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## REPORT OF THE CHAIR OF STANDING LEGAL

**Winston Ma, Chair of the Standing Legal Committee**

Tuesday, 30 October 2018

### **Question:**

How should the Affirmative Action provisions outlined in the Regulations (R1.4(a),(b)) be applied to the Meeting of the Representatives-Elect?

### **Regulations referenced:**

## **REGULATIONS: SECTION 1**

### **4. AFFIRMATIVE ACTION PROVISIONS:**

- (a) All elected Officers and positions of the SRC, (including those Officers set out in Part 1 Section 3 of the Regulations, Directors of Student Publications and members of Committees) excluding Representatives, shall be elected according to the principles of affirmative action where, for every two Officers elected to an Office or position, one must not identify as a cis-male.
- (b) Where an Officer position is split and shared between two members of the student body it shall only be considered held by a non-cis man, for the purposes of Part 1 Section 4 (a) of the Regulations, if both of the joining members of the student body do not identify as cis-males.

### **Ruling:**

Part 1, Section 4, (a) and (b) shall be interpreted in light of the context and the intent of the Constitution and Regulation. It is the intent of Section 4, (a) and (b) to ensure that at least 50% of the roles be held by those who do not identify as cis males (cis women, non-cis women and non-cis men), which sets out the overarching purpose of

the Affirmative Action Provisions.

Moreover, “Officers and positions” provided by (a) shall be read as a whole, which purports to include the President and all Office Bearers (who shall be elected at the special Council meeting of Representatives-elect). Therefore, in situations where two original positions to an Office are shared by four officers, the word “positions” in (a) shall not be, having regards to both the intent and the context of the Constitution and Regulation, be read separately to include either of the two positions, i.e. one of the two positions to an Office could be shared by two cis males. Counting positions across the office will also better satisfy the overarching purpose of the Affirmative Action Provisions.

Furthermore, it is also the intent of (a) and (b) that non-cis males should have sufficient representation in The Executive, including the president, Vice-President, General Secretary and five ordinary members of the executive. AA was counted across the entire Executive.

If you have any issues with this ruling, please contact Secretary to Council, Cameron Caccamo, via [secretary.council@src.usyd.edu.au](mailto:secretary.council@src.usyd.edu.au). On the following page there is a visual explanation of this ruling.

## **VISUAL EXPLANATION OF THE AFFIRMATIVE ACTION RULING:**

**Where there are two positions available for a single Office (eg Two Welfare Officers)**

Candidate One	Candidate Two	Electable?
Single Cis Male	Single Cis Male	NO
Single Cis Male	Single Non-Cis Male	YES
Single Non-Cis Male	Single Non-Cis Male	YES
Two Cis Males	Two Cis Males	NO
Two Cis Males	Two Non-Cis Males	YES
Two Non-Cis Males	Two Non-Cis Males	YES
One Cis Male + One Non-Cis Male	One Cis Male + One Non-Cis Male	YES
Two Cis Males	One Cis Male + One Non-Cis Male	NO
Two Non-Cis Males	One Cis Male + One Non-Cis Male	YES

**Determining the number of General Executive members that must be non-cis male**

President is:	V-P is:	Gen-Sec is:	Then Gen Exec AA is:
Single Cis Male	Single Cis Male	Single Cis Male	4/5 Non-Cis Male
Single Cis Male	Single Cis Male	Single Non-Cis Male	3/5 Non-Cis Male
Single Cis Male	Single Non-Cis Male	Single Cis Male	3/5 Non-Cis Male
Single Cis Male	Single Non-Cis Male	Single Non-Cis Male	2/5 Non-Cis Male
Single Cis Male	One Cis Male + One Non-Cis Male	One Cis Male + One Non-Cis Male	4/5 Non-Cis Male
Single Cis Male	One Cis Male + One Non-Cis Male	Single or Two Non-Cis Males	3/5 Non-Cis Male
Single Cis Male	Single or Two Non-Cis Males	One Cis Male + One Non-Cis Male	3/5 Non-Cis Male
Single Cis Male	Single or Two Non-Cis Males	Single or Two Non-Cis Males	2/5 Non-Cis Male