

**SUPPLEMENTARY REPORT OF THE ACCREDITATION COMMITTEE FOR THE  
NATIONAL CONFERENCE OF THE NATIONAL UNION OF STUDENTS  
TO BE HELD 13 TO 15 DECEMBER 2021**

This Supplementary Report is to be read in conjunction with the Amended Report of the Accreditation Committee for the National Conference of the National Union of Students, dated 8 December 2021.

**Review of the accreditation of observers in accordance with B8 - application for review of the failure to accredit observers of the ANU Students' Association**

1. On 6 December 2021 at approximately 4.10 pm, the initial report of the Accreditation Committee for the National Conference of the National Union of Students to be held 13 to 15 December 2021 (**Initial Accreditation Committee Report**) was sent to all member organisations and all members of National Executive.
2. As identified in the Initial Accreditation Committee Report at [25] and [26], the Accreditation Committee had been advised by Mr Param Mahal, the General Secretary of the National Union of Students, that there had been no request from any member organisation to have any official observer accredited. Accordingly, no observers of any member organisation were accredited by the Accreditation Committee.
3. On Tuesday 7 December 2021 Mr Ben Yates, General Secretary of the ANU Students' Association (**ANUSA**) wrote by email to the solicitors for the National Union of Students, seeking the accreditation of specified ANUSA observers, namely:
  - a. Ben Yates;
  - b. Beatrice Tucker;
  - c. Chido Nyakuengama; and
  - d. Jaya Ryan.
4. Mr Yates set out why it was said that these observers should be accredited in the following terms:

*We have appointed our observers. We have complied with the only instruction given by the NUS so far.*

*As for accreditation, we have received no instructions. The NUS by-laws provide that the notice of appointment must be received by the Accreditation Committee by midnight 1*

*December (17.7). We were not informed who the Accreditation Committee were until we received the report of the committee on 6 December. Therefore, on nothing more than the rules, we were purportedly supposed to provide our notice of appointment to a committee we could not contact with membership we did not know. The rules of the NUS provide no indication other than what I have set out as to how appointed observers are accredited. It is reasonable and necessary that member organisations be given the opportunity to exercise their right under NUS rules to have their appointed observers accredited. We were not given this opportunity as we were not given the means to have our observers accredited.*

*The Accreditation Committee has the ability to review and therefore remake a decision under B8.1. As I have set out above, it is my view that the committee should accredit ANUSA's observers as we were not given the opportunity to have our observers accredited. In the interests of fairness, I would also suggest it may also be wise and proper to extend the courtesy to other member organisations to send accredited observers perhaps by setting a new deadline for member organisations to provide lists of appointed observers.*

5. The Accreditation Committee has elected to treat this request from Mr Yates as an application for review by "a member Conference" as identified in B8.1 in respect of the failure to accredit observers from the ANUSA. The Accreditation Committee has now met to consider the application for review.
6. Relevantly, B17.1 – 17.8 prescribe:

*17.1 Member organisations may only appoint as observers, students eligible to be elected as delegates of that member organisation.*

*17.2 Associate members may appoint the number of observers determined by National Executive.*

*17.3 Non-member student organisations may only appoint as observers, students entitled to elect the governing body and elected representatives of that non-member organisation.*

*17.4 Non-member organisations may only appoint 2 observers.*

*17.5 The observers from associate members and non-member organisations are:*

- (a) not members of Conference; and*
- (b) do not have moving, seconding or speaking rights.*

*17.6 Appointments of observers may only be made by resolution of the governing body of the organisation.*

*17.7 Notification of the appointment of observers must be:*

- (a) on letterhead of the organisation signed by the President or equivalent officer of the organisation; and*
- (b) be received by the Accreditation Committee before 12 midnight Eastern Standard Time on 1 December.*

*17.8 The Accreditation Committee may only accredit observers who comply with the requirements of this by-law.*

7. As set out above, B17.8 limits the circumstances in which the Accreditation Committee can accredit observers to circumstances where the requirements of B17 are met.
8. Mr Yates does not appear to suggest that the requirements of B17 were met, rather it is asserted that the Accreditation Committee should accredit ANUSA's observers because they were not given the opportunity to have observers accredited.
9. The requirements of B17 include that the Accreditation Committee must receive notification of the appointment of observers before 12 midnight Eastern Standard Time on 1 December.
10. Critically, the Accreditation Committee did not receive notification of the appointment of ANUSA's observers before 12 midnight Eastern Standard Time on 1 December.
11. B17.7 does not impose an obligation that a member organisation send notification of appointment of observers directly to the Accreditation Committee. It was open to the ANUSA to Notify National Executive of its intention to have any official observers accredited. It was also open to ANUSA to request National Executive to forward its

notification of the appointment of observers forward to the Accreditation Committee. Alternatively, it was open to ANUSA to make enquiries of the National Executive about the identity of the Accreditation Committee to enable it to provide notification of the appointment of observers directly to it. Mr Yates does not suggest that any of these things occurred.

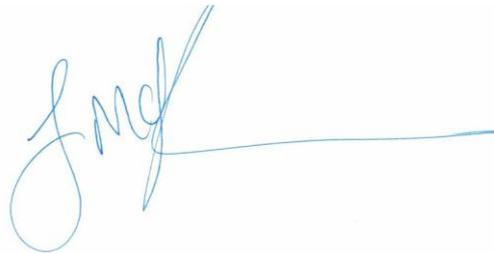
12. B8 and B17 do not provide the Accreditation Committee discretion to accredit observers where the requirements of B17 are not met. Accordingly, the Accreditation Committee must and does decline the application to review its decision not to accredit observers from the ANUSA.

**8 December 2021**



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**Cassie Serpell**



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**Jim McKenna**

**The 2021 Accreditation Committee**