

Student Parliament

*Accountability, Transparency and Consultative Governance*

UNIVERSITEIT iYUNIVESITHI STELLENBOSCH UNIVERSITY

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**MINUTES OF THE**

**CONSTITUTIONAL REVIEW COMMITTEE**

**HELD ON** Friday 18 October **IN THE** SRC Boardroom **AT** 15h00

# ATTENDANCE

KEITUMETSE LEBESA SPEAKER OF PARLIAMENT

NHLAKANIPHO MKHIZE DEPUTY SPEAKER

THATEGO SELAHLE DEPUTY SPEAKER

OMOLEMO MOTALE 2ND YEAR LAW STUDENT

THULANI HLATSWAYO STUDENT AFFAIRS REP

# ABSENT

NTINA MTHOMBENI STUDENT NOT ON SPC

REGAN FANCENSIE TYGERBERG SPEAKER

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# CONSTITUTIONAL REVIEW COMMITTEE

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**MEETING FIVE**

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# WELCOMING:

The meeting commences at 15h13.

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

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**PROCEDURE:**

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

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# THE AMENDMENT PROCESS:

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### S17: Composition

Suggestion: Change executive Treasurer to chief Treasurer.

Question: Why?

Response: Was proposed last year. He chairs the Treasurers forum and he is not a normal treasurer.

POO: It seems to me that it supposes a sort of hierarchy. What’s wrong with the current title?

Response: The newer title accommodates his role in the Treasurers forum as well as on the Student Parliament Committee.

POO: But you are the treasurer of Student Parliament. Not the people’s treasurer.

Response: The treasurer is responsible for oversight in the treasurer’s forum. He has two responsibilities; he is not a normal treasurer. He is a treasurer and an accountability structure.

POO: Student Parliament is not part of the University Statute. Not even the Higher Education Act. This is only under the Student Constitution. The University had to account why they included this institution and the university said it was just providing more platforms for students to develop themselves. We don’t want the students to challenge the existence of Parliament.

Response: The Speaker and his deputies’ titles already allow them to also chair their respective committee because their terms alone allow them to play these roles. We wish to give the treasurer the same status by not allowing it to be misconstrued that his portfolio is simply a financial manager because he also serves as an accountability structure. That role must be noted in the title itself.

POO: the problem is not the title. Its about exploring the scope of the portfolio. This team is the first one that has ever formed the subcommittees successfully, so the role is relatively new. We must familiarise these other student leaders of the role.

**Consensus**: Make the term “treasurer”.

The provision should read:

### S18.   Composition

The Executive Committee of the Student Parliament Committee consists of:

1. The Speaker;
2. Accountability Committee Chairperson (Deputy Speaker Internal);
3. The Secretary-General (Deputy Speaker External);
4. Treasurer and
5. One (1) additional member of the Student Parliament Committee elected by the committee.

### S18: Duties and powers

Suggestion: Since the issues with the communication this year, we faced a problem with informing persons that certain agenda points were no longer going to be addressed due to circumstances beyond our control. The agenda point must be amended to adjust to allow us to adjust the agenda before-hand.

Response: Two channels we can use: Use the social media platforms or make announcements before the sitting commences.

POO: Parliament must regulate their internal affairs more effectively. Shy away from having false information and allowing for people to misinterpret the matter.

Suggestion: The Constitution only makes provision for on-notice motions, but the country allows rule for an off-notice motions so maybe we can have provision for that. It should be the discretion of the speaker to table the motion or the house can vote. A motion can desist if the person who can nourish the house is not present at the sitting. But we can discuss this after the amendment process.

Response: This happened once in Parliament and management was present. The matter was regarding the budget. This cannot be used to put people in a corner. The house adjourned and people had a protest- which is not illegal. That arrangement can happen, but it also depends how the Speaker leads the discussions and ensures that the sitting is conducive.

Suggestion: It is clear that the constitution must make provision for exceptional circumstances.

POO: No decision was made regarding this in the last meeting

Response: Contention was about who the convener should be to ensure the continuation and administration of Student Parliament and will convene the house to elect the Speaker.

Suggestion: First, he current convener of Student Parliament should ensure that a new speaker is elected- but the deputy speaker must also leave the committee at the end of his term. 2nd we constitute a body (ex-officio or informal) who comprises of all previous speakers still registered at the university to advise the speaker throughout his term. 3rd if there is no speaker, in exceptional circumstances, then the body should convene.

Response: Conveners are appointed by a panel, not elected. They suggest names and look at credentials. The convener will appoint their own administration team. The VC can disband committees and convene a meeting to provide interim measures. If a representative panel exists (to remove biases), then we can appoint a convener.

Response: So, the outgoing committee and student governance/ affairs should appoint the convener. Stud affairs will allow them to see the credentials of all persons.

POO: If there is a convener for a year and a new convener has to be elected, who appoints the next team.

Response: The Chief justice appoints the Speaker. We can turn to Student Court to assist. The Chief justice of Student Court will Chapter 5 of the Student Constitution allows the court to administer dispute if parties consent. The only party is student court. If court consents through its constitution, the court can have jurisdiction.

Question: The chief justice can convene the panel.

There is only so much we can do to encourage students to run. What happens if there is no Chief Justice?

Suggestion: In the case that there is no Chief Justice, then perhaps we can turn to Tygerberg Student Parliament to convene the panel?

Response: Not likely. Tygerberg is already struggling with securing transport to come to Stellenbosch Campus.

Suggestion: SRC can co-chair the panel because it one body’s existence that the University has to ensure.

POO: The SRC is always going to exist. Societies like the SLSJ is dependent on them being registered. The SRC should co-chair with Chief Justice. If not, then the SRC. The panel must be mostly students. Student Governance will be party to the process.

**[Speaker is to draft this provision and make it available to the CRC for review]**

### S19: Meetings and Minutes: No amendment.

### S20: Quorum: No amendment.

### S21: Notice of meetings: No amendment. S22: Quorum: No amendment.

### S23: Transparency: No amendment.

### S24: Minutes: No amendment.

### S25: Seconds from Tygerberg: No amendment.

Student Parliament Committee Meetings

### S26: General: No amendment.

### S27: Composition:

S27(3) must be amended to allow S57 members to appear in their official capacity.

The provision must read:

S28 Composition §

1. All registered students have membership and voting rights at Student Parliament;
2. All students will enjoy equal standing at Student Parliament;
3. All attendees are deemed to be there in their personal capacities when they take part in discussions;
4. Attendees may only speak from their positional authority-
   1. If they are invited in that capacity to address Student Parliament; or
   2. If arranged previously with the Student Parliament Executive Committee; or
   3. At the discretion of Speaker if (a) and/or (b) could not be applied
   4. Members of Student Parliament as in S5(b) to (k) will speak from their positional authority.
5. The exceptions as set out in 4(a) and 4(b) must be communicated in writing at least one (1) university day before the Student Parliament meeting to the Speaker or Secretary-General.

Thulani Hlatswayo, the Student Affairs representative is excused.

S27(3) is amended to provide for S5 members who attend Parliament in their official capacity. S27(4)(d) Is added to allow for the exception of S5 positional members.

### S27: Frequency: No amendment. S29

### S28: Ordinary Meetings: No amendment. S30

### S29: Extraordinary Student Parliament Meetings: No amendment. S31

### S30: Minutes: No amendment. S32

### S31: Resolutions S33

Insert that Parliament decisions can be binding.

The provision should read:

**S33: Resolutions**

1. Resolutions may only be adopted in respect of matters disclosed by the agenda;
2. A resolution shall be adopted by the fifty percent plus one (50%+1) of members present unless otherwise provided in this Constitution;
3. These resolutions will serve to advise the members of Stellenbosch University structures and to obtain responses from them as instructed by Student Parliament;
4. The decisions of Student Parliament are legally binding on the SRC, AAC, SC, Prim Committee, Senior Prim Committee, with at least 80% majority of hundred (100) votes.

### S32: Forms of address

Remove all gender specific references.

1. The Speaker is addressed as Speaker;
2. The Deputy Speakers are addressed as Deputy Speaker;
3. Attendees are addressed as honourable members of Parliament;
4. If attendees are invited to address Student Parliament in their official capacities, they shall be called by their surnames or by their offices if known.

### S33: Observers: No amendments.

### S34: Language:

### In line with the language policy, if the Speaker cannot speak Afrikaans, then no questions may be asked in Afrikaans, if there are no other members on the committee which can translate the question.

**S36. Language**

1. The secretariat will issue all official documents in both English and Afrikaans as far as resources allow;
2. Members may speak English or Afrikaans during meetings, subject to the availability of translation services.
3. Members may speak English or Afrikaans during meetings, if there is a member of parliament who can translate the question.
4. Translation services must be arranged as far as possible.

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# NEXT MEETING:

The next meeting will be Monday 21 October at 17h00 for 2 hours in the SRC Boardroom.

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The Speaker concludes the meeting by thanking all the members present for their attendance and participation. He states that all documents will be sent via email and voted on in the next meeting.

Meeting is adjourned at 17h55.