



1.0 WELCOME AND OPENING

Jack formally opened the meeting by acknowledging that the Guild Council was meeting on Noongar land and that the Noongar people remain the spiritual and cultural custodians of the land and continue to practice their beliefs, languages and traditions.

1. Attendance

Nevin Jayawardena (Guild President), Alexandra O'Brien (Treasurer), Owen Myles (PSA President), Michael Kabondo (SOC President), Lina El Rakhawy (Ed Council President), Jack Looby (Chair), Megan Lee (Vice President), Vinuri Gajanayake (Secretary), Sean O'Leary (Environment Officer), Hannah Matthews (Womens Officer), Tyson McEwan (Welfare Officer), Bryan Quah (OGC), Joseph Chan (OGC), Luke Andrew (OGC), Pheobe Ho (OGC), Reece Gherardi (OGC), Justin Workman (OGC), Michael McKenzie (OGC), Lewis Hutton (OGC), Ruth Thomas (Pelican)

2. Apologies

Rigel Paciente (Pride Officer), Tonia Curby (Pride Officer), Sofia Kouznetsova (VACE Chair), Sophie Coffin (WASAC Chair), Zee Ibrahim (OGC), Darryl Loke (ISS Director)

3. Proxies

Sean Matjeraie (for Dionel Desuzer)

4. Observers

Brendon Ng (Observer), Taylor Home (Observer)

5. Absent

ACCEPTED

2.0 DECLARATION OF POTENTIAL OR PERCEIVED CONFLICTS OF INTEREST



Reece noted his conflict of interest with the second motion as Tenancy Chair. Jack said it should be noted but there was no need to take away his vote as he was a part of the process.

Jack said he had a conflict of interest with the Discipline Report as he was the SOC President last year and that was the complainant. Owen suggested that Jack abstain.

3.0 CONFIRMATION OF PREVIOUS MINUTES

1. Guild Council Meeting 27th January 2017

ACCEPTED

4.0 BUSINESS ARISING FROM PREVIOUS MINUTES

1. Welcome of new Ordinary Guild Councillor

Lewis Hutton was congratulated on his appointment.

2. Election for vacancy on the Discipline Committee (Guild Regulations 6.1.12)

Michael McKenzie nominated Lewis Hutton.

Lewis accepted.

Reece Gherardi nominated Justin Workman.

Justin declined.



Lewis was elected.

5.0 DIRECTOR'S REPORTS

1. Managing Director's Report

Tony said the main focus has been around Orientation. From an operations perspective the events team has done a fantastic job. The marketing team have started on the new 'Get more than a degree' campaign, which advertises getting involved in a variety of areas.

He said we are still pending on the University's approval in terms of the ref. They met with the Executive on the 21st of February and put forward the proposal which was exceptionally well done. There wasn't too much push back and they seem to believe that our strategy is very sound.

Megan asked if the timeline for the ref is altered because of the pending for approval.

Jack S said that the project could be pushed back to second semester depending on how long the approval takes but we'll have to wait and see as it's only been a day since the proposal was presented.

Tony said they'd been asking for that meeting with the University for about two months.

Megan asked if Tony or Jack anticipated another two months for them to approve of the project.



Nevin said they have Exec meetings every week so he suspects they would discuss it at the next meeting.

2. Associate Director Corporate Services & Finance Report

Report as tabled.

Tony added that there's been a lot of adjusting going on with the finances since December as the audit is underway. The rough accounting figure is - \$330 000 but with adjustment we're anticipating it to come close to \$280 000-\$290 000. The budget was \$261 000 so it's a little over what we were budgeting for due to unforeseen costs and a dip in revenue.

Owen moved a procedural motion to move in camera. **Carried.**
An in camera discussion was had.

Jack moved a procedural to move out of camera. **Carried.**

3. Associate Director of Student Services Report

Report as tabled.

4. Associate Director of Commercial

Report as tabled.



Jack S highlighted that they have gone through renewal of the menus and started on redoing the interior of the cafes e.g. Hackett.

He said that as the Ref Project process has been dragged out they have now decided to reopen the ref and have an outside operator operating within the space during the transitional period.

He added that they have now received some pleasing results from the new systems they put in place last year such as TASK and the Inventory System.

Michael M asked if they are bringing any private catering into the ref.

Jack S said they have an operator who was there in Semester 2 2016. They are using it because they can't operate the ref ourselves due to the changes in staffing and the redundancies that arose from that. He noted that this was a short term solution until the UWA Executive make a decision on the project.

Lewis asked Jack how many redundancies there were.

Jack S said that were supervisor redundancies.

ACCEPTED

6.0 REPORTS

- 1.** Guild President
Report as tabled.
- 2.** Vice-President
Report as tabled.



Masa run first orientation event and that was great.

3. Secretary

Report as tabled.

4. Treasurer

Report as tabled.

5. Education Council President

Report as tabled.

There are certain bits of assessment policy that have to be enforced and there are some that don't have to be enforced. Students don't know what to expect with the policies and what they will be penalized for. She asked Council to keep an eye out for anyone who is having issues in any faculties with that so that they can run the information on social media.

6. Societies Council President

Report as tabled.

The club directory is done in time for oday.

7. Women's Department

Report as tabled.

8. Welfare Department

Report as tabled.

9. Environmental Department

Report as tabled.

10. Pride Department

Report as tabled.

11. WASAC Chair

Report as tabled.

12. Postgraduate Student's Association

Report as tabled.

13. Volunteering and Community Engagement Committee Chair

Report as tabled.



14. Orientation Director

Report as tabled.

The Aussie Culture workshop and the smoking ceremony need to be worked on in the future. The tour had 120 registrations and they took a full bus load with only positive feedback. The second tour went well with about 80 registrations.

15. Tenancy Committee Chair

Report as tabled.

16. Equity and Diversity Chair

Report as tabled.

Reports as tabled.

ACCEPTED

7.0 QUESTION TIME

8.0 MOTIONS ON NOTICE

- 1.** That Guild Council approves for inclusion into the Guild Policy Book:
 - a) Guild Council recognises the value and importance of all student spaces on campus, including clubrooms, Faculty Society rooms, study spaces for undergraduates and postgraduates, and other general student common spaces;
 - b) Any attempt to reduce the size or number of student spaces should be made in consultation with the Guild and other relevant student groups;



- c) That all Faculty Societies should be provided a space in their own faculty to serve the students they represent; where one is not provided, the Guild should lobby the University or faculty in conjunction with the Faculty Society;
- d) That Guild Council acknowledges that all clubrooms provided by the Guild are a privilege, and requires tenants occupying Guild spaces to uphold all Guild policies; and,
- e) That no Guild-affiliated club or Faculty Society is entitled to a Guild tenant space, regardless of how long they have occupied that space or the investment that they have made into it.

Moved: Reece Gherardi, Seconded: Jack Looby

Reece said that as the Tenancy Chair, and Jack as the former SOC President, would like to recognize the value of student spaces.

Jack said it recognizes that all student spaces on campus are important and make the university active and vibrant, and states that the Guild would always protect student spaces.

Michael M asked how section e about entitlement was reflective of Guild Policy.

Jack said that as mentioned in the Tenancy Allocation Policy, if you are a club who has maintained a good relationship with the Guild then you are more likely to get a clubroom but it doesn't guarantee getting a club room. He noted that you don't get a clubroom for life.

Hannah asked if Department spaces such as the Women's room and the Pride room would be included.



Jack said that Department spaces are decided by SRC, so it's a slightly different policy and not necessarily suggesting that Departments don't deserve spaces. As it's decided by SRC, Tenancy cannot and would not take away a Department space.

Lewis asked what grounds we have to say and enforce that a Faculty should provide a room for a Faculty Society.

Jack said we are taking a policy stance, not because we have the ability to enact it but because we believe that it is the position the Guild should take.

Michael M said this motion is an 'escape' for the Guild to move clubs wherever they like it is inconsistent with the kind of culture the Guild wishes to set up. He added that he doesn't think it is fair that departments are exempt from this motion.

Jack said that to say that this motion is inconsistent with Guild values is ridiculous. He clarified that the motion recognizes the importance of clubrooms, any attempts to reduce the size of clubrooms should go through Guild Council, Faculty Societies should be provided with a space on campus and that it is a privilege to have a Guild space because there are so few as opposed to so many clubs.

Lewis said this motion is directed to justify the 'attacks' or Science Union and Leisure.

Michael K said that as SOC president he believes the motion is fine as it is.



Michael M said that FacSocs needs clubrooms for their general functioning in order to provide their services to students.

Michael K said that he agrees with the importance of clubrooms for FacSocs which is why the motion states that the Guild would support FacSocs in getting rooms within their faculty. He said it's not fair to clubs to suggest that FacSocs are entitled to clubrooms just because they are FacSocs and that as MSU President last year, where they had around 50 committee members, they did just fine without a clubroom.

Reece said that every member of the Tenancy Committee was in favour of this motion and reminded Council that we have a \$1.5M CCZ for clubs to work in.

The motion was put. **PASSED.**

For: Nevin Jayawardena, Alexandra O'Brien, Owen Myles, Michael Kabondo, Lina El Rakhawy, Jack Looby, Megan Lee, Vinuri Gajanayake, Sean O'Leary, Hannah Matthews, Tyson McEwan, Bryan Quah, Joseph Chan, Luke Andrew, Pheobe Ho, Reece Gherardi, Sean Matejeraie (for Dionel Desuzer)

Against: Lewis Hutton, Justin Workman, Michael McKenzie

Abstentions: None

2. That the 104th UWA Guild Council:
 - A) Recognises the vital role that Leisure and Science Union play in contributing to campus culture and as a representative body for students, respectively.
 - B) Overturns the decision of the Tenancy Committee and reinstates the Club Rooms for both Leisure and the UWA Science Union



Moved: Michael McKenzie, Seconded; Justin Workman

Jack passed the Chair to Nevin.

Michael M said that this motion is not to devalue the work of the Tenancy Committee, but he personally believes the removal of a Faculty Society and the recent winner of two best club awards from their rooms is a mistake. He said these clubs provide an invaluable source of social cohesion and taking away their clubrooms would compromise them to a point of disrepair.

Justin said that Leisure deserves respect as a huge club that runs large events like Mexicana. He added that it's disrespectful to take Science Union's clubroom from them due to the huge amount of work they do representing science students and could disenfranchise the SU committee members.

Reece asked Michael M whether Leisure or Science Union specifically asked him to submit a motion.

Michael said that they did.

Lewis asked if Michael M believed the motion would help settle what has been a 'direct attack' on SU and Leisure.

Michael M said there has been a lot of investment by the members of the institutions and it's disrespectful to ignore this. He said the clubs feel that the reallocation process has been unfairly conducted.

Owen said that although there is nothing concrete, the Faculty of Science seems very pro giving SU a space within the Faculty.



Lina said that any Guild club recognizes that it is a privilege to be selected to have a room and they know that it's not common sense for them to base all of their functioning on having a clubroom. The onus is not on the Guild to be responsible for the club's functioning. She added that these clubs did not comply with the regulations attached to them having a room and we cannot overlook that.

Reece moved a procedural to move into camera due to the sensitivity of some of the issues he wanted to discuss. **Carried.**

A procedural was moved to move out of camera. **Carried.**

Justin said that if the Science faculty is happy with providing SU with a space in the faculty, it would be good for the Guild to work with SU during that stage of transition.

Lina said that she and Nevin told Tom Wimmler (the SU IPP) that they would support SU and lobby for them to get a new room in the faculty should they have an unsuccessful appeal. She said as Ed Council President she is not against Science Union and if they believe that having a clubroom is the best way for them to function, she would help them to get one within the faculty.

Michael K said that he definitely agrees with the first part of the motion, but all clubs play a vital role in campus culture. He added that SU have been given a storage space so it doesn't cripple their functionality, noting that some clubs store their things in their own homes.



Lewis said that he stands with Leisure on this motion because the removal of their club room adds to the general view that students have of the Guild trying to destroy the 'work hard, play hard' culture that Leisure and other social clubs help facilitate.

Taylor said that it's important to recognize that every club contributes to campus culture in their own way and by making this decision based on two clubs would not account for the applications of other clubs that have shown that they need the rooms more.

Michael M said that when considering the number of events SU are running this year, particularly the camp, students would be missing out on a yield of opportunity if the Guild were to take away their clubroom.

The motion was put. **FAILED.**

For: Justin Workman, Michael McKenzie, Lewis Hutton

Against: Joseph Chan, Reece Gherardi, Luke Andrew, Pheobe Ho, Sean Matjeraie (for Dionel Desuzer), Lina El Rakhawy, Hannah Matthews, Jack Looby

Abstentions: Nevin Jayawardena, Vinuri Gajanayake, Megan Lee, Alexandra O'Brien, Owen Myles, Michael Kabondo

3. The 104th Guild Council:

A) Recognises the right to Freedom of Speech of all UWA Students and encourages said students to have the freedom and choice to speak and believe in whatever capacity of their choosing.

B) Will, as representatives of the student body, be tolerant and respectful of views that individuals on council do not necessarily agree with.



C) The 104th Guild Council accepts that the enforcement and coercion of political correctness and cultural Marxism through the institutional powers of the guild is inconsistent with the core values of freedom of speech.

Moved: Michael McKenzie; Seconded: Justin Workman

Michael M said that the Guild stands for freedom of speech and the right of individuals to speak their mind regardless of their background. He said its important to establish an environment where you can say whatever you want and not be coerced to feel bad about doing so.

Justin said its important to pass the motion to reassure students that they have the right to have their own ideas and opinions.

Lina asked whether the motion was reactionary to the discussion about Australia Day at the last meeting.

Michael M said it wasn't.

Nevin moved an amendment to split part C into a new motion. He said he is in support for A and B, but naturally there would be debate around C so for the purposes of time it would make sense to pass A and B and debate C.

Lewis said each part of this motion complements the other and the purpose of the motion is to reaffirm free speech.

Michael said that anyone who rejects C should not be accepting A and B as the two go in pair and splitting the motion is disrespectful to the idea behind the motion.



The amendment was put. **Passed.**

4. The 104th Guild Council:

A) Recognises the right to Freedom of Speech of all UWA Students and encourages said students to have the freedom and choice to speak and believe in whatever capacity of their choosing.

B) Will, as representatives of the student body, be tolerant and respectful of views that individuals on council do not necessarily agree with.

Lewis said that this is a step in the right direction as freedom of speech is what is at the heart of the country that we live in.

Reece said he is in support of freedom of speech however, with regards to part B, there is a difference between respecting someone's right to an opinion and respecting someone's opinion itself.

Michael M said he agreed with Reece which is why he specified that as representatives of the student body, it is important to respect people's views.

The motion was put. **Passed Unanimously.**

5. The 104th Guild Council accepts that the enforcement and coercion of political correctness and cultural Marxism through the institutional powers of the guild is inconsistent with the core values of freedom of speech.



Michael m said that this section simply reinstates that students deserve to be in a free and fair society when on campus and voting against would mean that the Guild is afraid of dealing with other people's opinions.

Justin said that it's okay to believe in political correctness as individuals but it's not okay to let this discourage people from speaking their mind as a Guild.

Reece asked Michael M how he defines cultural Marxism.

Michael M said that it's when there are preventative measures, set by a body of individuals who believe their ideologies are the only way, to stop people from doing what they want.

Lina said that to say that we can't pass a particular opinion or stance as a Guild Council is undemocratic. By saying that these stances is Council being 'politically correct' is discounting the lived experiences of the oppressed students that we have been elected to represent.

Megan said that the Guild making a solidarity stance doesn't bind or coerce anyone to do anything. She added that expressing opinions on behalf of those who voted is how representative democracy work.

Lewis said that the whole point of the motion is to say that the institution of the Student Guild shouldn't be trying to force their opinions on other people. He noted Safe Schools as an example where we are trying to 'redefine social norms' and that this motion says that we won't try to be overly politically correct and regulate what people say.



Owen said that people's political beliefs define what political correctness is to them, so that is unenforceable.

Reece added that any motions passed as a Council involves the Guild taking a stance, not forcing other people to agree. Anyone still has the right to speak out against motions that the Guild passes.

Michael M said that he is not trying to enforce the motion, but to accept its existence.

The motion was put. **Failed.**

For: Michael McKenzie, Justin Workman, Lewis Hutton

Against: Joseph Chan, Owen Myles, Pheobe Ho, Luke Andrew, Hannah Matthews, Lina El Rakhawy, Megan Lee, Jack Looby, Nevin Jayawardena, Vinuri Gajanayake

Abstain: Reece Gherardi, Michael Kabondo

6. The 104th Guild Council will not deem the views of any person invalid solely on the basis of their: race, ethnicity, sexual orientation, or socioeconomic status.

Moved: Lewis Hutton; Seconded: Michael McKenzie

Lewis said this reinstates that freedom of speech comes above political correctness and the importance of acknowledging the opinions of not only the minorities, but people who make up the majorities as well.



Michael M said people have the right to their own opinion regardless of their identity. He said that to vote this motion down suggests that the Guild doesn't care about other people's opinions.

Nevin moved an amendment to change it from "deem the views of any person invalid" to "discount the views of any person".

The amendment was put. **Passed.**

Lina moved an amendment to add a part(b) stating that "The Guild also acknowledges that some groups on campus have lived experience in issues of race, ethnicity, sexual orientation or SES and that they should be given due respect in discussion of those issues."

Lewis dissented the Chair's ruling that Lina's amendment was within the scope of the motion.

Jack moved the chair to Nevin.

Jack said that the amendment did not undermine the position taken by the motion.

Nevin moved a procedural to accept Jack's ruling. **Carried.**

Lina noted that the context of this motion being put forward involved her disagreeing with another Council member's views at the last meeting, given their privilege as a 'straight white male' regarding a motion on Indigenous



people. She said no one's views should be discounted but its important to acknowledge that certain people have lived experiences that prevent them from having a voice in society and that it is Council's role to make sure they are given that platform on issues regarding them (e.g. WASAC with Indigenous issues and the Pride Department on LGBTI issues).

Lewis said that this detracton of the motion opens up the possibility of saying that other people's opinions come on top. He said we should consult people with lived experiences but shouldn't discount other people's views.

Lina noted that she doesn't retract her views from the last meeting. It is important to give people with lived experiences the due respect with regards to issues that involve them as a student representative body.

The amendment was put. **Passed.**

For: Nevin Jayawardena, Owen Myles, Michael Kabondo, Lina El Rakhawy, Jack Looby, Megan Lee, Vinuri Gajanayake, Sean O'Leary, Hannah Matthews, Tyson McEwan, Joseph Chan, Luke Andrew, Pheobe Ho, Reece Gherardi, Sean Matejeraie (for Dionel Desuzer)

Against: Lewis Hutton, Justin Workman, Michael McKenzie

Abstentions: None

Hannah said she is in favour of the motion as it encourages free speech but also acknowledges that some people have more knowledge about certain issues because of lived experiences.



Michael spoke for the motion and added that no person's predisposition should result in their opinion being weighted higher or lower than someone else's opinion.

The motion was put. **PASSED UNANIMOUSLY AS AMENDED:**

a) The 104th Guild Council will not discount the views of any person solely on the basis of their: race, ethnicity, sexual orientation, or socioeconomic status.

b) The Guild also acknowledges that some groups on campus have lived experience in issues of race, ethnicity, sexual orientation or SES and that they should be given due respect in discussion of those issues.

7. A procedural was moved to consider the following two motions en bloc.
Carried.

The Guild Council endorses the establishment of a formal Partnership between the University and the Guild.

Moved: Nevin Jaywardena; Seconded: Vinuri Gajanayake

The Guild Council conducts a strategic review and produces a new long-term strategic plan.

Moved: Nevin Jaywardena; Seconded: Vinuri Gajanayake



Nevin said that in the context of universities in the UK, the universities and the student councils have a guide (rather than a contract) regarding the partnership between them and how the university works for the students. He added that they are trying to push the same type of framework for universities in Australia as well. He said he has talked to the Vice-Chancellor about how the Guild wants to be working with the university to have our voice heard at all levels and have a meaningful contribution that the university respects, as well as have mutual trust on both sides. This partnership is about improving the previously broken down relationship we have had with the university without tying us down to anything as it is not a contract.

Nevin said that this partnership would be complemented further by the Guild 2020 Strategy. He said the timeline is not fixed- 3 years just seems like a good number given the student demographic is always changing. He said it will also act as a tool to show stakeholders that we have a long term direction.

Nevin moved a procedural to move into camera. **Carried.**

There was an in camera discussion.

Jack moved a procedural to move out of camera. **Carried.**

Lewis clarified whether the partnership and the strategy could still be retracted by the next Guild Council.

Nevin said the purpose of the strategy is to bring direction to the Guild and show the university that we are forward thinking. He said the partnership is



just a guide as to how to develop the relationship between the university and the Guild. However, it can still be changed by the next Council.

Owen said that as much as the Guild is a political organisation, it is essentially a board of directors that has a duty to plan for a future longer than 12 months. With that in mind, it's impractical to not have a long term strategy simply for the reason of another party getting elected next year and shutting the strategy down.

The motions were put.

MOTIONS PASSED EN BLOC.

For: Nevin Jayawardena, Alexandra O'Brien, Owen Myles, Michael Kabondo, Lina El Rakhawy, Jack Looby, Megan Lee, Vinuri Gajanayake, Sean O'Leary, Hannah Matthews, Tyson McEwan, Bryan Quah, Joseph Chan, Luke Andrew, Pheobe Ho, Reece Gherardi, Sean Matejeraie (for Dionel Desuzer)

Against: None

Abstentions: Lewis Hutton, Michael McKenzie, Juston Workman

9.0 MOTIONS WITHOUT NOTICE

1. That Guild Council accepts the revised Standing Orders (as attached).

Moved: Jack Looby seconded: Nevin Jayawardena

Jack moved the Chair to Owen.



Jack explained that the motion was without notice as it wasn't clear if there needed to be a motion on it and there were a couple amendments that needed to be changed. He said it needed to be discussed at the meeting as it specifically tackles issues we have with in-camera discussions and needs to be dealt with as soon as possible.

Owen moved a procedural to consider the motion. **Carried.**

Jack said the only significant addition was changing the in-camera section to be included in the standing orders rather than an individual policy. It details the process of moving a motion in camera and ensuring transparency with what in camera means.

The motion was put. **Passed.**

For: Nevin Jayawardena, Owen Myles, Michael Kabondo, Lina El Rakhawy, Jack Looby, Megan Lee, Vinuri Gajanayake, Sean O'Leary, Hannah Matthews, Joseph Chan, Luke Andrew, Pheobe Ho, Reece Gherardi, Sean Matejeraie (for Dionel Desuzer)

Against: None

Abstentions: Justin Workman, Michael McKenzie, Lewis Hutton

Owen moved the Chair back to Jack.

2. Following the discussion on vacancies (in General Business), the following motion was created.



That Guild Council accepts the most fair, equitable, democratic, and timely process deemed by the WAEC and as advised by Jackson McDonald, that is to co-opt a person to the position of:

- a. Sports Representative and,
- b. Public Affairs Council President.

Moved: Nevin Jaywardena; Seconded: Lina El Rakhawy

Lewis moved an amendment to limit the nominees to those in the original ballot.

Michael M said that the next person on the ballot being appointed would be the most democratic route. He said that both the Launch candidates are willing and able.

Lina said that given the candidate [Kate], within their role, has to set up committee projects, hold meetings and run events and it's clearly not viable to do that on exchange, it makes no sense to appoint the next person. Similarly, it's undemocratic to give the position to someone with 10% of the vote.

Lewis said it's unjust to give the position to someone who didn't run for it and it's important to consider Kate and Caleb. He said that if Kate is deemed not able, it should go to Caleb who isn't going to get the position just because he ran but rather because over 10% of the student body voted for him.

The amendment was put. **Failed.**



Nevin amended the motion to include the final sentence: *Council will also note that nominees will be considered from but not limited to the original ballot.*

The motion was put. **PASSED**

For: Vinuri Gajanyake, Nevin Jayawardena, Jack Looby, Joseph Chan, Reece Gherardi, Owen Myles, Luke Andrews, Sean Matjeraie (for Dionel Desuzer), Pheobe Ho, Michael Kabondo, Lina El Rakhawy, Megan Lee, Hannah Matthews

Against: Michael McKenzie, Justin Workman, Lewis Hutton

Abstentions: None.

10.0 GENERAL BUSINESS

1. NUS KPI

Megan declared a conflict of interest as she is on the National exec.

Jack moved a motion to accept the NUS KPI Report. **Accepted.**

2. The Discipline Committee 2016 Report

Jack moved a procedural to move into camera. **Carried.**

Jack moved a procedural to move out of camera. **Carried.**

3. Vacancies

Tony said that given we have three vacancies this year, two of which are more problematic than the OGC position, we've received an unclear zone of how to fill up a casual vacancy. The electoral commission has said that in their view, the straight



recount isn't the right way to do it as there is a small pool of representation, unlike the OGC positions. They said to either look at co-opting someone, doing a bi-election or leaving the positions unfilled. Tony took this advice back to our lawyers who essentially did the regulations, and they agreed with some parts of the WAEC but also disagreed with them in terms of the regulations being unfair. They said whilst they think it would be fair to go to a recount, there is also the question on whether the person is 'willing and able' to fulfil that role which comes into play in particular with one of the candidates on the ballot. Both WAEC and the lawyers have come back with the advice to co-opt an eligible person on. It means you put someone into the role for 6 months, then appoint them formally.

Michael M noted that the regulations strictly state that a recount is the next course of action, even though the WAEC have said that it is not democratic to do so, and we don't always have to follow the same direction that our lawyers always point out. He also noted how the regulations state that if the person elected from the recount is 'not willing or able' to fulfil the role, fresh counts will continue until the position is filled. He addressed the concerns about Kate Fletcher not being 'able' to fulfil the role of PAC President as she is on exchange, and said he wanted to make it very clear that while someone is still overseas and has the means and willingness to do the role and also applied for the position, there is no reason to declare her ineligible. He asked why we, as Guild Council, would not follow our own regulations.

Tony said we realistically are following our regulations, in the way that Jackson McDonald has suggested to do it. The problem is that the WAEC won't conduct the recount as they have a duty under the 1907 Electoral Act to run fair and transparent elections and do not believe a recount would allow them to follow this duty. He said that Council needs to come up with a solution and to determine what defines 'able', which involves actively being able to do the job. He said to note that we are not a virtual Council, so that needs to be weighed into it.



Owen asked if the WAEC would agree to us getting the ballot papers back.

Tony said he would have to ask, but wasn't sure whether we would be allowed to receive them back as it is unchartered territory.

Owen asked what kind of timeline we would be looking at with a recount if we were allowed to get the ballot papers back, given that there is a state election on March 9th.

Tony said that it clearly isn't a good time for a recount for the WAEC and so we would need to come up with some sort of fair mechanism to do a recount ourselves. He said that he thinks Jackson McDonald doesn't believe a recount is the best option at the end of the day. It would also be very costly.

Owen said his understanding is that when the electoral regulations were passed through the Senate they were done on the assumption that we would be using the WAEC. He asked whether Tony thinks there is a risk that the Senate would find doing our own recount unacceptable.

Tony said that there's nothing that binds us to the WAEC- it is just what the Senate prefers on the basis that we run elections in a face where it is highly contentious. It is one of the biggest elections in Australia. He said that in good housekeeping, we should stay with the WAEC.

Michael asked if Kate was deemed 'not able', that would mean the Socialist Alternative candidate would be chosen.



Tony said that it would be possible, given the candidate is willing and able to take the position.

Michael M asked if they weren't able or willing, we would then just co-opt as per our regulations.

Tony said if you ran out of solutions, Guild Council would co-opt.

Michael M asked if it would be logical to say that co-opting right now would be against our regulations as we would be avoiding a large part of them.

Tony said that this is why we're in such a difficult situation and in fact, the WAEC reviewed our regulations before it went to Senate so even they were a part of this oversight. He said Council needs to look at the most practical solution and note that Council has been elected to a board which means there needs to be functional board representation and practice.

Lewis asked if any legal action would be taken against the WAEC for not following through with a 'fair and transparent' election.

Tony said that his reading is that the WAEC has performed the fair and transparent election. He said they've done the election but the problem is the resignation, to which they need to take action based on the Electoral Act. The only option they are against is the recount because they believe it is not the right practice.

Michael M asked whether it was more reasonable to follow the advice of Jackson McDonald who have said to follow regulations, as opposed to an independent body.



Tony said the lawyers are saying to follow our regulations but it's difficult to decide whose advice trumps the other. He said that if the governing body of the election is saying to not do a recount, that is where the problem lies.

Lewis asked if our lawyers have looked into the legislation that is stopping us from doing a recount.

Tony said that we haven't instructed that as it would cost a lot of money, in fact, we'd be better off going down the path of a bi-election.

Lewis asked if Tony believed a bi-election would be the most fair and transparent course of action.

Tony said he does but it would cost an extremely large amount of money as every single position would need to be nominated, campaigned for and re-elected.

Lewis asked if Tony had a view on who would win such a recount.

Jack said the discussion is about the process we would be choosing to take and it's unfair to ask a director who they think would win.

Lewis said that we could do a bi-election for which, in his opinion, we all know what the result is going to be. He asked why, in this case, are we using cost as an argument.

Tony said that a bi-election means any party or any person could go for the position.

Lewis said that since our regulations state that we need to have a recount, wouldn't the best alternative be to predict who the winner of the recount would be and put that person into the position as a Council.



Tony said that he can't predict who is going to win- it's not democratic.

Nevin said that under the Electoral Act it has been stated that they must operate in a fair and equitable manner and the WAEC believes that doing a recount would be against this. He also said that given that the WAEC is also conducting a state election, it would result in a recount taking a few months to conduct. He asked Michael M if he was prepared to ask for a recount for someone who isn't going to be in the country for a portion of their term, given the fact this recount process would therefore be timely, unfair and use student money to conduct.

Michael M said he was willing to explore all the options. He said that given what Tony has said about co-opting, we have a clear opportunity to create an overlap between what the WAEC and our regulations are saying by co-opting the two people who were next on the ballot. He said that Jacob Colangelo has shown he is ready for the job- he has even had people contact him from the sports department and asking what is going on. Regarding the question of Kate being 'able', he noted that she is able as she has the capacity, motivation, a light study load and a willingness to work with Megan in handover.

Nevin said that he wasn't asking if Kate was able, but rather if Michael M was willing to face the consequences of conducting the recount process.

Michael M said he is always for democracy and the path that suits it.

Justin asked whether it was correct that we make a new contract with the WAEC each year.



Tony said that we don't have a contract per se but rather a set of services that they say they will fulfil. However, because it's the WAEC, we fall under their regulations.

Justin asked whether, considering there isn't a contract per se, does that mean we are bound to their regulations?

Tony said you're running the election under the Electoral Act.

Jack reminded Council that the question isn't about whether the person elected is able, but rather on what we should do about these vacancies given that the WAEC has said that the current procedure we have in our regulations is unfair.

All Councillors were given time to say what they thought on the matter.

Vinuri said that given the advice of the WAEC and the fact that our lawyers have said that a way to stick to our regulations as much as possible and have a fair and equitable solution to this issue is to co-opt, she believes that co-opting is the best course of action. She noted that co-opting would involve a process of compromise where the whole Council would elect someone they are all happy with.

Justin said that he believes the best decision is to co-opt. He said it's fair to not waste student funds on everything as it doesn't look good to anyone. He said it's fair to co-opt the second people on the ballot because they're obviously willing and able and great candidates and if that isn't going to happen then we should go to a recount. If that is stated in our regulations then we should follow those regulations because you can't have a rule book and throw it out after whatever's happened has happened.

Lewis said he had no objections to a co-opt but unfortunately with the current guild regulations we either give it to the launch candidate or the left action candidate. He



said that the question was raised whether it was democratic to predict that someone with 37% of the vote was going to beat someone with 10% of the vote when we recount the vote. While that question can be asked, the same question can be asked whether its democratic to co opt someone who wasn't on the ballot paper at all. He said he is of the position that if we have to co opt, the most democratic way to do so would be to follow the spirit of the original guidelines which state that a recount would take place and appoint either the launch candidate or the left action candidate. He said he is happy to come to an agreement with one of those candidates, but if all fails he would be happy to go to a recount. If after that, it is stated that the launch candidate is not able, then it should go to the next candidate who is willing and able.

Joseph acknowledged that the situation is very complicated because the advice from the WAEC and our lawyers is contradicting. He said he would like to co-opt. He explained that it would involve the establishment of a partnership and that we don't want to co-opt someone who's specifically run with STAR. He said it would involve working with a range of different people to come to a decision for a person whom all parties mutually agree on to take up the positions. He said he doesn't believe co-opting the two remaining candidates is fair considering they don't represent so much of the votes.

Reece said that given the advice of the WAEC, the best and most practical choice would be co-opting however, if we were to co-opt, it should be a decision made collectively between all members of Council.

Owen emphasised the difference between the outcome and the process and noted that the outcome is completely irrelevant in this discussion. He said you can't agree with co-opting as long as it goes to your choice of candidate, and then suggest a recount if your candidate isn't chosen. He said he is in favour of a co-opt because he



doesn't believe we could run a recount or bi-election in the time that we need for it to work. He said that who we co-opt is a completely different discussion to this one. It's either a co-opt, a recount or a re-election and in this case, he is for a co-opt because he believes it is the only practical solution.

Tyson said he would choose to co-opt as it the most fair, equitable and practical solution.

Luke said he would choose to co-opt as he agrees with what Owen said in terms of the fact that time needs to be considered.

Pheobe and Sean M said they agreed with what was said before and agreed with the co-option.

Sean O said he believed a recount or bi-election would cost too much money and take too much time so a co-opt would be the best option.

Michael said that we need to get someone in the position as soon as possible so co-opting would be the most time efficient and practical solution. He said that PAC needs someone to direct them as they have a lot of things they need to be doing for students this semester.

Lina said that she doesn't think anyone would contest Jacob getting the position in this instance. She said most people's issue is with someone who isn't in the country not being able to fulfil the role. She said the role of Councillors is to represent students, and when that's what the issue is, it's important to think what the best outcome is for students. This involves getting someone in the role as soon as possible and having someone who can fulfil the duties in the best way possible. She said she refuses to accept that someone in the opposite time zone to us can run a



portfolio that is very events based and requires a lot of meetings, purely through Skype and Facebook. She said that when we agree that a recount is not going to be possible, it is not the most democratic thing to co-opt the next person on the ballot. As a board of directors, the most democratic thing is to come to a fair decision as student representatives.

Michael asked Lina to clarify whether that means she is happy to have Jacob in the Sports Representative role.

Lina said she was.

Hannah said the WAEC'S entire point as an organisation is to conduct fair and democratic elections and acknowledged that they probably have the most knowledgeable opinion of what is fair and democratic is, so a co-opt should be conducted.

Megan said that PAC is a fantastic and important portfolio that tackles a lot of things like Social Justice Week. She believes that co-opting is the best process.

Joseph asked Megan whether she thinks it is possible for someone to take on the role of PAC President from overseas, considering her past on PAC.

Megan said she did it whilst she was in Washington for two months in January and February and it was the most difficult thing she had done in her life. It put a lot on Hannah, her acting PAC President.

Michael M said it is easy to get the person who wants the job in the job. He said he is absolutely for a co-opt but it should be Kate. If its not Kate and we deem that she's not able to, it should be the next person on the ballot- the left action candidate



Caleb Holmes. He said that Caleb would be more than welcome on this Council given our regulations and as a council we have an obligation to follow the rulebook.

Lina asked if Michael was stating that he would rather have anyone who ran for the position in the first place, rather than someone whom Council believes should be in the position.

Michael M said that 50% of people who voted in the election did not vote for Macy- they voted for an alternative source. He said it's our role to follow through with that. Lina asked Michael whether he believed that someone who got 10% of the vote should get the position.

Michael M said he believed in following the rule book. He said he wants a Council that works and a portfolio that can get the job done. He noted that there had been dialogue between himself and Nevin. He said it makes logical sense to have Kate in the role.

Nevin said he is in favour of the process that is the most democratic. He said we would be going against the WAEC by doing a recount, and to some extent we'd be going against the regulations by doing a co-opt. He said that it is Council's job to decide what is the most fair and democratic process to reappoint the positions.

Jack said he agrees with what the WAEC have said and echoed what almost everyone said- that co-opting is the fairest option. We acknowledge that there is a flaw in our regulations and our lawyers have advised that co-opting would be a good choice.



Michael contested the notion that co-opting is the 'fairest' choice. He said that most people stated that they believed in co-opting because of financial reasons, not because it's the fairest.

Tony said that the WAEC have said that co-opting is the fairest option. He added that our lawyers have said that co-opting is only a technical breach of the regulations, which is different from a substantial breach.

Lewis asked if a bi-election has been completed before.

Tony said that he wasn't aware of a bi-election being done before.

Lewis asked if we could co-opt someone into the position until a bi-election.

Tony said that its not completely out of the realm of things but it would be quite difficult and close to Guild elections so there wouldn't be much of a point.

Lewis asked if this would be an opportunity to try out online voting.

Tony said that once you're elected onto Guild Council, you have to stay within the Guild Council election rules, so that wouldn't be a possibility.

Megan said that in terms of fairness, it's not fair to have that position up in the air for that period of time.

Owen said that he doesn't think a recount is practical. He doesn't think any of the options are fair- we are merely trying to find the option that is the least unfair.

Motion without notice (2) was written regarding this discussion.



4. Michael brought to notice that a person on Council, whom he kept anonymous, was not going to be at university later in the year and asked whether they are eligible to be on Council. Nevin said that you only need to be enrolled at the time of nomination.
5. Jack said that he will soon have a drafted list of decisions on the Guild regulations to be approved. He asked Council to come to him or a member of the Governance Committee if they have a problem.

11.0 CLOSE AND NEXT MEETING

Next meeting will be held on Wednesday 22nd February at 6.00pm. Please contact the Guild Secretary (secretary@guild.uwa.edu.au) with any apologies or proxies. All office bearers and department officers will be available at 5.30pm immediately prior to the meeting. If unable to attend, please advise which dates you are available to reschedule, if a quorum cannot be met.