

Student Parliament

*Accountability, Transparency and Consultative Governance*

UNIVERSITEIT iYUNIVESITHI STELLENBOSCH UNIVERSITY

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MINUTES OF THE**

**CONSTITUTIONAL REVIEW COMMITTEE**

**HELD ON** Monday 14 October **IN** SRC Boardroom **AT** 16h00

# ATTENDANCE

KEITUMETSE LEBESA SPEAKER OF PARLIAMENT

NHLAKANIPHO MKHIZE DEPUTY SPEAKER

THATEGO SELAHLE DEPUTY SPEAKER

OMOLEMO MOTALE 2ND YEAR LAW STUDENT

NTINA MTHOMBENI STUDENT NOT ON SPC

THULANI HLATSWAYO STUDENT AFFAIRS REP

# ABSENT

REGAN FANCENSIE TYGERBERG SPEAKER

­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# CONSTITUTIONAL REVIEW COMMITTEE

­­­­

**MEETING FOUR**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WELCOMING:**

Members were late, so the meeting was delayed to accommodate these members. The meeting commences at 16h34.

The Speaker welcomes all the persons to the Constitutional Review Committee Meeting. The meeting will proceed in terms of Addendum N.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ATTENDANCE:**

Excuses have been submitted by Ms O Motale who has been asked to leave early at 17h50. No excuses have been received by Mr Fancensie. Mr Hlatswayo and Ms Mthombeni are late.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISCUSSION:**

Suggestion: that this procedure is going to make this procedure slower, so we should rethink this.

Mover of the point is asked to please elaborate on the point. Going through the constitution line by line will make this slower. Once something flawed is identified in the lines, then the we will be able to amend the point. That’s generally how committees work.

All proposals submitted to Parliament must be made available as well as agendas.

Response 1:

Response 2: This has been communicated that every single person was asked primary means of communication was made known to everyone that all documentation was going to made available on the website. If an email is received, that is simply Parliament going further.

Point: This committee is different to all other task teams and one cannot assume that the minutes will not be made available. SharePoint group is efficient task team.

The CRC is a sub-structure of Student Parliament. The procedure that the task team follows must be the same. It was mentioned at the sitting that there is preferential treatment which Parliament cannot allow. Everyone will receive all their information from the website. The onus is on you to ensure that you acquire all the documents you need. The primary methods of communication is not on the group or social media. If the minutes are not on the website, then she is in breach of her duty. There should be no preferential treatment for this team. The house must be able to scrutinize the meeting.

Suggestion: We will make sure that each member will be given step by step instructions to ensure that each process is explained and laid out further.

If the speaker states that every member must receive minutes, it is inconsistent with the previous ruling that the Speaker has made. This is an interim measure and this procedure will be looked at by the SPC and the house.

Point: When you send a reminder to persons to attend meeting do you allow all persons to know that the minutes are available.

Every person will now receive the minutes and notifications to allow them.

Ruling: The minutes will be made available as an interim measure. All will be made to Regarding the addendum, we are here to ensure that the constitution is amended. There was no need for an agenda.

Suggestion: Send an agenda with an addendum. We have many other responsibilities. Make our work easier. The fact is to focus on development. When you send communication then you must send out that matter. Its etiquette in holding meetings.

Response: The matter will be taken to the SPC.

Suggestion: Will we actually do the homework?

Proposal: Do not stop the meeting, if there are those who have read, we can just state which sections we should focus on. We need the input from students. Can the Speaker please send though the proposals? We are all adults here, there is trust established. Please do homework.

Look at the provisional document. We agreed in the first meeting that we will look through all of the documents and highlight the provisions which we wish to amend.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PROCEDURE:**

We will continue to go chapter by Chapter and amend the provisions as they continue.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# THE AMENDMENT PROCESS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### S5: No amendment.

### S6: Remove the part where we speak about the Student Parliament speaker

He speaker is elected before the committee. That is why the distinction is made. The motion that the speaker is still part of the Student Parliament Speaker and the committee. Even if there isn’t a committee, the Speakers begins on that day. If we amend it as proposed, then it seems that there can be no student Parliament if a committee is not appointed.

**S7. Term of office of the Student Parliament Speaker and Student Parliament Committee §**

1. Speaker
2. The term of office shall commence on 1 November each year. The Election of the Speaker must take place at its third normal sitting in the third academic term.
3. If the election does not occur due to unforeseeable circumstances the election will commence at the fourth sitting in the fourth academic term.
4. From the 1st academic day of October to the 1st academic day of November it shall be the hand over period.
5. Student Parliament Committee
6. The Student Parliament committee is appointed after the election of the Speaker ***in terms of Addendum J1****.*

The Speaker benchmarked with UKZN and UP. He has found that their systems are completely different. They are not comparable systems. What we decide must be informed by other committees. When the UCT constitution was constructed, they had no references or nothing which informed their amendments and there is nothing which informed this. We are working with minimal records, so it is difficult to know what we are doing.

Find out from other Parliament committees about how they decide their terms.

Suggestion: With recommendation, we need to include a provision here where we plan for the instances where there is no Speaker. This was the case with 2017 when the SPC of 2016 fell.

Suggestion: The handover period for the SRC is only two weeks. The handover for SPC cannot be a month.

Response: Previous Speakers have expressed the same concerns that the current Speaker does. I have the right mind to add a provision that the current speaker cannot leave office until the incoming team is equipped to continue with the mandate. The incoming speaker typically doesn’t know what to do or where to go and all actions must be justified ito the constitution. The office is so tough that it will require more time for the incoming Speaker to adjust. It is this reason that I feel the handover period must be so long.

Point: Perhaps the circumstances are different. There is much more support which exists now. Student Governance can now support the leadership structures.

Response: The month period allows all the persons to effectively be in the position to know exactly what they are doing. Student Court works differently. If we dedicate a month to the handover and other circumstances arise and other challenges arise, then the process must be pushed further.

Response: I think we have different understandings of what the handover functions are.

We need someone to help the incoming speaker to understand the applications of the constitution. If there are challenging circumstances which ensue, the outgoing speaker can get up to assist where necessary. Comparing notes. The annual report that will be given to the next Speaker. The current Speaker was handed a 60-page document. Once you get into the process, the depth of the work unravels, and you understand how difficult the task actually is. Their task is to help the incoming speaker settle.

### S7: Core functions of the Student Parliament include: §

We have been holding ex officio members accountable. We wish to make this power explicitly know on the document. They are still members of the executive. We can use S57 of the SC to attach all members of Student Parliament in terms of S57.

C) We want to allow all members to be accountable and transparent to the SPC. We do not want to limit ourselves to the members listed in S57 of the SC but broadly include all members listed in terms of S52(2) of the SC.

The provision should:

**S8. Core functions of the Student Parliament include: §**

1. To act in the best interest of students and to actively promote students‟ rights under Chapter 2 of the Student Constitution;
2. Unless other provided for in the Student Constitution, decisions of Student Parliament do bind the SRC, Academic Affairs Council, Societies Council, Prim Committee and Senior Prim Committee, with at least 80% majority of at least 100 votes.

Duties and powers as set out in Section 56(2) of the Student Constitution Student Parliament has the power to:

i) Request one or more Student Representative Council members to explain any of their actions, activities, or lack thereof in person at Student Parliament; View **Addendum E**

ii) Institute a motion of no confidence in one or more Student Representative Council members, on the ground that they are not fulfilling their constitutional obligations, subject to review by the Student Court; View **Chapter 4 S60(f)**

iii) Determine a list of broad priorities which the incoming Student Representative Council must adhere to in compiling their budget and planning their activities; View **Addendum D**

iv) Hold extraordinary meetings; View **Addendum G**

v) Appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the plenary session and other bodies and representatives, including those of the University; and View **Addendum H**

vi) Adopt any other measures to ensure that it fulfills its mandate effectively.

c) To hold the Student Representative Council, Academic Affairs Council, Societies Council, Prim Committee and Senior Prim Committee accountable and transparent;

d) To advise the Student Represent Council upon request-

i) of this body; and/or

ii) student(s)

e) To formulate and maintain policy in order to promote an institutional sensitivity to foster accountability and transparency within student leadership structures

Ms Motale is excused.

We do not want to define what “accountable and transparent” means because if we provide specific instances, we limit what the students can report. Parliament must be able to investigate any grievances given by the student populace. Their respective constitutions will serve as a framework for what is expected from the leader in question.

Point: We do not want to take trivial matters to the house. The broad powers allow the Committee to inform persons directly before the stringent procedures of addendum E follow. This is procedure must be invoked only in extreme measures.

Student Court has stated that leaders may stand up to protect the constitutions and enforce the constitutional procedures, if there is a grievous breach of the constitution.

If members feel that members feel that Stud Par is overstepping, they send emails and we work it out between the bodies. Adding definitions will limit the extend of the application of the provision. Should the matter arise, we should allow the Courts to define Student Parliaments boundaries. Stud Par is further empowered by S7(d) of the SPC.

### S8: Compulsory portfolios of Student Parliament Committee §

Speaker wishes to submit a provision which allow the Speaker to summon a person before the house.

Response: No. To do so is to nullify Addendum E. Use methods of co-operative governance to enforce persons to respond or nourish the house at Parliament.

Response: If they are a member of S57, they must stand and respond to Parliament. They are notified beforehand that they are to respond at the house and are asked to prepare for the point at hand. If they fail to comply, then **Addendum E** must be followed.

Ms Mthombeni and Mr Hlatswayo are excused.

**No amendments.**

### S9: No amendments.

### S10: No amendments.

### S11: No amendments.

### S12: No amendments.

### S13: No amendments.

### S14: No amendments.

### S15: No amendments.

### S16: Add other student leadership structures.

**S17. Other duties**

The Student Parliament Committee has the duty to;

a) Make this Constitution and the Student Constitution available to students and to make them aware of its availability;

b) Advice and/or Assist the SRC, ACC, SC, Prim Committee and Senior Prim Committee in making their respective Constitutions available to their specific constituents and to make them aware of its availability;

c) Fulfil any other duties required of it by this Constitution, the Student Constitution and as indicated at a Student Parliament sitting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# NEXT MEETING:

The next meeting will be communicated via the SharePoint group.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Speaker concludes the meeting by thanking all the members present for their attendance and participation.

Meeting is adjourned at 18h57.