

STUDENTS' COUNCIL VOTES & PROCEEDINGS

Tuesday November 1, 2005
Council Chambers 2-1 University Hall

VOTES & PROCEEDINGS (SC 2005-14)

- 2005-14/1 CALL TO ORDER
Speaker called the meeting to order at 6:00 p.m.
- 2005-14/2 SPEAKER'S BUSINESS
- 2005-14/2a Announcements – The next meeting of Students' Council will take place on November 15, 2005.
- 2005-14/2a (i) Engineering Head Shave Invite
- 2005-14/2b Opinion on the Referendum Process Used by the University of Alberta Students' Union.
- 2005-14/2c Jason Tobias resigns from the Bylaw Committee
- 2005-14/2d Students' Union Referenda and Plebiscite Process 2006
- 2005-14/3 APPROVAL OF THE ORDERS OF THE DAY
KIRKHAM/LEWIS MOVED TO approve the orders of the day.
KIRKHAM/PAYNE MOVED THAT Bill #15 be a special order.
Motion to make Bill #15 a special order: CARRIED
TOBIAS/KAWANAMI MOVED THAT Bill #16 be a special order.
Motion to make Bill #16 a special order: CARRIED
Main motion: CARRIED
- 2005-7b (xvii) Special Order 1 (Bill #15)
KIRKHAM/LEWIS MOVED THAT bill #15 be read a first time

**Bill #15 - Critical Change to Plebiscites and Referenda Petition Process
(sponsor; KIRKHAM)**

Principles (first reading)

1. A member shall submit a signed paper copy of the intent of a petition question to the Chief Returning Officer along with their name, faculty, and student identification number.
2. The member shall indicate whether or not their intent of this petition question is to be a plebiscite or referendum.
3. The intent of any petition question shall include a \$25.00 deposit.
4. Upon receipt of an intent of a petition question and collection of the deposit, the Chief Returning Officer shall immediately forward the question to the Bylaw Committee.
5. The Bylaw Committee shall draft and approve a question within fourteen (14) days of receiving the intent of a petition question from the Chief Returning Officer
6. Where a member submits a petition containing the signatures of at least five percent (5%) of the total membership of the Students' Union, then that member's deposit shall be refunded.
7. The term "Students' Union law" will be replaced with "Students' Union Bylaw" and the term "Federal or Provincial statute or regulation" will be replaced with "federal or provincial law" for clarification in Bylaw 2400 (4)(b).
8. Changes will be retroactive to any previously approved or currently outstanding petition questions with respect to collection of a deposit and declaration of a plebiscite or referendum.
9. Changes will come into effect immediately upon passage of second reading.

Speaker's List (mm): Kirkham

Main Motion: CARRIED

2005-14/9b

Special Order 2 (Bill #16)

TOBIAS/KAWANAMI MOVED THAT Bill #16 be read a first time.

Bill #16 - Direct Democracy (sponsor; TOBIAS)

Principles (first reading)

1. Where a referendum or plebiscite question would cause Students' Council to be in breach of its fiduciary responsibility to the Students' Union, such a question may be ruled out of order.
2. Where a member attempts to abuse the direct democracy processes of the Students' Union, the questions proposed by that member will be ruled out of order.
3. Students' Council may reject a referendum or plebiscite question where in Council's opinion it would be detrimental to the Students' Union and its student members.
4. The principles of this bill will apply retroactively to all referenda or plebiscite proposed for the 2006 general election.

LEWIS MOVED TO object the consideration of the question.

Motion to object the consideration of the question: DEFEATED

Speaker's List (mm): Tobias, Lewis

CROSSMAN MOVED TO amend the main motion by striking point 2.

Amendment to the motion: FRIENDLY

Speaker's List (mm): Crossman, Kirkham, Tobias, Kirkham

Point of Order: Lewis - "There needs to be a question in this point of information"

Speaker: Point of order well taken. Councillor asked to get to the question.

KIKRHAM/LEWIS MOVED TO amend the motion by striking point 4.

Speaker's List (am): Kirkham, Tobias

Point of Order: Tobias - "Can I call order Mr. Speaker?"

Speaker: Point of order well taken, anyone caught creating a disturbance will be asked to leave.

Speaker's List (am): Tobias (cont'd), Kawanami, Chapman

POWER/COOK MOVED the previous question.

Motion to move the previous question: CARRIED

Amendment to the main motion: DEFEATED, 8/11

KIRKHAM/LEWIS MOVED TO refer Bill #16 to the Bylaw Committee.

Speaker's List (ref): Kirkham, Chapman

Motion to refer: DEFEATED

CHAPMAN/KUSTRA MOVED TO amend the main motion by adding point 5 "Council may alter a petition/plebiscite/referendum question to make it more realistic when a question has unrealistic requests of the Students' Union or University of Alberta".

Speaker's List (am): Chapman

Amendment to Bill #16: DEFEATED

Speaker's List (mm): Power.

POWER/THEVENAZ MOVED TO amend Bill #16 by striking point 3.

Speaker's List (am): Power

Amendment to Bill #16: CARRIED

Speaker's List (mm): Kawanami, Khanna (Lao), Crossman

Main Motion: CARRIED, 21/2

PRESENTATIONS

There were no presentations.

2005-14/5 NOMINATIONS/APPOINTMENTS

2005-14/5a TOBIAS MOVED TO nominate a member to the Bylaw Committee.

KIRKHAM nominates KAWANAMI; KAWANAMI declines
 KIRKHAM nominates YUSUF; YUSUF declines
 KEHOE nominates CHAPMAN; CHAPMAN accepts
 KIRKHAM nominates SHAMANNA; SHAMANNA declines
 CHAPMAN nominates PAYNE; PAYNE declines

Councillor CHAPMAN appointed to the Bylaw Committee

2005-14/5b JOHNSON/LETTNER MOVED THAT Students' Council appoint 6 councillors to attend two meetings in November for the purpose of creating a report relating to U of A Vision that will be tabled at the December 6 Students' Council meeting and then forwarded to the University by December 8.

Speaker's List (mm): Berghoff

JOHNSON MOVED TO amend the main motion by striking the words "appoint 6 councillors" and replacing with the words "direct the University Policy Committee"

Amendment ruled out of order. Robert's Rules state that you cannot make changes to a nomination motion.

BERGHOFF/PAYNE MOVED TO re-consider the orders of the day.

Motion to re-consider the orders of the day: CARRIED

LEWIS/JOHNSON MOVED TO strike item 2005-14/5b and replace with the motion made by JOHNSON.

Motion to strike and replace: CARRIED

2005-14/5b(new) JOHNSON/LETTNER MOVED THAT Students' Council direct the University Policy Committee to attend two meetings in November for the purpose of creating a report relating to U of A Vision that will be tabled at the December 6 Students' Council meeting and then forwarded to the University by December 8.

Speaker's List (mm): Johnson

Main motion: CARRIED

2005-14/5c LEWIS/APEROCHO ORDERED THAT upon the recommendation of Council Administration Committee, Students' Council appoint James Montgomery to the Awards Committee.

Speaker's List (mm): Lewis

Main Motion: CARRIED

Speaker makes item 2005-14/7b (iii) a Special Order

2005-14/7b (iii) LEWIS/PAYNE MOVED THAT Students' Council approve the proposed petition question below:
Do you support the elimination of the plebiscites and referenda process of the Students' Union?

Point of Parliamentary Inquiry: Kirkham – "Has the speaker only made 7b (iii) a special order or 7b (iii) through 142?"

Speaker: It's the Speakers intention to take these up by making them special orders one at a time.

Point of Parliamentary Inquiry: Lewis – "Mr. Speaker I submitted to you and the Administrative Assistant a list of intents by the member and I can't seem to find it. It is sort of necessary so that Students' Council can determine whether Bylaw Committee's drafting matched the intent. I requested that it appear in the late additions, but I don't see it".

Speaker: Then Councillor, for whatever reason it did not make it.

Speaker's List (mm): Lewis

Point of Parliamentary Inquiry: Chapman – "Where a question is requested to change a bylaw, is that legal?"

Speaker: Yes it is legal.

Point of Order: Tobias – " Mr. Speaker, if I may, I'd like to, I'm not exactly sure how to go about this but I would submit that the entirety of Mr. Jones's submissions is out of order based on a concept of implied limitation. Within our Bylaws it codifies how we go about creating these petition questions, how we go about approving petition questions, and the bylaw very clearly makes reference to "a" question, not a truckload. It's fairly clear from Mr. Jones's submissions that they're not made in good faith; indeed they are submissions that abuse or perhaps call into light flaws of our current process. With those two thoughts in mind I'd ask that Council rule these out of order".

Speaker: Mr. Vice President are you rising on a Point of Order?

Tobias: To be honest Mr. Speaker, I'm not exactly sure procedurally where I should be. I've made my case. I'm not sure it that's a point of parliamentary inquiry, point of order, or if that's a motion, perhaps you can guide me?

Speaker: If you are trying to get this motion struck down you essentially need to rise on a point of order and then say why it's legal. I think you basically said why you consider this series of motions submitted by Councillor Jones to be illegal, but in order to get a ruling from the chair on that, you actually have to rise on a point of order. Otherwise you are simply speaking to the main motion and that's up to the assembly.

Tobias: Then indeed it was a point of order and I apologize for the confusion.

Speaker: So Mr. Vice President I'm just going to ask you to state why you feel that this motion is out of order.

Tobias – "In effect Mr. Speaker, I feel that this motion is out of order because there is an implied limitation inherent in our bylaw which calls for "a" question, not a truck load of questions. As I said before it's very clear that the intent of the submitter of these questions was either to call to light some problems with our current process or perhaps just to be frivolous. In any case, I'm pretty sure that our bylaws are not talking about these kind of things, they are talking about serious petition questions and they're talking about "a" petition question, submitted by "a" member, not a whole raft of them. Not only is our process not equipped to deal with a huge amount of petition questions as we're seeing right now. I would argue that it's not our duty to consider them seeing as they're quite obviously frivolous and that's why I'd like to move that these are out of order"

Speaker: The chair agrees with the Vice President that when looking at the questions as a whole, especially some of the questions such as the establishment of vegetarianism as the official religion of the Students' Union and the establishment of a lottery would essentially amount to an abuse of process. And that our bylaws were never intended to take or accommodate the abuse of process in that manner. On the other hand, there is no doubt that some of the questions, certainly were they moved independently of those questions, that there'd be no question that they'd be entirely relevant and totally appropriate to submit through the referendum process. What really taints that lot is the inclusion of a certain number of motions, which were clearly dilatory, clearly an abuse of process and clearly meant to mock the system that was created. So the question is really, and perhaps that there is some argument to be made that in terms of sheer numbers there is an upper limit to what the bylaw can reasonably expect to accommodate. Given that every question that's submitted results in a \$2,000.00 (+) cost in terms of allocation and referendum, so clearly the idea that a million questions could be submitted would be incorrect since that would result in a 200 million dollar or 2 million dollar expense to the organization. At any rate I am tempted to agree with the Vice President that there is definitely an implied term of upper limits. I also agree that an abuse of process should not be permitted and it should not be allowed that a member is able to essentially turn into a mockery provisions that were meant for the lofty purpose of providing students with a direct democracy option. So I read from papers: A motion is dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation. Parliamentary forms are designed to assist in the transaction of business. Even without adopting a rule on the subject, every deliberate assembly has the right to protect itself from the use of these forms for the opposite purpose. It is the duty of the presiding officer to prevent members from misusing the legitimate forms of motions, or abusing the privilege of renewing certain motions, merely to obstruct business. Any main or other motion that is absurd in substance is dilatory and cannot be introduced. It would also be ridiculous if a minority of 2 or 3 members could constantly raise points of order and appeal from the chair's decisions on them, or repeatedly move to lay motions on the table, or

offer frivolous amendments. If a member could demand division on every vote even when the result was clear, or move to adjourn again and again when nothing had happened to justify renewal of such motion, business could be brought to a standstill. Whenever the chair becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he should either not recognize these members or he should rule that such motions are out of order – but he should never adopt such a course merely to speed up business and he should never permit his personal feelings to affect his judgement in such cases. If the chair only suspects that a motion is not made in good faith, he should give the maker of the motion the benefit of the doubt. The chair should always be courteous and fair, but at the same time he should be firm in protecting the assembly from imposition.

I'd also like to read out the section on improper motions:

Motions that conflict with the corporate charter, constitution or bylaws of a society, or with procedural rules of prescribed by national, state, or local laws, are out of order, and if any motion of this kind is adopted, it is null and void. Likewise, the motions are out of order if they conflict with a motion that has been adopted by the society. No motion can be introduced that is outside the object of the society of assembly as defined in the bylaws, unless by a 2/3's vote the body agrees to its consideration. Except as may be necessary in the case of a motion of censure of a motion related to disciplinary procedures, a motion must not use language that reflects on a member's conduct of character, or is discourteous, unnecessarily harsh, or not allowed in debate.

You're asking me to make a ruling, not on the basis of Roberts Rules of Order, but on the basis of whether or not there is an implied term in our bylaws that essentially says its not permitted for a member to abuse the processes set out therein. So in essence you're asking to me determine that:

The member abused the process and;

That our bylaws have such an implied term.

The chair feels that it must be that the processes set out in bylaw are set out in good faith by this assembly to run this organization and that it should be implied in every bylaw that where Students' Council perhaps in erroring on the side that its members will act in good faith has left open the process for potential abuse, that that bylaw will be interpreted such that it will not be allowed to be abused. So I have to concur for the sake of law and order and the reasonable execution of law that the Vice President does have a legitimate point and I'd rule his point of order well taken.

Point of Parliamentary Inquiry: Lewis – "Mr. Speaker if you're ruling that there is an implied limitation here, what is that limitation on Mr. Jones's petition questions? And if there is a limitation, which ones will you accept and which ones will you not accept?"

Speaker: You're asking me a hypothetical question and I refuse to answer it.

KAWANAMI CHALLENGES THE CHAIR: Our bylaws do not contemplate that someone can only come up with one idea so the idea of the volume strikes me as rather arbitrary given that its quite conceivable for an individual to come up with a number of legitimate ideas. As the speaker pointed out there are certain legitimate ideas contained within that. Furthermore, I don't think our bylaws contemplate that satire may necessarily vitiates the ability to put a question on the ballot, in fact its even encouraged on the candidate side of our electoral process in allowing joke candidates to run in elections and give joke candidates funding. That sort of satire is even encouraged on our candidate side of things so I don't see why the referendum side of things should never necessarily be different. Additionally, the discussion regarding dilatory motions and improper motions falls somewhat outside of the scope of these things in the sense that we are the ones that are members, Mr. Jones and other individuals who submitted these petitions questions aren't members per-say. They're members of the Students' Union, but not members of this body so I don't think that necessarily applies. While I agree with the merits and validity or justification I cant' say that we can rule it out of order.

Speaker: I agree that there is no implied term in the bylaw saying that a member shall only submit one question. Where the upper limit lies, I'm not prepared to arbitrarily here today to establish an upper limit. All I am here to say is that there is clearly a contemplated upper limit because there must be an end because we can't have a ballot that goes on forever and ever but I think more implicitly only a certain amount of money has been set aside in the Chief Returning Officers budget indeed the organization itself has a limited supply of money to set aside for the purpose of elections. Our bylaws require that for every question that is submitted through the referendum process a thousand dollars is to be allocated to either side. That means that every time one of these is added that is two thousand dollars that has to be allocated according to our rules and regulations. Now, it would be absurd to assume that that would mean you could add questions to the point where the organization did not have sufficient financial resources to fund them and a hallmark of statutory interpretation is we do not allow and interpretation that would allow an absurd result because the Legislature would never intend an absurdity to occur. So, I'd say that that's dealing with point number one. That said I agree that a limit of one is not appropriate and I am in no ways determining what is an appropriate number here, I am simply saying that in this case it may be. And this is frankly the point that I am least concerned about. It may be that this particular number is an excess of what it is, but that is not my primary concern here. With respect to whether the system allows these amusing joke candidates as the corollary, essentially does our process anticipate joke petition or referendum questions there is a statutory difference between these things. When a joke candidate runs they first have to submit (as has been proposed now for referendums) you must (except for open studies) derive nominations and you must also make a dollar amount (which you do not get back) deposit unless you garner sufficient support in the elections. So Council has put a barrier on frivolously running for Council. That barrier does not currently exist [for referendum], it will exist if some of the proposed legislation goes through, but it doesn't at this point in time. In addition, Council has said that where a joke candidate wins, the effect of that would basically be a nullity "Yes you won the election, ha ha good for you" now we have a by-election and they don't take office.

The trouble is again, with the referendum/plebiscite process we do not have a corresponding clause that says "Oh any by the way if a joke referendum goes through and passes, we won't implement it". Well I can see some of the parallels you are making, I don't think it holds up when you consider the whole over all legislative scheme that needs to be looked at here. And finally with respect to what is meant by "member" there is some legitimate concern here that when they are speaking of a member in this particular document, which I agree is not really particularly relevant to this debate, but just for being a thorough, I would agree that they are not thinking of "member Jones" in a referendum process they are thinking of "member of Council". At this point the onus for putting a dilatory motion forward would be on essentially Councillor Lewis and the seconder. Whoever is moving this is where the onus shifts to because ownership of this has moved from petitioner Jones through the Bylaw Committee now to Council. So I would agree that this doesn't necessarily impact, in fact it doesn't, on Mr. Jones, it's irrelevant. But what is relevant is what is put forward by the Bylaw Committee itself. So that would be my response to the members question, the question always lies with the assembly and recognize that you can pretty much be rest assured that we are going to DIE Board one way or the other on this. So essentially the substance of my ruling, I'm not saying that the number here has necessarily exceeded, that is not the basis that I am ruling this on, I'm not ruling this on that this is a violation or Robert's Rules I'm ruling this motion and series of motions and the series of Jones's motions because that's what you are really rising on, that the point of order extends not to just this particular motion but the entire lot on the basis that by the inclusion of joke motions essentially joke referenda, that this essentially brings the series of motions into disrepute and that there is an implied term in the bylaw that where a member is abusing the process, that abuse of process will not be considered. And while it is possible for us to go through and pick out on a one by one basis "Yes we think this is legitimate, Yes this is an abuse of process" I don't think that that is a wise way to approach this and on the basis of this point of order that there is clear indication that the members attempt to abuse the process, I'm not going to differentiate which questions are abusing it and which aren't, and it's on that basis that I am ruling it out of order.

Judgement of the Chair: SUSTAINED, 16/5

Point of Parliamentary Inquiry: Kirkham – "Mr. Speaker could you please explain the classical effect of the original point of order you took as well taken that the Vice President Operations and Finance rose upon".

Speaker: That the series of motions proposed by the Bylaw Committee dealing with member Jones's petitions are out of order.

Point of Order: Kirkham – "Nowhere on the order paper does it specify which motions come from which members. Therefore the initial point of order did not name which motions were encompassing that point of order, and nowhere on the order paper does it show which are from a certain member and which are not from a certain member".

Speaker: I understand the Councillors point. Essentially the Councillor is saying that once member Jones submitted these to the Bylaw Committee, they become property of the Bylaw Committee and the Bylaw Committee has chosen to send this to Students' Council in the form of individual motions and to some extent the Bylaw Committee is compelled, in essence they're coming forward

not as a part necessarily of Mr. Jones's petition anymore but as motions coming from the Bylaw Committee. So what is your point of order?

Kirkham - "It has been ruled and the rule of the chair has been upheld that any motions (go back to record on this) that member Jones submitted are out of order. Member Jones did not submit any motions, member Jones happened to submit initial questions to the Bylaw Committee we're not approving initial questions, we're approving questions drafted by the Bylaw Committee. Those questions drafted by the Bylaw Committee are represented in item 7b (iii) through 7b (xvi) on the order paper. Nowhere on the order paper is there any notion of a "member", nowhere on the order paper is there any notion of "Mr. Jones" or any other members that submitted any given question. Nowhere on the order paper is there any notion of these being submitted as a group, individually, therefore my point of order is that nothing has in essence been struck here because the only thing that has been struck is any motions brought forward by member Jones and there haven't been any motions brought forward by Member Jones. So really we can continue on with 7b (iii) and can continue on".

Speaker: I understand what you are trying to say here Councillor but what it really boils down to is do you believe that there has been an abuse of process provision in the bylaw and in truth I do. What your argument essentially amounts to is this, that even if there was an abuse of process once the Bylaw Committee took the motions, formulated them into questions and sent them on to Students' Council in essence the abuse of process was dissipated and now there is no more abuse of process and now we should just pick up where the Bylaw Committee left off. That is essentially what your argument boils down to. I'm looking for clarification.

Kirkham - "That's part of the argument the other part of the argument is unfortunately what was ruled just now is that anything submitted by Jones is out of order, nowhere on this order paper does it show who submitted, if we had Jones, Jones, Jones, Jones, Jones, Member X, Member Y, that's fine. The problem is that the Vice President Operations and Finance stated that any motions that were submitted by Member Jones, well first of all Member Jones did not submit any motions, and second of all there is no notion of members on the order paper. So the effect of that point of order was to nullify or remove from the order paper nothing because nothing pertaining to Jones appears on our order paper".

Speaker: I understand the objection, if I were to re-formulate the Vice President Operations and Finance's point of order, basically it would be that the motions submitted by the Bylaw Committee are out of order because they were submitted with the intent to abuse the process. That would essentially be it. In any way it still ultimately boils down to the suggestion that by having it go through Bylaw Committee and having Bylaw Committee recommend it, it essentially cures the problem, correct?

Kirkham - "It cures the problem of dealing with these all in one. I have no objection dealing with five, its out of order, eight, it's out of order, nine, it's out of order, but dealing with these in a lump sum makes no sense because they do not exist in a lump sum here, they don't exist. If we want to rule on each one of these out of order separately that's fine, but there is no notion that they're in some sort of lump sum no just all 14 but only 12 in some lump sum that sort of

division is not reflected here and it was gone the second Bylaw Committee approved it so we can do this one by one, sure some of them are dilatory, but only certain ones, not in groups of 12, then one, then one, it's all individual".

Speaker: I understand the Councillors objections, that these are no longer part of a coherent whole, there are individual items that should be dealt with individually. The effect of his original argument that going through the Bylaw Committee has cured it of at least the fact that you may be able to pull out individual motions as being an abuse of process and striking them down on that basis. It'd be inappropriate to strike down the whole series on that assumption. I'm going to ask you another question Councillor: If you accept that in the bylaw there is an implied term that if you abuse the process that your referendum questions will basically be discarded? Yes this is a hypothetical, the assumption that I am making this ruling on is that there is an implied term in the bylaw that says were there is an abuse of process the organization need not to consider referendum questions of the member. Given that's what it says, why should we humor the member by trying to pick out which of their questions are legit and which aren't. That's what I feel you are asking me to do.

Kirkham – "That I would argue would have been the result would have been the responsibility of Bylaw Committee because they were submitted in groups to the Bylaw Committee. So basically what we're arguing here is whether or not members submitted one email with 4 questions or 4 separate emails or one email with 8 questions or eight separate emails. That's what we're debating here and Bylaw Committee in their ultimate wisdom, decided that, well we're not going to rule them all out of order, we're going to look at them one by one, we looked at them one by one and we decided that it adheres to our own bylaws and we're going to send them one by one as it's required to do by Council. It makes no sense because of the way that they were submitted and it also makes no sense from the point of order that was raised because 4 were submitted and then a week later 8 were submitted are the first 4 dilatory and out of order or just the last 8? But again, we have no sort of notion of groupings here that were submitted at completely different periods of time and dealt with at completely different periods of Bylaw Committee. The only reason they're coming as a group here is the scheduling of Council meetings.

Speaker: So let's pretend that there is this term in the bylaw, how then would Council ever be able to rule something out of order given the process that these questions will go through, how would you ever give effect to that clause?

Kirkham – " Well it's simply, we just act on the one by one, so if 3 we feel is fair, we pass it, if we don't we rule it out of order, if 4 is fair we pass it, if not, we rule it out of order.

Speaker: I feel that you've added an additional implied term to the bill, which says that where a member has submitted questions each question shall be considered on its own and not in conjunction with any of the others to determine whether there has been an abuse of process.

Kirkham – " I would argue that in Bylaw 2400 that isn't implied, that is explicit. That it is explicit that each question is deal with individually because it defines a question. That the only implication that we're dealing with here that we're dealing with hypothetically is the initial implication that you are hosting as a hypothetical. That the subsequent one I just offered is actually explicitly noted in bylaw.

Speaker: So if a member submits 30 questions, 25 of which are out to lunch and 5 of them are legit.

Kirkham – “Then Bylaw Committee goes through, then Council goes through with this implied hypothetical and says alright, these 25 are garbage, throw them out, these 5 they’re good lets put them through. And that’s what we should be doing here; we shouldn’t just throw all of them out, bad or good, just because one member submitted it. If we’re going to make some sort of judgement call, because right now we’re making a judgement call on a member basis not all of them, just a member, we might as well go ahead and make a judgement call on the division of the questions”.

Speaker: Point of order not well taken. The effect of the original point of order which was affirmed by Council which was to strike out the petitions that originated with Mr. Jones (as outlined in the Bylaw Committee Report) on the basis that they violate an implied term in Bylaw 2400, being that there will not be an abuse of the Direct Democracy provisions that has been upheld by Council.

Speaker rules that items 7b(iii) through 7b (xiv) are out of order.

Point of Parliamentary Inquiry: Payne – “Just for clarification on the last point, if multiple people submitted a question slightly similar to itself changing one or two words, then we in theory have to go through each and every question and decided if the merit of that individual question justified us going through and voting on it? Like couldn’t someone potentially grab like 100 friends and write the same question slightly different each way?”

Speaker: You’re asking a hypothetical and I am not going to answer it.

Speaker makes item 2005-14/7b (xv) a Special Order

2005-14/7b (xv)

LEWIS/KIRKHAM MOVED THAT Students’ Council approve the proposed petition question below:

Do you support a campus-wide tobacco ban at the University of Alberta subject to the following conditions?

- a. A ban on the sale of all tobacco products in any University-owned or leased building or on University property effective July 1, 2006.
- b. A ban on the use of all tobacco products in any University-owned or leased building or on University property, except property surrounding residences, effective July 1, 2006.
- c. A ban on the use of all tobacco products on all University property effective July 1, 2008.
- d. Exceptions may be made to accommodate the use of tobacco or related substances in connection with culturally significant celebrations.

Speaker’s List (mm): Lewis

Main Motion: CARRIED

Speaker makes item 2005-14/7b (xvi) a Special Order

2005-14/7b (xvi)

LEWIS/KIRKHAM MOVED THAT Students’ Council approve the proposed petition question below:

Do you support that Students’ Union bars charge \$2.00 for all pints of beer effective May 1, 2006 through April 30, 2007?

Point of Order: Tobias – Moves that this item be ruled out of order based on a breach of fiduciary obligation.

Speaker: Point of order not well taken. The organization has the ability to raise fees to compensate for loses.

Speaker's List (mm): Kirkham (sponsors Andrew Langstone)

Point of Order: Tobias – "In passing this legislation Students' Council will be in violation of AGLC Guidelines, which clearly state that we are not allowed to encourage inducement to intoxication and selling alcohol at or marginally above costs fits within these guidelines.

Speaker: Point of order not well taken (uses examples of other bars in the U of A area which sell for cheaper than \$2)

TOBIAS CHALLENGES THE decision of the chair

Judgement of the Chair: SUSTAINED

KIRKHAM MOVED TO amend the main motion by striking the words "charge \$2 for all pints of beer" and replace with the words "Serve pints of any beer they carry at a charge of \$2".

Point of Order: Johnson – "You would have to insert the word "draft", as not all beers are available in pints but in bottles"

Speaker: Point of order not well taken. When you call it out of order it has to be breaking a rule.

Point of Order: Kawanami – "Quorum?"

Speaker: Point of order well taken. Takes a head count.

Main Motion: CARRIED, 11/7

Point of order: Kirkham – "Council just approved a question in violation of Bylaw 2400, Section 4, Subsection A".

Speaker: Point of Order not well taken.

PATZ/PAYNE MOVED TO adjourn.

Motion to Adjourn: DEFEATED

2005-14/6

REPORTS

2005-14/6b

Samantha Power, Vice President (External)

2005-14/6c

Mathieu Johnson, Vice President (Academic)

2005-14/6d

Justin Kehoe, Vice President (Student Life)

2005-14/6e

Jason Tobias, Vice President (Operations and Finance)

LEWIS/PAYNE MOVED TO make Question Period a Special Order.

Motion to make a Special Order: CARRIED

2005-14/8

QUESTION PERIOD

PATZ/PAYNE MOVED TO adjourn.

Motion to Adjourn: CARRIED, meeting adjourned at 9:58 p.m.

ATTENDANCE (SC 2005-14)

Faculty/Position	Name	1 st Roll Call	2 nd Roll Call
President	Graham Lettner		
VP Academic	Mathieu Johnson	√	√
VP External	Samantha Power	√	√
VP Finance	Jason Tobias	√	√
VP Student Life	Justin Kehoe	√	
BoG Undergrad Rep.	Adam Cook	√	√
Agriculture, Forestry and Home Economics	Miranda Baniulis	√	
Agriculture, Forestry and Home Economics	Amanda Rajotte	√	
Arts	Catrin Berghoff	√	
Arts	John Chandler		
Arts	Michelle Kelly		
Arts	Bryce Kustra	√	√
Arts	Cameron Lewis	√	√
Arts	Tim Schneider		
Arts	Shad Thevenaz	√	√
Arts	Heather Wallace		
Augustana	Jonathan Friesen		
Business	Chris Young	√	
Business	Ryan Payne	√	√
Education	Lillian Patz	√	√
Engineering	Brian Ceelen	√	
Engineering	James Crossman	√	
Engineering	Prem Eruvs	√	

Engineering	Jamaal Montasser		
Law	Kyle Kawanami	√	√
Medicine and Oral Health Sciences	Suneil Khanna		
Native Studies	Matt Wildcat		
Nursing	Nadia Wildcat		
Faculté Saint-Jean	Joseph Blais	√	
Open Studies	Sabine Stephan	√	
Physical Education and Recreation	Philip Goebel		
Science	Sheena Aperochó	√	
Science	Jack Gordon	√	
Science	Abbeir Hussein		
Science	Stephen Kirkham	√	√
Science	Sylvia Shamanna	√	√
Science	Omer Yusuf	√	√
Science	Yuan Hao		
Science	Chris Le	√	
Science	Theresa Chapman	√	√
General Manager	Bill Smith		
Speaker	Gregory Harlow	√	√

Guests of Council:

Position	Name
Chief Returning Officer	Rachel Woynorowski
University Policy Information Officer	Zita Dubé
The Gateway	Ross Prusakowski
Student at large	Shereen Kangarloo
Student at large	Andrew Langstone