

**IN THE STUDENT COURT OF STELLENBOSCH
STELLENBOSCH UNIVERSITY**

In the matter:

NEIL DU TOIT	First Applicant
ROCHELLE ELLA JACOBS	Second Applicant
MARC JOHAN RUDOLPH	Intervening Applicant
And	
BERNARD PIETERS	First Respondent
ASHWIN MALOY	Second Respondent
THEA BESTER	Third Respondent
FRANCOIS HENNING	Fourth Respondent
JACOBUS MAASS	Fifth Respondent
NETANJE VAN NIEKERK	Sixth Respondent
RODERICK LEONARD	Seventh Respondent
SELMIE CROUS	Eighth Respondent
CALAMUT LINKS	Ninth Respondent

APPLICATION TO INTERVENE

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1 SUBSTANTIAL AND COMPELLING INTEREST IN THE LITIGATION

[1] The Intervening Applicant is a student at Stellenbosch University and therefore has an equal interest in the outcome of this dispute as any other student. It is respectfully submitted that this constitutes sufficient interest in the matter to be entitled to be joined as an Applicant.

2 Application to Include Additional Submissions

[2] The Intervening Applicant has been a member of the SRC for the current term. In addition he has become privy to evidence which is relevant in regards to the matters before the court which was not reasonably available prior to the start of the work day this morning (1 August 2016). The Intervening Applicant therefore respectfully requests that he be allowed to make additional submissions to the Honourable Court.

COSTS RELATING TO THE ELECTION

3 EVIDENCE RELATING TO THE COSTS OF THE CAMPAIGNING ACTIVITIES

[3] The Intervening Applicant firstly draws attention to the fact that in adjudicating over electoral matters the Student Court, the Student Constitution of Stellenbosch University ("SC") suggests that the Court adopt an inquisitorial role (Schedule 1 section 26(3)(c)). Due to the absence of discovery proceedings the Applicant is unable to construct the exact budget of Respondent 1-8. However, we will place credible evidence before the Honourable Court to establish on a balance of probabilities that the costs of the campaigning Activities exceed the allotted amount of R650. None the less we respectfully invite the court to inquire further of the Respondents should it deem it appropriate.

[4] We respectfully submit that the following costs were involved in the campaigning this morning:

- a) The purchasing of 'fizzer' sweets which were handed out.
- b) The purchasing of matching green eyewear by Afriforum.
- c) The hiring of vehicles for transportation on campus/to other campuses.
- d) The printing of a news publication which encouraged voting for Afriforum.

e) Overalls and hats which are green.

[5] In regard to all of the above it is submitted that where the expenses relate to AfriForum the organisation and not to a particular candidate, the costs ought still be regarded as part of the election budget. To hold otherwise would be to set a precedent that candidates running under a political organisation may clearly campaign on campus to an unlimited extent provided only that the campaigning is towards voting for the organisation and not a particular candidate. The advantage to the candidate is clear both subjectively in terms of the intent of AfriForum derived from the surrounding circumstance, and in terms of what the reasonable viewer would objectively interpret in the campaigning.

[5] In addition we point to the affidavit (Annexure A) of Kara Meiring which indicates that Afriforum and not Afriforum Jeug was campaigning this morning. This is not allowed in terms of the rules of the Societies Council.

4 ILLEGALITY OF THE ELECTION POSTERS

[6] The intervening applicant has approached mr. Piet Smit (Annexure B) who confirms that no permission was applied for nor given regarding the campaign posters attached to municipal property on, inter alia, Merriman Road and Bosman Street.

[7] In the preamble of the SC it is emphasised that it is bound by the Constitution of the Republic of South Africa, 1996 ("the Constitution"). The Constitution empowers national legislation which these elections are subject to in terms of the SC, and is expressly stated in section 22(1) of Schedule 1 of the SC. It will be argued that there is a clear contravention of and disregard for legislation by not following the municipal procedures.

[8] The amounts due to the municipality still remain outstanding and the scale of calculation provides the framework in terms of the calculation and procedure that has been neglected.

[9] The aforementioned scale can be requested from the Property Management department in the municipality on request by the court.

[10] These outstanding amounts and expenditures as referred to in paragraph 3 and 4 serve to further clarify the expenditure exceeding the budgetary constraints placed on the individual candidates which serve to ensure a fair and equitable electoral process.

Annexure A

Annexure B



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



2016-08-01

TO WHOM IT MAY CONCERN

Poster campaign: AfriForum: Stellenbosch University Campus

This letter serves to confirm that we have not received any application from AfriForum to put up posters on the campus area.

Yours faithfully

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PIET SMIT

MANAGER: PROPERTY MANAGEMENT