



AUSTRALIAN NATIONAL UNIVERSITY STUDENTS' ASSOCIATION

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Notice of Meeting:

Special General Meeting (SGM) 2 2019

Date: Tuesday, 8 October 2019 (Week 10)

Time: 6:30pm

Location: Marie Reay 2.02

Can I come?

ANUSA General meetings are open to all undergraduate students at the ANU.

As this is a Special General Meeting requested by resolution of the SRC, only business included in the request may be discussed. Please see the agenda attached below

If you have any questions, please don't hesitate to contact sa.gensec@anu.edu.au.

Lachlan Day
General Secretary
1 October 2019



SGM 2 AGENDA

Tuesday 6:30pm 8 October 2019

Marie Raey 2.02

Item 1: Meeting Opens and Apologies

Meeting open at 6:37pm

Acknowledgement of Country

“We wish to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal and Ngambri peoples. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today’s meeting.”

Apologies

Chair outlines standing orders for the meeting

Item 2: Discussion Items/Motions on Notice

Request to the General Secretary for specified business to be discuss at a Special General Meeting as signed by 80 members of the Association as noted in s13(17) of the ANUSA constitution.

Specified Business:

Motion 1: That ANUSA accepts the 2019 General Election Probity Report [Reference A]

Moved by Bec

Seconded by Kai

Mover: One of the first General Meetings with quorum. Therefore passing now.

Seconder: Waived rights.

Right of reply: Waived rights

Status: Passed

Motion 2: That ANUSA accepts the 2020 Probity Finance Report [Reference B]

Moved by Noah

Seconded by Bec

Mover: Waived rights

Seconded: Waived rights

Right of reply: Waived rights

Status: Passed

Motion 3: That ANUSA Accepts the 2020 Probity Disputes Report [Reference C]

Moved by Brandon

Seconded by Bec

Mover: Waived rights

Seconded: Waived rights

Right of reply: Waived rights

Status: Passed

Motion 4: That ANUSA makes the following amendments to the Standing Orders:

Preamble:

The well-being of members of the SRC and its effectiveness as a democratic forum depend on SRC meetings being free of bullying, harassment, intimidation and abuse.

The requirement of the Standing Orders that a person who has been named 3 times must leave a meeting, have been breached. Subsequently the SRC meeting was abandoned and was unable to complete its work.

SRC members have expressed that they feel unsafe attending SRC meetings..

The Freedom of Representatives Regulations are inconsistent with the meeting procedures set out in the Standing Orders. The Standing Orders provide a system for managing individual speaking rights within a democratic context. Meetings will be dysfunctional if the majority of a meeting cannot determine what matters it wishes to consider and who has the floor at any particular point of a meeting. For this reason the Standing Orders need to have priority over the Freedom of Representatives Regulation.

These are minimal changes to support the safety and effectiveness of the SRC. Dissent provisions already allow a meeting overrule a ruling of the chair, if appropriate. (Standing Orders 4.2).

Amendment 1

Explanation: This amendment clarifies that the Standing Orders apply in respect of meeting procedure, notwithstanding any other Regulation.

After 1.1.1 insert:

1.1.2 Any regulations or policies inconsistent with these Standing Orders is of no effect to the extent of the inconsistency during a meeting.

Procedural motion moved by Kai to separate voting on amendments, seconded by Madhu, passed.

Moved by Kai

Seconded by Jason

Mover: Means that Representatives cannot be gagged in meetings for doing their jobs. Makes sure Executive cannot silence Representatives.

Secunder: Regulations and policies includes Freedom of Representative Regulations and Code of Conduct. Code of Conduct would still apply where it is not inconsistent with the Standing Orders. Agree with Lachy's point in preamble that the Standing Orders should be a one-stop shop as far as possible.

Against: Bad that Chair has right to overrule existing Regulations. Points to the fact that all amendments are bad. Sets bad precedent for student unions.

Point of clarification by Jason that claims made were factually incorrect.

For: Important to vote up amendments today for the safety of people attending meetings. Often leave meetings feeling exhausted and unable to do my job. Have often not been able to function properly after meetings.

Against: There is a reason why this amendment has been included. Issues are not about safety but about democracy. These amendments will override the democratic rights of members of the Association. This is a disclaimer that undemocratic changes will be put forward. Amendment should be opposed by anyone who supports democracy.

Against: Concerning ramifications for Department Officers. Indicates that there will be a contradiction – rights of Department Officers will be infringed. These amendments will have ramifications.

Right of reply: General Secretary can already interpret things however they want. This just deals with contradictions so that the General Secretary does not have more power.

Status: Passed

Amendment 2

Explanation: This amendment amends 4.3.3 by extending the situations in which a chair can have a person removed. The new section 4.3.4 makes explicit the power of the chair to ensure safety of a

meeting, by seeking the assistance of ANU security or the police if a person refuses to leave the meeting. Safety of meetings is essential for student democracy.

Delete 4.3.3 and insert instead:

4.3.3 The chair has discretion to have any person removed from a meeting who has failed to immediately leave the meeting after being named 3 times under 4.3.2 or for outrageous conduct, including conduct described in 6.2 or 6.3.

~~4.3.4 The chair is entitled to request the assistance of ANU security to remove a person covered by 4.3.2 or 4.3.3 who is trespassing by remaining in the meeting without permission.~~

Moved by Kai

Seconded by Madhu

Amendment to strike 4.3.4
Friendly amendment

Amendment to include 4.3.3
Friendly amendment

Preamble

These amendments vastly increase the power of the Chair to eject members. My draft included a number of protections to check this increase in power.

Currently the section dealing with immediate removal of members from a meeting states that the chair has a “discretion” to remove people for “outrageous conduct”, the meaning of which is for the chair to determine. In my draft, they may only be removed for specified conduct and with the agreement of 2/3 of the meeting. This amendment limits the discretion, limits removal to specified conduct and allows a simple majority to block removal.

Amend 4.3.3 of Amendment 2 to:

4.3.3 The chair may have a person immediately removed from the meeting for intimidating, bullying, abusive or harassing behaviour as defined in section 6.3 or as defined in section 6.2, but not for any other conduct. Any decision to immediately remove a member may be invalidated by a simple majority.

Procedural motion moved by Grace to speak on Amendment 3 now
Failed

Mover: If someone was to engage in bullying behaviour or physical behaviour, there is limited recourse. This provides a mechanism for this to happen.

Seconder: Waived rights

Procedural motion for a 2 minute break passed

Against: Any student has a right to attend ANUSA meetings and held representatives to account. The Chair and their friends have been conservative this year. People who do not know the bureaucracy results in people being named when they are asking questions. This is a tool to

remove people who disagree with the Executive. This would make ANUSA one of the most undemocratic student unions in the country. Julie Bishop motion was undemocratically censored.

For: This has nothing to do with removing motions from the agenda. In its initial form, did not back this amendment. Can only be removed for conduct in 6.2 or 6.3, meaning that Chair cannot just remove people for outrageous conduct.

Procedural motion by Henri to add another speaker for and against the motion, seconded by Abby
Passed

Against: Whole purpose of amendments is to strengthen the power of the Chair and Executive against people who disagree with them – reflected in original wording. Should be matter of principle that students cannot call cops on other students. No coincidence that people have been named when hard questions have been asked, especially in relation to the Kambri booking fees issue. Everyone should vote down this motion.

Point of clarification by Sarah that the amendment no longer contains police.

For: Non-SRC member who has been to the majority of SRCs this year. Exhausting to go to SRCs. Even when have not participated in debates, it is demoralising. This motion is not about being named, it is about being ejected immediately. It is not democratic to bully and harass students at this university.

Against: Method to curtail people of certain political opinions. This is not how to curtail the Chair's power. 6.3 involves online behaviour – have seen behaviour on Slack. Police are here to intimidate. If these amendments go ahead, it will impact SRCs far into the future.

Procedural motion for another speaker for and against moved by Kim, seconded by MC
Passed

For: Irony that people posting in Facebook groups about everyone having right to move motions are shutting down meetings and stopping motions from being discussed.

Point of clarification by Grace

Point of clarification by Wren

Against: Look at 4.3.3 of the Standing Orders as they currently are. Currently, 'outrageous behaviour' is vague. Currently the SRC cannot overrule the Chair by a simple majority, the SRC has now been given more power. Need ability to overrule the General Secretary.

Henri named.

Amendment to add a full stop by Jason Pover. Friendly amendment.

For: Frustrating to see false dichotomy of democracy versus safety. If you need to harass or abuse someone to get your point across, that's not democratic. Opinion that is presented in a way that harms the welfare of other people should not be heard. Good way to make sure that people who are keen to get engaged will. Privilege is deeply intertwined with this discussion.

Against: Things that have resulted in people being named have included talking back to the Chair when they are being undemocratic, questioning the Executive, censoring motions. Student was kicked out for saying the f-word which was characterised by the Chair as bullying.

Point of clarification by Henri Vickers

Right of reply: This is better than the current section. Would love to see future policy on naming policy. Need to focus on the current amendment at this point.

Kai Clark has been named for swearing.

Status: Passed

Amendment 3

Explanation: The new section 6.3 is similar to the existing 6.2 of the Standing Orders. The existing 6.2 makes the chair responsible for preventing discrimination in meetings. The new sections 6.3.1 – 6.3.3 introduce similar provisions for the chair to protect participants from bullying, abuse, intimidation or harassment and defines these behaviours. The new section 6.4 starts an immediate process for consideration of removal from office or membership where a person repeatedly engages in behaviour resulting in the person being required to leave a meeting.

After section 6.2 insert:

6.3 Bullying, Abuse, Intimidation or Harassment

6.3.1 During meetings governed by these rules it is the responsibility of the Chair to protect members from intimidating, bullying, abusive or harassing behaviours.

6.3.2 The chair has the discretion to have a person immediately removed from the meeting for intimidating, bullying, abusive or harassing behaviour.

6.3.3 Intimidating, bullying, abusive or harassing behaviour covered by this section includes:

6.3.3.1 Shouting, screaming, abusive name calling;

6.3.3.2 Personal attacks, offensive gestures or actions, aggressive or threatening behaviour, invasion of personal space, coercion or attempted coercion, unsolicited physical contact with another Member or other person at the meeting;

6.3.3.3 Taking photos or visual recording of Members or other people at a meeting without permission of the Presiding Member or the person being recorded;

6.3.3.4 Approaching or occupying the podium or the front of a meeting without permission of the chair, any disruption of the meeting; and

6.3.3.5 Online behaviour during a meeting by a person present at the meeting or any other behaviour by a person present at the meeting which a reasonable person would consider to be bullying, abusive, harassment or intimidation.

6.3.4 Intimidating, bullying, abusive or harassing behaviour not covered by this section includes:

6.3.4.1 Legitimate criticism of an officer in a meeting on the basis of the conduct of their duties in relation to the Association;

6.3.4.2 Any legitimate scrutiny of a report;

6.3.4.3 Vigorous debate on a Motion; and

6.3.4.4 Fair reporting of a meeting by Members.

Procedural motion moved by Kai to deal with 6.3 and 6.4 separately. Seconded by Jason.

Passed

Procedural motion by Jin for a 5 minute break. Seconded by Cahill. Passed

Moved by Jason. Seconded by Bec.

Amendment moved by Jason to insert the following:

6.3.3 Intimidating, bullying, abusive or harassing behaviour covered by this section includes:

- a. Shouting, screaming, abusive name calling;
- b. Personal attacks, offensive gestures or actions, aggressive or threatening behaviour, invasion of personal space, coercion or attempted coercion, unsolicited physical contact with another Member or other person at the meeting;
- c. Taking photos or visual recording of people at a meeting without permission of the Chair or the person being recorded;
- d. Approaching or occupying the podium or the front of a meeting without permission of the chair; and
- e. Online behaviour during a meeting by a person present at the meeting or any other behaviour by a person present at the meeting which a reasonable person would consider to be clearly bullying, abusive, harassment or intimidation and which is not covered by section 6.3.4.

6.3.4 Behaviour will not be Intimidating, bullying, abusive or harassing and will not be covered by this section that is:

- a. Legitimate criticism of an officer in a meeting on the basis of the conduct of their duties in relation to the Association;
- b. Any legitimate scrutiny of a report;
- c. Vigorous debate on a Motion; and
- d. Fair reporting of a meeting by Members.

Amendment moved by Jason to remove the following:

6.3.2 The chair has the discretion to have a person immediately removed from the meeting for intimidating, bullying, abusive or harassing behaviour.

Amendment moved by Henri to remove 'personal attacks'

Friendly

Procedural motion moved for a 5 minute break.

Friendly amendment to remove 'screaming'

Amendment moved by Henri to remove 6.3.2(c) (taking photos or visual recordings)

Unfriendly amendment

Seconded by Skanda

Mover of amendment: We are elected student representatives and should be accountable. Hard to figure out which way someone's votes go. Legal issues in terms of this are covered by Australian law.

Henri named.

Secunder of amendment: Make it difficult for student media to live-stream – Chair can veto live-streaming. Problems can be addressed through personal space invasion amendments.

Against amendment: Recognise accountability, but accountability can go beyond Australia. Could risk personal safety, especially for some international students. Any photo taken should have full consent and full information.

For amendment: There are other ways to protect people who don't want their photo being taken. Need to be accountable to the student body.

Against amendment: Every member of the SRC already gives permission to student media to record and take photos of the meeting. Needs a more specific amendment. Agree with Jin about safety of people who are outside of the SRC. Can threaten safety of not only individual but also their families. Also courtesy not to take photos of people who have not given permission.

For amendment: Commend everyone who has spoken on amendment. Live-streaming of meetings is important – if it can prevent live-streaming, it is bad.

Status: Failed

Amendment to remove entirety of section relating to online behaviour (s 6.3.2(e)) proposed by Henri.

Seconded by Abby

For: Vague.

For: Waived rights.

Status: Passed

Now moving motion as a whole

Moved by Jason

Seconded by Bec

Mover: Provides significant protections. People should not feel physically unsafe.

Seconder: This motion is not undemocratic. Democracy does not allow for bullying and abusive behaviours. Speaking just about this motion at the moment.

Against: These set of amendments are not about bullying and harassing behaviours. Activists in the student union have held representatives to account. Screaming could be interpreted as talking loudly. Should be democratic right for people to know how their elected representatives have voted. Occupying the chair happened when students were arguing against Julie Bishop.

For: This amendment clarifies. Steps to make sure the Gen Sec cannot be a dictator. Amendments provide more procedural justice.

Against: No strong argument that this amendment does not weaken the powers of the chair. If you vote against this, there will not be a majority. If the right even take control of the union, it will destroy the left.

Kim has been named.

Point of clarification by Sarah.

For: If you cannot engage in legitimate debate without abusing people, you are not doing democracy well. Go to ANU Debating Society to practice your debating skills. People on and outside this SRC have asked me about my ability to do my role without engaging in abusive behaviours. Behaviours like this have stopped important motions from passing.

Against: Falsehood that this motion is about safety. List of specific things that Exec can pursue people against. Removes ability of dissenting voices to protest what goes on. People have attempted to hold representatives to account. Increase ability to discipline everyone who is an activist.

Friendly amendment.

Right of reply waived.

Motion to dissent the Chair moved by Kim

Chair passed to Eden

Mover: Strengthens the ability of the Chair to rule by decree. Part of the reason that these amendments are being moved is because the SRC next year is worried about it being separated. Taking photos is not a reason to name someone.

Chair: Gen Sec's job to uphold policies and rules of ANUSA. Clear in the Code of Conduct that is on every table that you cannot swear in ANUSA workplaces. It is against the law to take videos. Encourage everyone to see why this dissent was proposed.

Status: Failed

Overall motion: Failed

6.4 Automatic Referral to the Disputes Committee for Removal from Office or Membership

6.4.1 If a member who is an ANUSA Representative (but not a Department Officer) fails to leave a meeting of the Association within 5 minutes of being required to do so under these Standings Orders; or is removed from or is required to leave a meeting of the Association more than 2 times in a calendar year, the SRC must consider a motion, at the earliest possible opportunity for reference of that person to the Disputes Committee for removal from office in accordance with the ANUSA Constitution. This motion takes priority over any other substantive motion before the SRC.

6.4.2 If a member is a Department Officer fails to leave a meeting of the Association within 5 minutes of being required to do so under these Standings Orders; or is removed from or is

required to leave a meeting of the Association more than 2 times in a calendar year, then the Presiding Member must notify the relevant Department if possible. The Department may choose to debate a motion calling for the Department Officer's removal in accordance with section 9(13)(a) of the Constitution.

6.4.3 If a member who is an Officer of the Association but not a Representative of the Association fails to leave a meeting of the Association within 5 minutes of being required to do so under these Standings Orders; or is removed from or is required to leave a meeting of the Association more than 2 times in a calendar year, whatever meeting is empowered to revoke their office must at the earliest possible opportunity consider a motion for such removal, in accordance with the Constitution and the Regulations. This motion takes priority over any other substantive motion before that meeting.

6.4.4 If a member who is not an Officer of the Association fails to leave a meeting of the Association within 5 minutes of being required to do so under these Standings Orders; or is removed from or is required to leave a meeting of the Association more than 2 times in a calendar year, a motion must be considered at the earliest practicable opportunity (either at the ANUSA Executive or the SRC, whichever can act first) to refer the member to the Disputes Committee for revocation of membership rights in accordance with the Constitution. This motion takes priority over any other substantive business of the ANUSA Executive or the SRC, as the case may be.

Procedural motion by Madhu for a 15 minute break, seconded by Cahill, failed.

Procedural motion by Tanika for a 10 minute break, passed.

Moved by Jason

Seconded by Harsh

Amendment moved by Nupur to change 5 minutes to 10 minutes.

Friendly amendment.

Amendment moved by Jason to amend 6.4.4 to:

6.4.4 If a member who is not an Officer of the Association fails to leave a meeting of the Association within 10 minutes of being required to do so under these Standings Orders; or is removed from or is required to leave a meeting of the Association more than 2 times in a calendar year, a motion must be considered at the earliest practicable opportunity at SRC to refer the member to the Disputes Committee for revocation of membership rights in accordance with the Constitution. This motion takes priority over any other substantive business of the SRC.

Mover: Can see how this looks bad, but it's important. Under the Constitution, there is no ability to remove someone from meetings if they continue to engage in negative behaviour. Consultation with Departments has resulted in a better amendment. If you believe that people should feel safe in meetings then vote for this.

Seconded: Right to speak waived.

Against: Student who is not affiliated with political groups. Centralises decision-making power in the Chair and a select committee. Disincentivises average students from engaging in student politics.

For: Has been brought up that this will threaten the autonomy of Departments. This has gained approval from 6/7 of the Departments and is aligned with the Constitution. The SRC has no power over the election or removal of Department Officers. Do not appreciate as a Department Officer or member of a minority community that causes have been pigeonholed or used for another cause. The voices of all Departments except the Environment Department are threatened by this.

Against: This could lead to the EC removing their officer as any member of the undergraduate community is a part of the EC. Taking a student to Disputes is stressful and disruptive.

Point of clarification by Sarah.

Procedural to add one more speaker for and against this motion by Madhu, seconded by Aisha, passed.

For: Former Officer resigned. Someone else had an onion dropped on her. These meetings are not safe for Representatives. There needs to be consequences for people who engage in inappropriate behaviours. These things might seem dramatic, but Disputes do not just go for the harshest penalty.

Motion passed for the Chair to read out sections of the Constitution relating to the Disputes Committee.

Against: Extreme step to take. Needs to be a middle step. Clearly targeted at left-wing people who have been disruptive this year. Don't vote for something just because your friend told you to.

For: Meeting has shown contempt that ANUSA exec have for students. Shows a lack of respect for students who are actually left-wing. The majority of left-wing motions have been brought from outside the SRC. Students voted for left-wing activists to be on the SRC. Two of the four Disputes Committee said that they were friends with people on the SRC.

Right of reply:

Status: Failed

Procedural motion to consider motion 5 now by Henri, seconded by Jacob, passed.

Motion 5: That ANUSA makes the following amendments to the standing Orders:

Insert 2.1.3-2.1.4 and renumber accordingly

2.1.3 Motions will only be debated and voted on where either the mover or seconder is a voting member or officer. Any member may move or second any motion, but a motion that is not in compliance with this section cannot be debated and put to a vote and will lapse at the close of the meeting.

2.1.4 The mover of a motion can stop any member from seconding the motion at any time before debate or the voting on the motion commences.

Motion lapsed.

Insert 2.2.3-2.2.4

2.2.3 Motions submitted with proper notice must be included in the agenda except where they are confidential motions.

2.2.4 Confidential motions are motions that the Chair deems to be confidential prior to the Meeting.

- a. The Chair may only deem an item confidential if:
 - i. the mover of the motion consents;
 - ii. the motion concerns an election; or
 - iii. the motion being made publicly available would put the Association under a demonstrable, proven and specific risk which the Chair makes available to all Voting Members through private means. The Chair will be under an obligation to seek appropriate advice in deeming this.
- b. Confidential Motions will not be included in the Agenda.
- c. The Chair is under an obligation to revoke confidentiality and include the Motion in the Agenda if a procedural motion to debate in camera is not moved before the end of the meeting.

Insert 3.8

3.8 Motion to Debate in Camera

3.8.1 This Motion must not interrupt a speech and must be put without Amendment, adjournment or debate.

3.8.2 A Voting Member or Officer may move that a Confidential Motion, or Confidential Motions, be debated in camera. The nature of the Motion(s) must not be publicly disclosed in the course of moving this Procedural Motion but they must be identified to the extent that Voting Members are aware what the Primary Motion(s) is.

3.8.3 If the Motion is not a Confidential Motion, this Procedural Motion cannot be moved.

3.8.4 This Motion requires a $\frac{3}{4}$ (three quarters) majority in order to be carried. If the Motion is not carried, the Motion ceases to be a Confidential Motion and must be immediately added to the Agenda.

Moved by Jason

Seconded by Skanda

Friendly amendment by Jason to delete section 2.2.3-4 and change amendment to:

3.8 Motion to Debate in Camera

3.8.1 This motion must not interrupt a speech and must be put without amendment, adjournment or debate.

3.8.2 The motion must relate to one or more specific items in the agenda.

3.8.3 This motion requires a $\frac{3}{4}$ (three quarters) majority in order to be carried. If the motion is carried, members who are not voting members must vacate the meeting for the duration of the items specified in the motion.

Mover: Want to make it a three-quarter majority to make it more difficult. People who say they want to speak against this probably want to support it. If even small part of SRC think that the motion should not get up then it will not pass.

Secunder: Waived rights.

Against: Waived.

Against: Against codifying putting motions in-camera. Putting stuff into the standing orders codifies less transparency.

Against: Attempt that will probably be made in the future against to codify removing debate and discussion. Putting political discussion in secret. Exemplifies everything about bad attitudes of people who dominate SRC. Subverts ability of students to hear elected representatives' rights.

Right of reply waived.

Status: Passed.

Amend 4.2.2

4.2.2 This motion requires a two-thirds vote against in order to be defeated.

Moved by Jason

Seconded by Daniel

Friendly amendment to amend section 4.2.2:

4.2.2 This motion requires a three-fifths vote against in order to be defeated.

Mover: Changes super-majority – re-balances power towards the SRC.

Secunder: Waived rights.

Right of reply: Waived rights.

Status: Passed.

Amendment 4

Explanation: Consequential renumbering of following provisions.

Renumber the existing regulations 6.3, 6.4, 6.5 and 6.6 as 6.5, 6.6, 6.7 and 6.8; and renumber sub-regulations accordingly.

Motion lapsed.

Item 4: Meeting Close

Meeting closed at 9:46pm.

Reference A

https://docs.google.com/document/d/1ED9WomeEgNWn4MQ49WHVZCnU69dfnkGq6kqKWIPAcU/edit?fbclid=IwAR2gCUUt-s376n7Fq8-RTPJseiTmfD4kl02dlt8f_U9r0DK6Q25GtUkbb5k

Reference B

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<https://drive.google.com/open?id=1pSS00gJXa6mdyQ20oKCRBgZMvRKbPDca>

Reference C

<https://drive.google.com/open?id=1pbes4EZwloFu7uG2nDVDHKMkcWmiOOwp>