

IN THE STUDENT COURT OF STELLENBOSCH UNIVERSITY

REPUBLIC OF SOUTH AFRICA

In the matter:

SPEAKER OF STUDENT PARLIAMENT

First Applicant

FOUNDING AFFIDAVIT

I, the undersigned,

KEITUMETSE LEBESA

do hereby make oath and state that:

INTRODUCTION

1. The current speaker of Student Parliament, Keitumetse Siphamandla Lebesa.
2. The afore abovementioned stipulates
3. I am 21 years old.
4. I am currently a registered student at Stellenbosch University with student number 20885431.

LOCUS STANDI

5. The Student Constitution confers standing to certain person in section 64(1):
*“(1) All students and student bodies can bring cases before the Student Court, and only students and student bodies can bring cases, unless –
(a) this Constitution gives standing to another person or body; or
(b) all the parties before the Court consent to giving another person or body standing.”*
6. I am currently a registered student at Stellenbosch University.

JURISDICTION

7. This matter is brought forth before Student Court in section 65 of the Student Constitution:
“The Student Court has the power to –
(1) Give an interpretation or to confirm the interpretation of a party before the Student Court this Constitution.
8. I hereby do confirm that this matter is within the jurisdiction of Student Court.

URGENCY

9. This matter is brought forth with urgency due to the following reason:
 - a. The Constitutional amendment process of the Student Parliament Constitution must be completed by the 30th August 2019, and the Constitution must send to the court for ratification within that timeframe as per such Student Parliament, would like to request that the court decide on this matter before the 30th of August.
 - b. The decision by court the court will affect how the Section on Quorum of the Student Parliament Constitution shall be drafted.

FACTUAL BACKGROUND

10. On the 17th of August the Student Parliament Executive Committee convened to identify areas of the Student Parliament Constitution to present forth to the Constitutional review committee.
11. However, confusion concerning section 57 of the Student Constitution which stipulates that *Student Parliament consists of –*
 - a) *All SRC members;*
 - b) *8 Members of the Academic Affairs Council;*
 - c) *8 Members of the Prim Committee;*
 - d) *8 Members of the Societies Council;*
 - e) *2 House Committee members from each cluster;*
 - f) *2 House Committee members from Senior Prim Committee;*
 - g) *1 Member from the cluster executive;*
 - h) *1 Member from the Tygerburg Student Parliament;*
 - i) *1 member from each faculty committee;*
 - j) *10 members of society committees appointed by the Societies Council;*

- k) All students who attend a meeting of Student Parliament.*
12. The Student Parliament Committee is of the view that the view the above afore mentioned provision is not a provision relating to quorum but a provision which stipulates which members constitute Student Parliament.
 13. Therefore, the Student Parliament Committee would like to add an additional provision which regulates quorum.

APPROPRIATE REMEDY

14. I humbly request the court to make an order in terms of section 66 of the Student Constitution.
15. The Student Court can make orders as set out in section 66 of the Student Constitution:
“The Student Court can –
 - (a) grant an interdict or any other interim relief if material injustice would otherwise result;*
 - (b) grant a declaratory order;*
 - (d) grant any order, including a combination of the abovementioned remedies, that is fair and equitable.”*
16. I would to request that the court gives clarity on whether this provision relates to quorum.
17. Alternatively, I would like the court the to interpret this provision.
18. Again, note that no order can be made against staff of the University.

I HEREBY OATH that I have read and understood the contents of this affidavit, that every averment made is within my personal knowledge unless where expressly indicated otherwise, and that it is submitted in good faith.

DATED AT STELLENBOSCH ON THIS 08 DAY OF AUGUST 2019.



[APPLICANT]