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DANGEROUS PRECEDENT AT LA TROBE UNIVERSITY

La Trobe University

22 February 1972

REPORT ON COUNCIL MEETING OF 21 FEBRUARY 1972

Students Representative Council

Council decided it will not recognise any purported decision of the Students' Representative Council in which the vote of a person who has ceased to be a member of the Students' Representative Council has been taken into account.

Council, in seeking to assist the Students' Representative Council to manage its affairs effectively, approved the request of Miss Sullivan that she be reimbursed for such legal costs as may be reasonably incurred by her and by such member, or members, of the Students' Representative Council as she may nominate in applying to the Supreme Court for an injunction; or such other relief as may be appropriate, in proceedings taken to establish the right of a person who has ceased to be a student of the University to act as a member of the Students' Representative Council.

Pending the result of these proceedings, Council agreed that all payments from the University to the Students' Representative Council will be withheld in protection of the finance provided by students who are members of the Students' Representative Council and to avoid any risk of these funds being applied in any manner other than that which accords with the decisions of the Students' Representative Council properly taken.

LA TROBE COUNCIL DEPRIVES SRC OF FUNDS

On February 21 The Latrobe University Council withheld funds from the Students Representative Council and agreed to financially support a student in taking out an injunction against the other members of the Latrobe SRC. (The full story is given in this broadsheet.) The SRC is trying to raise a total of \$10,000 from other student bodies around Australia in order to fight the court case.

Peter Taylor and Bill Hartley from La Trobe spoke on the issues at a meeting on the Barr Smith Lawns held on Tuesday, 14th March.

At this meeting the following motions were passed—

1. "That this meeting expresses full support for the La Trobe student body and its Representative Council and condemns the action of the Latrobe Uni Council."
2. "That this meeting directs the S.A.U.A. to show some form of positive support for the La Trobe S.R.C., the nature of which shall be decided at a future meeting."

The future meeting will be held on

TUESDAY 21st MARCH

BARR SMITH LAWNS

1-00 p.m.

The motion to be put is —

"That this meeting directs the Public Affairs Committee of the S.A.U.A. to underwrite \$200 for the defence of the Latrobe S.R.C."

IN THE SUPREME COURT OF VICTORIA

BETWEEN:

JAN SULLIVAN AND SUZANNE MARIE UNIACKE (who sues as an infant by her next friend) — Plaintiffs and
IAN MacDONALD, MARK QUIRK, JOHN DAVIES, ANDREW RODGER, KENNETH GREENWOOD, NANETTE CHELSWORTH, ROSS LAIRD, PETER TAYLOR, CAMPBELL GORDON, PHILLIP MATHEWS, PATRICIA MADIGAN, WILLIAM KERLEY, BRETT BIDDINGTON, TERENCE TWOMEY, JUDY BLOOD, NORBERT RYAN, BRIAN POLA, RAYMOND CLOOMAN, GORDON TERRY AND BANK OF NEW SOUTH WALES — defendants.

INDORSEMENT THE PLAINTIFFS' CLAIM IS FOR:

1. A declaration that the Defendant Pola is not a member of the Students Representative Council of La Trobe University (hereafter referred to as "the S.R.C.").
2. A declaration that the Defendant Cloonan is not a member of the S.R.C.
3. A declaration that the Defendant Cloonan does not hold the office of Book Exchange Director at La Trobe University.
4. An injunction restraining the Defendant Pola from attending any meetings of the S.R.C. and from voting at any meeting of the S.R.C. and from doing any other act which he would be entitled to do only if he were a member of the S.R.C.
5. An injunction restraining the Defendant Cloonan from attending any meeting of the S.R.C. and from voting at any meeting of the S.R.C. and from doing any other act that he would be entitled to do only if he were a member of the S.R.C.
6. An injunction restraining the Defendants (other than the two last named Defendants) from causing any payment or distribution of S.R.C. funds or property to be made unless such payment or distribution is duly approved by the S.R.C.
7. A declaration that the motions put to the meeting of the S.R.C. on Thursday 17th February, 1972 in the following terms, namely:—
(a) That \$9.40 be repaid to Rosie Bain for taxi fares;
(b) That this meeting of the S.R.C. deplores the expulsion and fining of students by the Proctorial Board and demands the reinstatement of all expelled students and dropping the fines immediately;
(c) That until such time as the administration reinstates all expelled students, this S.R.C. refuses to recognize the administration;
(d) That Mrs. Matison's resignation be accepted with regret, were not nor has any of them duly passed or carried and that each of the purported resolutions in those terms is null and void and of no effect.
8. A declaration that the Defendant Cloonan was not duly elected to the office of Book Exchange Director of La Trobe University.
9. An injunction restraining the two last named Defendants and each of them from paying any moneys and from causing any moneys to be paid out of the account of the S.R.C. at the La Trobe University Branch of the Bank of New South Wales same pursuant to the leave of this Honorable Court.
10. Such other orders as to the Court seems fit.
11. Damages.
12. Costs.

NOTE

A Court order was also made preventing the defendants from using S.R.C. funds to pay proctorial fines.

LA TROBE UNIVERSITY S.R.C.



Last year's lock-in crowd.

"WE ASK FOR YOUR HELP"

OPEN LETTER TO STUDENTS

The recent events at La Trobe University are very serious, not only to the La Trobe S.R.C. but to all student governments in Australia. The attack on Brian Pola is one element of what I see as a widespread campaign by some University administrations to destroy the autonomy of student governments or at least to castrate them and their effectiveness.

As you are probably aware, at Sydney University last year's funds to the S.R.C. were cut by the Administration at the request of the then (conservative) President Chris Beale. The allegation then (as it is now at La Trobe) was that the S.R.C. contained disqualified members and so all actions were illegal. The present situation at La Trobe goes a step beyond this. There the funds were cut off after a request from a member of Council, against the wishes of the President and the S.R.C.

The precedents of Sydney in 1971 and La Trobe in 1972 suggest to me that the attack against student Governments will intensify during the next 12 to 18 months. And I believe the attack will culminate in a bid by the Administrations to end compulsory membership of student associations.

I don't think the seriousness of the situation at La Trobe can be minimised or isolated. The attack on the S.R.C. there must be seen as an attack on student governments of all Australian tertiary institutions. I believe we must support the La Trobe S.R.C. in every way we can, not only for their sake, but also for our own. I suggest that all constituents express their support of the La Trobe S.R.C. by offering it assistance, by informing their own administrations of their concern, and by making statements to their local press.

This is not a matter which can be left solely to the A.U.S. bureaucracy; if we are to survive we must take the initiative ourselves at the local level. At all costs, we must make it clear, to each other and to those acting against us, that an attack on an individual constituent will be considered an attack on all of us.

I hope I don't sound melodramatic, but I am most concerned by these developments.

Yours sincerely,
Chris Sidoti, President.
Australian Union of Students

A LETTER FROM BRIAN POLA La Trobe S.R.C. President

The resolutions are as follows:

"1. Council decided it will not recognize any purported decision of the Student's Representative Council in which the vote of a person who has ceased to be a member of the S.R.C. has been taken into account."

"2. Council, in seeking to assist the S.R.C. to manage its affairs effectively, approved the request of Miss Sullivan that she be reimbursed for such legal costs as may reasonably be incurred by her and by such member, or members, of the S.R.C. as she may nominate, in proceedings taken to establish the right of a person who has ceased to be a student of the University to act as a member of the S.R.C."

"3. Pending the result of these proceedings, Council agreed that all payments from the University to the S.R.C. would be withheld in protection of the finance provided by students who are members of the S.R.C. and to avoid any risk of these funds being applied in any manner other than that which accords with the decisions of the S.R.C. properly taken."

Fellow students,

We are sending you this letter to provide some background and facts on the current situation at La Trobe University.

The recent decision of the La Trobe University Council to confront La Trobe S.R.C. over the question of student control of student funds is the latest stage in what looks like being a continuing struggle between students and administration over student autonomy and student control of student affairs. The Council meeting of February 21st last, acted in what seems to have been petulance at a further refusal by the S.R.C. to accept the administration's definition of "legality". The resolutions of Council indicate their state of mind.

A BRIEF ANALYSIS OF THESE DECISIONS:

1. As far as "purported" decisions are concerned, the S.R.C. has passed motions recognizing excluded students as students of the University; so has a mass general meeting of over 1000 students in 1971. Therefore, the students of La Trobe University (which at this time numbered only 3000 students) have little doubt about the legality of S.R.C. decisions.

2. Council is setting a dangerous precedent by overtly supporting a small minority of students who have close links with the D.L.P. and N.C.C. Whilst claiming that they seek an "impartial" decision on the above legal points, the administration has refused to assist other members of the S.R.C. financially to put the official S.R.C. position in the current legal wrangle.

3. The crucial point of this decision by Council is that S.R.C. finances are controlled by the University. This has reached the ludicrous point where the editor of the student newspaper had to obtain the personal agreement of the Vice-Chancellor before the administration would officially supply him with a few pencils and sheets of art-materials. When considering the situation in the U.K. with regard to student finances (a parallel to La Trobe) the implications are obvious for all Australian universities.

WHY THIS SITUATION AROSE

The background to this conflict between the University admin. and students is complex. It involves issues which are vital to all university student organisations. The central issue has always been "student control of student affairs". This is part of a larger commitment, namely, that universities in general and students in particular, should be involved in the society they are a part of.

The current situation developed out of the stage during 1971 when a number of concerned members of the S.R.C. felt that it had been ineffective in representing student interests for too long. As a result 15 out of 23 S.R.C. members resigned over a period of a few months. These mass resignations were intended to create the necessity for radical change in the S.R.C. structure and activity. Instead, those few S.R.C. members remaining (essentially the same group now taking proceedings in the Supreme Court against the S.R.C.) continued, with special legal dispensation from a sympathetic administration, to maintain a sham "legality".

This effectively frustrated any attempt to utilize student government for any constructive purpose. During this period the S.R.C. existed solely as an accomplice for anything the administration cared to suggest, nothing at all was initiated on behalf of students, and legitimate student demands were ignored. For example, a general meeting during second term of 1971 called on the remaining 8 members of the S.R.C. to resign. No reaction was forthcoming from this body supposedly representative of students.

Finally, in October 1971, S.R.C. elections were held, after the longest delay between elections in the history of La Trobe S.R.C. The present S.R.C. elected as a result has been contrastingly active in both student and community affairs.

THE "FINES ISSUE"

One of the main issues on which the S.R.C. has opposed the administration arose out of events last September during which students demonstrated their opposition to the administration's policy of excluding any student expelled from any other Australian university automatically. The "exclusions policy" was formally and thoroughly condemned by the S.R.C. and general meetings. As a result of active opposition to the "exclusions policy", 12 students, including the S.R.C. President, were expelled and fines totalling \$3,200 were imposed. At the Fourth meeting of the 5th (present) S.R.C. on Tuesday, 2nd November, 1971 motion 5-4-1 was moved to the effect that the S.R.C. pay the fines imposed by the Proctorial Board. It was resolved that motion should go to a general meeting of students which was called for March 7th, 1972.

It is this motion which has caused the administration so much discomfort. And judging by the Supreme Court injunction to this effect, it is obvious that the administration regard the payment of fines as the primary issue. On the 1st of March an interim injunction was granted by the Supreme Court totally freezing S.R.C. funds at present held in the S.R.C. bank account. This totals about \$4000. The Vice-Chancellor has stated that the Universities' discipline statutes would be rendered ineffective if the S.R.C. payed fines imposed as a disciplinary measure. Since a decision to pay the fines has not yet officially been taken the administration has over-reacted.

Anticipation by calculating councillors intent upon preventing a decision of a future general meeting to pay the fines (if indeed the motion is carried) is apparently their tactic. The fines have to be paid by March 13th if any of the students fined last year are to re-enrol in 1972. Therefore, even if the general meeting of March 7th passes a motion to pay the fines, the S.R.C. will be prevented from doing so, and because most of the students cannot afford to pay the heavy fines imposed, most of the 26 students involved will be excluded.

STUDENT SPENDING OPPOSED BY COUNCIL

The issue of student control over S.R.C. funds has previously drawn animosity from Council. Last December the S.R.C. donated \$300 for educational purposes to H.M. Prison Pentridge, along with \$500 worth of books. As a result a "La Trobe Pentridge Education Fund" was established by agreement between the S.R.C. and the education officers at Pentridge. Council, while mouthing platitudes about "this fine gesture, etc." moved to investigate the legality of S.R.C. spending outside the university (including the Pentridge Fund).

This interest in student spending has come about after a number of years of indifference, because of the efforts of a number of academics and business-interest members on Council who, for their own political reasons, have demanded an investigation into all S.R.C. spending. This action was prompted by their opposition to the S.R.C.'s "Bail Fund" and "Legal Defence Fund". The S.R.C. over a period of four years has spent several hundred dollars on bail and recovered every cent.

All of this S.R.C. spending has been in accordance with S.R.C. policy, general meeting decisions, and the provisions of the S.R.C. Constitution. What the University is attempting to do is to use a clause in the University Act which states that the University is responsible for all monies collected by the University, to deprive the S.R.C. of financial autonomy. The S.R.C. regards this as an abuse of the Act as the S.R.C.'s money is collected by the University on behalf of the S.R.C. as part of the General Service Fee. The S.R.C. has always been able to administer its finances without difficulty, and has just declared a surplus from the 1971 budget.

VICTIMISATION OF PROMINENT STUDENT REPRESENTATIVES

Another issue on which the administration is attempting to enforce its control over the S.R.C. and student opinion, is the exclusion of students from the University. Specifically, since the S.R.C. President was amongst those excluded in 1971, the administration is currently engaged in litigation to deny his right to act as S.R.C. President or participate on the S.R.C. in any way. The S.R.C. itself (on the 7th of December, 1971) has voted to continue to recognize the President, and General Meetings have given all expelled students firm support, and voted to recognize them as still being members of the University. One other member of the S.R.C. has an injunction restraining him from participating in the S.R.C. on the grounds that he is not a student even though the administration itself has recognized his re-enrolment.

IMPLICATIONS & CONSEQUENCES

It is obvious that the administration is afraid of an S.R.C. which has mass student support, a high level of involvement by students other than S.R.C. members, and which is committed to opposing administrative decisions that are contrary to student interests.

A majority of S.R.C. members are committed to furthering the S.R.C. along the lines of a "student union". Clearly, in the past decade the nature of S.R.C.'s has changed due to the urgencies of new concepts as to the role of the student, both in the university and in the community around him. Unfortunately, university administrations have not been responsive to these same changes as one would wish. In Victoria, a reactionary government inhibits moves to evolve a coherent policy of development based upon the needs of the students themselves. Thus student governments cannot, through the pressure of events, remain a passive debating society, confined to a small circle of the student body. It is in the pressuring for policies supported by the vast majority of students, that the S.R.C. has come into conflict with an unresponsive, and often manipulative, university administration. This dichotomy, we feel, has become an Australia wide phenomenon. For these reasons, administrations find it necessary to use overt coercion (in our case blackmail) to enforce their decisions on students.

YOUR ASSISTANCE IS NEEDED

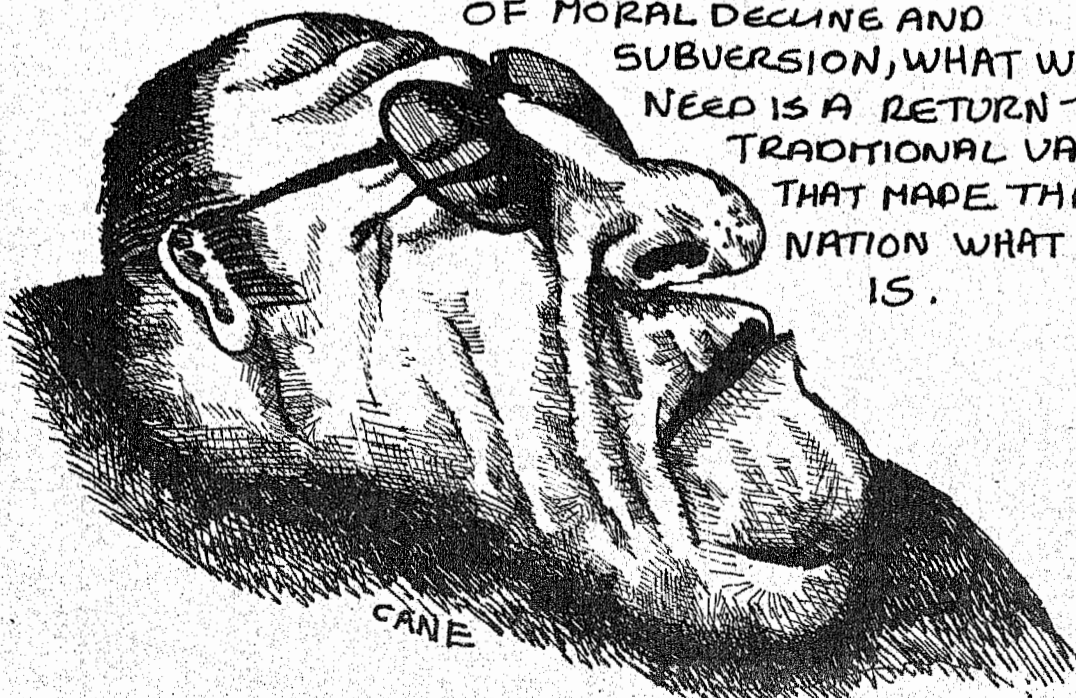
It should be obvious from the foregoing that we believe this issue affects all Australian universities. If the action against us succeeds, it will provide an ominous precedent for all student organizations.

Practically, the La Trobe University S.R.C. is denied access to any funds. So our greatest need is for finances to fight the case in the courts (our legal advice is that the cost could run to \$10,000) and to get information to Australian students.

We are gratified that support has been sent to us in the form of telegrams from all over Australia. We would like the issue to be discussed at student meetings or S.R.C.-Union-Association meetings and motions of support to be forwarded both to the S.R.C. here and the administration through the Vice-Chancellor of La Trobe University (David Myers). We are willing to provide speakers (if the finance is available for transport) and are anxious for details of meetings which can be arranged for the week beginning March 13th.

Yours fraternally,
Brian Pola, President
Ian McDonald, Secretary
Ross Laird, Publications Officer
Nanette Chelsworth, Public Affairs
Judy Blood, Clubs & Societies
Peter Taylor, Education Officer
John Davies, Legal Officer
Ray Cloonan, Academic Affairs

OUR NATION IS UNDERGOING A TIME
OF MORAL DECLINE AND
SUBVERSION, WHAT WE
NEED IS A RETURN TO
TRADITIONAL VALUES
THAT MADE THE
NATION WHAT IT
IS.



CANE

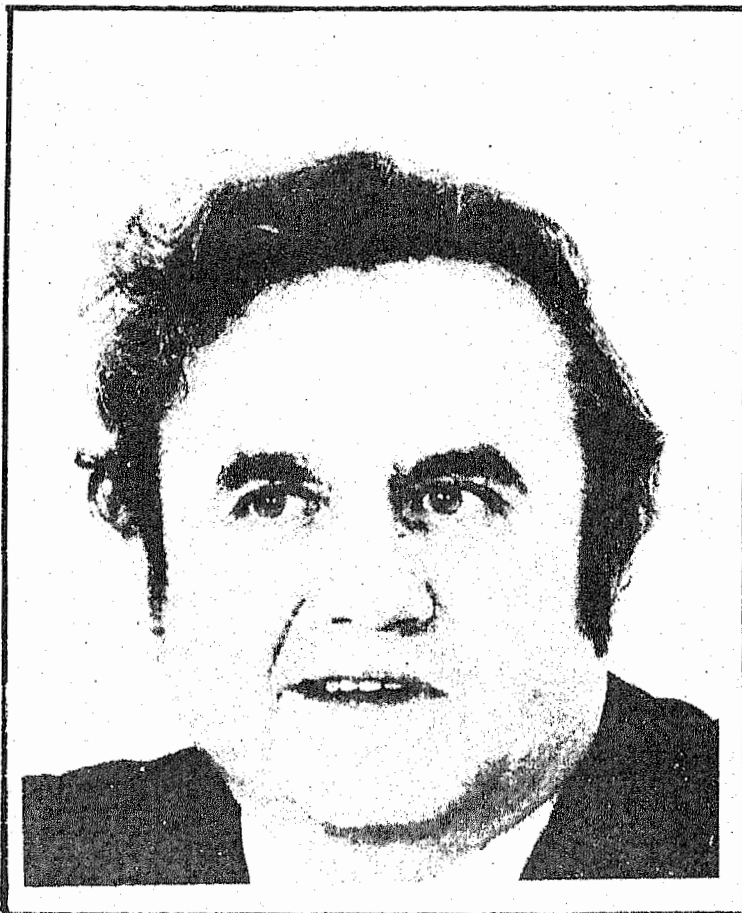
WHAT HAPPENED AT LATROBE UNI

Bill Hartley

Politics II student at La Trobe.

Victorian member ALP Federal Executive.

Federal ALP Education Committee Chairman.



For anyone familiar with Australian universities, the last few years have been an exciting time of re-assessment and unrest.

Students are not just challenging the law and their elders on the social front — they are demanding major revisions in the conduct of universities and power within them.

Radical students are demanding a voice in running universities.

They want to participate in such things as decisions on changes of curriculum, academic appointments and promotion, selecting students, and determining the shape and direction that the university should take in the years ahead.

Less-than-progressive academics and university administrators regard these demands as sweeping and challenging to their vested interests.

The collision between these demands and the negative stands of university governing councils, sometimes unfortunately including their A.L.P.-identified or appointed members, have triggered off serious conflict at universities across Australia.

For example, at La Trobe University in Victoria, the immediate issue has very far-reaching implications — whether the Student Representative Council has right to act autonomously in expending its funds as directed by the student body in the interests of students.

Some of the background of conflict at La Trobe in 1971 was reported in National U last year.

The basic issue was admissions policy, and some of the students threatened to bring La Trobe to a standstill unless the University's policy of declining admission to students excluded on non-academic grounds from other universities was revised.

The conflict and subsequent suspension of students who demonstrated this demand, including a blockade of the University Council, led to a revision of admissions policy and an offer (so far unaccepted) of a staff-student board to deal with disciplinary matters.

However, the University Council has mixed these concessions with a policy of standing firm against demands reflected by the wider interests of students.

The basically conservative Council is well aware that underscoring all the trouble at La Trobe is a great sense of dissatisfaction with the University and, beyond that, Australian society itself.

A decade ago students who were dismayed by what they saw outside the university turned to post graduate studies and determined to shelter within the world of scholarship.

Today the professors and administrators do not look like satisfactory models to their radical critics, while the university appears to function to serve scholars and researchers and administrators, but is not particularly relevant to the lives and interests of students.

At this stage it is stressed that students who comprise the majority at universities like La Trobe are not to be seen taking part in demonstrations on university issues.

Radicalism is still largely drawn there from students whose minds are not focussed on careers — those concentrating their efforts in the schools of Social Sciences and Humanities who are less interested in scholarship than in experience, less sympathetic to disinterested observation than to some form of direct commitment.

Yet given that it is the minority who are involved in the conflict situation, there is the interesting development that it appears to be a majority of students who are switching to support the dissenters.

The events surrounding the exclusion of students, including S.R.C. President Brian Pola, and a series of legal actions through stooges against the Student Representative Council and sponsored by the university, saw 90 per cent of students voting to condemn the Council at meetings held at La Trobe's new campus during the past few weeks.

To the outsider the present affair may seem as intricate as a Chinese puzzle — but it narrows down to a few essential and important points.

Behind these points is the running and almost universal intra-university conflict between: on the one hand the view that universities are liberal institutions whose chief functions are teaching and research; on the other, the view that students should be given a powerful voice in university affairs and that universities should be politically committed.

As background to this scenario, note that moves have been made to control the funds of student bodies and actually usurp their autonomy in universities in Britain and the United States. This is a factor which is causing the Australian National student body — the Australian Union of Students — to keep a concerned eye on current developments at La Trobe.

The current dispute arose over the La Trobe S.R.C.'s decision in December to continue to recognise Brian Pola as a student although the University had suspended Mr. Pola as a result of last year's blockade incidents.

Action taken against students last year was selective. The students proceeded against were only a small fraction of those who took part in the blockade. Because of further disputes over appeals provisions which were completely loaded against students, most were never heard in their own defence.

The University Council determined to test Mr. Pola's position by authorising a student-elected member of the Council, Miss Jan Sullivan — who is an active member of the DLP-supported La Trobe Democratic Club — to test Mr. Pola's position at law.

The University subsequently refused to hand over \$9000 in monies owing to the S.R.C. and obtained an injunction to prevent the S.R.C. from using funds in hand.

The latter action brought widespread criticism on the Council for acting in a rash and unwarranted matter and was a major factor in the overwhelming student vote condemning the Council and the alleged student representative on Council, Miss Sullivan, for allowing herself to be used to maintain the legal action on behalf of the University.

A further central point in the argument is that the S.R.C. had decided to put the matter of proposed S.R.C. payment of fines levied by university disciplinary authorities against students who took part in the blockade, but who were not suspended, to a general meeting at the outset of the academic year. (This was done and the students voted more than 9-1 in favor of the S.R.C. paying the fines).

Further comment will have to be reserved until the matter is litigated and the students move their campaign to the next phase.

In the meantime students are seeking outside as well as inside support.

A majority of the S.R.C. belong to the A.L.P., and most of them are Socialist Left supporters.

They have been making good progress in obtaining support, and the La Trobe affair has been discussed at a meeting of the "26" unions Millant Industrial Grouping in Victoria.

So far twelve of these unions have subscribed to a statement of full support for the students, and the number is expected to increase.

Representatives of the La Trobe S.R.C. have addressed meetings at Queensland, New England, Newcastle, Macquarie, New South Wales, Sydney, Wollongong, Australian National, Monash, Melbourne, Flinders and Adelaide Universities and so far support of the La Trobe students' nationally appears to be strong.