

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICES

NOTICE 1416 OF 2015

DEPARTMENT OF EDUCATION

GAUTENG EDUCATION POLICY ACT, 1998

(Act No. 12 of 1998)

ESTABLISHMENT OF THE GOVERNING BODY ADVISORY COUNCIL

The Member of the Executive Council for Education in the Province hereby, in terms of section 10 of the Gauteng Education Policy Act, 1998 (Act No. 12 of 1998), establishes the Governing Body Advisory Council as set out in the Schedule.

SCHEDULE

DEFINITIONS

1. Subject to paragraph 2 and unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the same meaning in this Notice—

“**Act**” means the Gauteng Education Policy Act, 1998 (Act No. 12 of 1998);

“**Council**” means Governing Body Advisory Council;

“**Department**” means the Department responsible for education in the Province; and

“**MEC**” means the Member of the Executive Council for Education in the Province.

PURPOSE

2. The purpose of this notice is to—
 - (a) regulate the establishment of the Council;

- (b) specify the interest groups that must constitute the Council;
- (c) prescribe the criteria and procedures for the appointment and approval of the membership of persons to the Council;
- (d) determine the circumstances when vacancies may arise in the Council and how these vacancies should be filled;
- (e) regulate the procedure for convening and conducting meetings of the Council, and
- (f) give effect to the functions of the Council.

ESTABLISHMENT OF COUNCIL

3. The Governing Body Advisory Council is hereby established in terms of section 10 of the Act.

FUNCTIONS OF THE COUNCIL

4. The council must—
 - (a) perform its functions subject to all applicable national or provincial legislation including, the Constitution of South Africa, 1996 (Act No. 108 of 1996), the Public Finance Management Act, 1999 (Act No. 1 of 1999), the South African Schools Act, 1966, (Act No. 84 of 1996), as well as any regulation prescribed by the MEC;
 - (b) deal with all matters that have been referred to it by the MEC and make recommendations accordingly;
 - (c) through the Chairperson, convene within 14 days of receipt of a written request from the MEC;
 - (d) keep a record of all cases received and maintain an acceptable database and follow acknowledged recording and reporting procedures;
 - (e) at the request of the MEC, investigate and consider all matters relating to Governing Bodies and report on the findings as well as make recommendations to the MEC for consideration, including matters relating, but not limited to—
 - (i) complaints and grievance by or against a Governing Body;

- (ii) dissolution of a Governing Body;
 - (iii) functioning or disfunctioning of a Governing Body;
 - (iv) relations between a Governing Body and the Department; and
 - (v) complaints of Governing Body Associations;
- (f) perform any other function assigned or delegated to it by the MEC in terms of this Act or any other law; and
- (g) consider and make policy recommendations on school governance related matters for consideration by the MEC.

APPOINTMENT AND COMPOSITION OF COUNCIL

5. (1) The Council consists of five members who are appointed by the MEC for a term of office not exceeding two years, which may be extended for a period not exceeding 12 months.
- (2) Before appointing the members referred to in sub-paragraph (1), the MEC must invite nomination through a notice in the *Provincial Gazette* and at least one newspaper circulating in the province.
- (3) In order to be eligible for nomination as a member of the Council, a person must—
- (a) be a South African Citizen
 - (b) have knowledge of the education sector, including governance, and
 - (c) have acquired experience and skill in education matters.
- (4) Nomination must be done by completing the nomination form marked Annexure A.
- (5) A selection committee comprising the Head of Department and at least two Deputy Director Generals from the Department shall shortlist, interview and recommend more than five candidates for appointment by the MEC.
- (6) The MEC must appoint the members referred to in sub-paragraph (1) if the MEC is satisfied with the recommendations of, or refer the matter back for review by, the selection committee.
- (7) The MEC must appoint the Chairperson and Deputy Chairperson of the Council.

(8) The members referred to in sub-paragraph (1) may be reappointed for one additional term of office: Provided that the provisions of sub-paragraphs 2, 3, 4, 5, 6 and 7 are complied with.

(9) The Head of Department shall appoint the secretariat who shall perform secretarial functions for the Council as outlined in paragraph 11 below.

(10) The MEC may appoint additional persons to the Council by virtue of their expertise or experience to support the Council, after the Council has been established. The additional persons will not have any voting rights and may serve the Council for a period of time determined by the MEC.

(11) The Chairperson must preside over all meetings of the Council and must—

- (a) sign the minutes of meetings after they have been confirmed; and
- (b) perform any other functions and duties entrusted to the chairperson by the MEC.

(12) The Deputy-Chairperson must preside over meetings of the Council and perform the duties and functions of the chairperson whenever the chairperson is absent or for any reason unable to act or to perform those functions and duties.

TERMINATION AND FILLING OF VACANCIES

6. (1) A vacancy in the Council arises when—
- (a) a member of the Council resigns or dies;
 - (b) the term of office of the Council expires; or
 - (c) the MEC removes a member from office where—
 - (i) a member fails to perform his or her functions;
 - (ii) where the member's code of conduct is prejudicial to the interests of the Council;
 - (iii) where the member fails to attend three consecutive meetings of the Council without apology or good cause;
 - (iv) where the member is declared insolvent, removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine;or

- (vi) where the member is unable to manage his or her personal affairs by a court of law.
- (2) In addition to sub-paragraph (1), a member of the executive committee may be removed from office for serious neglect of duty, serious misconduct or due to incapacity by the MEC.
- (3) The MEC may appoint a suitable person in terms of paragraph 5 to fill any vacancy arising in the Council.

MEETINGS OF COUNCIL

7. (1) The Council must meet at least once a month.
- (2) A special meeting may be called at any time by the Chairperson, depending on the urgency for consideration of any matter by the Council.
- (3) No business other than that for which the special meeting is called may be transacted at such meeting.

PROCEDURE AT MEETINGS OF COUNCIL

8. (1) A quorum for a meeting of the Council will be formed if at least fifty percent plus one of members eligible to attend are present at the meeting.
- (2) Meetings of the Council shall follow strict meeting procedures.
- (3) Any matter before the Council must be decided upon by consensus, but if consensus is not attainable, the whole range of divergent views together with a clear indication of which member holds a respective view must be recorded in writing and submitted to the MEC.

CONFLICT OF INTEREST OF MEMBERS OF COUNCIL

9. (1) A member of the Council may not have a conflict of interest in the Public School, Governing Body or matter which is under investigation.
- (2) Any member of the Council who is conflicted must recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

REMUNERATION OF MEMBERS OF COUNCIL

10. Members of the Council must be paid allowances according to determinations made by the Minister of Public Service and Administration and the Minister of Finance.

SECRETARIAT OF COUNCIL

11. (1) The secretariat must—

- (a) prepare a written notice of the Council meeting, indicating date, time and venue of the meeting and the business to be discussed; and
- (b) send the notice to each member of the Council at least 10 working days before the date of the meeting.

(2) The Secretariat must ensure that the administrative and secretarial work arising from the functioning of the Council are performed and that the administrative and secretarial work of the Secretariat are carried out, which include—

- (a) keeping and maintaining records of attendance;
- (b) attending all meetings of the Council and its executive committee and recording the minutes of the proceedings at those meetings;
- (c) handling all correspondence of the Council and keeping originals of letters received and copies of letters sent;
- (d) reading pertinent correspondence that has taken place since the previous meeting at each meeting of the Council; and
- (e) file the following documents in safe custody in the Department:
 - (i) approved minutes of every Council meeting; and
 - (ii) all reports and documents related to the work of the Council.

ANNEXURE A: NOMINATION FORM – GOVERNING BODY ADVISORY COUNCIL

A.	Nominator's Information	
	Surname	
	First Name(s)	
	ID Number	
	Telephone Number	
	Cell Number	
	Residential Address	
	Postal Address (if different from Residential Address)	
	Signature	
	Date	

B.	Nominee's Information	
	Surname	
	First Name(s)	
	ID Number	
	Gender	
	Race	
	Telephone Number	
	Cell Number	
	Residential Address	
	Postal Address (if different from Residential Address)	

C.	Declaration
I, _____, the undersigned hereby accept the nomination and declare that I am not in any way disqualified (** see note below) to serve on the advisory Council.	

Signed : _____	
Date : _____	
Place : _____	
Witness 1: Print Name	
Signature	
Witness 2: Print Name	
Signature	

** Note: Non-citizens, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust are not qualified to serve as members of the Council.

Supporting documents:

All nominations must be accompanied by:

1. A motivation for the appointment of the nominee to Council (not exceeding one page).
2. A short curriculum Vitae of the Nominee (not exceeding two pages)

NOTICE 1417 OF 2015

INVITATION FOR NOMINATIONS OF PERSONS TO SERVE ON THE SCHOOL GOVERNING BODY ADVISORY COUNCIL

The Gauteng Department of Education, in terms of the Education Policy Act, 1998 (Act 12 of 1998), hereby calls for nominations of persons to serve on the School Governing Body Advisory Council.

1. FUNCTIONS OF THE COUNCIL

The council : must perform its functions subject to all applicable National or Provincial legislation including any directive prescribed to it by the Member of the Executive Council for Education; shall deal with all matters that have been referred to it by the MEC and make recommendations for the consideration of the MEC; must keep a record of all cases received and maintain an acceptable database and follow acknowledged recording and reporting procedures ;shall at the request of the MEC, investigate and consider all matters relating to School Governing Bodies and report on the findings as well as make recommendations to the Member of the Executive Council for consideration. Such investigations shall be:

- (i) Complaints and grievance by or against the School Governing Body;
- (ii) Dissolution of School Governing Bodies;
- (iii) School Governing Body functionality;
- (iv) Relations between School Governing Body and Education; and
- (v) Complaints of Governing Body Associations

2. The following members of the public are eligible for nomination, he or she must:

- a) be a South African Citizen
- b) be highly knowledgeable of the education sector, including governance, and
- c) have acquired enough experience and skill in education matters

3. All nominations must complete the relevant nomination forms available in the notice and provide the relevant supporting documents.

4. The nominations must be forwarded, within 30 days of the publication of the Notice, to Mr. Edward Mosuwe, DDG: Curriculum Management and Development by :

(a) post to:

The Gauteng Department of Education, P 0 Box 7710, Johannesburg, 2000

(b) hand deliver to:

The Gauteng Department of Education, 11th Floor, 111 Commissioner Street, Johannesburg, 2001

(c) fax to: (011) 355 5546; or

(d) by email : Edward. Mosuwe@gauteng.gov.za

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