



UPDATED REPORT OF THE CONSTITUTIONAL COMMITTEE – MARCH 2023

COMMITTEE MEMBERS:

1. Louis Pemble – President Academic
2. Damian Clancy – Council Chair
3. Aimée McKenzie – Secretary General of the PSU

PURPOSE: Under the Constitution at Article 15.7, it states:

“The Constitution shall be reviewed by the PSU at least every three years from the date of ratification of this Constitution and approved by the PSU Council. A special constitutional review committee will be set up by PSU Council in order to complete the review”

The review was completed in July 2022 and as you know we circulated my initial report in advance of the AGM where the amendments were approved.

The report has since been submitted to a professional editor so that the contents of the Constitution and the layout are properly formatted.

OUTCOME: The formatting review was very thorough and very professionally undertaken and we are extremely grateful also to Aimée who has had to answer a large number of emails by way of clarification.

This report is an overview of any amendments made in terms of formatting which we feel need to be brought to the attention of Council for approval before being formally approved at an EGM to be held in Week 10. As a side-note, we have sought to ensure that any amendments made to the formal wording initially approved at the AGM has not lost any of its meaning or intent when re-drafted and re-formatted by our professional editor/formatter.

There are a considerable number of amendments, but these are of a typographical and/or alphabetical or numerical or chronological amendment or simply removing capitalised letters or words and replacing them with the “*definition*” equivalent in line with the wording of the document.

ISSUES ARISING

Articles

1. Article 5 – Referenda

- a) The editor sought to remove “*manned polling station*” from Para. 5.5 to replace it with the word “*attended*” – it would have read as follows:

“The polling stations shall be open for 28 hours, at least eight of which shall be attended on campus”

- b) It was generally agreed that the word “*attended*” in isolation wasn’t clear and that we should retain the “*manned polling station*”.

This is not a significant issue but nonetheless we have highlighted it for ease of reference.

- c) Article 5.5 is duplicated in numbering and the last paragraph number has been changed to 5.7 in numerical order.

2. Article 11 – Advisory Board

- a) There is a typographical error in the numbering of a paragraph in 11.2.4 and the correct number reference should be 11.2.2 and not 11.3 as formatted.
- b) Similarly, in 11.2.7 it refers to an earlier paragraph and it is incorrectly cited as 11.8 when it should read 11.2.6.

This is similarly not a significant amendment, but it has been highlighted for clarity purposes.

3. Article 17 – Removal of an Executive Officer or Council Rep

- a) There was some confusion with the amended reference which included the words “*the person’s constituency*” at the end of Para 17.5. We have sought to amend this to read, in the alternative “*a majority of Council*”.

4. Article 19 – Definitions

- a) It was felt that it was important to highlight that “Indirectly elected” should include those representatives from Student Life who are permitted to sit in Council and Executive. They are unelected members to our Council and Executive.

- b) The word “*motion*” is referred to in the Schedule to the Constitution (see Schedule 1 – Election and Referenda Regulations – Para. C) – it was felt that this needed to be defined and it was agreed as follows:

“A formal proposal put to a General Meeting of the PSU in compliance with the Rules and regulations Agenda to this Constitution”.

5. Schedule I – Election and Referenda Regulations

It was felt by the Committee that at Para T and U – with regarding to Standing for Election to both these panels that the word “*not*” was omitted from the following line:

“Any current member, subject to any restrictions, is eligible to run in Executive/Council elections”

It will now read:

*“Any current member, **not** subject to any restrictions, is eligible to run in Executive/Council elections”*

6. Schedule I – Elections and Referenda Regulations

It was considered by the Committee that in compliance with principles of natural justice and fairness that there ought to include, under Para. K – Complaints during the Campaigns and Elections a new provision for the right of appeal against any decision of the Returning Officer particularly because of the powers available to the Officer under sub-paragraph 5.

It was therefore agreed that the final wording for the same would be drafted in Semester 3 in advance of the final Council meeting and to present to the AGM in Semester 1 of 2023/24.

We would invite you to consider the Constitution and the proposed Motion and this report in advance of the next Council meeting given the limited time available at such events.

The Constitution Review Committee

03 March 2023