

Minutes Week 5 Semester 2 2020

Meeting Opened: 8:05am

Meeting Chair: Deaundre

1. Welcome and Apologies

Present: Sarah Purvis, Miriam, Amer, Alison, Donna, Sinem, Dani, Natalie, Felicity, Deaundre, Eden, Oscar, Daniel, Rosie, Patrick, Mark, Barry, Alex

Late: Ibrahim, Max

Absent: Abbey, Sarah Tang

2. Capacity Checkins

3. Shout outs

- Shout out to Sinem for amazing women's intervarsity event
- Should out to Alison for making it to Grand Final of moot

4. Portfolio Updates

- **(Amer)** After the AGM Miriam and Amer have successfully lodged governing document
- changes with the ACNC and the NSW Fair Trading
- **(Alison)** bar association comp submissions are due today and will be uploaded over the next few days or so, so make sure to check them out

5. What's on this week

Monday

- Round 2 of internal moots

Tuesday

- Curtain Moot
- College of law event
 - **(Felicity)** ran it last semester, please come to this event it is sponsored and we are having low attendance at lunch time events because it's hard to want to go to a zoom event when everyone is back on campus

Wednesday

- ACU Crim Moot
 - **(Sarah)** Simon Bronnit on bench
- Interfac body weight workout

- **(Oscar)** been struggling with engagement this semester on Zoom for the event, numbers are a bit down so we are trying to facilitate to see if we can do small group thing on a Wednesday starting in Victoria park and having physical presence, but no guarantees the university might not be happy (Oscar will keep us updated on how it unfolds),
- Staff student consultative forum
 - **(Natalie)** (engagement is something that the uni is struggling with, essentially the forum is an opportunity for student reps to meet with fac board and have discussion about different initiative happening around law school, agenda is quite broad
- ACU Novice Crim Moot

Thursday

- Justice Reinvestment
 - **(Deaundre)** social justice panel is first of series of black lives matter themed panels, justice reinvestment as an alternative to prison
- UOW Contracts Moot
- Gummow Moot

Saturday

- NSW Young Lawyers Admin Moot
- UTS Legal Tech Moot
- Bakers Women's Moot

6. Update of the Bylaws (Amer)

Privacy Policy (Amer)

- In Clause 5 Mark mentioned that there should be a subclause
- Necessary for when SULLS gets a list of student IDs from faculty to cross check IDs for events
- Clause 10 – A good example would be that if someone was in ethnocultural portfolio and decided to go about and asked SULLS members what ethnicity they identified with. I guess it's somewhat of a standard thing to add here, I used privacy act as foundation for some of these clauses
- There was a comment changing the name of the section for handovers to make it *administrative continuity policy (executive handovers)* rather than *administrative sustainability policy* (no one commented so no change was made)

Environmental Sustainability Policy (Deaundre)

- Environmental clause 2.6 (vegetarian clause) does anyone have questions about this?
- **(Oscar)** no I believe this discussion was resolved last week
- **(Amer)** clause 7 part 5- my view on this specifically is that it goes back to what I was saying earlier about the purpose of our bylaws being to a big extent about procedure and how executive should act in compliance with the constitution and also resolve matters with respect to the constitution, this clause takes an extra step which is not a

bad thing but if we end up adding it in then it needs more clarity for who will be responsible for pushing this section. Using the term 'exec' is too broad and maybe it should be the Social Justice BP or someone else. It's worth mentioning that some societies have thought about appointing an environmental sustainability officer, a society in South Australia decided to do this. I'm not necessarily proposing to add someone else to exec for this role but the phrasing of it needs some more guidance here. The policy above regarding handovers says that the SULLS president is responsible for overseeing the handover process. I think it is pretty straight forward that in this section everyone will be responsible for doing this, but this clause in particular needs more clarity on who would do it.

- **(Deaundre)** for a bylaw clause 7 may be too prescriptive and could potentially cause problems
- **(Oscar)** in the past has SULLS ever organized these events themselves or do they go along and attend the events of other organizers?
- **(Alex)** in the past I don't think we have done any organizing ourselves when it comes to advocacy on policy changes. I think we have just mainly promoted other things or at best we once told people how to vote but I'm not sure if this clause would refer to events like discussion panels as it has mainly been external stuff. It might be more helpful if we specify something, as we are advertising events that are already going ahead from external organizer, and things like discussions already come under the purview of the social justice portfolio
- **(Felicity)** does it say anything about certain executive though, I think this is in line with what the Equity Officer and Social Justice VP does anyways
- **(Deaundre)** I think it's a weird bylaw because it seems more like a constitutional role for a Social Justice VP.
- **(Dani)** The clause above has a wider scope of advocacy for environmental practices so we may not need clause 7 which narrows down the topic/method further
- **(Natalie)** Can we leave it to the discretion for each exec each year? Is it necessary to enshrine environmental sustainability within our bylaws?
- **(Alex)** The problem we have been having over planning these events is that we do not know if we are allowed to plan them or if we need to remain a-political. Perhaps we can change it to read 'the society may if necessary...' that has the same sort of effect because it allows future executives to make their own decisions but it also does not read as aggressively politically. Yet it still has the same effect and appears more palatable
- **(Deaundre)** I like it written like this.... the Society may, ~~will, from time to time~~ and as necessary, organise activities among its members for the purpose of campaigning to bring about or avert legislative and policy changes concerning environmental sustainability.
- **(Eden)** if we frame it around legislation and policy debate it cements that sort of advocacy in a way that is compliant with our ACNC
- **(Deaundre)** if an issue does come up then potential conflicts with ACNC obligations can be determined on a case by case basis

- **(Amer)** I do agree that it is better to leave it as saying *may* rather than *will* but after reading the clause again, I am not sure to what extent it is necessary to push the purpose of campaigning for legislative or policy changes in our bylaws. I am not 100% sure if it should be added into our bylaws. I think this extends beyond the scope of our bylaws. I also think it is necessary that if it is something we want to include in our bylaws that we need more guidance for who will be responsible for ensuring this. I think primarily it will be something for the VP Social Justice to be responsible for but I would like to see that enshrined here as well.
- **(Deaundre)** if we do agree that it goes beyond the scope of our bylaws which are primarily administrative or procedural then I think that clause 6 would need to be removed as well by the same logic. I don't know if other people agree?
- **(Eden)** where would it be appropriate to include something like this? Would it go under the duties of the Social Justice VP or the Equity Officer?
- **(Amer)** In terms of where to put this, if there was anywhere then the best place to put it would be in the bylaws but I think the difference between clause 6 and 7 that is being made here is that 6 in terms of advocacy- I think it is a little bit more broad in terms of advocacy, in terms of 'oh this is something we'll be advocating in terms of everything' but 7 is more narrowed in that we would be organizing campaigns and protests. I would like to see it more guided so that it does not become a 'wishy-washy' clause. Just to make it clear I think it is a situation that falls on everyone but it needs to be guided by specific executive members
- **(Felicity)** I think that firstly it is important that in having this discussion we do not frame it as what is necessary to include. It isn't just a policy about covering the bare minimum, it is about what we want the society to look like which goes beyond what is necessary. So when discussing this issue we should not use that type of language. Secondly I have two suggestions. Maybe we amend this to specifically mention the role to Social Justice VP and if people are really opposed to the idea of advocacy for policy change then as an alternative would people be open to having the clause read 'we may as necessary choose to educate our members about potential policy changes'? I think that falls more in line with what we are currently doing which is educating our members on what they have in terms of policy decision
- **(Amer)** I think that is fantastic, when I was saying 'necessary' I thought I was reading the clause, but I agree that you have to be careful. Your second point is great and we did discuss this last semester and we will hopefully be adding an advocacy policy to the bylaws as well.
- **(Natalie)** Is there any way we can join clauses 6 and 7 together. Maybe instead of having a prescriptive clause which singles out advocating for legislative and policy changes specifically, we can instead introduce the educational aspect into clause 6 so that it reads 'the SULLS Executive will advocate for the purpose of educating students, faculty and the wider community to adopt better environmental practices.'
- **(Deaundre)** Is everyone happy with 6 as the replacement of both 6&7?

- **(Eden)** I think at the end of the day they both say different things. The main difference I see is that the legislative instruments part, it is about policy and SALS sort of advocating policy. Is there a way we can frame it to make it less political?
- **(Natalie)** what if we also include words 'to adopt better policy and practices'
- **(Eden)** Yes that would be better
- **(Max)** Are we concerned about their perhaps being less clarity about how exactly exec members will advocate?
- **(Amer)** So one of the points I raised earlier was exactly that
- **(Natalie)** The consensus is that the previous clause was too prescriptive and we want to maximize discretion each years exec has.
- **(Max)** So is clause 7 staying in?
- **(Amer)** no it would not be staying in, we changed things from clause 7
- **(Deandre)** we should spend the week redrafting these clauses and then vote on it next week

7. Promotion of Legal observers (Deandre and Max)

- **(Max)** we would like to post a callout for legal observers at the protest next week. **Is this not just what we voted on last week?** No. Last week we considered publicly expressing support for the protest held last Wednesday. This action is very different: legal observers by definition do not take part in protests - they are impartial observers, so much of the considerations against giving support from last week do not apply here. Also note, because it may have been unclear in last week's discussion, that we are not organising any protest actions, nor are we proposing something that exclusively pertains to law students - this movement is decentralised and is not about "law students".
- Our discussion last week as it concerned the broader context of this movement did not sufficiently consider the imperative for supporting the movement against funding cuts. The proposed cuts and fee hikes will undoubtedly damage the teaching of law at this University. We are talking about up to 30% of staff being laid off - that's 3000 staff members. This means fewer teachers working more hours for the same or less pay - not only will this reduce the quantity of teachers, it'll reduce the quality - Sydney Law School's faculty members are highly qualified with unrivalled professional experience - they can and will leave to find better working conditions. This isn't even to speak of the damage the proposed fee increases will do to the diversity of the student body, which I'm sure all of you have heard about at this point. Many of us in this call wouldn't have been here if not for scholarships and affordable study options that will in all likelihood be a casualty of these proposals.
- **Our Constitution requires us to do this.** Section 3 establishes the primary object of the Society as being "to foster and support the teaching of law at the University of Sydney". Subsection 3(g) provides that the Society shall achieve this object by "doing or contributing to anything else that may reasonably be considered to advance the object of the Society or to be incidental to that object." As I've stated, there can't be any doubt

supporting the movement falls within this. Also note that section 6B requires that “the Executive shall exercise their powers in good faith and in the best interests of the Society”. I would say the motion proposed today is the very least we can do to uphold these obligations.

- **(Felicity)** it is a good idea for us to support and I would like to support this motion. Firstly I think this is important because the role of the legal observer is to document any potential misbehaviours of police so that we are protecting the safety of members which is important. Legal observers do not actually chant or participate, they are just there to protect members and document what is going on so that there are legal records in case anything dubious happens. Secondly I want to flag for the sake of transparency that last week I was confused of what the protests were going to look like. I thought it was going to be a law students protest but I think that it is important to be aware that it is a university wide protest, so there is actual collective bargaining power. So it is a university wide protest but it is decentralised and people will be in small groups. People will be in groups that are lower than the number of students who are forced to sit in classes as well.
- **(Amer)** what has happened this week for your opinion to change?
- **(Felicity)** not advocating for people to participate in a protest but rather to act as independent legal observers. We are contributing to safety of campus to make that that if the protest is going to happen anyways, then it is happening in the safest way possible. It is probably true that someone will be safer being a legal observer at a protest than to be in the protest
- **(Natalie)** I am concerned that last week there were 10 students issued \$1000 fines and a student got arrested and spent time in jail overnight. So if we do a callout for independent legal observers and they receive a fine... will it be on them or will SULLS take responsibility? From what I have heard from how police were acting, they were issuing move on orders to anyone in the vicinity so I could only imagine someone receiving a fine even if they tell police they are a legal observer.
- **(Max)** I think for the reasons discussed last week that could happen but nonetheless our members are adults and we are not twisting their arm and I do not think SULLS liability is enough to cover things that they do. I do not think as far as reputation goes that could be seen as being SULLS fault. This is similar to concerns that people on the exec had when we created our mutual aid program. At a certain point our members are rational agents that are making their own decisions and as some point we need to accept that their decisions are separate.
- **(Daniel)** We would need to make it clear in the callout what this would entail, because I do think we might be downplaying the risks of people getting fined. As a legal observer you would want to stick around for the whole event and what will happen if police are trying to get them to move on. If they are not sticking around for the whole event it defeats the purpose and if they do stick around then they run the risk of a fine or jail time. We should think ahead of a strategy of what would happen if one of our members is taken to jail.

- **(Deaundre)** I do think SALS has a gatekeeper role here in that these organizers and these protesters do not have access to the same channels that SALS has and they need the support of organizations like SALS to build their movements. Last week we talked about alternatives to supporting the protest and this is an alternative that we are discussing now. I think there are people within SALS who are willing to take that risk and this is a way to opening that avenue as long as we make it clear what they will be doing and what the risks are and letting everyone know that SALS is not responsible for any liability that occurs at the protest. It is their personal choice to go. It is important to see SALS have a broader role in this. If there are 5 students who want to be involved then I feel like SALS should enable that.
- **(Amer)** Myself, Deaundre, and Max were added to a group requesting SALS support and there were a few discussions of what SALS could do. An alternative point was raised of how SALS could go ahead with getting legal observers and sharing a post about the protest itself. I want to take a risk adverse approach to this. I think the discussion had last week were valid and we thought about other ways of sharing the protest. Having said that, some alternatives were raised last week about raising some of these discussions in our publications. However doing a callout coming from SALS is a bit much due to the risks involved because of Covid 10. I think it is hard for us to engage and have any say of how this will be controlled if we are not managing or organizing these events. I want to suggest that rather than coming directly from SALS, someone mentioned that we could share the protest in the cohort groups. I recommend individual SALS members could post this in those groups but not in the capacity of SALS. In essence I think going ahead with what we spoke about last week and trying to support these students is important. I do feel though that promoting this is not something SALS should be involved in.
- **(Max)** it seems that a lot of this discussion around risk of taking action is not considering what the risks of taking inaction are. At a certain point considerations need to be suspended. I think that as far as proposing alternatives go, if our alternative is on the level of writing publications about how bad the cuts are then I think that is something that would rightfully receive criticism as this goes right to the core of what our society is about. Any other move will be seen as passing the baton and relying on others
- **(Miriam)** I am all for promoting the role of legal observers for this protest and I agree with the points raised by Deaundre, Max, and Felicity. However I share the same concerns as Daniel in that promoting the event might put law students at risk. For example if I were to go to the protest and get arrested then that provides the government with an opportunity to suspend my student visa and deport me. I'm not sure every international student knows the conditions of their visas and I would be cautious to promote an event without having everyone informed of the potential consequences of taking part as a legal observer.
- **(Natalie)** How will the role of legal observers work logistically. I think it has different outcomes depending on how the protest organizers go about it. We do have a role to play if someone gets deported. I understand the longevity of this movement but the short term risks I do find to be very high and right now this does not seem too different to what we discussed promoting last week.

- **(Felicity)** If we spend today drafting things and hold a meeting later on, would people be happy to draft a meeting now and then go over this later on
- **(Deaundre)** I think I agree with flick that postponing till later today would not be too unreasonable. This should not be something that should be glossed over.
- **(Amer)** Know that the statements being made now are not necessarily the only option we will have to make other options.

Meeting Adjourned 9:20 am