

**UNSW SRC statement: UNSW SRC condemns the threat of legal action in response to a motion passed at a meeting of the UMSU**

The 2022 UNSW Student Representative Council passed a motion earlier today condemning the threat of legal action in response to the passing of a motion by the Student Union. Nick Palmer, current UNSW SRC General Secretary and writer of the motion has been quoted below.

“Student unions (read also: SRCs) are not above the law, as comments made by the plaintiff in the news publication the Age say. However, the use of the law in this case is purely designed to stifle debate and freedom of speech.

Student unions should not be gagged by the threat of expensive legal action. If students have issues with the operation and views of their student association, they should seek to resolve these through the political and governmental avenues open to them as members of the relevant association. Not by forcing the rescindment of past and future motions through the application of legal and financial pressure.

This rescindment creates a dangerous precedent for all student unions, giving credence that students can engage in 'lawfare' to undemocratically overwrite motions passed by student unions which they take issue with.”

Background information that surrounds the motion passed by UMSU:

After a motion was passed at the University of Melbourne Student Union, (UMSU) a student responded by engaging pro-bono lawyers in a threat to sue the UMSU in contravention of the Associations Incorporation Reform Act 2012 and the Racial and Religious Tolerance Act 2001.

This ultimately resulted in the UMSU holding a meeting to rescind the motion which they had passed for fear of the financial implications. The motion was then rescinded.

While the UNSW SRC understands and appreciates the difficult subject matter, we also note that the motion pertained directly to the behaviour of the University of Melbourne, for which the SRC is responsible for holding to account. Student representative councils are tasked with providing a student voice to issues affecting the institutions they represent and the students that study at them.

To sue as a means of stifling political debate is an affront to the representative nature and platforms these SRCs members were elected democratically on.

An article on the situation can be found here:

<https://www.theage.com.au/.../melbourne-uni-student-union...> (The views expressed in the article do not represent the views of the SRC or the author of this motion.).

As the Student Representative Council, it is our responsibility to provide all facts and information to students to help them self-advocate for their welfare and experiences, to engage with students at a ground level and at an institutional level and to reflect on values that support an inclusive student learning environment. We strongly encourage everyone to exercise respect, responsibility and sensitivity when engaging in politically discursive discussions and debates.