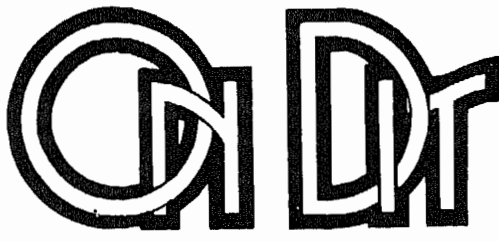


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SPECIAL

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PAY *National Aboriginal & Islander Literature Movement* OR BEARER

THE SUM OF *Two Hundred - Fifty Dollars* \$ 250.00

STUDENTS ASSOCIATION OF THE
UNIVERSITY OF ADELAIDE - GENERAL ACCOUNT

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Chairman

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NAILM PAYMENT, NOW or LATER ?

" THAT THE \$250 PAYMENT TO N.A.I.L.M. BE DELAYED TILL SUCH TIME THAT THE CONSTITUTION OF THE S.A.U.A. IS CHANGED SO AS TO MAKE SUCH PAYMENTS CONSTITUTIONAL."

WHO ME??
I'M NOT RACIST...
BUT OUR NEEDS
COME FIRST!!

GSM THURSDAY
100 PM.
BARR SMITH
LAWNS

DONT BE
FOOLED.

'NO' case PAGE 2

YES' case-3

The **NO** Case; "Make the Payment Now."

On the 29th March, at a General Student Meeting held in the Cloisters, students passed a motion opposing the Queensland Government takeover of the Uniting Churches' Aboriginal Settlements of Arakoon and Mornington and the encroachment on Aboriginal land. Also, acts by autonomous Aboriginal groups such as N.A.I.L.M. (National Aboriginal and Islanders Liberation Movement) were endorsed by students. This was passed overwhelmingly, as was the second motion, which instructed the PUBLIC AFFAIRS COMMITTEE to support the above motion, as well as make a donation of \$250 to the N.A.I.L.M. Land Rights Campaign.

Almost 200 students braved the 'elements' that day and huddled on the 4 balconies of Union House to hear the 2 speakers from N.A.I.L.M., Peter Pennington and Pat Turner Kamara. Students were aware of the so called 'legal implication' but decided that they were willing to back up their support for Aboriginal Land Rights.

Kerry Hinton, representing the Students' Association Executive, had ruled the money motion out of order. Dissent in his ruling was carried almost unanimously as students felt that it was in fact up to them and the G.S.M. to interpret their constitution.

The Executive has overruled the wishes of the G.S.M. and has now called for a second G.S.M. to delay further this payment. The reason why this has come about lies in an interpretation of the Constitution where this payment (noting that it is only the payment which is in question here and not the policy itself) may be outside the power of students.

The interpretation of the Constitution can either be a negative or a positive one, because it is not stated whether in fact a payment can or cannot be made. Thus it is up to students to make policies on campus and decide how their funds are to be spent.

The question you have to face, is whether students should tolerate any outside interference by legal action, thrust upon them by persons who are unwilling to face students in open debate, e.g. there were no speakers against any of the 2 motions put at the first G.S.M., because they do not want to face accusations of racism. It is easier to have clean hands when you work behind the scenes, through legal interpretations and by homing in on the openness of our constitution, which allows students to interpret that constitution. In this way we can defend our own interests and the needs of others that students feel fit to support, e.g. in the past students supported and made a donation to the Pensioner Advancement League. Our constitution allows us flexibility, by not specifically stating areas of concern, so that students can offer support to a variety of groups.

Do we then, allow our decision making, to be taken away from us? We should control the use of our funds - the money that we give to our Union.

The overwhelming issue for us then, is not only to fight for Aboriginal rights, but also to fight for our own rights, at this next G.S.M. Thursday 1pm on the Lawns.

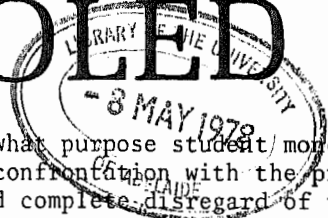
The massive genocide that the Aboriginal people have experienced on all levels, cultural, social, economic and political in the past, can not be ignored. A crime of huge proportions which warrants immediate action.

The Constitution states one of the functions and objects of the Students Association is to increase and promote student participation in the consideration of matters "affecting their interests". Students decide therefore, their areas of interests. The payment must go ahead immediately, students decisions must not be overruled.

VOTE NO AT THE G.S.M., THURSDAY 1PM -
BARR SMITH LAWNS. **STEPHEN MACDONALD**

“ **IF YOU DON'T FIGHT YOU LOSE** ”

The **YES** Case; "Delay the Payment." DON'T BE FOOLED



The General Student Meeting (GSM) to be held at 1.00pm this Thursday (13th April) is the result of careful consideration of a complicated and delicate situation which could effectively result in the closure of the Students Association. With this closure, you will lose the arm of the Union which provides such things as social functions (e.g. bands on the lawns, dances, theatre etc), On Dit, Bread & Circuses, Welfare Services, TEAS help, Student Radio, O-Camps, O-Week the O-Guide and so on.

This could all go unless you think carefully and act responsibly at Thursday lunch time.

THE SITUATION

To explain the situation: A while ago a GSM of about 120 students (incidentally the quorum required is 100 students) decided to promise \$250 to a Aboriginal Rights movement (i.e. National Aboriginal and Islanders Liberation Movement). This payment is NOT CONSTITUTIONAL with the present constitution of the Students Association. The result of this is that we could be sued for that \$250.

This may not appear to be very much (although it is your money) but the legal costs of defending or even just settling such an action could easily reach \$5000. This amount of money the Association just doesn't have to spare,

POLITICAL OPPORTUNISM

Unfortunately, several political groups want to see this payment made right now even though they know that it is unconstitutional and could lead to an expensive legal action. They see this as an opportunity to make political capital at your expense. They don't have to foot the bill, they've got nothing to lose when the Association loses the court case. They want to use this issue to force a confrontation with the courts and legal system. These groups believe that the only way students can have

final say as to what purpose student money is committed is by confrontation with the present social system and complete disregard of the accepted procedures.

The principle of student autonomy is obviously a popular one, but why go about attaining it through a method doomed to failure and financial ruin, when with some patience and thought the same end can be achieved at no expense?

In the light of this information, the Executive of the Students Association (the Administrative Committee) decided to delay the payment to N.A.I.L.M. until the constitution of the Association was changed so that no legal action could arise and hence prevent any possibility of the Association losing any money. This would seem to be a reasonable common-sense action to take after careful deliberation.

RED HERRING

These groups will continually use the red herring of "But a GSM decided to make the payment hence we must pay and the Executive is over-stepping its powers".

This isn't the issue, because a GSM cannot act outside the constitution (as it has) and cannot direct the Executive or any of the Association Officers to act unconstitutionally, (and signing the cheque for this payment is undoubtedly an unconstitutional act).

The issue is; we have a payment which is unconstitutional, do we pay it now and suffer grave financial difficulty or wait until the Constitution is changed to avoid these problems. The Executive has opted for the second and more responsible action. The payment has not been stopped, only delayed until it can be made legally and without jeopardizing the future of the Association. (If the Executive wanted to stop the payment it could have moved a motion accordingly, but it has moved to delay the payment only.

RESPONSIBLE ACTION

The members of the Executive were elected and charged with the task of administering the Students Association in a responsible →

manner. Payment of the grant to N.A.I.L.M. before the constitution is changed, is without a doubt irresponsible, since the end result could be the cessation of all the services the Association provides.

WRITS QUITE PROBABLE

You may wonder as to who would want to sue the Association over this payment. There are such people on campus who are willing to use the legal system to restrict student activity. This occurred last year here at Adelaide University. (Infact last year a total of 16 writs were served to persons on this campus), also at Melbourne University, University of N.S.W., Australian National University and others. So the possibility of a writ is no "pie in the sky". Also, it is likely that the Association would lose the case. This is because a payment almost identical to this one was declared unconstitutional in the Victorian Supreme Court and hence the precedent has been set. This was a part of a judgement handed down by a Justice Kaye. In any case, the Constitution of the Students Association here is even weaker than the Constitution Justice Kaye was studying. So there is no doubt we would lose.

FACTS OF LIFE

You may think that this article is preaching doom. Certainly not, what it is preaching is caution and common sense. We have to face the facts that no matter how worthy we think the cause which N.A.I.L.M. stands for, or how important the principle of student autonomy is, the facts are, at the moment we can ill afford to enter into an expensive legal battle. It makes even less sense to do so when we may be able to support both principles if we have a little patience.

So don't be fooled by the political opportunists, think responsibly at the General Student Meeting on Thursday. It's your money and Students Association, don't throw them away.
- KERRY HINTON



REMEMBER!
THURSDAY 13TH. 1PM
ON THE
LAWNS