

Minutes Exec Meeting Week 7 - October 12 2020

Attendance: Amer, Nat, Oscar, Daniel, Ibrahim, Mark, Alex, Sarah P, Alison, Sarah T, Felicity, Max, Rosie, Patrick.

Late: Eden, Donna.

Apologies: Dani, Miriam, Sinem

Absent: Abbey, Barry, Deaundre

The Chair provided an acknowledgment of country.

The Chair checked in on everyone's well-being and the past mid-semester break.

Items

- 1. Welcome, Apologies**
- 2. Capacity Checkin**
- 3. Shoutouts**

Oscar: Shoutout to Nat for Obiter series

Alison: Shoutout to Sarahs for ESL moot and for the successful competition

Mark: Shoutout to Pat for his Indigenous panel, very lively!

Amer: Shoutout to Oscar for the coastal walk!

Oscar: Co-shoutout to Dani for helping to organise them.

Alex: Shoutout to Eden for the Rainbow moot.

Amer: Shoutout to Vish for Mental Wellbeing panel from two weeks ago.

4. Portfolio Updates

Alison: Education Guide editor call outs are now available

Nat: SULLS Town Hall was a huge success and the minutes have just been uploaded on the Zoom chat (a link was sent through the Zoom chat). This

will be the foundation of the Consultation Officer's report to Faculty. I will be meeting with Rita, Roger and Amer to reform SSCF later today as well as Rita personally to discuss the minutes in particular more thoroughly. The minutes will then be presented at the Teaching & Curriculum Committee on Tuesday to decide on the most productive way to move forward.

Rosie: Next Monday we're voting for the keynote speakers and Faculty tables for Final Year dinner. Still trying to figure out if the regulations are still 10 attendees per table. Please send through your ideas via slack as to who you would like invited!

Amer: Electoral Review Committee update. A survey has been provided regarding the electoral regulations and previously, it had very little engagement. Anyone who fills it in will be in the draw to win one of three free sweatshirts/ tshirts merchandise items.

5. What's On This Week:

- a. **Mon:**
- b. **Tues:**
- c. **Wed:** Interfac Meditation (10am via Zoom)
- d. **Thurs:** Trivia Night (7pm via Zoom)
- e. **Fri:**
- f. **Sat:**
- g. **Sun:**

6. SULS Policy for Advocacy (AN)

Amer: In May, Deandre and the senior Executive put together a proposition as to how to approach advocacy for the year and it's something that hasn't been voted on as an Executive yet. *A Zoom link was provided on the chat.*

Max: Overall very good policy, but lacks clarity at bits. In clause 1, when we say in the best interests of SULS, do we mean for the student body or for SULS as an entity?

Amer: More clarity is always better, however what is in the best interest of SULLS encompasses both what is in the best interest of the organisation, which as directors we have the capacity to collectively determine, as well as what is in the best interest of our members, those that compose our organisation.

Max: Should we have a clause which raises the continuity of the society as a consideration?

Daniel: Query as to whether the considerations are in a particular hierarchy (i.e. order of importance?) and second, queried whether sub-clause a and b should be there when determining whether SULLS should act as a society?

Amer: There is no explicit priority for subsections. They are all to be taken into consideration, which is why the last subsection (*'any other relevant considerations'*) is added in there too. In terms of clarifying sub-clauses a and b, these are general guidelines to allow due consideration to matters prior to advocacy, that may be perceived as controversial or polarising and whether they are perceived as partisan or endorsing a particular political party.

Max: For partisan, do you think both points can be covered just by having the partisan point? One of the boundaries given to charities is when it becomes an endorsement of a particular party which impacts the purpose of a charity. Positively endorsing a party rather than partisan? In the absence of a definition of what is partisan, it will ultimately come down to endorsing a particular party.

Eden: Should a clause be added in with regards to whether or not the decision we make might indicate a pattern that SULLS is supporting a particular political group. Another concern of ACNC. If we have a group of actions or statements taken which coalesce to make that impression, then ? It could be considered the same thing as endorsing a particular party.

Amer: As part of the ACNC, we need to stick to our purposes (i.e. educational) and in doing that, we should also not endorse a particular party. To Vish's point, I find that the reference to 'partisan' may be added to sub-clause a, and 'endorsement of a particular party' left separately as sub-clause b.

Mark: Also, you might not explicitly endorse a party but it may be a pattern of events which leads to you breaching your ACNC obligation (i.e. ongoing bias which eventually leads to you being partisan).

Alison: Would it be easier to add a clause that consideration should be had to the ACNC guidelines?

Max: Won't help future executives as we've already had extensive debates so we should have hardline clarification.

Nat: However, aren't the ACNC guidelines subject to each executive's discretion as to interpretation? It would be unfairly restrictive if we provided a hard-line interpretation that was binding.

Donna: Agreed with Natalie.

Amer: Advocacy has been a constant grey area for SULS in the past few years and the idea of putting this in our by-laws is not to restrict executives but to construct a framework of guidance when making these decisions. We really want to try and make it as balanced as possible. What exactly is to be looked at? Agree with Alison in the sense that the ACNC should be a relevant consideration and agree with Natalie and Donna that interpreting that is part of the Executive's role. Wouldn't be opposed to the idea of adding a note here that obligations under ACNC are to be considered; however, we don't want to further dictate interpretation in a restrictive way.

Max: Need to define what SULS' advocacy actually is, and what it extends to. We're often talking about different things to different extents. Does

SULS advocacy extend to panel members on our panels making statements about deficits of party policies?

Eden: Defining goes back to the concerns that was raised before about us potentially binding future executives and what they consider advocacy to be.

Mark: For statements critical of certain parties, we discussed this quite in depth last semester in relation to our ACNC obligations and I believe it's not an issue. That's probably worth putting in the by-laws if you think so (i.e. panellists can speak freely as long as SULS is a neutral moderator). Even though interpretation shouldn't be binding, there are documents that we look at which are quite explicit in terms of what we can do and what we can't do.

Max: Agrees that avoiding binding future executives is always an important question however, with advocacy and ACNC obligations, how do we reckon with situations in which future executives who interpret it in ways which are clearly wrong? Much more broad scope of advocacy than they do? Or alternatively, way too narrowly to the point where there is no advocacy?

Mark: Agree with Max. If it's too broad, it will have broad implications for SULS to be rejected by ACNC. Feels like there should be some sort of advice.

Amer: Would be very much prescriptive if we had to outline exactly what ACNC says or what we perceive the future executives should do. The purpose of this bylaw is to only offer guidance as to how important advocacy is for the purposes of SULS and what executives should consider when looking at advocacy. Advocacy takes so many different shapes (i.e. public statements, faculty meetings, media campaigns etc.) that it would be quite tiresome and restrictive to outline all those different things and the manner to which they should be raised and what should be considered when making those decisions.

Eden: Agree with Amer. However, we do need to include the very important considerations which are potentially disastrous if we don't address them

(e.g. specifically endorsing an unlawful act). If not parameters of what we can do, moreso we should have “hard no-s”.

Max: Agree with Eden as long as we make it clear in the by-laws that it’s not an expression of interpretation but more specifically, a set boundary as to what that is. In addition to that, is it worth in this by-law, or in the executive sustainability one, it might be good to oblige future executives to familiarise themselves with ACNC obligations. Very important that we make sure that the by-laws require them to form educated opinions about what the obligations allow.

Amer: Good point Vish, if further clarity needs to be made then it should be made. However, I find that the drafted Handover bylaw, offers an implicit obligation for Executives (who would adhere to these bylaws until any further changes are made), to familiarise themselves with the ACNC and the NSW Fair Trading obligations in that ‘all executive members must comply with the NSW Fair Trading and the ACNC Regulations’. (*Amer referred here to the draft bylaw, clause 136*).

Nat: I worry that we’re being a bit paternalistic and trying to hand hold future executives in terms of how they should operate SULS. For instance, we became familiar with the ACNC obligations this year without some by-law telling us to.

Max: But it took us a considerable amount of time coming to grips with advocacy, don’t want this to be repeated year to year.

Mark: Very difficult with continuity of SULS. If we’re spending half a year figuring out what the rules are?

Eden: Does clause 3 have a limiting effect? i.e. the personal opinion part because at the end of the day, isn’t it always down to the personal opinion?

Amer: We shared different opinions in our director capacities, and try and discuss what is in the best interest of SULS as one full Executive.

Eden: Having regard to the fact that we can't have regard to personal views and opinions might not be effective? Because it's more likely that it's going towards political views/partisan bias.

Amer: We can try to clarify this further if necessary, but again it can seem quite exhaustive to do so. I find it implied that one needs to act in their capacity as director and in the best interest of SULLS, rather than in their personal views and opinions. What do others think?

Max: To the extent that the current clause is able to be interpreted either way is problematic as it can be a pretext to not consider people's opinions in the future without regard to whether it's a broader world view. Might be more restrictive.

Nat: Should we do the most classic law student thing and then add a reasonable and objective person test:

Draft clause: 'In determining what is in SULLS' best interest, consideration should be made to what a reasonable and objective member of SULLS will want and expect from SULLS as an organisation.'

Amer: We could look at that! Could you please draft that clause?

Amer: Being cognisant of time, and the clear fact that we need more time for this discussion, let us all take the week to reflect further on this entire section of our Bylaws. We should return to this discussion next week.

7. **Vote on Bylaws (AN)**

Amer: Would like to see a fairly complete Bylaw by the end of year, that is publicly accessible, and if anyone wants to add in any sections at a future date, it's possible to bring to discussion. It's great that we are putting this together for future years but a small caveat, future executives are able to change the Bylaws, if they wish.

Max: I note that these by-laws are not currently publicly accessible. We should vote incrementally as soon as possible so this doesn't snowball.

Amer: This is the only section left for discussion and so we should wait until next week to finalise this one and then vote on Bylaws as a whole.

Max: I was just concerned in case our discussion doesn't wrap up by next week.

Amer: I agree, I would also like these publicly accessible as soon as possible. However, operationally, it is easier to finalise all of our discussion items, then vote and post the current full set of bylaws. Let's aim to finalise what we have by next week. I urge everyone to therefore give today's discussion, due consideration prior to our next meeting.

8. Without Prejudice

Meeting adjourned: 8:57