Secretary –	Caitlin Gibbs
Vice-President (Academic) –	Lewis Todman (proxy Diane Smith)
Vice-President (Equity & Diversity) –	Aqila Burhani
Vice-President (Social Activity) –	Jason Duffin
Environmental Sustainability Officer –	(Vacant)
International Officer –	(Vacant)
South West Officer –	Rebecca Joyce
General Senator –	Simon Waddilove
General Senator –	Lauren Thomas
General Senator –	Adnan Akram
CEO –	Brett Callender
Financial Controller –	Melissa Johnston

1.2 Apologies

Postgraduate Officer –	Diane Smith
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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 declares that he has a conflict for Items 7 and 9.

Mel declares that she has a conflict for Item 7.

SGMP1705/01 – Procedural Motion that Brett and Mel be allowed to remain in the room during the discussion and vote on Items 7 and 9.

Moved: Sam Martyn

Seconded: Caitlin Gibbs

Motion Carried

Sam Martyn declares a conflict of interest for Lewis Todman for Item 3.5.

Lewis challenges this and states that although there are allegations of misconduct against him, he should be allowed to vote on the Item anyway.

Guild member Jordan Butler quotes Clause 52 of the Constitution and states that the conflict is still perceived and is therefore still a conflict.

Liam Dans would like to move a Procedural Motion to determine if Lewis Todman be allowed to vote on Item 3.5.

SGMP1705/02 – Procedural Motion that Lewis todman be allowed a vote for Item 3.5.

Moved: Liam Dans

Seconded: Caitlin Gibbs

Motion Failed

SGMP1705/03 – Procedural Motion that Lewis Todman be allowed to remain in the room to discuss Item 3.5.

Moved: Sam Martyn

Seconded: Caitlin Gibbs

Motion Carried Unanimously

2.3 Brief Overview of the Purpose and Nature of the SGM

Each person will only be able to speak to the motion once for three minutes.

Lewis Todman queries where in the standing orders this is stated. Sam replies that Clause 14.26 and 14.27 of the Standing Orders cover this.

Brett explains the procedure for a silent ballot.



2.4 Approval of Previous ECU Student Guild General Meeting Minutes

2.4.1 2016 AGM

SGM1704/01 - Motion that the ECU Student Guild approves the minutes from the 2016 Annual General Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Jason Duffin

3 Abstentions; Liam Dans would like his abstention noted.

Motion Carried

2.4.2 September 14th 2016 SGM

SGM1704/02 - Motion that the ECU Student Guild approves the minutes from the September 2016 Special General Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Jason Duffin

21 against

Motion Carried

2.4.3 October 26th 2016 SGM

SGM1704/03 - Motion that the ECU Student Guild approves the minutes from the October 2016 Special General Meeting as formal, accurate and read.

Moved: Caitlin Gibbs

Seconded: Jason Duffin

Motion Carried Unanimously



3.0 Meeting Items

3.1 General Secretary Report

3.2 CEO's Report

Guild has two branches of staff – elected members who form the Senate and salaried staff who are employed to ensure that the programs decided by the senate are implemented.

2016 Operations focussed on building admin and IT framework which was a continuation from 2015.

IT centralised servers at Joondalup as we have our own network.

The Guild is looking to build and complete a website and intranet framework.

There is now a new branding and style guide which has basically been finished.

Website and intranet will allow clubs to have their own Guild email and pages on website.

Will streamline payments to clubs.

CEO in collaboration with Senate have restructured to create an Administration Services and HR Specialist position. Last year the Communication Officer resigned; Marketing and Promotions Officer was recruited.

Financial Management: Ensure that we continue advancing transparency and accountability of accounting and finances. Have just signed second external audit which was successful. Elections were held in September. Staff were treated poorly by Senators at the beginning of their term however this has been resolved.

3.3 Financial Controller's Report

Have recently received audit. Changed accounting systems to a cloud based system. Have recently received external audit which we passed. Changed accounting systems to a cloud based system "Xero". Have had a couple issues however this has been resolved other than a few constraints by the program Xero.

Draft report was signed off by auditor unchanged. 2016 only had \$50k left over, which is better compared to \$400k the year before.

3.4 Passing of the 2016 Financial Report

SGM1704/04 – Motion that the ECU Student Guild approve the Financial Reports for 2016 in their totality.

Moved: Caitlin Gibbs

Seconded: Simon Waddilove

Please see Appendix A

Motion Carried Unanimously



3.5 Removal of Office Bearer

SGM1704/05 – Motion that the ECU Student Guild remove Lewis Todman from his position as Vice-President (Academic).

Moved: Emily Thompson

Seconded: Steven Gregory Warren

Description:

The Nursing & Midwifery Collective (N&MC) and Finance & Accounting Society (F&AS) propose this motion on account of repeated failure of Lewis Todman to respond to emails and offer support to our academic Societies and, failure to undertake the duties of his role. Additionally, he did not appropriately contact the Student Guild Finance department in a timely manner to help us to properly organise events and arrange a float. We have since received our funding on the 31st March, however that is well over a month later after a lack of response on official correspondence.

Evidence of our disappointment and frustration is shown in Appendix B for example the N&MC made 4 phone calls and sent 3 text messages to the VP Academic. Only 1 text message was replied to. On the 24th of January contact was made to the General Secretary Caitlin Gibbs to find out important information on funding, after the VP Academic had not responded to emails in relation to O'day and funding. On the 11th of March President of N&MC Emily Thompson had to use Facebook, an unorthodox means of finding important information in relation to a fundraising Barbeque. It was subsequently the General Secretary who confirmed that the appropriate arrangements had been made by Student Activity Officer Paul Harnett on Monday the 13th March.

Further to this, after organising with the President of the N&MC to meet at the Joondalup campus to discuss the N&MC, he did not attend the meeting and failed to communicate this to President Emily Thompson who had driven to campus specifically for this meeting. She was later informed by Guild staff that that he had been absent from the Guild office completely that day.

On the 10th of March, the Finance and Accounting Society sent an email to the VP Academic after receiving no response after an application to form the F&AC was sent through on Tuesday 28th of February. The President of the F&AS only received response from the General Secretary and not the VP Academic in relation to the email sent on the 10th March.

Further correspondence was made on the 23rd of March by the President of the F&AS asking the VP Academic to appoint the President of F&AS the Student Representative for the School of Business of Law. The School of Business and Law sent an email to the F&AS President requesting him as a Student Representative; this email was forwarded to the VP Academic and the General Secretary. The General Secretary subsequently forwarded the email to the VP Academic requesting he send an email to the School of Business and Law that stated that he appoints Steven Gregory Warren as the Student Representative. At the



time of submitting this motion the VP Academic still has not appointed any student representative to the School of Business and Law or any school within the University.

We believe the VP Academic has been derelict in his duties and the above grievances are examples of his dereliction. Our collectives lack confidence in the VP Academic to conduct his role as he has failed to respond to correspondence and offer support. We lack confidence in him to help grow the Academic department and has not been responsible to students by not even attempting to appoint any student representatives.

Lewis states that the allegations against him are not what we should be discussing and that we are facing a Liberal Government and that it is his duty to fight against budget cuts to education. Emily and Greg both query why he could not do that as well as ythe duties defined in his contract of engagement and duty statement. Lewis attempts to continue talking about the Liberal Government and the Chair Sam Martyn states that as he is not addressing the Item that he will not be allowed to continue talking.

Greg Warren states that his club, The Finance and Accounting Society have still not received any funding despite numerous attempts to contact Lewis Todman. He has also been attempting to be nominated as the Student Representative for the School of Business and Law's Curriculum Teaching and Learning Committee however has been unable to sit on it as Lewis Todman has not approved this despite numerous attempts by both Greg and the School of Business and Law to contact him.

Thomas Freeman notes that a number of specific allegations against Lewis were not in the agenda. Thomas states that he believes the Guild's number 1 job is to fight attacks by the liberal government on students. He says the NUS is the only organisation that is fighting for students' rights and that the faction who ran against Lewis in the election is ignoring these.

Jordan Butler raises that we are not here to discuss Lewis' character, but his misconduct within his role. He states that his time wasting has cost the Guild quite a lot of money, and continues to do so, and that Lewis does not seem concerned by this.

Meeting Recess for 30 minutes

Matt speaks against the motion as he thinks that the roles and responsibilities are very simple. For 5 years higher education has been having funding cuts. Latest attacks are the lowering of the HECS repayment threshold. He believes the priority of any student representative should be to defend students against the attacks. He believes Lewis has been committed to fighting these.

Mary is neither for nor against the motion. She is an undergraduate student and doesn't know him personally. Has spoken with him about political aspect of government cuts. Her view of the guild is for students to be represented. She agrees that the guild needs to build a community with clubs but also needs to have a political aspect to fight for her as a student. She sees a lot of pettiness and would like someone to represent her.



Lewis Price would like to thank Mary for her comments as a first year student. He is for moving Lewis Todman from office as he believes the issues raised are important in regards to looking after clubs. Since the foundation of the guild the clubs have been the vehicle for change and getting involved with the Guild. Can be a forum for pushing against the changes to Higher education and the lowering of the HECS Repayment threshold. Lewis Todman is no the only member of Senate against the changes. Perhaps if he were truly against the changes he would be including the clubs and members of the clubs who want to fight against the legislative changes.

Lewis responds to the new allegations which weren't in the original document. The people speaking for the motion have been attacking his character and he has not been allowed to prepare against those allegations and that it is an orchestrated attempt to catch him out as he could not possibly respond to all of them. He states that he has not been claiming hours selling Red Flag magazines, only advocating for students. He reiterates that he believes that campaigning against the Liberal government is doing his job and that it is the most important part of the job.

Greg states that he the new claims were not new claims, only identical. He also raises the point that these motions were submitted 5 weeks ago, yet Lewis has not taken action to remedy the claims against him. He also notes that he is not a Liberal voter so considers it slander that Lewis would claim that the attack against him is led by the right.

67 for; 6 against

Motion Carried

Lewis Todman is removed from his role as Vice-President (Academic).

As Lewis held a proxy vote, the meeting is now inquorate and will reconvene on Wednesday at 11:30am.

3.6 Removal of Office Bearer

SGM1704/06 – Motion that the ECU Student Guild remove Kelsey Field from her position as Environment Sustainability Officer.

Moved: Samantha-Jane Rose

Seconded: Simon Waddilove

Description:

We propose this motion as we believe the Environment Sustainability Officer lacks commitment to her responsibilities and duties to the Student Garden. Upon being elected there has been no effort by the Environment Sustainability Officer to appropriately make arrangements for watering or looking after the Student Garden. It has largely been left to students such as ourselves and help from Guild staff to appropriately look after the garden.



The first example of this came on the 17th of January when General Senator Simon Waddilove and Guild Staff on their own accord removed dead plants and weeds after receiving a lot of verbal feedback of the state of the Community Garden. We have been informed in February the Environment Sustainability Officer was shown the equipment and inventory of the community garden by General Senator Simon Waddilove. By February 27th students noticed General Senator Simon Waddilove had been watering the Garden and inquired via Facebook including ourselves on the state of Garden who were keen to help out. Upon request on the 28th of February General Senator Simon Waddilove spoke with the Guild Finance department about allocating float money was then organised for pizza to have a community Garden day. Students made contact with a Garden Doctor Carla Wier who had helped in past Student Garden days.

Our disappointment is the lack of commitment of Environment Sustainability Officer in helping looking after the Student Garden. It has been the case since 2013 the Student Garden is a main responsibility of the Environment Sustainability Officer. The Environment Sustainability Officer has not helped water or provide support in organizing students in looking after the Student Garden. It was left to students to organise the Student Garden day on Thursday 9th of March and no further attempts from the Environment Sustainability Officer behalf to water or provide support to students. We believe it is inappropriate that the Environment Sustainability Officer claim an honorarium when students and other senators are essentially conducting responsibilities of her role.

No longer valid as Kelsey was removed from office prior to the start of the SGM.

3.7 Retraction of Misconduct

SGM1704/07 – Motion that the ECU Student Guild Senate immediately issue separate written letters to: ECU Student Guild CEO, Brett Callender; and Financial Controller, Melissa Johnston unconditionally retracting all accusations of serious misconduct levelled at Mr. Callender and Ms. Johnston and apologise for their actions and the stress caused.

Moved: Hannah Seymour

Seconded: Liam Dans

Description:

The CEO and Financial Controller, when she was acting for the CEO while he was on sick leave, were intimidated and bullied by some Senators to undertake unauthorised (and in some cases unlawful) actions in direct contravention of the Constitution, policy and procedures.

Despite this being pointed out and referenced in relevant documentation, these Senators, acting outside their duties, obligations and liabilities accused both employees of serious misconduct because they would not compromise their professional integrity by breaking rules and follow unlawful directions.



This has been a case of gross misuse of power by these Senators and while Guild management have dismissed all allegations the Senate must understand there are consequences for their actions as elected representatives and must be held accountable. This is best served by this motion where, as the governance arm of the Guild, an apology accepting this is appropriate.

This motion does not need to put to vote as it was passed at a subsequent Senate meeting that occurred before the SGM was to be reconvened.

3.8 Standing Orders Amendment

SGM1704/08 – Motion that the ECU Student Guild amend Clause 16 of the Standing Orders, by the inclusion of a new sub-clause, that states the Immediate Past President and the Guild's CEO shall be accredited observers for all Guild Senate and Guild Secretariat meetings.

Moved: Simon Waddilove

Seconded: Steven Gregory Warren

Description:

The ECU Student Guild is bound by legislation and rules in respect to governance and operational obligations as they relate to delivery of member services. Senators change each year and for many elected representatives it is the first time they find themselves having to understand the duties, responsibilities and accountabilities, and liabilities their positions have.

Although the Senate's role is one of governance (i.e. they determine the strategic direction of the Guild through the identification and approval of strategic plans and core policy, and financial management through the ratification of the annual budget), this can be daunting and it is important each the Senate utilises available resources to assist them in reaching ethical and logical decisions moving forward.

The immediate past President has a wealth of experience to help a new Senate, particularly in respect to the intricacies of student representative duties and maintaining valuable relationship building with the University and other stakeholders.

The Guild CEO heads up the salaried operational arm of the Guild and provides extensive business and governance management skills to ensure protection to the Senate in respect to adherence to rules and legislation.

Both of these people need to be a mandatory inclusion in each Senate and Secretariat meeting to provide each new Senate with relevant information and Guidance, in an advisory capacity, to allow them to make informed decisions. The risk of the alternative is a constant reworking of process to undo decisions, made without relevant consultation, which can prove costly to the Guild and its members.



This motion does not need to put to vote as it was passed at a subsequent Senate meeting that occurred before the SGM was to be reconvened.

3.9 CEO's Legal Fees

SGM1704/09 – Motion that ECU Student Guild immediately reimburse legal costs, amounting to \$4,029.60, incurred by the Guilds CEO, Brett Callender as a result of an unlawful and unauthorised attempt by various Senators to terminate his employment on 18 January 2017.

Moved: Simon Waddilove

Seconded: Hannah Seymour

Justification:

With inaccurate advice from the NTEU, members of the Senate falsely accused the Guild CEO of having acted outside of terms of his contract of employment by not undertaking unlawful directions given by these same Senators and; therefore, was accused of serious misconduct.

The claims made had no merit and could not be substantiated; however, the CEO was summarily terminated by email while on sick leave. Due process was not followed resulting in multiple breaches of the Guilds Enterprise agreement and the principles of natural justice. Following a General Protections claim lodged with the Fair Work Commission, Guild Management dismissed all allegations and apologised to Mr. Callender for the incident.

A similar motion to this one was tabled to the Senate on 9 March 2017 seeking reimbursement but following two adjournments, and the next Senate meeting not being held until late this month, no decision has been made. Under the Guilds Constitution the membership can direct the Senate to take a given action and that is the purpose of this motion; that is direct the Senate to reimburse the CEO.

This motion does not need to put to vote as it was passed at a subsequent Senate meeting that occurred before the SGM was to be reconvened.

6.0 Appendices

6.1 Appendix A – 2016 Financial Report

6.2 Appendix B – Screenshots of Correspondence with Vice-President (Academic)