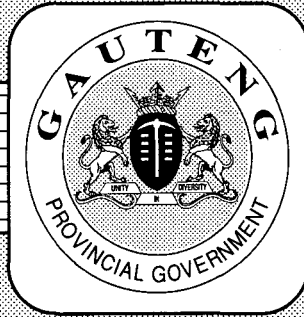


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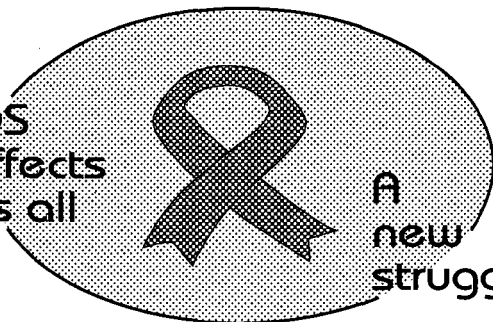
**Vol. 8**

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## GENERAL NOTICE

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**NOTICE 2348 OF 2002**

**DEPARTMENT OF EDUCATION**

**DRAFT NOTICE FOR PUBLIC COMMENT**

**REGULATIONS FOR REPRESENTATIVE COUNCIL OF LEARNERS**

I, **Ignatius Jacobs**, Member of the Executive Council for Education in Gauteng, hereby publish this Notice to give effect to section 11 of the South African Schools Act (Act 84 of 1996), as amended by the Education Laws Amendment Act (Act 57 of 2001), and to Section 18 (1) and 18 (2) of the Gauteng Education Policy Act (Act 12 of 1998) and section 106 of the School Education Act of 1995 (Act 6 of 1995).

Members of the public are invited to send their comments on these draft regulations, on or before 15 September 2002, to:

Mr. W. Masemola  
Room 1314, 13<sup>th</sup> Floor  
Gauteng Department of Education  
111 Commissioner Street  
JOHANNESBURG  
2001.

Telephone (011) 355 0076  
Facsimile (011) 355-0640

**IGNATIUS JACOBS**  
**Member of the Executive Council**

**DRAFT REGULATIONS FOR PUBLIC COMMENT**

**DRAFT REGULATIONS FOR DETERMINING THE FUNCTIONS AND PROCEDURES FOR THE ESTABLISHMENT AND ELECTION OF REPRESENTATIVE COUNCILS OF LEARNERS AND RELATED MATTERS, IN TERMS OF SECTION 11 OF THE SOUTH AFRICAN SCHOOLS ACT (ACT 84 OF 1996), AS AMENDED BY THE EDUCATION LAWS AMENDMENT ACT (ACT 57 OF 2001), AND IN TERMS OF SECTION 18 (1) AND 18 (2) OF THE GAUTENG EDUCATION POLICY ACT (ACT 12 OF 1998) AND SECTION 106 OF THE SCHOOL EDUCATION ACT OF 1995 (ACT 6 OF 1995).**

I, Ignatius Jacobs, Member of the Executive Council for Education in Gauteng, hereby publish this Notice to give effect to section 11 of the South African Schools Act (Act 84 of 1996), as amended by the Education Laws Amendment Act (Act 57 of 2001), and to Section 18 (1) and 18 (2) of the Gauteng Education Policy Act (Act 12 of 1998) and section 106 of the School Education Act of 1995 (Act 6 of 1995).

**SCHEDULE****1. Definitions**

**“Election Officer”** means the Teacher Liaison Officer;

**“Executive”** means the Executive Committee of the Representative Council of Learners;

**“Head of Department”** means the Chief Executive Officer of the Gauteng Department of Education.

**2. Purpose**

The purpose of this Notice is to

- (1) establish a Representative Council of Learners at every public school in Gauteng Province enrolling learners in the eighth grade or higher;
- (2) determine the functions of Representative Councils of Learners;
- (3) determine the procedures for the election of Representative Councils of Learners; and
- (4) determine the roles and functions of Teacher Liaison Officers.
- (5) recognize the elected Representative Council of Learners as the only recognized and legitimate representative learner body at the school

**3. Establishment of a Representative Council of Learners**

- (1) Every public school in Gauteng Province enrolling learners in the eighth grade or higher shall establish Representative Council of Learners.

- (2) A Representative Council of Learners must be established in terms of the requirements of this Notice.
- (3) The Representative Council of Learners shall be the only recognized and legitimate representative learner body at a school.

#### 4. Functions of

##### (1) The Representative Council of Learners is

- (a) to build unity among learners in the school;
- (b) to address and promote the needs of all learners in the school;
- (c) to keep learners informed about events in the school and in the community;
- (d) to encourage good relationships within the school between learners and educators, and between learners and non-educator members of staff;
- (e) to establish, for the benefit of learners in the school, fruitful links with representative councils of learners in other schools and other youth formations;
- (f) to establish sub-committees, which may include learners other than elected members of the Representative Council of Learners, and determine the brief(s) of each sub-committee;
- (g) to ensure that the learners on the sub-committee, who are not elected members may be co-opted but will not have voting rights or be decision makers on the Representative Council of Learners
- (h) to contribute towards the general order and discipline of the school and the development of a code of conduct for learners;
- (i) to elect two representatives from amongst its members to attend and participate in meetings of the School Governing Body and to report on these meetings to the Representative Council of Learners;
- (j) to canvass opinion from the broad learner body on issues pertaining to the school and the school community;
- (k) to promote the values contained in the Constitution of the Republic of South Africa, particularly the Bill of Rights; and
- (l) to adopt or amend a constitution, which is subject to the approval of the School Governing body, which will determine its objectives, activities, manner of operation, frequency of meetings, quorum at meetings, meeting procedures, terms of office of members, its executive and sub-committees, and establish communication links.

- (2) The functions of the Executive, which comprises its President, deputy-president, secretary, and treasurer, are specified in sub-paragraphs (4.2), (4.3), and (4.4) below.

- (3) The functions of the Representative Council of Learners would be temporarily suspended for the duration of the exam period.
- (4) Only those matters of an urgent nature may be attended to during the course of the temporary suspension.

4. (2) **The President shall be:**

- (a) to chair all meetings of the Representative Council of Learners and its Executive;
- (b) to attend and represent the Representative Council of Learners at meetings with the Representative Councils of Learners at other schools or other youth organisations;
- (c) to promote the image of the school and the Representative Council of Learners
- (d) be the spokesperson for the Representative Council of Learners when mandated to do so by the Executive Committee of the Representative Council of Learners
- (e) to write an annual report on the activities and achievements of the Representative Council of Learners for tabling at the School Governing Body meeting and to forward such to the District Manager

Should both the President and Deputy-President be unable to fulfill the functions as specified in sub-paragraphs 4.2(a)(b)(c)(d) and (e) above, the remaining members of the Executive shall elect, from its members, a person to fulfill these functions.

4. (3) **The Secretary shall be:**

- (a) to ensure that minutes of all meetings of the Representative Council of Learners and its Executive are taken and submitted for approval at the next meeting of the Executive or general meeting;
- (b) to ensure that notices of all meetings are dispatched to all members of the Representative Council of Learners and its Executive timeously;
- (c) to ensure, upon request by the Principal of the school or Chairperson of the School Governing Body, through the Teacher Liaison Officer, that copies of minutes requested are provided;
- (d) to ensure that all correspondence is read at meetings and respond to correspondence when requested; and
- (e) to ensure that all minutes of meetings of the Representative Council of Learners and its Executive, after adoption, are signed by both the President and the Secretary and dated with the day, month and year.

4. (4) **The Treasurer shall be:**

- (a) to keep records of all money received;

- (b) to ensure that all money collected is handed over to the school to be entered in the Representative Council of Learners ledger in the school funds account;
- (c) to keep records of expenditure;
- (d) to be responsible for all fund-raising activities;
- (e) to inform members of the Representative Council of Learners and its Executive of the state of the Representative Council of Learners finances at every meeting of the Representative Council of Learners and its Executive;
- (f) to ensure that funds are used for the purposes of promoting the educational interests of the learners at the school;
- (g) to ensure that at the end of his or her term of office, write an annual report on the state of the finances of the Representative Council of Learners for approval by the School Governing Body and submit this report to the incoming secretary;

## **5. Procedures for the election of Representative Councils of Learners**

### **5. 1. Election of Class Representatives for the Representative Council of Learners**

- (1) Council of Learners shall consist of all elected class representation and members of the executive.
- (2) Every learner shall be allowed to elect 2 (two) representatives per class for a place at the Representative Council Of Learners.
- (3) The nominated candidates should stand for elections on the nominated date for elections
- (4) All learners at the school are entitled to vote in this election per class.
- (5) A learner must be nominated and seconded for election as a member of the Representative Council of Learners by registered learners at the school.
- (6) Nominations may be made -
  - (a) by lodging a nomination form, duly completed by the proposer, seconder and candidate, with the Election Officer not more than seven days and not less than one day before the nomination meeting. This is done per class;
  - (b) by proposing a learner during the nomination meeting, provided that the nomination is seconded by another learner present at the meeting and a nomination form, duly completed by the proposer, seconder and candidate, is lodged with the Election Officer within the period determined by the Election Officer for this purpose;
- (c) the Election Officer shall, after the period determined in (b) above, consider all nominations and reject those which do not comply with the requirements of this Notice;

- (7) The election shall be held on a day determined by the Election Officer and shall be by secret ballot.
- (8) Canvassing and campaigning by candidates should be allowed for a period not exceeding two weeks before the election day.
- (9) Each class of learners in a school shall elect, by no later than the end of the second month of the academic year, one nominee for elections as a representative to a Representative Council of Learners; provided that where there are classes of learners with both male and female learners, one male and one female learner shall be elected.
- (10) Representivity in the Representative Council of Learners should reflect the racial composition of the school.
- (11) No educator or non-educator on the staff of the school may vote in these elections.
- (12) No member of the Representative Council of Learners may hold more than one portfolio in the Executive

## **5.2 Election of Executive Committees**

- (1) The duly elected representatives shall elect amongst their ranks at least the following office bearers of the Representative Council of Learners, who shall comprise the Executive Committee of the Representative Council of Learners
  - (a) **a President;**
  - (b) **a Deputy-President;**
  - (c) **a Secretary; and**
  - (d) **a Treasurer.**
- (2) The procedure for the election of the Executive is specified in 5.1. (5) - 5.1 (8).
- (3) The election of the Executive shall be held towards the end of the third term or beginning of the fourth term of each academic year.
- (4) Each school will decide whether votes will be cast in respect of each portfolio or whether the candidate with the most votes shall be the President of the Representative Council of Learners followed by the Deputy President, Secretary, and Treasurer.
- (5) Learners in Grade 12 may not stand as candidates for the Executive Committee but may vote.

## **6. Roles and functions of Teacher Liaison Officers**

- (1) The Teacher Liaison Officer shall be elected by the learners of the school.



(2) **The roles and functions of the Teacher Liaison Officer are:**

- (a) to co-ordinate the establishment of Representative Council of Learners and its annual elections;
- (b) to serve as the Election Officer for the elections of the Representative Council of Learners and its Executive;
- (c) to ensure that there is a formal, well-organised transfer of all documentation and financial records by the outgoing Executive to the newly elected Executive.
- (d) to provide capacity-building for the newly-elected Executive so that the members are able to undertake their functions in the new year.
- (e) to ensure that the Representative Council of Learners is supported by School Management and Governing Body.
- (f) to ensure that the Representative Council of Learners supports the vision and mission of the school;
- (g) to ensure that the Representative Council of Learners remains functional and fulfills all of the requirements of this Notice and its own constitution;
- (h) to ensure that opportunities are taken to include learners in the school's decision making processes;
- (i) to ensure that members of the Representative Council of Learners are recognized and accredited for their tasks;
- (j) to ensure that the school's extra-mural programme enables the Representative Council of Learners to hold regular meetings; and
- (k) to ensure that the school community accepts the activities of the Representative Council of Learners as integral parts of the overall development of learners.

**7. Transitional arrangements**

- (1) The Representative Council of Learners is the only recognised and legitimate representative learner body at a school and any other body of learners purporting to represent learners must be dissolved by no later than 31 December 2002.
- (2) The provisions of sub-paragraph (1) do not apply to sub-committees established by the Representative Council of Learners.
- (3) Where a Students' Representative Council or similar body was in existence immediately prior to the publication of this Notice, its term of office shall be deemed to have ended on the day before the date on which the Representative Council of Learners is elected in accordance with this Notice.

**8. Repeal of notice**

- (1) The General Notice of Determination of Guidelines for the Establishment, Election and Functions of Students' Representative Council of Learners (Notice 1059 of 1997) is hereby repealed.

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Director: Financial Management  
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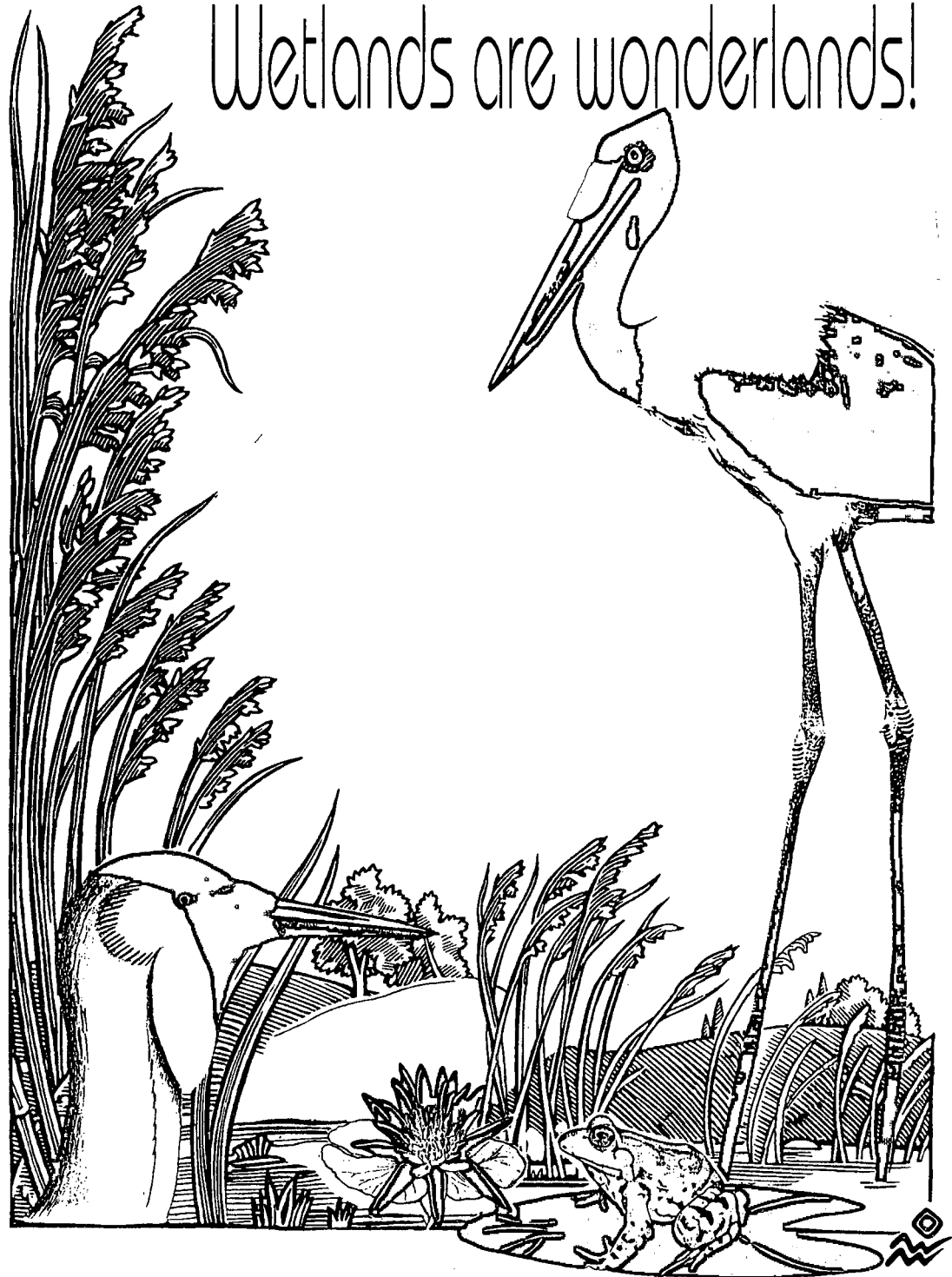
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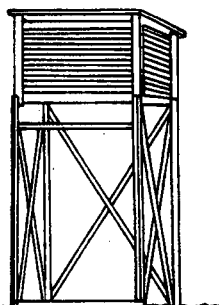
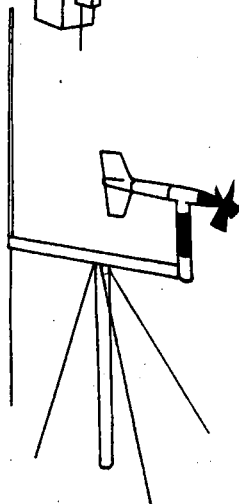
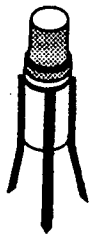
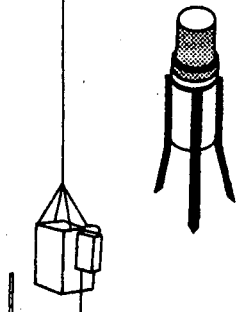
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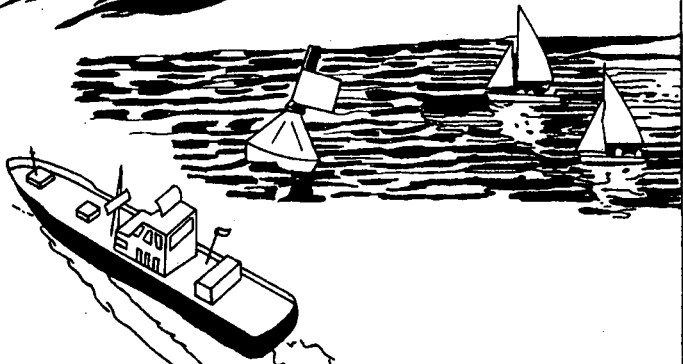
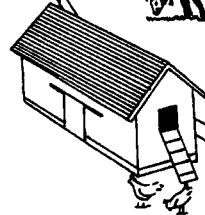
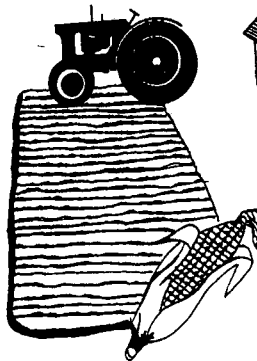
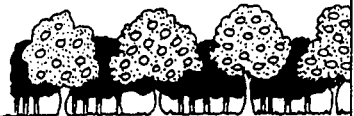
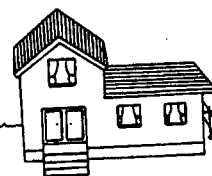
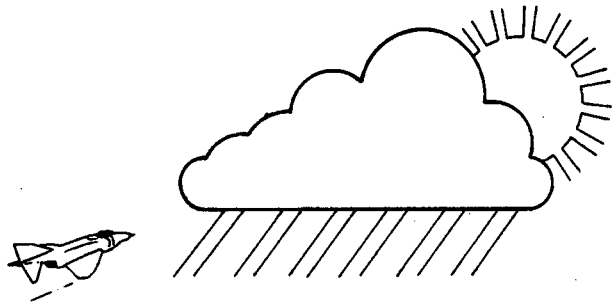


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