



## **NOTICE OF SPECIAL COUNCIL MEETING** **47<sup>th</sup> STUDENT ASSOCIATION COUNCIL**

Notice is hereby given of a Special Council Meeting of the 47<sup>th</sup> Student Association Council 1/47, 1/17) to commence at 09:30am Thursday **30th March 2016**. Building 133-Student Association Board room, TSV and Student Zone (Cairns)

### **1 SPECIAL BUSINESS**

1.0. Breach of Discipline and Loss of Confidence motion



Meeting started at 9:35am

Convener- Sally Kift

**Present**

Edward Harridge (President), Kimberley Rogers-Ford (Vice-President), Jesse Argent (Cairns Campus Officer & Acting Equity and Diversity Officer, Michael Kane (Townsville Campus Officer), Sydney Jones (International Student Officer- Via Video Link) Claire Holland ( Acting Postgraduate Officer), Sally Kift (VC's nominee), Tichava Batiya (Secretary),

**Guest-**

Matthew Olzard  
Matthew Cook  
Jack Middleton

**Apology and Proxy**

Nil

JA: I would like to start by moving the following motions:

**Resolved**

That in the absence of the President and Vice-President; the Convener be Sally Kift.

Moved: JA

Seconded: MK

Carried: yes, all in favor

**Resolved**

That the Council secretary Tichava Batiya be the minutes note taker

Moved: JA

Seconded: MK

Carried: yes, all in favor

S.K: Is anyone recording this meeting?.

TB: Yes the meeting is being recorded by using JA mobile phone.

SK: the 1<sup>st</sup> Special Council meeting of the 47<sup>th</sup> Council was scheduled to commence at 9:30am. It is now 9:35am. We have limited time. For the record, can everyone introduce themselves:

SJ: I am the international student's officer

JA: I am the Cairns campus officer and Acting Equity and Diversity officer

SK: I am the Vice Chancellor nominee representative to the 47<sup>th</sup> Association Council

MK: I am the Townsville campus officer

CH: I am the acting Postgraduate officer



TB: I am the Secretary to JCU Student Association Council

SK: in the absence of President and the vice-president, I have been appointed the convener. We are here to discuss a breach of discipline and Loss of Confidence matter motion brought forward by Council in relation to the President( Edward Harridge- hereafter referred to as EH).

On the 13 March 2017 at 10:21am Council members received an e-mail from the Secretary of the Association Council Tichava Batiya advising she had received an e-mail regarding the breach of discipline and Loss of confidence matter against EH. The e-mail also stated the secretary would call a Special Council meeting to discuss the matter as per regulations.

On 15<sup>th</sup> March 2017 at 4:38pm; the secretary sent out an e-mail to EH and Council to give Notice of the Special Association Council meeting scheduled for Thursday 30<sup>th</sup> March 2017 at 9:30am. The e-mail comprised of two attachments: the Agenda item and the formal written letter addressed to the Secretary regarding the alleged breach of discipline and Loss of confidence motion. EH was encouraged to prepare a written statement in his defense and was required to submit his statement no later than Wednesday 29<sup>th</sup> march 2017 at 3:30pm

EH's written statement was received by the secretary and most council members at 2:17am Thursday 30<sup>th</sup> March . However; CH was not copied in the e-mail. At 7:04am I forwarded ED's email (together with the attachment) to all council members( including CH) and the Secretary

At 4:35am EH sent additional item; being Minutes from the 21<sup>st</sup> August 2015 meeting. Again CH was not included. I forwarded this e-mail to the Secretary and all Council members to include CH at 7:06am

SK: before we address the agenda item; we need to discuss concerns regarding conflict of interest on the part of the vice-president who disclosed a conflict of interest during the last ordinary meeting( 13<sup>th</sup> March 2017) arising from being in a relationship with the President EH

SK: As you are aware, as per reg 4.9.5 a disclosure of a conflict of interest must be recorded in the meeting minutes

Kimberley Rogers-Ford walked in at 9:39am

SK: For the record; KRF the vice-president has just joined us.

SK: KRF, as you disclosed a conflict of interest during the 2<sup>nd</sup> ordinary meeting I will have to ask the Council to consider reg 4.9.6 particularly the following:

4.9.6 A member of the Association Council who has a conflict of interests or a pecuniary interest in any matter directly or indirectly involving or concerning the Association:

4.9.6.1 must not, without the prior approval of a majority of the Association Council, be involved in any discussion on the matter.

4.9.6.2 must not, without the prior approval of a majority of the Association Council, vote on any motion regarding the matter.

4.9.6.3 must leave the meeting of the Association Council for the duration of the deliberations regarding the matter if a majority of the Association Council so resolves, having regard to the nature of the conflict of interests or pecuniary interest.

As you have stated that you have a conflict of interests due to your personal relationship with Edward, there is no need for you to attend at this Special Council Meeting. There is only one item for discussion that you will not be able to participate in.

KF: Yes, I declare a conflict of interest. However, I have a right to be here and to vote as a the vice-president and member of the Council

JA: I move a motion:



### Resolved

That due to the nature of the conflict of interest KF cannot participate in the Special Council meeting today as per reg 4.9.6

Moved: JA

Seconded: Mk

Carried: yes- SJ, SK and CH all in favor

*[Against: KRF (although not recorded due to Conflict of Interest)]*

KRF: I have the right to be here and you cannot take away my voting right

SK: Unfortunately, due to conflict of interest you cannot participate in the meeting. Please leave the conference room

KRF: I am not going anyway.

SK: I am asking you to respect the meeting proceedings. Please leave as we are running out of time

*[KRF: refused to leave the room and did not follow the convener's requests.]*

SK: I am sorry; I will have to adjourn the meeting as KRF has refused to follow convener directives. The meeting will now be relocated to my office.

**Meeting adjourned at 9:40am**

**At 10am the meeting resumed at the SDVC office. Video link was connected to JCUSA Cairns office to allow SJ to participate in the meeting**

SK: To recap from what was being discussed prior to the meeting being adjourned; the vice-president KF has a conflict of interest. As a result, she cannot participate in today's special Council meeting where we are discussing the alleged breach of discipline and loss of confidence matter against the president ED. KF refused to leave the JCUSA conference room, which is why the meeting was moved to my office.

SK: EH and KRF have brought with them supporters/ guests and it is unclear if ordinary members should be allowed to attend Special Council meeting. The JCUSA Constitution and the Regulation is silent on this. However, reg 3.20.3 says if Council moves in Camera, any person who is not a member of the Association Council or that Committee must immediately leave the meeting:

CH: The Constitution is silent on this as well. However s.6.10.1 says of the Association Council may meet at Ordinary Council meetings and Special Association Council meetings in accordance with the Regulations.

JA: in relation to rights of Ordinary members s.5.3(d) of the Constitution says members can attend, speak and move and/or second motions at any meeting of the Association Council which is not held in Camera

JA: due to the nature of the meeting, I wish to move the meeting to in camera

Mk: we can discuss the matter in Camera but we will need to be out of camera when we pass the motions and vote

SF: yes, I agree with MK



**Resolved**

That due to the nature of the matter being discussed, being breach of discipline and loss of confidence against the president EH; I move to discuss the meeting to in camera mode

Mover: JA  
Seconder: MK  
Carried: yes, all in favor

At 10:15am EH enters the room to address the Council in relation to the alleged breach of discipline and loss of Confidence matter

At 11:29 am EH leaves the room

At 11:30 am motion moved to move out of camera

**Resolved**

That the Association Council will now move out of camera mode.

Moved: MK  
Seconded: JA  
Carried: yes; all in favor

SK: As we ran out of time; I think we will need to pass motions to allow us to peruse the statement and also consider EH's verbal statements.

JA: I think it needs to reflect a continuation of the previous motions passed during the last Ordinary meeting so that everything is clear and on record.

CH: the wording has to be clear as well.

At 11:33am EH. KRF and guests joint the Council

SK: EH as we are ran out of time; the Council has agreed to pass interim motions. Would you like to say anything before we vote on this?.

EH: the motions passed during the last ordinary meeting did not give me time to exercise my rights as Director and president. For example, I requested to exercise my rights to inspect the Associations financial documents.

SK: during the ordinary Council meeting held on 13<sup>th</sup> March 2017, motions were passed stating you were relieved from your duties. As per the regulation and Constitution, you were given a right to submit a statement. As you have been relieved from your duties; are currently an Ordinary member.

JA: I would like to move the following motions:

**Resolved**

That in the interim Council confirms that the motions passed at the Council meeting on 13<sup>th</sup> March 2017 as regards to the consideration of the breach of discipline and loss of confidence motion continue until a final determination has been made by the Council

Moved: JA  
Seconded: SJ  
Against: EH & KRF  
Abstain: MK  
Carried yes: SK, JA, SJ; CH in favor



**Resolved**

That in the interest of natural justice and so additional time can be given to consider the written and verbal evidence presented by EH. The decision on the breach of discipline and loss of confidence motion will be deferred until the next Ordinary Council meeting scheduled for Monday 3<sup>rd</sup> April 2017 at 1pm.

Moved: JA  
Seconded: MK  
Against: ED; KF  
Carried yes: SK, JA, MK,CH, SJ in favor

SK: is there any more questions?.

KRF: Sally can you answer why ordinary members were refused access to the meeting room, even though it is provided within the Constitution or Regulations that they are allowed access.

SK: We went in camera, they are not allowed in during this.

KRF: Yes but beforehand, when the motion was passed regarding the conflict of interest they were refused access.

SK: I did not refuse anyone access

KRF: Mariam refused Edward and other ordinary members access into the office and during the beginning of the meeting at this office (referring to SK's office).

Matthew Cook: I can confirm this.

SK: Well I did not instruct Mariam for that to occur, and the meeting was in camera when we came to my office.

Matthew Olzard: The beginning of the meeting in this office wasn't in camera and we were still refused access.

KRF: I agree

SK: Well, it will be noted.

Meeting closed at 11:35am

Tichava Batiya  
**Secretary to JCU Student Council**

Sally Kift  
**VC Nominee – Convener**