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ISIFUNDAZWE SAKWAZULU-NATALI

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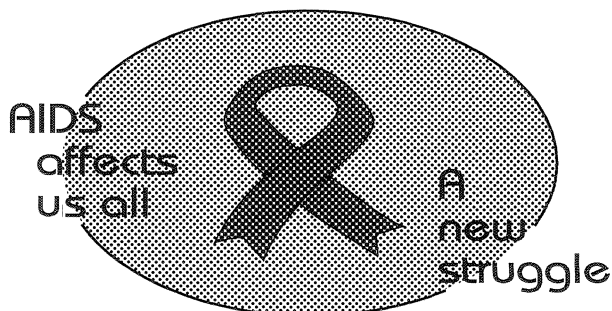
Vol. 9

PIETERMARITZBURG,

9 MARCH 2015
9 MAART 2015
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No. 1326

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PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE

No. 12

9 March 2015

**SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)
COMPOSITION AND ELECTION OF GOVERNING BODIES OF
OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS**

I, NELISWA PEGGY NKONYENI, Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal have determined matters relating to governing bodies in terms of Section 24 and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996), as amended as contemplated in this schedule.

SCHEDULE

Definitions

1. In this notice any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise -

"Act" means the South African Schools Act, 1996 (Act No. 84 of 1996) as amended;

"closed meeting" means a meeting open only to -

- (a) parents for the election of parents, if reasonably practicable;
- (b) educators for the election of educators;
- (c) members of staff for the election of members of staff; and
- (d) learners from the representative council of learners, if reasonably practicable;

"combined school" means a public school which enrolls learners from foundation phase to senior phase or senior phase to further education and training phase or foundation phase to further education and training phase.

"day" means a calendar day including Saturdays, Sundays and Public Holidays;

"Department" means the KwaZulu-Natal Department of Education;

"District electoral officer" means a senior District official at a district office responsible to oversee and manage the election process in the district;

"Educator" means any person who teaches, educates or trains other persons or who provides professional educational services at a public school including professional therapy and educational psychological services but does not include a person who is appointed to exclusively perform extra-curricular duties;

"election day" means a full day set aside by the school for purposes of conducting elections of a school governing body instead of holding an election meeting;

"election meeting" means -

- (a) four separate election meetings held exclusively for the nomination and election of parents only, educators only, members of staff who are not educators only and learners from the representative council of learners only, as the case may be; and
- (b) a by-election meeting;

"election monitors" means officials or stakeholders selected from the provincial or district electoral task teams and approved by the Head of Department as either observers, supervisors or overseers of election;

"first meeting" means a meeting held exclusively for the election of office bearers after the completion of the election of members into the governing body;

"franchise" means the right to vote for:

- (a) parents for the parent component;

- (b) educators for the educator component;
- (c) member of staff for the member of staff component; or
- (d) RCL Member for the learner component;

"Head of Department" means the Head of Department of Education in the Province of KwaZulu-Natal;

"member" means a member of the governing body;

"member of staff" means a person appointed according to the Public Service Act, 1994 (Act No.103 of 1994) or the South African Schools Act, 1996 (Act No. 84 of 1996), as amended and who is not an educator at a school;

"Member of the Executive Council" means the Member of the Executive Council responsible for education in the Province of KwaZulu-Natal;

"Minister" means the Minister of Basic Education;

"parent" means –

- (a) the biological or adoptive parent or legal guardian of a learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learners education at school;

"principal" means an educator appointed or acting as the head of a public school responsible for the professional management and administration of a school;

"Provincial electoral officer" means a senior Provincial official at a Provincial office responsible to oversee and manage the election process in the Province;

"public school" means a public school for learners with special education needs

"representative council of learners" (RCL) means a representative council of learners established in terms of section 11 of the Act;

"school" means a public school which enrolls learners in one or more grades from Grade R to Grade 12;

"school electoral officer" means a school principal, acting principal or an officer, who is not employed at the school, appointed by the Head of Department to conduct school governing body elections; and

"voter" means a parent in the parent component, an educator in the educator component, a member of staff in the member of staff component and a learner from the representative council of learners' component.

Composition of Governing Bodies for Public Schools

2. (1) The membership of the governing body of a public school comprises the following members -
 - (a) Elected members;
 - (b) The principal by virtue of his or her official capacity; and
 - (c) Appointed members, if reasonably practicable.
- (2) The elected members of a governing body referred to in sub paragraph (1) comprises the following –
 - (a) Parents of learners at the school, if reasonably practicable;
 - (b) Educators at the school;
 - (c) Member of staff who is not an educator at the school;
 - (d) Learners from the eighth grade or higher at the school elected from the RCL, if reasonably practicable.
- (3) The following shall be eligible for appointment as members of a governing body -

- (a) representatives of a sponsoring body or bodies, if applicable;
 - (b) representatives of organisations of parents of learners with special needs, if applicable;
 - (c) representatives of organisations of disabled persons, if applicable;
 - (d) disabled person or persons appointed by disabled persons within the community;
 - (e) expert or experts in appropriate fields of special needs education.
- (4) The number of appointed members may be from any category depending on the circumstances and needs of the school however the number of appointed members must not exceed five (5).
- (5) The number of parent members, educator members, member of staff and learner members of a governing body must, depending on the type and grading of the school concerned, comply with Schedule A of this notice.
- (6) Before any annual meeting for the election of office bearers, the governing body must determine if there has been an increase or decrease in learner enrolment as contemplated in schedule A. and if there has been –
- (a) an increase in the enrolment which results in an additional vacancy in the governing body, such vacancy must only be declared if the increase in the learner enrolment is 10% percent or more; and
 - (b)(i) if there has been a decrease in learner enrolment by 10% or more and such decrease requires one or more educators and one or more learner from the RCL to vacate the position in the governing body, the educator (or educators as the case may be) or learner (or learners as the case may be) from the RCL who received the least number of votes shall vacate the position; or
 - (ii) if members were duly elected where no voting occurred, the component affected by the decrease in enrolment must by secret ballot determine who will vacate the position in the governing body.

Term of Office

3. (1) A governing body is elected for a period of three (3) years unless otherwise directed by the Member of the Executive Council.
- (2) The Member of the Executive Council shall determine the term of office of governing bodies of all schools.
- (3) If the governing body has -
- (a) six months or less before the expiry of its term of office, the Member of the Executive Council may on reasonable grounds and notwithstanding such period, direct that elections be held on a date determined by him or her; or
 - (b) more than six months before the expiry of its term, the Member of the Executive Council may, after consultation with the governing body concerned determine a date when elections must be held, notwithstanding the unexpired period of its term of office.
- (4) Subject to clauses 2(2) and 3(3), all members excluding learners elected from a representative council of learners in terms of clause 2(2)(d) are elected for a term of three years.
- (5) The term of office of a governing body member who is a learner elected in terms of clause 2 (2) (d) is one year.
- (6) Subject to clause 3(3), a member of a governing body holds office until the expiry of the term of office of the governing body or the exiting of the member.
- (7) Should the Head of Department determine, on reasonable grounds that a governing body has ceased to perform one or more of the functions in terms of the Act, the Head of Department may withdraw its function and -

- (a) appoint sufficient persons to carry out all such functions or one or more of such functions of the governing body for a period not exceeding three months;
 - (b) may extend the period referred to in sub clause (7)(a) for periods not exceeding three months at a time, which combined period shall not exceed one year; and
 - (c) must ensure that a governing body is elected within one year after the appointment of the persons referred to in sub clause 7(a).
- (8) Subject to clause 5, a member of a governing body may be re-elected, as the case may be after the expiry of his or her term of office.

Membership of a Governing Body

4. (1) A governing body of a school for learners with special needs consists of the following members -
- (a) parents of learners enrolled at the school for which a governing body is being elected, comprising one more parent than the combined total number of members referred to in sub-clauses (b), (c), (d) and (e) if reasonably practicable;
 - (b) an educator or educators, depending on the learner enrolment at the school as reflected in schedule A hereto;
 - (c) one member of staff elected by the members of staff employed at the school for which a governing body is being elected;
 - (d) learners, if reasonably practicable, elected by members of the RCL from the RCL in a school with grade eight or higher, the number of learners elected will be determined in accordance with Schedule A;
 - (e) the principal, representing the Head of Department in a school in his or her official capacity;
 - (f) a member or members representing a sponsoring body or bodies financing the school, if applicable;
 - (g) a member or members representing an organization or organizations of parents of learners with special education needs, if applicable;
 - (h) a member or members representing an organization or organizations of relevant
 - (i) disabled persons, if applicable;
 - (l) a member or members representing disabled persons within the community, if applicable; and
 - (j) a member or members representing experts in the field of special needs education;
- (2) A governing body of a public school situated on private property may co-opt, without voting rights, the owner of the private property occupied by the school or the nominated representative of such owner.

Eligibility

5. (1) A person will not be eligible to be a member of a governing body if he or she-
- (a) is mentally ill and has been declared as such by a competent court;
 - (b) is an unrehabilitated insolvent;
 - (c) has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding six(6) months or has not yet served his or her full period of imprisonment;
 - (d) has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005), as amended;
 - (e) is a parent but is not a South African citizen and is not in possession of a permanent or temporary resident permit;
 - (f) no longer falls within the category of members that he or she represented at the time of his or her election; or
 - (g) had his or her membership terminated by the Head of Department in terms of Section 18A of the Act or any other applicable legislation.
- (2) A member vacates his or her office if he or she -
- (a) does not meet the requirements set out in clause 4 (1);
 - (b) becomes disqualified in terms of subclause 5(1);
 - (c) resigns;
 - (d) is deceased;

- (e) has been absent from two consecutive ordinary meetings of the governing body without providing written apology;
- (f) is removed from office in terms of section 18 A of the Act;
- (g) is affected by the decrease of the learner enrolment by 10% or more as contemplated in clause 2(6)(b);
- (h) has had his or her relationship terminated by the organization which appointed him or her to serve in the governing body.

Appointment of Provincial Electoral Officer

6. (1) The Head of Department must appoint, in writing, a Provincial electoral officer, a deputy Provincial electoral officer and assistant Provincial electoral officers.
- (2) The Provincial electoral officer must -
- (a) ensure that there is adequate publicity of the election;
 - (b) administer the appointment of one or more officers in the service of the Department to assist during the election as assistant Provincial electoral officers;
 - (c) ensure that there is compliance with legislation and procedures in respect of the elections;
 - (d) co-ordinate the resources to conduct efficient and fair governing body elections;
 - (e) ensure that materials and procedures for the training of district and school electoral officers and teams are in place and training takes place as planned;
 - (f) develop and provide templates of all documents required for the elections;
 - (g) resolve disputes relating to the elections which could not be resolved at school or district level;
 - (h) compile an election schedule for all schools in the Province;
 - (i) monitor and evaluate the election process in the Province;
 - (j) consolidate a database of governing bodies on taking office;
 - (k) conduct investigations as directed by the Head of Department; and
 - (l) monitor the induction of newly-elected governing body members;
- (3) The deputy Provincial electoral officer and the assistant Provincial electoral officers assist the Provincial electoral officer in the performance of his or her functions and duties.

Appointment of District Electoral Officers

7. (1) The Head of Department must appoint, in writing, a District electoral officer, a deputy District electoral officer and assistant District electoral officers.
- (2) The District electoral officer must -
- (a) administer the appointment of one or more officers in the service of the Department to assist during the election as assistant District electoral officer;
 - (b) co-ordinate the election process in the district;
 - (c) administer the appointment of school electoral officers;
 - (d) ensure compliance with the election process;
 - (e) advise the school electoral officers on the proposed strategy and implementation of the election in the district and see to it that the process is conducted as agreed;
 - (f) compile a management plan to implement the Provincial regulations;
 - (g) ensure that each school has an electoral officer in line with Provincial regulations, and that the school electoral teams are established;
 - (h) ensure that all election officials working at school level are adequately trained and are aware of what their role entails;
 - (i) ensure that all electoral officers receive the Provincial election notice and other documents in good time;
 - (j) ensure that election advocacy is conducted as planned;
 - (k) ensure that the entire election process is monitored;
 - (l) ensure that the names and contact details of the persons elected to governing bodies are completed on the relevant forms and submitted by the principal to the District office within seven days of the elections taking place;
 - (m) ensure that the relevant Data Form is received from the school principal and submitted to the district within seven days of the first meeting at which the office bearers are elected;
 - (n) resolve disputes related to the decisions which could not be resolved at school level;

- (o) develop a data base of newly elected governing bodies and submit the data base to the Provincial election coordinator; and
 - (p) compile a written district report on elections and submit it to the Provincial coordinator.
- (3) The deputy District electoral officer and the assistant District electoral officers will assist the District electoral officer in the performance of his or her functions;
- (4) The deputy District electoral officer and assistant District electoral officers may provide advice to the District electoral officer on any issue relating to the elections.

Appointment of School Electoral Officers

8. (1) The Head of Department must appoint, in writing, a school electoral officer for the election of parents, educators, members of staff and for learners from the representative council of learners as members of a governing body of a public school.
- (2) A principal shall not be appointed as school electoral officer in the school where he or she is employed.
- (3) The school electoral officer must appoint in writing one or more officers or educators in the service of the Department or employed by the school governing body to assist at the elections as assistant electoral officers.
- (4) The school electoral officer shall preside over all election meetings including by-elections and elections for office-bearers for the duration of the term of office of the elected school governing body. In exceptional circumstances, should the school electoral officer not be available to preside over any election meeting, the Head of Department shall appoint in writing a school electoral officer for that election meeting.
- (5) The school electoral officer and the assistant school electoral officer shall not be a candidate nor a proposer or seconder of a candidate;
- (6) The duties of a school electoral officer are *inter alia* to-
- (a) in consultation with the school principal to ensure that a notice giving details of the date, time and venue of the nomination and election meeting is prepared and dispatched by the school principal;
 - (b) ensure that there is a suitable venue for the nomination and election meeting;
 - (c) ensure that the school election team knows the electoral process to be followed and complies with relevant legislation;
 - (d) intervene and resolve any disputes on the day of election; and
 - (e) submit election results to the district office.
 - (f) preside over the meeting that is called for the appointment of members to serve in the governing body;

Acceptable Standard of Conduct for the Provincial, District and School electoral officers

9. (1) Notwithstanding the acceptable standard of conduct, powers and duties provided for in the Act as well as other relevant legislation and policies, the Provincial, District and school electoral officers must -
- (a) act honestly and with dignity;
 - (b) act in an unbiased way;
 - (c) be familiar with the election process and applicable legislation;
 - (d) carry out the election in terms of the provincial prescripts;
 - (e) co-operate with school managers and line management;
 - (f) manage the voting process in a fair and just manner;
 - (g) deal with difficulties that may arise with courtesy;
 - (h) be polite and diligent; and
 - (i) not exceed his or her mandate.

- (2) An electoral officer must sign an oath or affirmation of confidentiality in a format determined by the Head of Department before he or she performs the duties of an electoral officer.
- (3) The conduct of employees of the Department who are appointed as electoral officers is regulated by the relevant departmental legislation and policies.

Voters' Roll

10. (1) The principal must prepare a separate voters' roll for each of the following -
 - (a) parents;
 - (b) educators;
 - (c) members of staff; and
 - (d) learners from the representative council of learners;
- (2) The voter's roll must be prepared as follows –
 - (a) The voters' roll for parents must be prepared from the school admission register. Eligible voters are those persons appearing in the admission register or who can show proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote.
 - (b) The voters' roll for educators must consist of all educators employed at the school;
 - (c) The voters' roll for members of staff must consist of all members of staff employed at the school; and
 - (d) The voters' roll for learners must consist of all members of the RCL.
- (3) The following guidelines must be taken into consideration by the principal in determining proof of parenthood in respect of the person who undertakes to fulfil the obligations of the biological, adoptive, legal guardian or the person entitled to custody of a learner in circumstances when the above-mentioned are still alive -
 - (a) The reasons for the person undertaking to fulfil the obligations of the abovementioned;
 - (b) Who the learner resides with;
 - (c) Where the home of the persons who undertakes to fulfill the obligations of the biological, adoptive, legal guardian or the person entitled to custody is situated?
 - (d) The proximity of the home of the persons referred to in subparagraph 10(3)(c) above to that of the school;
 - (e) The obligations referred to above must extend beyond financial obligations and consideration must be given to the obligation towards the learners' education and the day to day care and support of the learner;
 - (f) The overall involvement and responsibility of the person who undertakes to fulfil the obligations of the persons referred to in subparagraph 10(3)(c) above to that of the learner;
 - (g) Should the learner have other siblings in the school then consideration must be given to who assumes parenthood of the other siblings. The information provided in respect of the other siblings must be compared with the information provided for the learner concerned;
 - (h) The relationship of the person who undertakes to fulfil the obligations towards the learner;
 - (i) The school principal must undertake reasonable investigation within the community to ascertain who the community regards as being the parent;
 - (j) Any other reasonable explanation for the person undertaking to fulfil the obligations of the person referred to above;
 - (k) Each case must be dealt with on its merits and the school principal must ensure that there is consistency in taking decisions in accepting any person as a parent.
- (4) The principal of the school must at least 14 days prior to the election meeting, cause a letter notifying parents about the election meeting together with the relevant form to be sent with the learners to their parents for purposes of inviting parents to inspect the current voter's roll and to update their information at the school, if necessary.
- (5) All those who nominate or second the nominations and the nominees must be persons who are listed on the voter's roll.

- (6) Any updates relating to the voters' roll must be referred to the principal at least seven (7) days prior to the election date.

Notice of a Nomination and Election Meeting

11. (1) The principal of the school that holds an election meeting must prepare notices setting out the date, time and place of the nomination and election meeting.
- (2) The election of the educator component, members of staff component and RCL component must precede the election of the parent component.
- (3) At least 14 days prior to the date of the election meeting, the principal of the school must –
- (a) hand a copy of the notice of the election meeting for parents to every learner at the school with a verbal instruction to hand the notice to the learners' parents or he or she must send a copy of the notice to the parents by post;
 - (b) hand a copy of the notice of the election meeting of educators to the educators;
 - (c) hand a copy of the notice of the election meeting of members of staff to the members of staff;
 - (d) hand a copy of the notice of the election meeting of the RCL to each member of the RCL;
 - (e) cause copies of such notices to be displayed or posted in a conspicuous place at the school and in suitable and prominent places in the community; and
 - (f) circulate the notices in whatever method that may work for the school community as long as it does not disadvantage members of the school community.
- (4) The principal must ensure that the notices are in the school's language of instruction and where practical in the home language of the learners.
- (5) Should a new school be established during the term of the governing body, then the election meeting of the new school must be held within 60 days of the establishment of the school.

Franchise

12. (1) Every parent whose name appears in the voters roll -
- (a) is entitled to vote for parent members of the governing body; and
 - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator, including the principal, employed at a school-
- (a) is entitled to vote for educator members; and
 - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of staff at the school -
- (a) is entitled to vote for a member of staff; and
 - (b) has one vote.
- (4) If the school has only one member of staff, that member is duly elected to serve in the governing body.
- (5) Every member of a RCL -
- (a) is entitled to vote for learner members; and
 - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.

Quorum for a Nomination and Election Meeting

13. (1) A quorum of 15 % of voters on the voters roll must be constituted prior to proceeding with the nomination and election meeting.
- (2) If a quorum referred to in sub-clause (1) is not constituted, the meeting must be adjourned and rescheduled within 14 days of the adjourned meeting in which event the procedure prescribed in clause 11 shall be repeated.

- (3) The written nominations received prior to the adjourned meeting will in addition to any other new written nomination be considered at the rescheduled meeting.
- (4) The notice in respect of the second meeting must state that no quorum is required for the second meeting.

Nominations for an Election Meeting

14. (1) The school electoral officer must appoint in writing an assistant school electoral officer to act as secretary to the meeting and to record the minutes of the proceedings.
- (2) Except for election monitors and the assistant school electoral officers, the school electoral officer must not allow any person who is not eligible as a voter to attend a meeting or allow the election of a person who is not qualified as a candidate in terms of clause 2.
- (3) The school electoral officer must request voters to provide proof of identification in the form of a South African identity document or identity card, a valid passport or proof of temporary or permanent residence for non-South African citizens.
- (4) Before proceeding with the election of members of a governing body, the school electoral officer must bring the following to the attention of voters -
 - (a) that the term of office of the current school governing body has expired and members have been officially notified;
 - (b) that the election meeting is a closed meeting;
 - (c) that the provisions of clause 5, renders a person ineligible for membership to a governing body;
 - (d) the number of persons to be elected;
 - (e) that every nomination must be seconded by a parent, educator, member of staff or a learner from the RCL, as the case may be, who is entitled to vote;
 - (f) that during nominations voters must take into account representivity and must ensure that nominations are representative of gender, race and, wherever possible, include nominations of persons with disabilities;
 - (g) that a voter has one vote for each vacancy to be filled;
 - (h) that voting is by secret ballot; and
 - (i) that a grievance procedure exists as contemplated in clause 25.
- (5) During the nomination period the school electoral officer must -
 - (a) determine and allocate the time for nominations;
 - (b) inform the voters of the time allocated;
 - (c) allow sufficient time for the nomination of candidates during the nomination phase; and
 - (d) indicate that the time for nominations has lapsed.
- (6) A person may be nominated in absentia, provided the -
 - (a) proposer and seconder of the nominated person are present at the meeting and must complete a nomination form; and
 - (b) nominated person sends written confirmation of acceptance of the nomination to the principal.
- (7) A nomination form duly completed by the proposer, seconder and the nominee must have been received by the school electoral officer within seven days and not less than 24 hours prior to the commencement of the meeting.
- (8) At the election meeting, a candidate may be nominated verbally by -
 - (a) a parent of a learner enrolled at the school for a vacancy in terms of clause 4(a) ;
 - (b) an educator employed at the school concerned for a vacancy in terms of clause 4(b);
 - (c) a member of staff employed at the school concerned for a vacancy in terms of clause 4(c);
 - (d) a learner from the RCL in terms of clause 4(d), as the case may be, provided that another parent, educator, member of staff or a learner from RCL, as the case may be, seconds the proposal and the person nominated indicates to the meeting verbally or in writing if he or she is absent, that he or she is prepared to serve as a member of the governing body, if elected.

- (9) A school electoral officer must -
 - (a) allow a person who nominated a candidate an opportunity to introduce the candidate to the meeting and give reasons for the nomination; or
 - (b) allow a nominated candidate to introduce himself or herself to the meeting.
- (10) During the nominations, the school electoral officer must consider the nominations and reject the nomination of any candidate who -
 - (a) has not been nominated in accordance with clause 14;
 - (b) is ineligible in terms of clause 5; or
 - (c) has not completed the nomination form unless written proof has been submitted to the school electoral officer that such nominee will be willing to serve as a member of the governing body.
- (11) The school electoral officer must announce the names of the nominees whose nominations have been accepted and cause nomination forms to be duly completed.
- (12) If the total number of nominees whose nominations have been accepted –
 - (a) is less than the number of members required in respect of the category concerned, a new meeting at which new additional nominees must be nominated shall be convened within 14 days;
 - (b) is equal to the number of members required in respect of the category concerned, the electoral officer must declare every accepted nominee to be duly elected; or
 - (c) exceeds the number of vacancies, the school electoral officer must immediately after the closing of the nominations, write down the names of the candidates on a suitable board or any other surface that is clear and visible to everyone in attendance at the meeting and prepare ballot papers.
- (13) In a school where there is one member of staff, the school electoral officer must inform that member of staff that he or she is duly elected to the governing body.

Voting at the Election Meeting

15. (1) Each voter has one vote for each vacant position to be filled on the governing body.
- (2) The school electoral officer must prepare ballot papers and must:
 - (a) ensure that every ballot paper has the school stamp on it or some other distinguishing feature which prevents the ballot papers from being tampered with; and
 - (b) explain the voting process, the maximum number of nominees to be voted for as well as how to record the voting either by marking with a cross(x) ,using numbers or by writing names.
 - (3) A voter present must indicate the name or names of the candidate or candidates preferred by him or her on the ballot paper provided by the school electoral officer in terms of sub clause 2(b).
 - (4) A person with a right to vote must record his or her vote on the ballot paper in secrecy and deposit the folded ballot paper in a box or other closed container provided for this purpose.
 - (5) A person who is unable to mark his or her vote on the ballot paper as contemplated in clause 15(3), may make a verbal request for assistance from the school electoral officer or the assistant school electoral officer to mark, next to the appropriate candidate, his or her vote on the ballot paper.
 - (6) The school electoral officer shall assist any person with a disability or any person who is unable to mark for whatever reason his or her vote.
 - (7) The request for assistance and the completion of the ballot paper contemplated in sub clause (3) shall be done in private in an area identified by the school electoral officer for that purpose but within the area in which the voting is taking place.
 - (8) The school electoral officer must reject a ballot paper -
 - (a) which is without the school stamp or distinguishing feature as contemplated in sub paragraph 2(a);

- (b) with more crosses(x) recorded than the number of vacancies on the governing body;
 - (c) with the name of a person or persons not nominated; or
 - (d) which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (9) After all the voters have cast their votes, the school electoral officer and the assistant school electoral officers must count the votes in the presence of three observers appointed by those attending the meeting to observe the counting process.
 - (10) In the case of a tie between candidates after another voting session, the school electoral officer must break the deadlock by tossing a coin and the winner shall be determined in deciding on either heads or tails.
 - (11) The school electoral officer must announce the results during the election meeting and declare the candidates who have secured the most votes as the elected members of the governing body.
 - (12) The number of votes a person secures in this election does not determine the outcome of the election of office bearers elected in terms of clause 17.
 - (13) The school electoral officer must direct the learners to Section 32 of the Act which outlines the status of minors on the governing body.

Appointment of Members

16. (1) The principal must, 21 days before the election date, submit to the District Electoral officer the annexure indicating the composition of the governing body as contemplated in schedule A.
- (2) The principal must, 14 days before the election date send a written invitation to the following organisations or persons inviting them to attend a meeting to appoint representative members in accordance with clause 4(g) to (k) -
 - (a) sponsoring bodies, if applicable;
 - (b) organisations of parents of learners with special education needs, if applicable;
 - (c) organisations of disabled persons, if applicable;
 - (d) disabled persons within the community, if applicable;
 - (e) experts in the appropriate field of special needs education;
- (3) The school electoral officer must chair the meeting and conduct the proceedings at the meeting referred to in sub clause 16(2).
- (4) At the meeting, the school electoral officer must direct that –
 - (a) organisations present at the meeting, identify representatives to serve in the governing body in terms of the Annexure referred to in clause 16(1).
 - (b) the organisations furnish to him or her full particulars of the appointed person including the name, address contact numbers and email addresses ;
 - (c) should an appointed member cease to be a member of the organization, the organization must in writing –
 - (i) inform the governing body of the status of the member;
 - (ii) withdraw the appointment;
 - (iii) simultaneously appoint a representative; and
 - (iv) furnish the name and full particular referred to in sub clause 4(b) above.
 - (d) more than one expert may be appointed depending on the needs of the school.
- (5) The meeting referred to in subclause 16(2) must precede the parent's election meeting.
- (6) The total number of members appointed in terms of subclause 16(2) must not exceed 5.
- (7) On receipt of the appointees in sub clause 16(2) and after satisfying himself or herself that an appointee has accepted appointment as a member of a governing body, the school electoral officer must forthwith and in writing inform each appointee of his or her appointment as a member of the governing body.

Election of Office Bearers

17. (1) The school electoral officer may convene a meeting solely for the purpose of electing office bearers on the day of the parents' election meeting if -
- (a) the 14 days' notice in terms of clause 11(3) which was issued to parents, educators, members of staff and learners from the RCL included information that the meeting for the election of office bearers would take place on the day of the parent election; and
 - (b) the quorum requirements of the first meeting have been complied with.
- (2) Should the meeting to elect office bearers not be held in terms of sub clause 17(1), the school electoral officer must convene the first meeting of the governing body within seven days of the date of the parents election meeting.
- (3) The school electoral officer presides over any meeting convened for the election of office bearers. Prior to the election of office bearers the school electoral officer must make the members of the governing body aware -
- (a) of the responsibilities of office bearers; and
 - (b) the need to ensure that representivity is taken into consideration in the election of office bearers.
- (4) At the first meeting of a governing body the members must elect by secret ballot a -
- (a) chairperson;
 - (b) deputy-chairperson;
 - (c) treasurer; and
 - (d) secretary.
- (5) Any member of the governing body elected or appointed from the categories of persons referred to in clause 4(a), 4(f), 4(g), 4(h) and 4(i) and 4(j) may serve as the chairperson of the governing body.
- (6) The term of office of office bearers is one year.
- (7) An office bearer may be re-elected after the expiry of the term of office.
- (8) At the request of the governing body, the principal may designate a member of his or her staff to assist the treasurer and secretary of the governing body.
- (9) Where, for any reason, the office of one of the office bearers becomes vacant, the governing body, at the first meeting after the vacancy has occurred, must elect one of its members to fill the vacancy for the unexpired period of his or her predecessor.
- (10) The principal must, within 14 days after the election provide the Head of Department with the details of the new office bearers including names, identity numbers, telephone or cellular phone numbers, fax numbers, addresses and email addresses, as applicable.

Hand-over Process

18. (1) Within 14 days of the election of officer bearers, the principal of a school, as a representative of the Head of Department in the governing body must manage the handing over process.
- (2) The outgoing office bearers of the school governing body must hand over to the newly-elected office bearers all documents relating to the school governing body.
- (3) An approved handover certificate indicating the minimum documents to be handed over, must be issued and signed by both the outgoing and incoming chairpersons.
- (4) The principal of a public school must submit within 14 days of the election of office bearers a duly completed handover certificate to the District electoral officer.

Full Day Election

19. (1) A school may, if there are compelling reasons and by resolution of its governing body opt to hold elections for a full day instead of holding an election meeting if -

- (a) the deviation will promote the best interest of the school community and the school and will allow for maximum participation of voters in the voting process;
 - (b) the deviation will not discriminate unfairly against any voter or group of voters;
 - (c) sufficient provision is made for the nomination process.
- (2) Where a school governing body opts for a full day election, the principal of the school must–
- (a) at least 21 days prior to sending out a notice of election apply in writing to the Head of Department for permission to have an election day;
 - (b) provide compelling reasons for opting for a full day's election instead of an election meeting;
 - (c) provide proof of the availability of monitors and an electoral team during the entire election day;
 - (d) provide proof of the availability of resources to carry out the nomination process and election process for the entire day; and
 - (e) provide proof that the teaching and learning process at the school will not be interrupted or interfered with due to a full day's election.
- (3) Before granting permission for a full day election to any school, the Head of Department must consider the provisions of subclause 19(2) and must satisfy himself or herself that the requirements thereof have been met by the school.
- (4) The decision of the Head of Department must be communicated to the school within 14 days of receipt of the school's application.
- (5) The school electoral officer must, before the Election Day, ensure that –
- (a) the school has written approval from the Head of Department to conduct a full day election ;
 - (b) a programme is in place for the election day;
 - (c) all nominees have sent their profiles to the school and these are ready to be posted outside the voting station;
 - (d) the closing time will allow observers as well as the electoral team to travel back home; and
 - (e) at closing time, the school has someone available on the spot for the safe-keeping of all documents used for the elections.

Nominations for the Full Day Election

20. (1) Where a school has been granted permission by the Head of Department to hold a full Day Election, the following nomination process must be followed -
- (a) the principal must prepare notices of the nomination meeting and must indicate the date, place and time of the nomination meeting; and
 - (b) the notice of the nomination meeting for parents should be distributed and displayed in prominent places at the school and in the community at least twenty one (21) days prior to the date of the full day election.
- (2) The principal must ensure that –
- (a) a hard copy of the notice of the nomination meeting and the nomination form is handed to every learner at least twenty one (21) days prior to the proposed election day with a verbal instruction to hand the notice and the nomination form to their parents; or
 - (b) alternatively, a copy of the notice and the nomination form is sent to the parents of every learner by post at least 21 days prior to the date of the full day election; or
 - (c) a combination of the two notification methods is used provided that parents and members of the community are not disadvantaged; and
 - (d) the notice and the nomination form where possible is in the school's language of instruction and in the home language(or languages) of the learners to ensure maximum participation.
- (3) The notice must inform the parents that the nomination form should be completed and signed by the candidate, the proposer and the seconder and returned to the school 14 days before the nomination meeting and must include the profile contemplated in clause 20(7).

- (4) During the nomination meeting, the school electoral officer must adhere to the nomination process contemplated in clause 14.
- (5) A candidate may only be nominated and seconded by a person belonging to the same representative membership category to which the candidate belongs.
- (6) The school electoral officer must ensure that any person who is eligible to be nominated and who wants to be nominated is free to participate in the nomination process and any such person must submit their profile stating -
 - (a) his or her name and surname;
 - (b) the names and grades of his or her children in the school;
 - (c) his or her occupation and experience or skills;
 - (d) a statement that indicates that he or she qualifies to be a member of a governing body as contemplated in clause 4; and
 - (e) his or her brief statement stipulating the value he or she can add to the school.
- (7) At the nomination meeting the school electoral officer must request profiles from all the nominees.
- (8) After the nominations, the school electoral officer must consider the nominations and reject the nomination of any candidate -
 - (a) whose nomination has not been seconded;
 - (b) who is not eligible for election; and
 - (c) who has not completed and submitted the nomination form and profile as required.
 - (d) who has not indicated willingness to serve in the governing body.
- (9) If the total number of nominees is less than the number of members required in the governing body, a notice must be sent to parents and more nominees' names must be requested.
- (10) If the number of nominees is equal to the number of members required in the governing body, the school electoral officer must declare all the nominees as duly elected members and indicate that an election day will no longer be necessary.
- (11) The principal must within seven days after the nomination process, notify parents in writing of the outcome of the nomination meeting contemplated in sub clause 10 and inform parents that an election day will no longer be necessary.
- (12) If the number of nominees is more than the number of members required in a governing body, the principal must inform the parents in writing of the names and of the profiles of the candidates whose nominations have been accepted. A full day election must thereafter take place where voting will be by secret ballot.
- (13) The principal must make the nominees' profiles available to the parents at least seven days prior to the full day election.
- (14) No person shall make attempts to organise the nomination process in such a manner that only the required number of members is nominated in order to avoid the election process and any such act shall be deemed to be an election irregularity as contemplated in clause 25.

Voting at the Full Day Election

21. (1) Notice of the full day election must be issued to parents 14 days from the nomination meeting.
- (2) Voting shall be by secret ballot and the following voting process must apply -
 - (a) all eligible voters whose names appear on the voters' roll are located and marked off on the roll;
 - (b) voters who require special attention including but not limited to the elderly, disabled or pregnant women are assisted without prejudicing other voters;
 - (c) voters whose names do not appear on the voters' roll for that school will not be allowed to vote;

- (d) all the voting integrity tasks are performed for each eligible voter who has visited the station (i.e. voter's name is marked off on the voters' roll);
 - (e) voters who fail any of the voting integrity checks will not be allowed to vote;
 - (f) all voters are issued with the correct ballot papers;
 - (g) requests for assistance made by voters who are unable to mark their vote on the ballot papers for whatever reason be attended to promptly;
 - (h) the electoral process and personnel are monitored in a manner that provides sufficient information for record keeping and to allow for timely interventions when required;
 - (i) objections from voters are recorded and decided in line with the dispute resolution process;
 - (j) interactions with voters, personnel and any other role-players are inclusive, non-partisan, respecting human dignity and promoting tolerance;
 - (k) potential or actual problems are identified and analysed in terms of potential impact on the electoral process and possible solutions;
 - (l) resolution of problems is justified by the situations and is suitable for addressing the problems effectively;
 - (m) the manner of problem-solving promotes the smooth running of the voting station, upholds the principle of free and fair elections and must not under any circumstances disenfranchise an eligible voter; and
 - (n) the voting process and procedures are open to observers, duly nominated by parents who must monitor the process without interfering with the elections.
- (3) The school electoral officer may improvise if there is no official ballot box. The ballot box must be sealed after observers have acknowledged that it is empty.

Quorum For a full day Election

22. (1) The school electoral officer must decide the time for the start and close for the casting of votes and must indicate these times in the notice to parents.
- (2) The school electoral officer must ensure that the marked ballot papers meet the required 15% quorum in order for counting to proceed.
- (3) If the poll has not reached the required 15% quorum then the counting of the marked ballot papers must not commence. In which event another date for the full day election must be decided upon by the principal of the school and such date must be communicated to the parent body within seven days from the day of the full day election.
- (4) The written nominations received prior to the adjourned full day election will in addition to any other new written nomination be considered at the rescheduled full day election.
- (5) The next full day election must be held within 14 days from the date of the adjourned election.
- (6) During the second full day election, counting of marked ballot papers must proceed after the voting has closed irrespective of whether a quorum is constituted or not.

Counting of Ballot Papers

23. (1) If the 15% poll is met or if it is the second full day election, the school electoral officer must ensure that –
- (a) the counting process is open to observers and candidates;
 - (b) all objections to the counting process are recorded accurately;
 - (c) the name of each candidate and the number of votes cast for each candidate is loudly announced to the observers;
 - (d) the form indicating the counted ballot paper form is completed; and
 - (e) the results slip has been signed.
- (2) The school electoral officer must reject a ballot paper –
- (a) which is without the school stamp or distinguishing feature.
 - (b) with more crosses(x) recorded than the number of vacancies on the governing body; or
 - (c) with the name of a person or persons not nominated ;or

- (d) which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (3) Where the number of votes recorded for two or more candidates is equal and it affects the result of the poll, the school electoral officer shall ascertain, by drawing lots or by the tossing of a coin, in order to break a tie between candidates. This tie-breaker process must be conducted openly and in agreement with the candidates present.
 - (4) Where the school electoral officer has rejected a ballot paper as contemplated in sub clause (2), an explanation must be given by the school electoral officer to all candidates present and he or she must grant the candidates an opportunity to view the rejected ballot paper if they so desire.
 - (5) Any candidate present may object to the decision of the school electoral officer in the counting or rejection process however the school electoral officer will take the final decision.
 - (6) A record of such objection must be indicated at the back of the ballot paper that is being contested and reflected in the election report by the school electoral officer.
 - (7) Should there be a dispute that the electoral officer is unable to resolve, the dispute process contemplated in clause 25 must be followed.
 - (8) The school electoral officer must announce the results to the candidates and observers present and declare the candidates who have secured the most votes as the elected members of the governing body and officially inform the successful candidates accordingly.
 - (9) All documentation relating to the election process must be clearly marked by the school electoral officer, he or she must indicate the election date and record the contents thereof and such documentation must be safely kept at the school for at least the duration of the term of office of the governing body.

Application of this Notice

24. Unless otherwise specifically provided for in this notice all other matters provided for in this notice relating to the election meeting of governing bodies shall be applicable to schools that decide on a full day election.

Dispute Resolution

25. (1) The school electoral officer shall decide on all matters concerning the nomination and election of nominees in terms of all the categories.
- (2) All disputes related to the election process must be reported to the school electoral officer.
 - (3) The school electoral officer shall attempt to resolve all disputes in a fair and just manner. His or her decision during the election is final.
 - (4) A voter or person who was a candidate in a governing body election who is dissatisfied with the decision of the school electoral officer may lodge a grievance in writing with the district electoral officer within seven days of the election meeting if there is an allegation that the prescribed procedures were not followed during the election process.
 - (5) If a voter or person who was a candidate in the governing body election has any knowledge or information of any irregularities relating to the elections, he or she may, within seven days of the elections inform the District electoral officer in writing of the irregularities. Should any irregularity be lodged out of the seven day period, the District electoral officer must still investigate the complaint and take appropriate steps.
 - (6) Upon receipt of the complaint, grievance or information relating to irregularities, the District electoral officer must appoint his deputy or assistant District electoral officer to conduct an investigation within 14 days and make a recommendation to him or her.

- (7) The District electoral officer may after investigation declare an election invalid and may call for re-election if he or she is satisfied that -
 - (a) the prescribed procedures were not followed; or
 - (b) irregularities were committed during the election process; and
 - (c) the outcome of the election would have been different had the irregularities not been committed or had the prescribed procedures been followed;
- (8) If any voter or person who was a candidate in the governing body election is aggrieved by the decision of the District electoral officer, he or she may appeal against such decision to the Head of Department within 14 days of receipt of the decision of the District electoral officer.
- (9) The Head of Department must -
 - (a) within seven days of receipt of the appeal, refer the appeal to the Provincial electoral officer;
 - (b) request the Provincial electoral officer to investigate and prepare a report with recommendations within 14 days of the appeal having been referred to the provincial electoral officer; and
 - (c) consider the recommendations in the report contemplated in sub clause (9)(b), make a finding and communicate his or her decision in writing to the appellant and to the district electoral officer within 14 days of receiving the report from the provincial electoral officer.
- (10) The decision of the Head of Department shall be final.

Procedure after the Election

- 26. (1)** After the election and appointment of members of a governing body, the principal must -
- (a) within seven days of the election meeting, notify in writing, each elected and appointed member of his or her election or appointment and such notification must be sent by fax, post, e-mail or be hand delivered;
 - (b) notify the District electoral officer in writing of the details of the election and appointment including the date of election, names, identity numbers, telephone numbers, fax numbers and addresses of all elected and appointed members;
 - (c) place all documents including ballot papers used at such elections, in envelopes and seal the envelopes;
 - (d) ensure the safe keeping of all documents relating to the election for at least the duration of the term of office of the governing body;
 - (e) submit to the District Director the prescribed form which includes the names and addresses of the persons elected and appointed as governing body members.
 - (f) submit to the District Director either an undisputed election declaration or declaration detailing disputes on the prescribed Election Declaration Form.
 - (g) ensure that the Data Form reflecting details of every member of the duly elected governing body is submitted to the District Director within 14 days after notification of the results of the election.
 - (h) inform the District of any changes in membership of the governing body within fourteen(14) days of those changes being effected to ensure that the database is up to date.

By-election

- 27. (1)** A vacancy occurs in a governing body if a member -
- (a) resigns in writing;
 - (b) is deceased;
 - (c) becomes disqualified as contemplated in clause 5
 - (d) absents himself or herself from two or more consecutive ordinary meetings of the governing body without tendering a written apology for being absent.
 - (e) Is removed from office in accordance with provisions contained in a code of conduct contemplated in section 18A of the Act; or
 - (f) No longer falls within the category of members that he or she represented at the time of the election;
- (2) A vacancy must be declared if there is an increase in the learner enrolment by 10% or more as contemplated in clause 2(4)(a).

- (3) A by-election must be held whenever -
 - (a) the number of parent members of a governing body is reduced to a number equal to or less than the total of the other members of the governing body;
 - (b) the number of members of a governing body is reduced to a number less than the quorum referred to in clause 13(1); or
 - (c) a member of the category of members of a governing body referred to in section 24 of the Act is no longer represented on a governing body.
- (4) The school electoral officer must conduct a by- election within 90 days of the vacancy arising.
- (5) If the number of parents at any stage is less than the number as contemplated in Schedule A, the governing body must pending the by-election temporarily co-opt parents with voting rights.
- (6) If a vacancy arises more than six months before the expiry of the term of office of a governing body, the school electoral officer must conduct a by-election following procedures stipulated in clause 11.
- (7) If a vacancy arises less than six months before the expiry of the term of office of a governing body as a result of the exiting of a member, the relevant constituency affected by the departure must co-opt by majority vote a person to fill the vacancy for the remainder of the term of office of the governing body;
- (8) A co-opted member referred to in sub clause (7) assumes the voting rights of the exiting member.
- (9) A member elected in accordance with this paragraph remains in office for the unexpired term of office of his or her predecessor providing they are still eligible.

Governing body serving two or more schools

28. (1) A Member of the Executive Council may determine that the governance of two or more public schools must vest in a single governing body if it is in the best interest of education at the schools in question.
- (2) The Member of the Executive Council may not act under subsection (1) unless he or she has -
- (a) given notice in the Provincial Gazette of his or her intention to act as such;
 - (b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and
 - (c) considered all such suggestions.

Dissolution of a Governing Body

29. (1) The Member of the Executive Council may dissolve a governing body if -
- (a) the school is dysfunctional, closed, partly disestablished, is a health risk or may affect the safety of any person at such a school;
 - (b) a merger, closure, division of a school or any other re-organisation of the school occurs;
 - (c) he or she is of the opinion that the governing body is no longer representative of the community for which a school has been established; or
 - (d) due to poor governance, the school is rendered dysfunctional and the process of teaching and learning can longer be undertaken at the school.
- (2) Upon consideration of a motion of no confidence passed by not less than 15 % of parents on the parents' voters' roll at a general meeting of parents, the Member of the Executive Council may dissolve a governing body.
- (3) The Member of the Executive Council may dissolve any school governing body that has rendered a school ungovernable, dysfunctional, or for any other reason that he or she deems fit and in the interest of education in the Province.

- (4) The Member of the Executive Council may not dissolve a governing body, in terms of sub-clauses (1), (2) or ((3), unless he or she has –
- notified the school governing body concerned of his or her intention to dissolve the governing body;
 - granted the school governing body the opportunity to make representations as to why he or she should not dissolve the governing body; and
 - duly considered such representations.

Delegation of Powers

30. The Head of Department may delegate, in writing, the duties, functions and powers bestowed upon him or her in terms of this notice to an official in the employment of the Department.

Repeal of Notice

31. Provincial Notice No.19 published in the KZN Provincial Gazette No. 703 dated 15 February 2012 is hereby repealed.

N P NKONYENI

**Member of the Executive Council of the Province of KwaZulu-Natal
Responsible for Education**

SCHEDULE A

COMPOSITION OF GOVERNING BODY OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATIONAL NEEDS BY TYPE AND LEARNER ENROLMENT

The total number of appointed members must not exceed 5. These will be determined by the school in relation to the circumstances of the school.

Type of School	Learner Enrolment at the School	Principal	Number of Educator Members	Number of learner Members, If reasonably practical	Number of Staff Members	Number of Parent Members reasonably practical	Private Property Owner if applicable	Members appointed per applicable category as contained in section 24	Total Number of members
Primary School	1 to 149	1	2	0	1	5	1	5	15
Primary School	150 and more	1	3	0	1	6	1	5	17
Secondary School	1 to 149	1	2	1	1	6	1	5	17
Secondary School	150 and more	1	3	2	1	8	1	5	21
Combined School	1 to 149	1	2	2	1	7	1	5	19
Combined School	150 and more	1	3	2	1	8	1	5	21

SUID-AFRIKAANSE SKOLEWET, 1996 (WET NR 84 VAN 1996)

**SAMESTELLING EN VERKIESING VAN BEHEERLIGGAME VAN
OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE**

Ek, NELISWA PEGGY NKONYENI, Lid van die Uitvoerende Raad belas met Onderwys in die Provinsie KwaZulu-Natal het ingevolge artikels 24 en 28 van die Suid-Afrikaanse Skolewet, 1996 (Wet nr 84 van 1996), soos gewysig, aangeleenthede wat verband hou met beheerliggame, soos beoog in hierdie bylaag, bepaal.

BYLAAG

Omskrywings

1. In hierdie kennisgewing het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegewys is, tensy uit die samehang anders blyk, 'n soortgelyke betekenis, en beteken -

"dag" 'n kalenderdag met inbegrip van Saterdag, Sondag en openbare vakansiedae;

"Departement" die KwaZulu-Natal Departement van Onderwys;

"distrikskiesbeampte" 'n senior distriksbeampte by 'n distrikskantoor wat verantwoordelik is om oor die verkiesingsproses in die distrik toesig te hou en dit te bestuur;

"eerste vergadering" 'n vergadering wat uitsluitlik gehou word vir die verkiesing van ampsdraers na afhandeling van die verkiesing van lede van die beheerliggaam;

"gekombineerde skool" 'n openbare skool wat leerders van grondslagfase tot senior fase of senior fase tot verdere-onderwys-en-opleidingsfase of grondslagfase tot verdere onderwys-en-opleidingsfase inskryf.

"geslote vergadering" 'n vergadering wat slegs oop is vir –

(a) ouers vir die verkiesing van ouers, indien redelikerwys uitvoerbaar;

(b) opvoeders vir die verkiesing van opvoeders;

(c) lede van die personeel vir die verkiesing van lede van die personeel; en

(d) leerders van die verteenwoordigende raad van leerders, indien redelikerwys uitvoerbaar;

"hoof" die opvoeder wat aangewys is of waarneem as die hoof van 'n openbare skool en belas is met die professionele bestuur en administrasie van die skool;

"Hoof van die Departement" die Hoof van die Departement van die Departement van Onderwys in die Provinsie KwaZulu-Natal;

"kieser" 'n ouer in die ouerkomponent, 'n opvoeder in die opvoederkomponent, 'n lid van die personeel in die lid-van-die-personeelkomponent en 'n leerder van die verteenwoordigende raad van leerderskomponent;

"lid" 'n lid van die beheerliggaam;

"Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad belas met onderwys in die Provinsie KwaZulu-Natal;

"lid van die personeel" 'n persoon wat ingevolge die Staatsdienswet, 1994 (Wet nr 103 van 1994) of die Suid-Afrikaanse Skolewet, 1996 (Wet nr 84 van 1996), soos gewysig, aangestel is en wat nie 'n opvoeder by die skool is nie;

"Minister" die Minister van Basiese Onderwys;

"openbare skool" 'n openbare skool vir leerders met spesiale onderwysbehoefte;

"opvoeder" enige persoon wat ander persone onderrig, opvoed of oplei of wat professionele onderwysdienste by 'n openbare skool lewer met inbegrip van professionele terapie en

onderwyskundige sielkundige dienste maar sluit nie 'n persoon in wat aangestel is om uitsluitlik buiteturkullêre dienste te lewer nie;

"ouers" –

- (a) die biologiese of aanneem-ouer of wettige voog van 'n leerder;
- (b) die persoon wat wettiglik toesig oor die leerder het; of
- (c) die persoon wat onderneem om die verpligtinge van 'n persoon bedoel in paragrawe (a) en (b) met betrekking tot die leerder se opvoeding op skool te vervul;

"provinsiale kiesbeampte" 'n senior provinsiale beampte by 'n provinsiale kantoor belas om toesig oor die verkiesingsproses in die Provinsie te hou en dit te bestuur;

"skool" 'n skool wat leerders in een of meer grade van Graad R tot Graad 12 inskryf;

"skoolkiesbeampte" 'n skoolhoof, waarnemende skoolhoof of 'n beampte wat nie by die skool in diens is nie en wat deur die Hoof van die Departement aangestel is om skoolbeheerliggaamverkiesings te behartig;

"stemreg" die reg om te stem vir:

- (e) ouers vir die ouerkomponent;
- (f) opvoeders vir die opvoederkomponent;
- (g) lid van die personeel vir die lid van die personeelkomponent; of
- (h) verteenwoordigende raad van leerders vir die leerderkomponent;

"verkiesingsdag" 'n volledige dag wat deur die skool opsy gesit is met die oogmerk om verkiesings vir 'n skoolbeheerliggaam in plaas van 'n verkiesingsvergadering te hou;

"verkiesingsmonitors" beamptes of belanghebbendes wat uit die provinsiale of distrik-verkiesingstaakspanne gekies is en deur die Hoof van die Departement goedgekeur is, óf as waarnemers, óf as toesighouers, óf as opsieners van verkiesing;

"verkiesingsvergadering" –

- (a) vier afsonderlike verkiesingsvergaderings wat uitsluitlik gehou is vir die benoeming en verkiesing van alleenlik ouers, alleenlik opvoeders, alleenlik lede van die personeel wat nie opvoeders is nie, alleenlik leerders van die verteenwoordigende raad van leerders, na gelang van die geval; en
- (b) 'n tussenvrekiesing;

"verteenwoordigende raad van leerders" (VRL) 'n verteenwoordigende raad van leerders ingestel ingevolge artikel 11 van die Wet; en

"Wet" die Suid-Afrikaanse Skolewet, 1996 (Wet nr 84 van 1996) soos gewysig;

Samestelling van beheerliggame vir openbare skole

2. (1) Die lede van die beheerliggaam van 'n openbare skool bestaan uit die volgende lede -
 - (a) verkose lede;
 - (b) die hoof uit hoofde van sy of haar amptelike hoedanigheid; en
 - (c) aangestelde lede, redelikwys uitvoerbaar.
- (2) Die verkose lede van 'n beheerliggaam bedoel in subklousule (1) bestaan uit die volgende –
 - (a) ouers van leerders by die skool, indien redelikerwys uitvoerbaar;
 - (b) opvoeders by die skool;
 - (c) lid van die personeel wat nie 'n opvoeder by die skool is nie;
 - (d) leerders by die skool van Graad 8 of hoër gekies uit die VRL, indien redelikerwys uitvoerbaar.
- (3) Die volgende is geskik vir aanstelling as lede van 'n beheerliggaam -
 - (a) verteenwoordigers van 'n borgliggaam of -liggame, indien van toepassing;
 - (b) verteenwoordigers van organisasies of ouers van leerders met spesiale behoeftes, indien van toepassing;
 - (c) verteenwoordigers van organisasies vir gestremde persone, indien van toepassing;
 - (d) gestremde persone of persone wat deur gestremdes in die gemeenskap aangestel is; en

- (e) 'n kundige of kundiges in die toepaslike veld vir spesiale onderwysbehoefes.
- (4) Die getal aangestelde lede kan, afhangende van die omstandighede en die behoeftes van die skool, uit enige kategorie kom; dog, die aantal aangestelde lede mag nie vyf (5) oorskry nie.
- (5) Die ouerlede, opvoederlede, lede van die personeel- en leerderlede van 'n beheerliggaam moet, afhangende van die tipe gradering van die betrokke skool, voldoen aan Skedule A van hierdie kennisgewing.
- (6) Voor enige jaarvergadering vir die verkiesing van ampsdraers, moet die beheerliggaam vasstel of daar enige toename of afname in leerdertal was soos bedoel in Skedule A, en indien daar –
- (b) 'n toename in die inskrywings was wat 'n bykomende vakature in die beheerliggaam tot gevolg het, moet sodanige vakature slegs verklaar word indien die toename in die leerdertal 10% of meer is; en
- (b)(i) indien daar 'n afname van 10% of meer in leerdertal was en sodanige afname vereis dat een of meer opvoeders en een of meer leerders van die VRL die posisie in die beheerliggaam moet ontruim, moet die opvoeder (of opvoeders na gelang van die geval) of leerder (of leerders na gelang van die geval) wat die laagste getal stemme ontvang het die posisie ontruim; of
- (ii) indien lede behoorlik verkies is waar geen stemming plaasgevind het nie, moet die komponent wat deur die afname in inskrywing geraak word by wyse van geheime stem bepaal wie die posisie in die beheerliggaam moet ontruim.

Ampstermyn

3. (1) 'n Beheerliggaam word vir 'n tydperk van drie (3) jaar verkies tensy anders deur die Lid van die Uitvoerende Raad bepaal.
- (2) Die Lid van die Uitvoerende Raad bepaal die ampstermyn van die beheerliggame van alle skole.
- (3) Indien die beheerliggaam -
- (a) ses (6) maande of minder oor het voordat sy ampstermyn verstryk, kan die Lid van die Uitvoerende Raad op redelike gronde en ondanks sodanige tydperk, bepaal dat die verkiesings op 'n datum gehou word wat deur hom of haar bepaal word; of
- (b) meer as ses (6) maande oor het voor die verstryking van sy ampstermyn, kan die Lid van die Uitvoerende Raad, na oorlegpleging met die betrokke beheerliggaam, 'n datum bepaal wanneer die verkiesings moet plaasvind, ondanks die onverstreke tydperk van sy ampstermyn.
- (4) Behoudens klousules 2(2) en 3(3), word alle lede, uitgesonder lede van 'n VRL, ingevolge 2(2)(d), vir 'n tydperk van drie (3) jaar verkies.
- (5) Die ampstermyn van 'n beheerliggaamlid wat 'n leerder is wat ingevolge klousule 2(2)(d) gekies is, is een (1) jaar.
- (6) Behoudens klousule 3(3), beklee 'n lid van 'n beheerliggaam sy amp tot die verstryking van die ampstermyn van die beheerliggaam of die uittredende lid.
- (7) Indien die Hoof van die Departement, op redelike gronde, bepaal dat 'n beheerliggaam opgehou het om een of meer funksies ingevolge die Wet te verrig, kan die Hoof van Departement sy funksie opskort en -
- (a) voldoende persone aanstel om al of een of meer sodanige funksies van die beheerliggaam te verrig vir 'n tydperk wat nie drie (3) maande te bowe gaan nie;
- (b) die tydperk bedoel in subklousule (7)(a) verleng vir tydperke wat nie drie (3) maande op 'n keer te bowe gaan nie, welke gekombineerde tydperk nie een (1) jaar te bowe sal gaan nie; en

- (c) moet verseker dat 'n beheerliggaam verkies word binne een (1) jaar na die aanstelling van die persone bedoel in subklousule 7(a).
- (8) Behoudens klousule 5, kan 'n lid van 'n beheerliggaam herverkies word, na gelang van die geval, na die verstryking van sy of haar ampstermyn.

Lidmaatskap van 'n beheerliggaam

4. (1) Die beheerliggaam van 'n skool met spesiale behoeftes bestaan uit die volgende lede -
- (a) ouers van leerders by die skool ingeskryf waarvoor 'n beheerliggaam verkies word, bestaande uit een ouer meer as die gekombineerde totale getal lede bedoel in subklousules (b), (c), (d) en (e) indien redelikerwys uitvoerbaar;
 - (b) 'n opvoeder of opvoeders, afhange van die leerdertal by die skool soos aangetoon in Skedule A hierby aangeheg;
 - (c) een lid van die personeel verkies deur die lede van die personeel wat by die skool in diens is waarvoor 'n beheerliggaam verkies word;
 - (d) leerders, indien redelikerwys uitvoerbaar, verkies deur lede van die VRLkomende van die VRL in 'n skool met graad agt of hoër, waarvan die getal leerders bepaal word ingevolge Skedule A;
 - (e) die hoof, wat die Hoof van die Departement in 'n skool in sy amptelike hoedanigheid verteenwoordig;
 - (f) 'n lid of lede wat 'n borgliggaam of -liggame wat die skool finansier verteenwoordig, indien van toepassing;
 - (g) 'n lid of lede wat 'n organisasie of organisasies van ouers van leerders met spesiale onderwysbehoefte verteenwoordig, indien van toepassing;
 - (j) 'n lid of lede wat 'n organisasie of organisasies van verbandhoudende gestremde persone verteenwoordig, indien van toepassing;
 - (i) 'n lid of lede wat gestremde persone in die gemeenskap verteenwoordig, indien van toepassing; en
 - (j) 'n lid of lede wat kundiges in die veld van spesiale onderwysbehoefte verteenwoordig.
- (2) 'n Beheerliggaam van 'n openbare skool wat op private eiendom geleë is, kan die eienaar van die private eiendom waarop die skool geleë is of die benoemde verteenwoordiger van sodanige eienaar, sonder enige stemreg, koöpteer.

Verkiesbaarheid

5. (1) 'n Persoon is nie verkiesbaar as lid van 'n beheerliggaam nie indien hy of sy -
- (a) geestesongesteld is en as sodanige verklaar is deur 'n bevoegde hof;
 - (b) ongerehabiliteerd insolvent is;
 - (c) skuldig bevind is aan 'n misdryf en tot gevangenisstraf gevonnissen is sonder die keuse van 'n boete vir 'n tydperk van ses (6) maande of nog nie sy of haar volle vonnistydperk uitgedien het nie;
 - (d) as ongeskik verklaar is om met kinders te werk soos bepaal ingevolge die Kinderwet, 2005 (Wet nr. 38 van 2005), soos gewysig;
 - (e) 'n ouer is maar nie 'n Suid-Afrikaanse burger is nie en nie in besit van 'n permanente of tydelik verblyfpermit is nie;
 - (f) nie meer in die kategorie val van lede wat hy of sy verteenwoordig het tydens sy of haar verkiesing nie; of
 - (g) sy of haar lidmaatskap beëindig is deur die Hoof van die Departement ingevolge artikel 18A van die Wet of enige ander toepaslike wetgewing.
- (2) 'n Lid ontruim sy of haar amp indien hy of sy -
- (a) nie aan die vereistes voldoen nie soos in klousule 4(1) uiteengesit;
 - (b) gediskwalifiseer word ingevolge subklousule 5(1);
 - (c) bedank;
 - (d) tot afsterwe kom;
 - (e) van twee opeenvolgende gewone vergaderings van die beheerliggaam afwesig was sonder om skriftelik verskoning aan te bied;

- (f) van die amp onthef word ingevolge artikel 18A van die Wet;
- (g) geraak word deur 'n afname van meer as 10% in die leerdertal soos bedoel in klousule 2(6)(b);
- (h) verhouding met die organisasie wat hom of haar aangestel het om in die beheerliggaam te dien, beëindig word.

Aanstelling van provinsiale kiesbeampte

6. (1) Die Hoof van die Departement moet skriftelik 'n provinsiale kiesbeampte, 'n adjunk provinsiale kiesbeampte en assistent provinsiale kiesbeamptes aanstel.
- (2) Die provinsiale kiesbeampte moet -
 - (a) verseker daar is voldoende publisiteit vir die verkiesing;
 - (b) reël vir die aanstelling van een of meer beamptes in diens van die Departement om tydens die verkiesing bystand te lewer as assistent provinsiale kiesbeamptes;
 - (c) verseker dat daar aan wetgewing en prosedure voldoen word met betrekking tot die verkiesings;
 - (d) die hulbronne koördineer om doeltreffende en regverdige beheerliggaamverkiesings te hou;
 - (e) verseker dat die materiaal en prosedure vir die opleiding van distriks- en skoolkiesbeamptes en spanne in plek is en dat opleiding geskied soos beplan;
 - (f) meesters (template) van alle dokumente wat vir die verkiesing vereis word, ontwikkel en voorsien;
 - (g) geskille besleg wat met die verkiesings verband hou en nie op skool- of distriksvlak besleg kan word nie;
 - (h) 'n verkiesingskedule vir alle skole in die Provinsie opstel;
 - (i) die verkiesingsproses in die Provinsie monitor en evalueer;
 - (j) 'n databasis saamstel van beheerliggame wat hulle amp opneem;
 - (k) ondersoek instel soos deur die Hoof van die Departement bepaal; en
 - (l) die induksie van nuutverkeuse beheerliggaamlede monitor.
- (3) Die adjunk provinsiale kiesbeampte en die assistent provinsiale kiesbeamptes verleen bystand aan die provinsiale kiesbeampte met die uitvoering van sy of haar funksies en pligte.

Verkiesing van distrikskiesbeamptes

7. (1) Die Hoof van die Departement moet skriftelik 'n distrikskiesbeampte, 'n adjunk distrikskiesbeampte en assistent distrikskiesbeamptes aanstel.
- (2) Die distrikskiesbeampte moet -
 - (a) reël vir die aanstelling van een of meer beamptes van die Departement om bystand tydens die verkiesing te verleen as assistent distrikskiesbeamptes;
 - (b) die verkiesingsproses in die distrik koördineer;
 - (c) reël vir die aanstelling van skoolkiesbeamptes;
 - (d) voldoening aan die verkiesingsproses verseker;
 - (e) die skoolkiesbeamptes met raad bedien aangaande die boogde strategie en implementering van die verkiesing in die distrik en toesien dat die proses verloop soos ooreengekom;
 - (f) 'n bestuurplan opstel om die provinsiale regulasies te implementeer;
 - (g) verseker dat elke skool oor 'n kiesbeampte in ooreenstemming met die provinsiale regulasies beskik, en dat skoolverkiesingspanne daargestel word;
 - (h) verseker dat alle kiesbeamptes wat op skoolvlak werk genoegsaam opgelei is en weet wat hulle rolle behels;
 - (i) verseker dat die alle kiesbeamptes die provinsiale verkiesingskennisgewing en ander dokumente betyds ontvang;
 - (j) verseker dat verkiesingsvoorspraak gedoen is soos beplan;
 - (k) verseker dat die totale verkiesingsproses gemonitor word;
 - (l) verseker dat die name en kontakbesonderhede van die persone wat op beheerliggame verkies word op die toepaslike vorms voltooi en by die hoof en die distrikskantoor ingedien word binne ses dae nadat die verkiesing plaasgevind het;

- (m) verseker dat die datavorm van die skoolhoof ontvang en by die distrik ingedien word binne sewe dae na die eerste vergadering waartydens die ampsdraers verkies is;
 - (n) geskille besleg wat verband hou met die verkiesings wat nie op skoolvlak besleg kon word nie;
 - (o) 'n databasis ontwikkel van nuutverkose beheerliggame en die databasis aan die provinsiale verkiesingskoördineerder stuur; en
 - (p) 'n geskrewe distriksverslag oor verkiesings saamstel en by die provinsiale verkiesingskoördineerder indien.
- (3) Die adjunk distrikskiesingsbeampte en die assistent distrikskiesbeamptes moet die distrikskiesbeampte met die uitvoering van sy of haar funksies bystaan.
- (4) Die adjunk distrikskiesbeampte en assistent kiesingsbeamptes kan die distrikskiesbeampte met raad bedien aangaande enige aangeleentheid wat met die verkiesings in verband staan.

Aanstelling van skoolkiesbeamptes

8. (1) Die Hoof van die Departement moet 'n skoolkiesbeampte skriftelik aanstel vir die verkiesing van ouers, opvoeders, lede van die personeel en vir leerders van die VRL as lede van 'n beheerliggaam van 'n openbare skool.
- (2) 'n hoof mag nie as 'n kiesbeampte aangestel word by die skool waar hy of sy in diens is nie.
- (3) Die skoolkiesbeampte moet een of meer beamptes of opvoeders in die diens van die Departement of deur die skoolbeheerliggaam in diens geneem skriftelik aanstel om bystand te verleen as assistent verkiesingsbeamptes.
- (4) Die skoolverkiesingsbeampte moet voor sit by alle verkiesingsvergaderings met inbegrip van tussenverkiesings en die verkiesing van ampsdraers vir die duur van die ampstermyn van die verkose beheerliggaam. In buitengewone omstandighede, sou die skoolverkiesingsbeampte nie beskikbaar wees om voor te sit by enige verkiesingsvergadering nie, moet die Hoof van die Departement 'n skoolverkiesingsbeampte skriftelik vir daardie verkiesingsvergadering aanstel.
- (5) Die skoolverkiesingsbeampte en die assistent skoolverkiesingsbeampte mag nie 'n kandidaat of die voorsteller of sekondant van 'n kandidaat wees nie.
- (6) Die pligte van 'n skoolverkiesingsbeampte is om, onder meer, -
- (a) in oorleg met die skoolhoof te verseker dat 'n kennisgewing met besonderhede van die datum, tyd en plek van die benoeming en verkiesingsvergadering opgestel word en deur die skoolhoof afgestuur word;
 - (b) te verseker dat daar 'n geskikte plek is vir die benoeming en verkiesingsvergadering;
 - (c) te verseker dat die skoolverkiesingspan kennis dra van die verkiesingsproses wat gevolg staan te word en voldoen aan die verbandhoudende wetgewing;
 - (d) in te gryp en enige geskil op die dag van die verkiesing by te lê;
 - (e) die verkiesingsuitslae by die distrikskantoor in te dien; en
 - (f) voor te sit by die vergadering wat belê is vir die aanstelling van lede om in diebeheerliggaam te dien.

Aanvaarbare gedragstandaarde vir die provinsiale, distriks- en skoolverkiesingsbeamptes

9. (1) Ondanks die aanvaarbare gedragstandaard, bevoegdhede en pligte soos voorgeskryf in die Wet asook in ander verbandhoudende wetgewing en beleidsdokumente, moet die provinsiale, distriks- en skoolverkiesingsbeamptes -
- (a) eerlik en met waardigheid handel;
 - (b) op 'n onpartydige wyse handel;
 - (c) vertrouwd wees met die verkiesingsproses en die toepaslike wetgewing;
 - (d) die verkiesing behartig ingevolge die provinsiale voorskrifte;
 - (e) met skoolbestuurders en lynbestuur saamwerk;
 - (f) die stemproses op 'n onpartydige en regverdige wyse bestuur;

- (g) probleme wat mag opduik met beleefdheid hanteer;
 - (h) vriendelik en pligsgetrou wees; en
 - (i) nie sy of haar mandaat oorskry nie.
- (2) 'n Verkiesingsbeampte moet 'n eed of plegtige verklaring, in 'n formaat wat deur die Hoof van die Departement bepaal word, onderteken voordat hy of sy die pligte van 'n verkiesingsbeampte mag uitoefen.
- (3) Die gedrag van werknemers van die Department wat as verkiesingsbeamptes aangestel is, word gereguleer deur die verbandhoudende departementele wetgewing en beleidsdokumente.

Kieserslys

10. (1) Die hoof moet 'n afsonderlike kieserslys vir vir elke van die volgende opstel -
- (a) ouers;
 - (b) opvoeders;
 - (c) lede van die personeel; en
 - (d) leerders van die VRL;
- (2) Die kieserslys moet soos volg opgestel word –
- (a) Die kieserslys vir ouers moet opgestel word vanaf die skooltoelatingsregister. Stemgeregtigdes is daardie persone wie se name in die toelatingsregister verskyn of wat bewys kan lewer dat hulle ouers is soos in die Wet omskryf. Slegs twee ouers per leerder is geregtig om te stem.
 - (b) Die kieserslys moet al die opvoeders insluit wat by die skool in diens is.
 - (c) Die kieserslys vir lede van die personeel moet al die lede van die personeel insluit wat by die skool in diens is.
 - (d) Die kieserslys vir leerders moet al die lede van die VRL insluit.
- (3) Die volgende riglyne moet deur die hoof in aanmerking geneem word om bewys van ouerskap te bepaal ten opsigte van die persoon wat onderneem om die verpligtinge na te kom van die biologiese, aannemende, wettige voog of die persoon wat geregtig is op die versorging van 'n leerder in omstandighede waar bogenoemde steeds leef -
- (a) Die redes van die persoon wat onderneem om die verpligtinge van die bogenoemde na te kom.
 - (b) By wie die leerder tuisgaan.
 - (c) Waar die huis geleë is van die persoon wat onderneem om die verpligtinge van die biologiese, aannemende, wettige voog of die persoon wat geregtig is op versorging na te kom.
 - (d) Die nabyheid van die huis van die persoon bedoel in subparagraaf 10(3)(c) hierbo aan die skool.
 - (e) Die verpligtinge bedoel hierbo moet wyer strek as finansiële verpligtinge en oorweging moet geskenk word aan die verpligting met betrekking tot die leerder se opvoeding en die dag-vir-dag versorging en ondersteuning van die leerder.
 - (f) Die algehele betrokkenheid en verantwoordelikheid van die persoon wat onderneem om die verpligtinge na te kom van die persone bedoel in subparagraaf 10(3)(c) hierbo met betrekking tot die leerder.
 - (g) Indien die leerder ander broers en suster in die skool het, moet oorweging geskenk word aan wie ouerskap vir die ander broers en suster aanvaar. Die inligting wat verskaf word met betrekking tot die ander broers en susters moet vergelyk word met die inligting wat verskaf word met betrekking tot die betrokke leerder.
 - (h) Die verhouding van die persoon wat onderneem om die verpligtinge met betrekking tot die leerder na te kom.
 - (i) Die skoolhoof moet 'n redelike ondersoek in die gemeenskap doen om vas te stel wie die gemeenskap as die ouer beskou.
 - (j) Enige ander redelike verduideliking vir die persoon wat onderneem om die verpligtinge te vervul van die persone hierbo bedoel.
 - (k) Elke saak moet op eie meriete behandel word en die skoolhoof moet verseker dat daar konsekwentheid is met die neem van besluite om enige persoon as 'n ouer te aanvaar.

- (4) Die hoof van die skool moet minstens 14 dae voor die verkiesingsvergadering 'n brief opstel waarin ouers in kennis gestel word van die verkiesingsvergadering en dit moet vergesel gaan van die toepaslike vorm wat saam met die leerder aan die ouers gestuur word met die doel om die ouers uit te nooi om die huidige kieserslys te besigtig en om hulle besonderhede by die skool op te dateer, indien nodig.
- (5) Diegene wat benoemings doen en benoemdes sekondeer, moet personee wees wie se name op die kieserslys verskyn.
- (6) Enige opdatering wat met die kieserslys verband hou, moet na die hoof verwys word minstens sewe (7) dae voor die verkiesingsdatum.

Kennisgewing van benoeming en verkiesingsvergadering

11. (1) Die hoof van 'n skool wat 'n verkiesingsvergadering hou moet kennisgewings opstel wat die datum, tyd en plek van die benoeming en verkiesingsvergadering uiteensit.
- (2) Die verkiesing van die opvoederkomponent, lede van die personeel-komponent en VRL-komponent moet die verkiesing van die ouerkomponent voorafgaan.
- (3) Minstens 14 dae voor die datum van die verkiesingsvergadering moet die hoof van die skool –
 - (a) 'n afskrif van die kennisgewing van die verkiesingsvergadering van ouers aan elke leerder by die skool oorhandig tesame met 'n mondelingse instruksie dat die kennisgewing aan die leerder se ouers oorhandig moet word, of hy of sy moet 'n afskrif van die kennisgewing per pos aan die ouers stuur;
 - (b) 'n afskrif van die kennisgewing van die verkiesingsvergadering van opvoeders aan die opvoeders oorhandig;
 - (c) 'n afskrif van die kennisgewing van die verkiesingsvergadering van lede van die personeel aan die lede van die personeel oorhandig;
 - (d) 'n afskrif van die kennisgewing van die verkiesingsvergadering van die VRL aan elke lid van die VRL oorhandig;
 - (e) sorg dat afskrifte van sodanige kennisgewings op opvallende plekke by die skool vertoon of aangebring word en op geskikte en opvallende plekke in die gemeenskap; en
 - (f) die kennisgewing op enige wyse sirkuleer wat vir die skoolgemeenskap gepas is so lank as wat dit nie die lede van die skoolgemeenskap benadeel nie.
- (4) Die hoof moet verseker dat die kennisgewings in die skool se taal van onderrig is en waar prakties in die huistaal van die leerders.
- (5) Indien 'n nuwe skool tydens die termyn van die beheerliggaam tot stand kom, moet die verkiesingsvergadering van die nuwe skool binne 60 dae van die totstandkoming van die skool gehou word.

Stemreg

12. (1) Elke ouer wie se naam op die kieserslys verskyn -
 - (a) is geregtig om te stem vir ouerlede van die beheerliggaam; en
 - (b) beskik oor een stem ten opsigte van elke benoemde met 'n maksimum getal stemme gelyk aan die getal ouers wat verkies staan te word.
- (2) Elke opvoeder, met inbegrip van die hoof, wat by 'n skool in diens is -
 - (a) is geregtig om vir opvoederlede te stem; en
 - (b) beskik oor een stem vir elke benoemde met 'n maksimum getal stemme gelyk aan die getal opvoederlede wat verkies staan te word.
- (3) Elke lid van die personeel by die skool -
 - (a) is geregtig om vir 'n lid van die personeel te stem; en
 - (b) het een stem.

- (4) Indien die skool net oor een lid van die personeel beskik, word daardie lid as behoorlik verkies beskou word om op die beheerliggaam te dien.
- (5) Elke lid van 'n VRL -
 - (a) is geregtig om vir leerderlede te stem; en
 - (b) beskik oor een stem ten opsigte van elke benoemde met 'n maksimum getal stemme gelyk aan die getal van leerderlede wat verkies staan te word.

Kworum vir 'n benoeming en verkiesingsvergadering

- 13. (1) 'n Kworum van 15 % van kiesers op die kieserslys moet teenwoordig wees voordat daar met die benoeming en verkiesingsvergadering voortgegaan kan word.
- (2) Indien die kworum in subklousule (1) nie gekonstitueer is nie moet die vergadering verdaag en herskeduleer word binne 14 dae van die verdaagde vergadering in welke geval die prosedure voorgeskryf in klousule 11 herhaal moet word.
- (3) Die geskrewe benoemings wat voor die verdaagde vergadering ontvang is sal bykomend tot nuwe benoemings oorweeg word by die hergeskuleerde vergadering.
- (4) Die kennisgewing met betrekking tot die tweede vergadering moet meld dat geen kworum vir die tweede vergadering vereis word nie.

Benoemings vir 'n verkiesingsvergadering

- 14. (1) Die skoolverkiesingsbeampte moet skriftelik 'n assistent skoolverkiesingsbeampte aanstel om as sekretaris vir die vergadering te dien en om die notule vir die verrigtinge op te stel.
- (2) Buiten die verkiesingsmonitors en die assistent skoolverkiesingsbeamptes, moet die skoolverkiesingsbeampte nie enige persoon wat nie stemgeregtig is toelaat om 'n vergadering by te woon nie of die verkiesing van 'n persoon toe te laat wat nie as kandidaat kwalifiseer ingevolge klousule 2 nie.
- (3) Die skoolverkiesingsbeampte moet kiesers versoek om bewys van identiteit voor te lê in die vorm van 'n Suid-Afrikaanse identiteitsdokument, of identiteitskaart, 'n geldige paspoort of bewys van tydelike of permanente verblyf vir nie-Suid-Afrikaanse burgers.
- (4) Alvorens met die verkiesing van lede van 'n beheerliggaam voortgegaan word, moet die skoolverkiesingsbeampte die volgende onder die aandag van kiesers bring -
 - (a) dat die ampstermyn van die huidige skool beheerliggaam verstryk het en dat lede amptelik in kennis gestel is;
 - (b) dat die verkiesingsvergadering 'n geslote vergadering is;
 - (c) dat die bepalings van klousule 5, 'n persoon onbekwaam maak vir lidmaatskap van 'n beheerliggaam;
 - (d) die getal persone wat verkies staan te word;
 - (e) dat elke benoemde gesekondeer moet word deur 'n ouer, opvoeder, lid van die personeel of leerder van die VRL, na gelang van die geval, wat stemgeregtig is;
 - (f) dat kiesers tydens benoemings verteenwoordiging in ag moet neem en verseker dat die benoemings verteenwoordigend is van geslag, ras en, waar moontlik, benoemings insluit van persone met gestremdhede;
 - (g) dat 'n kieser een stem het vir elke vakature wat gevul staan te word; en
 - (h) dat stemming by wyse van geheime stembrief geskied; en
 - (i) dat 'n griefprosedure bestaan soos bedoel in klousule 25.
- (5) Tydens die benoemingsperiode moet die skoolverkiesingsbeampte -
 - (a) die tyd vir benoemings bepaal en toewys;
 - (b) die kiesers aangaande die tyd toegewys, inlig;
 - (c) voldoende tyd toelaat vir die benoeming van kandidate tydens die benoemingsfase; en
 - (d) aandui dat die tyd vir benoemings verstryk het.
- (6) 'n Persoon kan in sy of haar afwesigheid benoem word mits die –

- (a) voorsteller en sekondant van die benoemde by die vergadering teenwoordig is en 'n benoemingsvorm voltooi het; en
 - (b) die benoemde persoon 'n skriftelike bevestiging dat die benoeming aanvaar is aan die hoof stuur.
- (7) 'n Benoemingsvorm wat behoorlik deur die voorsteller, sekondant en die benoemde voltooi is moet binne sewe (7) dae en nie minder as 24 uur voor die aanvang van die vergadering deur die skoolverkiegingsbeampte ontvang word nie.
- (8) By die vergadering kan 'n kandidaat mondelings benoem word deur -
- (a) 'n ouer van 'n leerder by die skool ingeskryf, vir 'n vakature ingevolge klousule 4(a);
 - (b) 'n opvoeder by die betrokke skool in diens, vir 'n vakature ingevolge klousule 4(b);
 - (c) 'n lid van die personeel by die betrokke skool in diens, vir 'n vakature ingevolge klousule 4(c);
 - (d) 'n leerder van die VRL ingevolge klousule 4(d), na gelang van die geval, mits 'n ander ouer, opvoeder, lid van die personeel of 'n leerder van die VRL, na gelang van die geval, die voorstel sekondeer en die benoemde persoon die vergadering mondelings of skriftelik, indien hy of sy afwesig is, in kennis stel dat hy of sy bereid is om as lid van die beheerliggaam te dien, indien hy of sy verkies word.
- (9) 'n Skoolverkiegingsbeampte moet -
- (a) 'n persoon wat 'n kandidaat benoem die geleentheid bied om die kandidaat aan die vergadering voor te stel en redes te gee vir die benoeming; of
 - (b) 'n benoemde kandidaat die geleentheid bied om hom- of haarsself aan die vergadering voor te stel.
- (10) Tydens die benoemings, moet die skoolverkiegingsbeampte die benoemings oorweeg en die benoeming verwerp van enige kandidaat wat -
- (a) nie benoem is in ooreenstemming met klousule 14 nie;
 - (b) nie bekwaam is ingevolge klousule 5 nie; of
 - (c) nie die benoemingsform voltooi het nie tensy skriftelike bewys aan die skoolverkiegingsbeampte gelewer is dat sodanige benoemde gewillig sal wees om as 'n lid van die beheerliggaam te dien.
- (11) Die skoolverkiegingsbeampte moet die name van die benoemdes aankondig wie se benoemings aanvaar is en sorg dat benoemingsvorms behoorlik voltooi word.
- (12) Indien die totale getal benoemdes wie se benoemings aanvaar is -
- (a) minder is as die getal lede vereis ten opsigte van die betrokke kategorie, moet 'n nuwe vergadering binne 14 dae belê word waartydens nuwe bykomende benoemdes benoem moet word;
 - (b) gelyk is aan die getal lede vereis ten opsigte van die betrokke kategorie, moet die skoolverkiegingsbeampte verklaar dat elke aanvaarde benoemde behoorlik verkies is; of
 - (c) die getal vakatures oorskry, moet die skoolverkiegingsbeampte onmiddellik na die sluiting van die benoemings, die name van die kandidate op 'n geskikte swartbord of enige ander oppervlakte wat skoon en sigbaar is vir elkeen wat by die vergadering teenwoordig is, neerskryf en die stembriewe voorberei.
- (13) By 'n skool waar daar een lid van die personeel is, moet die skoolverkiegingsbeampte daardie lid meedeel dat hy of sy behoorlik op die beheerliggaam verkies is.

Stemmery by die verkiesingsvergadering

15. (1) Elke kieser het een stem vir elke vakante posisie wat gevul staan te word op die beheerliggaam.
- (2) Die skoolverkiegingsbeampte moet stembriewe voorberei en moet -
- (a) verseker dat elke stembrief die skoolstempel op het of enige ander onderskeidende kenmerk wat voorkom dat daar met die stembriewe gepeuter word; en
 - (b) die verkiesingsproses verduidelik, die maksimum getal benoemdes waarvoor gestem staan te word, vermeld, asook hoe om die stem te registreer deur of 'n kruisie (x) te maak, nommers te gebruik of deur name te skryf.

- (3) 'n Kieser moet die naam of name van die kandidaat of kandidate wat deur hom of haar verkies word op die stembrief aandui wat deur die skoolverkiesingsbeampte verskaf word ingevolge subklousule 2(b).
- (4) 'n Persoon wat geregtig is om te stem moet sy of haar stem in die geheim op die stembrief aanbring en die opgevoede stembrief in 'n boks of ander geslote houer plaas wat vir hierdie doel verskaf is.
- (5) 'n Persoon wat nie in staat is om sy stem op die stembrief te merk nie soos bedoel in klousule 15(3), kan 'n mondelingse versoek vir hulp aan die skoolverkiesingsbeampte of die assistent skoolverkiesingsbeampte rig om sy of haar stem op die stembrief langs die gepaste kandidaat te merk.
- (6) Die skoolverkiesingsbeampte moet enige persoon met 'n gebrek bystaan of enige persoon wat om enige rede nie in staat is om sy stem te merk nie.
- (7) Die versoek om bystand en die voltooiing van die stembrief bedoel in subklousule (3) moet in privaatheid gedoen word in 'n gebied wat deur die skoolverkiesingsbeampte vir daardie doel geormerk is maar binne die gebied waar die stemmery plaasvind.
- (8) Die skoolverkiesingsbeampte moet 'n stembrief verwerp -
 - (a) wat sonder 'n skoolstempel of die onderskeidende kenmerk bedoel in subparagraaf 2(a) is;
 - (b) met meer kruisies (x) gemerk as die getal vakatures op die beheerliggaam;
 - (c) met die naam van 'n persoon of persone wat nie benoem is nie; of
 - (d) wat op so wyse voltooi is dat dit onseker is in watter benoemde of benoemdes se guns die die stem uitgebring is.
- (9) Nadat al die kiesers hulle stemme uitgebring het, moet die skoolverkiesingsbeampte en die assistent skoolverkiesingsbeamptes die stemme tel in die teenwoordigheid van drie waarnemers aangestel deur diegene wat die vergadering bywoon om die telproses waar te neem.
- (10) In die geval van 'n gelykopuitslag tussen kandidate na 'n verdere stemming, moet die skoolverkiesingsbeampte die dooiepunt oplos deur 'n muntstuk op te skiet en die wenner bepaal deur 'n keuse tussen kop of stert.
- (11) Die skoolverkiesingsbeampte moet die uitslae tydens die verkiesingsvergadering aankondig en die kandidate wat die meeste stemme op hulle verenig het as die verkose lede van die beheerliggaam verklaar.
- (12) Die getal stemme wat 'n persoon in hierdie verkiesing behaal, bepaal nie die uitkoms van die verkiesing van ampsdraers wat ingevolge klousule 17 verkies word nie.
- (13) Die skoolverkiesingsbeampte moet die aandag van die leerders op artikel 32 van die Wet vestig wat die status van minderjariges op die beheerliggaam uiteensit.

Aanstelling van lede

16. (1) Die hoof moet, 21 dae voor die verkiesingsdatum, aan die distriksverkiesingsbeampte die bylae voorlê wat die samestelling van die beheerliggaam aandui soos bedoel in Skedule A.
- (2) Die hoof moet, 14 dae voor die die verkiesingsdatum, 'n skriftelike uitnodiging aan die volgende instellings of persone stuur en hulle uitnooi om 'n vergadering by te woon om verteenwoordigende lede in ooreenstemming met klousule 4(g) tot (k) aan te stel -
 - (a) borgliggame, indien van toepassing;
 - (b) organisasies van ouers van leerders met spesiale onderwysbehoefes, indien van toepassing;
 - (c) organisasies van gestremde persone, indien van toepassing;
 - (d) gestremde persone in die gemeenskap, indien van toepassing; en
 - (e) kundiges in die toepaslike veld van spesiale onderwysbehoefes.

- (3) Die skoolverkiesingsbeampte moet by die vergadering voor sit en die verrigtinge bedoel in subklousule 16(2) behartig.
- (4) By die vergadering moet die skoolverkiesingsbeampte gelas dat –
 - (a) organisasies wat by die vergadering teenwoordig is, verteenwoordigers aanwys om op die beheerliggaam te dien ingevolge die bylae bedoel in klousule 16(1);
 - (b) die organisasies hom of haar voorsien van die volledige besonderhede van die aangestelde persoon met inbegrip van die naam, adres, kontaknommer en e-posadres;
 - (c) indien die aangestelde persoon ophou om 'n lid van die organisasie te wees, moet die organisasie skriftelik –
 - (i) die beheerliggaam oor die status van die lid inlig;
 - (ii) die aanstelling terugtrek;
 - (iii) terselfdertyd 'n verteenwoordiger aanstel; en
 - (iv) die naam en volledige besonderhede bedoel in subklousule 4(b) hierbo aanstuur.
 - (d) meer as een kundige kan aangestel word afhange van die skool se behoeftes.
- (5) Die vergadering bedoel in subklousule 16(2) moet die ouers se verkiesingsvergadering voorafgaan.
- (6) Die totale getal lede wat ingevolge subklousule 16(2) aangestel word, moet nie vyf (5) oorskry nie.
- (7) By ontvangs van die name van die aangesteltes bedoel in subklousule 16(2) en nadat die skoolverkiesingsbeampte hom- of haarself vergewis het dat die aangestelde die aanstelling as 'n lid van die beheerliggaam aanvaar het, moet die skoolbeheerliggaam onverwyld en skriftelik elke aangestelde in kennis stel van sy of haar aanstelling as 'n lid van die beheerliggaam.

Verkiesing van ampsdraers

17. (1) Die skoolverkiesingsbeampte kan 'n vergadering belê met die uitsluitlik doel om ampsdraers te verkies op die dag van ouers se verkiesingsvergadering indien –
 - (a) die 14-dae-kenningsgewing ingevolge klousule 11(3) wat uitgereik is aan ouers, opvoeders, lede van personeel en leerders van die VRL inligting bevat het dat die vergadering vir die verkiesing van ampsdraers sal plaasvind op die dag van die ouerverkiesing; en
 - (b) daar aan die kworumvereistes van die eerste vergadering voldoen is.
- (2) Indien die vergadering vir die verkiesing van ampsdraers nie plaasvind ingevolge subklousule 17(1) nie, moet die skoolverkiesingsbeampte die eerste vergadering van die beheerliggaam belê binne sewe (7) dae na die datum van die ouers se verkiesingsvergadering.
- (3) Die skoolverkiesingsbeampte sit voor by enige vergadering wat belê word vir die verkiesing van ampsdraers. Voor die verkiesing van ampsdraers moet die skoolverkiesingsbeampte die lede van die beheerliggaam inlig aangaande –
 - (a) die verantwoordelikhede van ampsdraers; en
 - (b) die noodigheid om te verseker dat verteenwoordiging in aanmerking geneem word by die verkiesing van ampsdraers.
- (4) By die eerste vergadering van die beheerliggaam moet die lede by wyse van geheime stemming 'n –
 - (a) voorsitter;
 - (b) onder-voorsitter;
 - (c) tesourier; en
 - (d) sekretaris kies.
- (5) Enige lid van die beheerliggaam verkies of aangestel ingevolge die kategorieë van persone bedoel in klousule 4(a), 4(f), 4(g), 4(h) en 4(i) en 4(j) kan as die voorsitter van die beheerliggaam dien.

- (6) Die ampstermyn van ampsdraers is een jaar.
- (7) 'n Ampsdraer kan herverkies word na die verstryking van die ampstermyn.
- (8) Op versoek van die beheerliggaam kan die hoof 'n lid van sy of haar personeel aanwys om die tesourier en sekretaris van die beheerliggaam by te staan.
- (9) Waar, weens enige rede, die amp van een van die ampsdraers vakant raak, moet die beheerliggaam by die eerste vergadering nadat die vakature ontstaan het een van sy lede verkies om die vakature te vul vir die onverstreke tydperk van sy voorganger.
- (10) Die hoof moet, binne 14 dae na die verkiesing, die Hoof van die Departement voorsien van die besonderhede van die nuwe ampsdraers met inbegrip van name, identiteitnommers, telefoon- of selnommers, faksnommers, adresse en e-posadresse, soos van toepassing.

Oorhandigingsproses

18. (1) Binne 14 dae na die verkiesing van ampsdraers, moet die hoof van 'n skool, 'n verteenwoordiger van die Hoof van die Departement in die beheerliggaam, die oorhandigingsproses bestuur.
- (2) Die uittredende ampsdraers van die skoolbeheerliggaam moet aan die nuutverkose ampsdraers alle dokumente oorhandig wat met die skoolbeheerliggaam verband hou.
- (3) 'n Goedgekeurde oordragcertifikaat wat die minimum dokumente aantoon wat oorhandig moet word, moet uitgereik word en deur beide die uittredende en inkomende voorsitters onderteken word.
- (4) Die hoof van 'n openbare skool moet binne 14 dae na die verkiesing van ampsdraers 'n behoorlik voltooide oordragcertifikaat aan die distriksverkiesingbeampte besorg.

Daglange verkiesing

19. (1) 'n Skool kan, indien daar dwingende redes bestaan en by wyse van 'n resoluëie van sy beheerliggaam, kies om daglange verkiesings te hou in plaas van om 'n verkiesingsvergadering te hou indien -
 - (a) die afwyking in die beste belang van die skoolgemeenskap is en optimale deelname van kiesers in die stemproses sal verseker;
 - (b) die afwyking nie onregverdig diskrimineer teen enige kiesre of groep kiesers nie; en
 - (c) voldoende voorsiening gemaak word vir die benoemingsproses.
- (2) Waar 'n skoolbeheerliggaam 'n keuse vir 'n daglange verkiesing maak, moet die hoof van die skool -
 - (a) minstens 21 dae voor die uitsending van 'n verkiesingskennisgewing skriftelik by die Hoof van die Departement aansoek doen om toestemming vir die verkiesingsdag;
 - (b) dwingende redes aanvoer vir die keuse vir 'n daglange verkiesing in plaas van 'n verkiesingsvergadering;
 - (c) bewys lewer van die beskikbaarheid van monitors en 'n verkiesingspan vir die totale duur van die verkiesingsdag;
 - (d) bewys lewer van hulbronne beskikbaar om die benoemings- en verkiesingsproses vir die hele dag uit te voer; en
 - (e) bewys lewer dat die onderrig- en leerproses by die skool nie onderbreek of daarmee ingemeng sal word weens die daglange verkiesing nie.
- (3) Alvorens toestemming vir 'n daglange verkiesing by enige skool verleen word, moet die Hoof van die Departement die bepalings van subklousule 19(2) oorweeg en hom- haarself tevrede stel dat die bepalings daarvan deur die skool nagekom is.
- (4) Die besluit van die Hoof van die Departement moet aan die skool meegedeel word binne 14 dae na ontvangs van die skool se aansoek.

- (5) Die skoolverkiegingsbeampte moet – voor die verkiesingsdag – verseker dat –
- die skool oor die skriftelike goedkeuring van die Hoof van die Departement beskik om 'n daglange verkiesing te hou;
 - 'n program in plek is vir die verkiesingsdag;
 - al die benoemdes hulle profiele aan die skool gestuur het en het dit gereed is om buite die stemlokaal opgesit te word;
 - die sluitingstyd waarnememers en die verkiesingspan in staat sal stel terug huis toe te reis; en
 - teen sluitingstyd iemand by die plek beskikbaar het vir die veilige bewaring van al die dokumente wat vir die verkiesings gebruik is.

Benoemings vir die daglange verkiesing

20. (1) In die geval waar toestemming aan 'n skool verleen is deur die Hoof van die Departement om 'n daglange verkiesing te hou, moet die volgende benoemingsproses gevolg word -
- die hoof moet kennisgewings opstel rakende die benoemingsvergadering en die datum, plek en tyd vir die benoemingsvergadering meld; en
 - die kennisgewing vir die benoemingsvergadering vir ouers moet versprei en vertoon word op opvallende plekke by die skool en in die gemeenskap minstens een en twintig (21) dae voor die datum van die daglange verkiesing
- (2) Die hoof moet verseker dat –
- 'n harde kopie van die benoemingsvergadering oorhandig word aan elke leerder minstens een en twintig (21) dae voor die voorgestelde verkiesingsdag tesame met 'n mondelingse instruksie dat die kennisgewing en die benoemingsvorm aan hulle ouers oorhandig moet word; of
 - alternatiewelik, moet 'n afskrif van die kennisgewing en die benoemingsvorm per pos aan die ouers van elke leerder gestuur word minstens 21 dae voor die datum van die daglange verkiesing; of
 - 'n kombinasie van die twee kennisgewingmetodes gebruik word op voorwaarde dat ouers en lede van die gemeenskap nie benadeel word nie; en
 - die kennisgewing en die benoemingsvorm waar moontlik in die skool se taal van onderrig en in die huistaal (tale) van die leerders is om optimale deelname te verseker.
- (3) Die kennisgewing moet die ouers in kennis stel dat die benoemingsvorm deur die kandidaat, voorsteller en sekondant voltooi en onderteken moet word en aan die skool terugbesorg word 14 dae voor die benoemingsvergadering en moet die profiel insluit bedoel in klousule 20(7).
- (4) Tydens die benoemingsvergadering, moet die skoolverkiegingsbeampte voldoen aan die benoemingsproses bedoel in klousule 14.
- (5) 'n Kandidaat kan slegs benoem en geselekteer word deur 'n persoon wat aan dieselfde verteenwoordigende ledekatgorie behoort as die kandidaat.
- (6) Die skoolverkiegingsbeampte moet verseker dat enige persoon wat geskik is om benoem te word en wat graag benoem wil word vry is om deel te neem aan die benoemingsproses en enige sodanige persoon moet hul profiel indien en die volgende meld -
- sy of haar naam en van;
 - die name en grade van sy of haar kinders in die skool;
 - sy of haar beroep, ondervinding en vaardighede;
 - 'n verklaring wat aantoon dat hy of sy kwalifiseer om 'n lid van die beheerliggaam te wees soos bedoel in klousule 4; en
 - sy of haar kort verklaring wat die waarde aantoon wat sy of hy tot die skool kan toevoeg.
- (7) By die benoemingsvergadering moet die skoolverkiegingsbeampte profiele van al die benoemdes versoek.
- (8) Na die benoemings, moet die skoolverkiegingsbeampte die benoemings oorweeg en die benoeming van enige kandidaat verwerp –

- (a) wie se benoeming nie gesekondeer is nie;
 - (b) wie nie geskik is vir verkiesing nie; en
 - (c) wie nie die benoemingsvorm en die profiel soos vereis voltooi het nie.
 - (d) wie nie 'n bereidwilligheid aangedui het om op die beheerliggaam te dien nie.
- (9) Indien die totale getal benoemdes minder is as die getal lede wat op die beheerliggaam vereis word, moet 'n kennisgewing aan ouers gestuur word waarin verdere benoemings versoek word.
- (10) Indien die getal benoemings gelyk is aan die getal benoemdes wat op die beheerliggaam vereis word, moet die skoolverkiesingsbeampte verklaar dat al die benoemdes behoorlik verkose lede is en dat die verkiesingsdag nie meer nodig is nie.
- (11) Die hoof moet binne sewe dae na die benoemingsproses die ouers skriftelik in kennis stel van die uitslag van die benoemingsvergadering bedoel in subklousule 10 en die ouers in kennis stel dat 'n verkiesingsdag nie meer nodig is nie.
- (12) Indien die getal benoemdes meer is as die getal lede wat op 'n beheerliggaam vereis word, moet die hoof die ouers skriftelik in kennis stel van die name en van die profiele van die kandidate wie se benoemings aanvaar is. 'n Daglange verkiesing moet daarna plaasvind by wyse van 'n geheime stem.
- (13) Die hoof moet die profiele van die benoemdes minstens sewe dae voor die daglange verkiesing aan die ouers beskikbaar stel.
- (14) Geen persoon mag pogings aanwend om die benoemingsproses op so 'n wyse te organiseer dat slegs die vereiste getal lede benoem word ten einde die verkiesingsproses te vermy, en enige sodanige handeling sal geag word 'n verkiesingsongeurimtheid te wees soos bedoel in klousule 25.

Stemmery by die daglange verkiesing

21. (1) Kennisgewing van die daglange verkiesing moet aan ouers uitgereik word 14 vanaf die benoemingsvergadering.
- (2) Stemmery is by wyse van 'n geheime stem en die volgende stemproses is van toepassing -
- (a) alle stemgeregtigde kiesers wie se name op die kieserslys moet gevind word en op die lys afgemerk word;
 - (b) kiesers wat spesiale aandag verg met inbegrip maar nie beperk tot bejaardes, gestremdes of verwagte vroue moet bystand ontvang op so wyse dat ander kiesers nie benadeel word nie;
 - (c) kiesers wie se name nie op die kieserslys vir daardie skool verskyn nie sal nie toegelaat word om te stem nie;
 - (d) all die stemmery se geldigheidstake moet verrig word vir elke stemgeregtige kieser wat die stemlokaal besoek het (i.e. die kieser se naam word op die kieserslys afgemerk);
 - (e) kiesers wat enige van die geldigheidstoetse drui, sal nie toegelaat word om te stem nie;
 - (f) alle kiesers word uitgereik met die korrekte stembriewe;
 - (g) versoek vir bystand deur enige kieser wat nie in staat is om hulle stem op die stembriewe te maak vir welke rede ookal moet stiptelik aandag kry;
 - (h) die verkiesingsproses en personeel word gemonitor op 'n wyse wat voldoende inligting verskaf vir bewaring en vir tydigte ingrypings indien nodig;
 - (i) besware van kiesers word aangeteken en besleg in ooreenstemming met die geskilbeslegtingsproses;
 - (j) interaksie met kiesers, personeel en enige ander rolspeler is inklusief, onpartydig, met respek vir menswaardigheid en die bevordering van verdraagsaamheid;
 - (k) moontlike of werklike probleme word geïdentifiseer en ontleed in terme van die impak op die verkiesingsproses en moontlike oplossings;

- (l) oplossings vir probleme moet geregverdig word deur die omstandighede en moet geskik wees om die probleem doeltreffend aan te spreek;
 - (m) die wyse van probleemoplossing moet die gladde bestuur van die stemlokaal verseker, die beginsel van vry en regverdigde verkiesing eer en onder geen omstandighede 'n stemgeregtigde kieser van sy stem ontnem nie; en
 - (n) die kiesproses en -prosedure is oop vir waarnemers, behoorlik benoemde ouers wat die proses moet monitor sonder om met die verkiesings in te meng.
- (3) Die skoolverkiesingsbeampte kan sy inisiatief gebruik indien daar geen amptelik stembus is nie. Die stembus moet verseël word nadat waarnemers erken het dat dit leeg is.

Kworum vir 'n daglange verkiesing

22. (1) Die skoolverkiesingsbeampte moet die tyd vir die begin en sluiting vir die uitbring van stemme bepaal en moet hierdie tye in die kennisgewing aan die ouers meld.
- (2) Die skoolverkiesingsbeampte moet verseker dat die gemerkte stembriewe voldoen aan die vereiste kworum van 15% ten einde vir die tellery om te begin.
- (3) Indien die peiling nie die vereiste 15%-kworum bereik nie moet daar nie met die tellery 'n aanvang geneem word nie. In welke geval daar op 'n ander dag deur die hoof van die skool besluit moet word vir 'n daglange verkiesing en sodanige datum moet aan die ouerliggaam meegedeel word binne sewe dae na die daglange verkiesing.
- (4) Die geskrewe benoemings ontvang voor die verdaagde daglange verkiesing moet bykomend tot enige nuwe skriftelike benoeming oorweeg word vir die hergeskeduleerde daglange verkiesing.
- (5) Die volgende daglange verkiesing moet gehou word binne 14 dae van die datum van die verdaagde verkiesing.
- (6) Tydens die tweede daglange verkiesing moet die tel van gemerkte stembriewe voortgaan nadat die stemmery gesluit het ongeag of daar 'n kworum gekonstitueer is of nie.

Tel van stembriewe

23. (1) Indien daar aan die 15%-peiling voldoen is of indien dit die tweede daglange verkiesing is, moet die skoolverkiesingsbeampte verseker dat –
- (a) die telproses oop is vir waarnemers en die kandidate;
 - (b) alle besware teen die telproses akkuraat aangeteken word;
 - (c) die name van elke kandidaat en die getal stemme uitgebring vir elke kandidaat word hoorbaar aangekondig vir die waarnemers;
 - (d) die vorm wat die getelde stembriewe aandui, voltooi is; en
 - (e) die uitslagstrokie geteken word.
- (2) Die skoolverkiesingsbeampte moet 'n stembrief verwerp –
- (a) wat sonder die skoolstempel is of die onderskeidende kenmerk;
 - (b) met meer kruisies (x) gemerk is as die getal vakatures op die beheerliggaam; of
 - (c) met die naam van 'n persoon of persone wat nie benoem is nie; of
 - (d) op so 'n wyse voltooi is dat dit onseker is vir welke benoemde of benoemdes 'n stem uitgebring is.
- (3) In die geval waar die getal stemme uitgebring vir twee of meer kandidate gelyk is en dit die uitslag van die stemming raak, moet die skoolverkiesingsbeampte deur middel van loting of die opskiet van 'n muntstuk die gelykop-uitslag tussen kandidate beredder. Die proses moet openlik en met die toestemming van die kandidate geskied.
- (4) In die geval waar 'n verkiesingsbeampte 'n stembrief verwerp het soos bedoel in subklousule (2), moet die skoolverkiesingsbeampte 'n rede gee vir al die kandidate teenwoordig en hy of sy moet die kandidate 'n geleentheid gee om die stembrief te besigtig indien hulle dit verlang.

- (5) Enige kandidaat teenwoordig kan beswaar aanteken teen die besluit van die skoolverkiegingsbeampte tydens die tel- of verwerpproses maar die skoolverkiegingsbeampte moet die finale besluit neem.
- (6) 'n Aantekening van sodanige beswaar moet op die agterkant van die stembrief wat betwis word aangebring word en aangetoon word in die verkiesingsverslag van die skoolverkiegingsbeampte.
- (7) Indien daar 'n geskil is wat die verkiesingsbeampte nie kan besleg nie, moet die geskilbeslegtingsproses bedoel in klousule 25 gevolg word.
- (8) Die skoolverkiegingsbeampte moet die uitslag aan die kandidate en waarnemers teenwoordig bekendmaak en verklaar dat die kandidate wat die meeste stemme op hulle verenig het die verkose lede van die beheerliggaam is en moet die suksesvolle kandidate dienoreenkomstig inlig.
- (9) Alle dokumente wat met die verkiesingsproses verband hou moet duidelik deur die skoolverkiegingsbeampte gemerk word, hy of sy moet die verkiesingsdatum aantoon en die inhoud daarvan noteer en sodanige dokumente moet veilig by die skool bewaar word vir minstens die duur van die ampstermyn van die beheerliggaam.

Toepassing van hierdie kennisgewing

24. Tensy spesifiek anders bepaal in hierdie kennisgewing, is alle aangeleenthede waarvoor in hierdie kennisgewing voorsiening gemaak is en verband hou met die verkiesingsvergadering van beheerliggame van toepassing op skole wat besluit op 'n daglange verkiesing.

Geskilbeslegting

25. (1) Die skoolverkiegingsbeampte moet 'n besluit neem oor alle aangeleenthede rakende die benoeming en verkiesing van benoemdes ingevolge al die kategorieë.
- (2) Alle geskille wat verband hou met die verkiesingsproses moet aan die skoolverkiegingsbeampte gerapporteer word.
- (3) Die skoolverkiegingsbeampte moet poog om alle geskille op 'n billike en regverdeige wyse te besleg. Sy of haar besluit tydens die verkiesing is finaal.
- (4) 'n Kieser of persoon wat 'n kandidaat in 'n beheerliggaamverkiesing was en wat ongelukkig is met 'n besluit van die skoolverkiegingsbeampte kan 'n skriftelike grief indien by die distriksverkiegingsbeampte binne sewe dae na die verkiesingsvergadering indien daar 'n beskuldiging is dat die voorgeskrewe prosedure nie tydens die verkiesingsproses gevolg is nie.
- (5) Indien 'n kieser of persoon wat 'n kandidaat in die beheerliggaamverkiesing was oor enige kennis of inligting beskik aangaande enige ongeruimdhede wat met die verkiesing verband hou, kan hy of sy binne sewe dae na die verkiesing die distriksverkiegingsbeampte skriftelik inlig oor die ongeruimdhede. Indien enige ongeruimtheid buite die sewe dae tydperk ingedien word, moet die distriksverkiegingsbeampte steeds die klagte ondersoek en toepaslike stappe neem.
- (6) By ontvangs van die klagte, grief of inligting aangaande ongeruimdhede, moet die distriksverkiegingsbeampte sy adjunk of assistent verkiesingsbeampte aanstel om binne 14 dae ondersoek te doen en 'n aanbeveling aan hom of haar te maak.
- (7) Die distriksverkiegingsbeampte kan na die ondersoek 'n verkiesing ongeldig verklaar en 'n herverkiesing uitroep indien hy of sy oortuig is -
 - (a) die voorgeskrewe prosedure is nie gevolg nie; of
 - (b) ongeruimdhede het plaasgevind tydens die verkiesingsproses; en
 - (c) die uitkoms van die verkiesing anders sou wees indien die ongeruimdhede nie gepleeg is nie of indien die voorgeskrewe prosedure gevolg is.

- (8) Indien enige kieser of persoon wat 'n kandidaat in die beheerliggaamverkiesing gegrief is deur die besluit van die distriksverkiesingsbeampte, kan hy of sy teen sodanige besluit appelleer na die Hoof van die Departement binne 14 dae na ontvangs van die besluit van die distriksverkiesingsbeampte.
- (9) Die Hoof van die Departement moet –
- (a) binne sewe dae na ontvangs van die appèl, die appèl na die provinsiale verkiesingsbeampte verwys;
 - (b) die provinsiale verkiesingsbeampte versoek om 'n ondersoek te doen en 'n verslag met aanbevelings op te stel binne 14 dae nadat die appèl na die provinsiale verkiesingsbeampte verwys is; en
 - (c) die aanbevelings in die verslag bedoel in subklousule (9)(b) oorweeg, 'n bevinding maak en sy of haar besluit skriftelik aan die appellant en die distrikskiesbeampte kommunikeer binne 14 dae na die ontvangs van die verslag van die provinsiale kiesbeampte.
- (10) Die besluit van die Hoof van die Department is finaal.

Prosedure na die verkiesing

26. (1) Na afloop van die verkiesing en aanstelling van lede van 'n beheerliggaam, moet die skoolhoof –
- (a) binne sewe dae na die verkiesingsvergadering, elke verkose en aangestelde lid van sy of haar verkiesing of aanstelling in kennis stel en sodanige kennisgewing moet per faks, pos, e-pos gestuur word of per hand afgelewer word;
 - (b) die distrikskiesbeampte skriftelik in kennis stel van die besonderhede van die verkiesing en aanstelling met inbegrip van die datum van die verkiesing, name, identiteitsnommers, telefoonnommers, faksnommers en adresse van alle verkose en aangestelde lede;
 - (c) alle dokumente met inbegrip van stembriewe wat by sodanige verkiesing gebruik is, in koeverte plaas en die koeverte verseël;
 - (d) die veilige bewaring van alle dokumente met betrekking tot die verkiesing vir ten minste die duur van die ampstermyn van die beheerliggaam verseker;
 - (e) aan die Distriksdirekteur die voorgeskrewe vorm stuur wat die name en adresse van die persone verkies en aangestel as lede van die beheerliggaam bevat;
 - (f) aan die Distriksdirekteur óf 'n onbetwiste verkiesingsverklaring stuur óf 'n verklaring van die geskille op die voorgeskrewe Verkiesingverklaringsform;
 - (g) verseker dat die datavorm wat die besonderhede van elke lid van die behoorlik verkose beheerliggaam weerspieël aan die Distriksdirekteur gestuur word binne 14 dae na kennisgewing van die uitslag van die verkiesing; en
 - (h) die distrik inlig aangaande enige verandering in lidmaatskap van die beheerliggaam binne veertien (14) dae na die veranderinge om te verseker dat die databasis op datum is.

Tussenverkiesing

27. (1) 'n Vakature ontstaan in 'n beheerliggaam indien 'n lid –
- (a) skriftelik bedank;
 - (b) tot afsterwe kom;
 - (c) onbevoegd raak soos bedoel in klousule 5.
 - (d) afwesig is van een of twee opeenvolgende gewone vergaderings van die beheerliggaam sonder om 'n skriftelike verskoning vir die afwesigheid aan te bied.
 - (e) uit die amp ontslaan word ingevolge die bepalings van 'n gedragskode bedoel in artikel 18A van die Wet; of

- (f) nie langer deel is van die kategorie van lede wat hy of sy verteenwoordig het tydens die verkiesing.
- (2) 'n Vakature moet verklaar word indien daar 'n toename in die leerdertal van 10% of meer is soos bedoel in klousule 2(4)(a).
- (3) 'n tussenverkiesing moet gehou word wanneer -
- die getal ouers van 'n beheerliggaam verminder is tot 'n getal gelyk aan of minder as die totaal van die ander lede van die beheerliggaam;
 - die getal lede van 'n beheerliggaam verminder is tot 'n getal minder as die kworum bedoel in klousule 13(1); of
 - 'n lid van die kategorie van lede van 'n beheerliggaam bedoel in artikel 24 van die Wet nie meer op die beheerliggaam verteenwoordig word nie.
- (4) Die skoolkiesbeampte moet 'n tussenverkiesing hou binne 90 dae nadat die vakature ontstaan het.
- (5) Indien die getal ouers op enige stadium minder is as die aantal bedoel in Skedule A, moet die beheerliggaam hangende die tussenverkiesing tydelik ouers met stemreg koöpteer.
- (6) Indien 'n vakature meer as ses maande voor die verstryking van die ampstermyn van 'n beheerliggaam ontstaan, moet die skoolkiesbeampte 'n tussenverkiesing hou deur die prosedures soos uiteengesit in klousule 11 te volg.
- (7) Indien 'n vakature minder as ses maande voor die verstryking van die ampstermyn van 'n beheerliggaam ontstaan as 'n gevolg van die uittrede van 'n lid, moet die betrokke kategorie van lede wat deur die vertrek geraak word deur 'n meerderheidstem 'n persoon koöpteer om die vakature vir die res van die ampstermyn van die beheerliggaam te vul;
- (8) 'n Gekoöpteerde lid bedoel in subklousule (7) neem die stemreg van die uitredende lid oor.
- (9) 'n Lid verkies in ooreenstemming met hierdie paragraaf bly in die amp vir die onverstreke ampstermyn van sy of haar voorganger mits hul steeds geskik is.

Beheerliggaam wat twee of meer skole bedien

28. (1) 'n Lid van die Uitvoerende Raad kan bepaal dat die beheer van twee of meer openbare skole moet setel in 'n enkele beheerliggaam indien dit in die beste belang van onderwys by die betrokke skole is.
- (2) Die lid van die Uitvoerende Raad mag nie kragtens subklousule (1) optree nie tensy hy of sy -
- kennis in die *Provinsiale Koerant* gegee het van sy of haar voorneme om sodanig op te tree;
 - belanghebbende partye 'n geleentheid gegee het om skriftelike voorleggings binne 'n periode van 30 dae in te dien; en
 - al sodanige voorstelle oorweeg het.

Ontbinding van 'n beheerliggaam

29. (1) Die Lid van die Uitvoerende Raad kan 'n beheerliggaam ontbind indien -
- die skool disfunksioneel, gesluit, gedeeltelik ontbind, 'n gesondheidsrisiko is of die veiligheid van enige persoon by sodanige skool in die gedrang kom;
 - 'n samesmelting, sluiting, verdeling van 'n skool of enige ander herorganisasie van die skool plaasvind;
 - hy of sy van mening is dat die beheerliggaam nie langer verteenwoordigend is van die gemeenskap waarvoor die skool tot stand gebring is nie; of
 - weens swak bestuur, die skool disfunksioneel geword het en die proses van onderwys en leer nie langer by die skool onderneem kan word nie.

- (2) By oorweging van 'n mosie van wantroue wat deur nie minder nie as 15% van die ouers op die ouerkieserslys by 'n algemene vergadering van ouers aangeneem is nie, kan die Lid van die Uitvoerende Raad 'n beheerliggaam ontbind.
- (3) Die Lid van die Uitvoerende Raad kan enige skoolbeheerliggaam ontbind wat 'n skool onregeerbaar, disfunksioneel gemaak het, of vir enige ander rede wat hy of sy goeddink en in die belang van onderwys in die Provinsie is.
- (4) Die lid van die Uitvoerende Raad mag nie 'n beheerliggaam ingevolge subklousules (1), (2) of ((3) ontbind nie, tensy hy of sy –
- die betrokke skoolbeheerliggaam in kennis gestel het van sy voorneme om die beheerliggaam te ontbind;
 - die skoolbeheerliggaam die geleentheid gebied het om verhoë te rig waarom hy of sy nie die beheerliggaam moet ontbind nie; en
 - sodanige verhoë deeglik oorweeg het.

Delegasie van bevoegdhede

30. Die Hoof van die Departement kan die pligte, funksies en bevoegdhede aan hom of haar ingevolge hierdie kennisgewing toegewys skriftelik aan 'n amptenaar in diens van die Departement deleger.

Herroeping van kennisgewing

31. Provinsiale Kennisgewing nr 19 gepubliseer in die KZN *Provinsiale Koerant* nr 703 van 15 Februarie 2012 word hiermee herroep.

N P NKONYENI

Lid van die Uitvoerende Raad van die Provinsie KwaZulu-Natal
Belas met Onderwys

SKEDULE A

SAMESTELLING VAN BEHEERLIGGAAM VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE VOLGENS TIPE EN LEERDERTAL

Die totale getal aangestelde lede mag nie 5 oorskry nie. Dit sal deur die skool bepaal word in verhouding tot die omstandighede by die skool.

Tipe skool	Leerdertal by die skool	Hoof	Getal opvoederlede	Getal leerderlede, indien rederlikwys uitvoerbaar	Getal personeellede	Getal ouerlede, indien rederlikwys uitvoerbaar	Private eiendom eienaar, indien van toepassing	Lede aangestel per toepaslike kategorie soos vervat in artikel 24	Totale getal lede
Primêre skool	1 tot 149	1	2	0	1	5	1	5	15
Primêre skool	150 en meer	1	3	0	1	6	1	5	17
Sekondêre skool	1 tot 149	1	2	1	1	6	1	5	17
Sekondêre skool	150 en meer	1	3	2	1	8	1	5	21
Gekombineerde skool	1 tot 149	1	2	2	1	7	1	5	19
Gekombineerde skool	150 en meer	1	3	2	1	8	1	5	21

No. 12

9 kuNdasa 2015

**UMTHETHO WEZIKOLE ZASENINGIZIMU AFRIKA, 1996 (UMTHETO NO. 84 KA 1996)
ISAZISO MAYELANA NOKUKHETHWA KWAMALUNGU EZIGUNGU EZILAWULAYO EZIKOLENI
ZOMPHAKATHI ZABAFUNDI ABANEZIDINGO EZEKHETHEKILE ZEMFUNDO**

Mina, NELISWA PEGGY NKONYENI, Ilungu loMgwamanda Ophezulu obhekelele EzeMfundo EsiFundazweni saKwaZulu-Natali, ngokuhambisana neSigaba 28 soMthetho Wezikole ZaseNingizimu Afirka ka 1996 (Umthetho 84 ka 1996 iSouth African Schools Act), njengokuchitshiyelwa kwawo, senginqume ngezindaba ezithinta izigungu ezilawula izikole njengokuba kuqukethwe kule sheduli.

ISHEDULI

Izincazelo-magama

1. Kulesi saziso noma yiliphi igama noma ibinza eselinikwe umqondo kulo Mthetho liyokusho lowo mqondo ngaphandle uma umungo ukhomba okunye

"uMthetho"; kusho Umthetho weziKole ZaseNingizimu Afrika, 1996 (uMthetho 84 Ka 1996) njengokuchitshiyelwa kwawo;

"umhlangano ovalekile" kusho umhlangano ovuleleke kuphela kulaba-

- (a) kubazali ngokhetho lwaabazali;
- (b) abafundisi ingokhetho lwabafundisi
- (c) abasebenzi ngokhetho lomsebenzi; futhi
- (d) abafundi bomgwamanda omele abafundi;

"isikole esididiyele" Kusho isikole somphakathi esibhalisa abafundi kusuka ezingeni eliyisisekelo kuze kufike ezingeni eliphakeme noma elisuku ezingeni eliphakeme kuya ezingeni lokumfundo yoqeqesho noma kusuka emabangeni ayissekelo kuye emangeni oqeqesho.

"amalungu aqokiwe" kusho amalungu -

- (a) angenalungelo lokuvota esigaben aqokwe ngenxa yekhono lawo; futhi
- (b) abanamalungelo okuvota abaqokelwe ukungenela umzali oshiyayo obengakasiqedi isikhathi sokusebenza kwakhe esihlalweni;

"usuku" kusho usuku olusekhalendeni kuhlanguanisa iMigqibelo, amaSonto kanye namaHolidi Omphakathi;

"uMnyango" kusho uMnyango Wezemfundo KwaZulu Natali

"Umbheki-lukhetho wesiFunda" kusho umsebenzi wehhovisi lesiFunda obhekene nokwengamela uhlelo lokhetho esifundeni;

"Umfundisi" kusho noma yimuphi umuntu ofundisayo, noma oqeqesha abanye abantu ohlinzeka ngezinkonzo ezichwepheshile zemfundo esikoleni somphakathi kuhlanguanisa nokwelapha kanye nomhloli-zingqondo wezemfundo kepha lokhu akuhlanguanisi umuntu oqashelwe ukhlinzeka ngezifundo zokugcwalisa usuku lwesikole;

"usuku lokhetho" kusho usuku olugcwele olubekwe esikoleni ngenhloso yokuba kwenziwe ukhetho lwesigungu esilawula isikole kunokuba kubanjwe umhlangano wokhetho;

"umhlangano wokhetho" kusho -

- (a) imihlangano emine eyahlukene ebanjwa kuphela ukuze kuqokwe futhi kukhethwe abazali kuphela, abafundisi kuphela, abasebenzi abangeyibo abafundisi kanye nabafundi bomgwamanda omelet abafundi, kuya ngesimo; futhi
- (b) umhlangano wokhetho lokuchibiyela;

"abaqaphi bokhetho" kusho abantu abathile ababambe iqhaza ngokusemthethweni abatonyulwe eqenjini labasebenzi abajutshelwe ukhetho besifundazwe noma besifunda futhi abagunyazwe yiNhloko yoMnyango njengabazoqapha, bongamele noma bavelele ukhetho;

"umhlangano wokuqala" kusho umhlangano obanjelwa kuphela ukuba kukhethwa abazongena ezihlalweni zesigungu esilawulayo ngemva kokuphuthulwa kokhetho lwabangena kuso;

"ilungelo" kusho ilungelo lovotela:

- (i) abazali esigabeni sabazali;
- (j) umfundisi esigabeni sabafundisi;
- (k) umsebenzi esigabeni sabasebenzi; noma
- (l) Ilungu leRCL esigabeni sabafundi;

"INhloko yoMnyango" kusho iNhloko yoMnyango weMfundo esiFundazweni iKwaZulu Natali

"Member ilungu" kusho ilungu lesigungu esilawulayo

"Umsebenzi" kusho umuntu oqashwe ngokoMthetho iPublic Service Act ka1994 (UMthetho 103 ka 1994) noma ngokoMthetho WeziKole eNingizimuAfrica ka1996 (Umthetho 84 ka1996) njengokuchitshiyelwa kwawo, ongeyena umfundisi esikoleni;

"iLungu loMgwamanda Ophezulu" kusho iLungu loMgwamanda Ophezulu obhekelele ezemfundo esiFundazweni iKwaZulu Natali;

"uNgqongqoshe" kusho uNgqongqoshe weMfundo Eyisesekelo

"umzali" kusho-

- (a) umzali wegazi, wesiso noma ongumbheki osemthethweni womfundi;
- (b) umuntu onegunya lokugcina umfundi; noma
- (c) umuntu osebenza imisebenzi yomuntu obalulwe esigabeni (a) no (b) ekufundiseni umfundi esikoleni;

"uthishanhloko" kusho umfundisi oqokwe noma osebenza njengenhloko yesikole somphakathi obhekene nomsebenzi wokuphatha isikole;

"Umbheki-lukhetho wesifundazwe" Kusho umsebenzi wasehhovisi lesifunda obhekelele ukwengamela izindaba zokhetho esiFundazweni

"isikole somphakathi" kusho -

- (a) isikole esijwayelekile somphakathi; noma
- (b) isikole somphakathi esinika imfundo ngenhloso yokugxila ngokukhethekile ekhonweni, kuhlanganisa ezemidlalo kanye nobuciko bomzimba nobucikozi;

"umgwamanda omele abafundi" (RCL) kusho umgwamanda omelet abafundi osungulwe ngokwesigaba 11 soMthetho;

"isikole" kusho isikole somphakathi esijwayelekile esibhalisa abafundi ebangeni noma emabangeni ehlukenene kusuka ebangeni R kuya ebangeni 12;

"Umbheki-lukhetho wesikole" kusho uthishanhloko wesikole, ibamba likathishanhloko noma umsebenzi, ongasebenzi esikoleni oqokwe yiNhloko yoMnyango ukuba enze ukhetho lwesigungu esilawulayo;

"umvoti" Kusho umzali osesigabeni sabazali, umfundisi esigabeni sabafundisi, umsebenzi esigabeni sabasebenzi kanye nomfundi womgwamanda omelet abafundi wesigaba sabafundi.

Ukwakheka kweziGungu Ezilawulayo Ezikole Zomphakathi

2. (1) Amalungu esigungu esilawulayo ezikoleni zomphakathi ayokwakheka ngalawa alandelayo-

- (a) Amalungu akhethiwa:
 - (b) Uthishanhloko njengokwesikhundla sakhe esisemthethweni; kanye
 - (c) Amalungu aqokiwe ngamalungelo okuvota kumbe ngaphandle kwawo, ngokuhambisana nesimo
- (2) Amalungu akhethiwe esigungu esilawulayo abalulwe esigatshaneni (1) (a) ahlanganisa laba abalandelayo-
- (a) Abazali babantwana abasesikoleni;
 - (b) Abafundisi esikoleni
 - (c) Omunye wabasebenzi
 - (d) Abafundi kusukela ebangeni lesishiyagalombili kuya phezulu esikoleni abakhethwe kwi-RCL, uma ikhona
- (3) Laba abalandelayo ngabafanelekile ukuqokwa njengamalungu esigungu esilawulayo-
- (a) abamele ezinhlango/ehlangano ezingabaxhasi, uma zikhona;
 - (b) abamele izinhlango zabazali babafundi abanezidingo ezikhethekile, uma zikhona
 - (c) abamele izinhlango zabaphila nokukhubazeka, uma zikhona
 - (d) umuntu noma abantu abaphila nokukhubazeka oqokwe ngabanye abaphila nokukhubazeka emphakathini;
 - (e) Ungoti noma ongoti emikhakheni ethintekayo yemfundo yabanezidingo ezikhethekile.
- (4) Isibalo samalungu aqokiwe singavela kunoma yimuphi umunxa kuncike ezimweni nasezingqeni zesikole nakuba kunjalo amalungu aqokiwe akufanele ege kwamahlanu (5)
- (5) Isibalo samalungu angabazali, angabafundisi, angabasebenzi kanye nangabafundi esigungwini esilawulayo kufanele ahambisana neSheduli A walesi saziso, kuncike nasohlotsheni kanye nasekumeni ezigabeni kwesikole esithintekayo.
- (6) Ngaphambi kwanoma yimuphi umhlangano wonyaka wokukhethwa kwamalungu esigungu, isigungu esilawulayo kufanele sithole ukuthi kakukho kwanda noma ukwehla kwesibalo sabafundi ababhalisile njengoba kucatshangelwa kwiSheduli A. futhi uma kubekhona -
- (a) ukwanda kwesibalo sababhalisile okuphetha ngokuvuleka kwesikhala esigungwini esilawulayo, lesi sikhala kufanele siqinisekiswe uma ukwanda kwabafundi ababhalisile kungango 10% noma ngaphezulu; futhi
 - (b) (i) uma kube khona ukwehla kwesibalo sabafundi ababhalisile ngo-10% nangaphezulu futhi lokho kwehla kudinga ukuba umfundisi oyedwa nangaphezulu kanye nomfundisi oyedwa noma ngaphezulu be-RCL kufanele bashiye esigungwini esilawulayo, umfundisi (noma abafundisi, ngokwesimo) kanye nomfundisi (noma abafundi, ngokwesimo) we-RCL ababeqokwe ngamavoti amancane bayoshiya izihlalo; kumbe
 - (ii) uma amalungu ayekhethwe ngokufaneleka kungavotwanga, ingxenye ethintekayo kulokho kwehla kwesibalo kufanele kunqunywe ngokwevoti eliyimfihlo ukuthi ngubani oyokushiya isihlalo esigungwini esilawulayo.
- (5) Ukwehla noma ukwenyuka kwesibalo sabafundi ababhalisile kuyophetha ngokuvula kwesihlalo engxenyeni yabazali kumbe ukwehla esihlalweni kwelungu lengxenye yabazali esigungwini esilawulayo.

Isikhathi Sokusebenza

3. (1) Umgwamanda olawulayo ukhethelwa ukulawula isikhathi esingangeminyaka emithathu (3) ngaphandle uma kulawule iLungu loMgwamanda Ophezulu.
- (2) ILungu loMgwamanda Ophezulu liyokunquma isikhathi sokusebenza kwezigungu ezilawulayo kuzo zonke izikole.
- (3) Uma isigungu esilawulayo -

- (a) sinezinyanga eziyisithupha noma ngaphansi andukuba kuphele isikhathi sawo sokusebenza, iLungu loMgwamanda Ophezulu lingalawula ukuba ukhetho lwenziwo ngesikhathi esinqunywe yilo ngezizathu eizizwakalayo nangale kwesikhathi; kumbe
 - (b) Sinesikhathi esingaphezu kwezinyanga eziyisithupha andukuba kuphele isikhathi sawo sokusebenza, iLungu loMgwamanda Ophezulu, ngemva kokuxoxisana nesigungu esilawulayo esithintekayo, linganquma usuku okungabanjwa ngalo ukhetho, ngale kokubheka isikhathi sokuphela kwesikhathi saso sokusebenza.
- (4) Ngaphansi kwesigaba 2(2) kanye no 3(3), wonke amalungu ngaphandle kwabafundi abakhethwe esigungwini esimele abafundi ngokwesigaba 2(2)(d) akhethelwe ukuba asebenze isikhathi esingangeminyaka emithathu.
- (5) Isikhathi sokusebenza kwelungu lesigungu esilawulayo elingumfundi okhethwe ngokwesigatshana 2 (2) (d) singunyaka owodwa.
- (6) Ngaphansi kwesigatshana 3(3), ilungu lesigungu esilawulayo liba sesihlaweni kuze kufike ithuba lokuphela kwesikhathi sokusebenza kwesigungu esilawulayo noma kwesikhathi salelo lungu elishiyayo.
- (7) Uma iNhloko yoMnyango inquma, ngokwezizathu ezizwakalayo, ukuba isigungu esilawulayo kasisawusebenzi umsebenzi waso ngokuhambisana noMthetho, iNhloko yoMnyango ingahoxisa ukusebenza kwaso futhi -
- (a) iqoke abantu abanele ukuba basebenze yonke imisebenzi noma omunye noma eminye yemisebenzi yesigungu esilawulayo isikhathi esingeqile ezinyangeni ezintathu;
 - (b) ingandisa isikhathi esibalulwe esigatshaneni (7) (a) ngesikhathi esingeqile ezinyangeni ezintathu ngesikhawu, nokuyokuthi inhlanganisela yesikhathi ingeqi unyaka; futhi
 - (c) kufanele iqinisekise ukuba isigungu esilawulayo sikhethwe esikhathini esingangonyaka ngemva kokuqokwa kwabantu ababalulwe esigatshaneni 7 (a).
- (8) Ngaphansi kwesigaba 5, ilungu lesigungu esilawulayo lingakhethwa futhi kumbe liqokwe futhi, kuyokuya ngokwesimo, ngemva kokuphela kwesikhathi salo.

Ubulungu Besigungu Esilawulayo

4. (1) Isigungu esilawulayo esilawula isikole sakhwiwe yila malungu alandelayo -
- (a) abazali babafundi ababhalisiwe esikoleni okukhethwa kuso amalungu esigungu esilawulayo, esinomzali oyedwa ngaphezu kwesibalo esiphelele samalunga amalungelo okuvota abalulwe esigatshaneni (b), (c), (d) kanye no (e);
 - (b) umfundisi kumbe abafundisi, kuncike esibalweni sabafundi ababhalisile esikoleni njengokuveza kweSheduli A lapho-ke;
 - (c) omunye wabasebenzi okhethwe ngabanye abasebenzi abaqashwe yisikole esikhethelwa isigungu esilawulayo;
 - (d) abafundi, uma kwenzeka, okhethwe ngamalunga eRCL, kuyo iRCL yesikole esinebanga lesishiyagalombili kuya phezulu, isibalo sabafundi abayokhethwa siyonqunywa ngokuhambisana neSheduli A;
 - (e) uthishanhlolo, omele iNhloko yoMnyango esikoleni ngokwesikhundla sakhe esisemthethweni; kanye
 - (f) namalungu omphakathi aqokiwe, uma ekhona, inqobo uma isibalo samalungu aqokiwe singeqi kwabahlanu.
 - (g) ilungu noma amalungu amele inhlango noma izinhlango zabazali babafundi abanezidingo ezikhethekile, uma zikhona
 - (h) ilungu noma amalungu amele inhlango noma izinhlango zabantu abaphila nokukhubazeka, uma zikhona
 - (i) ilungu noma amalungu amele abantu abaphila nokukhubazeka emphakathini, uma bekhona
 - (j) ilungu noma amalungu amele ongoti emkhakheni wemfundo yabanezidingo ezikhethile

- (2) Isigungu esilawulayo esikoleni somphakathi esisendaweni enobunikazi singaqoka, ngaphandle kokuvota, umnikazi wendawo leyo isikole esikuyo kumbe umuntu ozokumela loyo mnikazi-ndawo.

Ukufaneleka

5. (1) Umuntu akayukufaneleka ukuba abe yilungu lesigungu esilawulayo uma -
- enesigulo somqondo futhi lokho kuqinisekiswa yinkantolo efanele;
 - engunozikweletu ongakaze asizakale;
 - eseke walahlwa yicala wagwetshelwa ukuboshwa ngaphandle kokunikwa ikhethelo lenhlawula esikhathini esingeqile ezinyangeni eziyisithupha(6) noma ongakasiqedi isigwebo sakhe;
 - eseke waqinisekiswa njengongakufanele ukusebenza nabantana njengokubeka koMthetho wezaBantwana ka2005 (Umthethi 38 ka2005), njengokuchitshiyelwa kwawo;
 - ongumzali womntwana kodwa engesona isakhamuzi saseNingizimu Afrika futhi engenayo incwadi yokugunyaza ukuhlala kuleli okwesikhashana noma ngokugcwele;
 - engasangeni esigabeni samalungu akade ewamele ngesikhathi ekhethwa
 - ubulungu bakhe sebhuxiswe yiNhloko yoMnyango ngokweSigaba 18A soMthetho noma sanoma ngomuphi omunye umthetho ohambisana nokunjalo.
- (2) ilungu lingashiya isihlalo salo uma -
- lingahlangabezani nezidingo ezibalulwe esigathsaneni 4(1)
 - lihoxiswa ngokwesigatshana 5(1);
 - lisula;
 - lidlula emhlabeni;
 - liphuthile emhlanganweni yesigungu esilawulayo emibili ejwayelekile ilandelana ngaphandle kokuletha incwadi exolisayo;
 - Liphucwa ubulungu ngokwesigaba 18A soMthetho.
 - lithintwa ngukwehla kwesibalo sabafundi ababhalisile ngo 10% nangaphezulu njengokuba kucatshangelwa esigatshaneni 2 (4)(b)

Ukuqokwa Kombheki-Lukhetho WesiFundazwe

6. (1) INhloko yoMnyango kufanele iqoke, ngokubhalwe phansi, umbheki-lukhetho wesiFundazwe, isekela lombheki-lukhetho wesiFundazwe kanye nomelekeleli wombheki-lukhetho wesiFundazwe.
- (2) Umbheki-lukhetho wesiFundazwe kufanele-
- aqinisekise ukuthi kunokwazisa okwanele ngokhetho;
 - ongamele ukuqashwa komelekeleli oyedwa noma abaningi, abazolekelela uMnyango ngesikhathi sokhetho basebenze njengabalekeleli bombheki-lukhetho;
 - aqinisekise ukuthi kulandelwa kahle imithetho nezinhlelo okhethweni;
 - ahlele kahle izinsiza ukuze kube nokhetho oluhamba kahle nolungachemile lwesigungu esilawulayo;
 - aqinisekise ukuthi izidingo kanye nezinhlelo ezilandelwayo zokuqeqeshwa kwamaqembu abelekeleli okhethweni esifundeni nasesikoleni zimi ngomumo kanye nokuthi ukuqeqeshwa kwenzeka njengokuba bekuhleliwe;
 - akhe futhi ahlinzeke ngezibonakaliso zawo wonke amaphepha nezincwadi okudingeka okhethweni;
 - axazulule izinkinga ezimayelana nokhetho ezingaxazululeka ezingeni lesikole noma lesifunda;
 - abhale ahlanganise isheduli lokhetho lazo zonke izikole zesiFundazwe
 - aqaphe futhi ahlole ubunjalo bohlelo lokhetho esiFundazweni;
 - adidiyele uhlu olunemininingwane yezigungu ezilawulayo uma sesikhethiwe;
 - and enze uphenyo njengokuyalelwa yiNhloko yoMnyango; futhi
 - abhakise ukwelukiswa noma ukuqaliswa kwamalungu amasha esigungu esilawulayo;
- (3) Isekela lombheki-lukhetho wesiFundazwe kanye nabelekeleli bombheki-lukhetho wesiFundazwe bonke balekelela umbheki-lukhetho wesiFundazwe ekwenzeni izimiso nemisebenzi amiselwe kona.

Ukujutshwa koMbheki-lukhetho wesiFunda

7. (1) INhloko yoMnyango kufanele iqoke, ngokubhalwe phansi, umbheki-lukhetho wesiFunda, isekela lombheki-lukhetho wesiFunda kanye nomelekeleli wombheki-lukhetho wesiFunda.
- (2) Umbheki-lukhetho wesiFunda kufanele-
- (a) alawule ukuqokwa komqaphi noma abaqaphi abasebenzela uMnyango ukuba balekelele okhethweni njengomelekeleli wombheki-lukhetho;
 - (b) ahlele uhleo lokhetho esifundeni
 - (c) alawule ukuqokwa kombheki-lukhetho wesikole;
 - (d) aqikelele ukulandelwa kwemigomo yohlelo lokhetho
 - (e) eluleke ababheki-lukhetho besikole ngezindlela ezihlongozwayo nokusetshenzwa kokhetho esifundeni futhi akubheke ukuba uhlelo lolo lwenziwa ngendlela okuvunyelwene ngayo yini;
 - (f) ahlanganise itulo lokwenza imiyalelo yesiFundazwe
 - (g) aqikelele ukuthi zonke izikole zinababheki-lukhetho bazo njengokwemigomo yesiFundazwe, nokuthi amathimba okhetho ezikole asesunguliwe;
 - (h) aqikelele ukuthi bonke abasebenza okhethweni abasesikoleni baqeqeshelwe lo msebenzi kahle nokuthi bayayazi imisebenzi abamiselwe yona;
 - (i) aqikelele ukuthi bonke abasebenzi bokhetho bayisithola isaziso sokhetho sesiFundazwe namanye amaphepha ngesikhathi;
 - (j) aqikelele ukuthi ukhetho lwenziwa njengokuba kuhleliwe;
 - (k) aqikelele ukuthi lonke uhlelo lokhetho luqashwe kahle;
 - (l) aqikelele ukuthi amagama neminingwane yokuxhumana yabantu abakhethelwe esigungwini sesikole iyagcwalisa efomini elifanele futhi lethulwe nguthishanhlolo ehhovisi lesiFunda zingakapheli izinsuku eziyisikhombisa ukhetho lwenzekile
 - (m) aqinisekise ukuthi ifomu elifaneleleMininingwane liyatholakala esikoleni kuthishanhlolo futhi lidluliselwe esifundeni ezinsukwini eziyisikhombisa emva komhlangano wokuqala lapho kukhethwa khona ngokwezihlalo;
 - (n) axazulule zonke izinkinga ezihambisana nezinqumo ebezingaxuzululekanga ezingeni lesikole
 - (o) akhe uhlu lweminingwane lalaba abasanda ukuvotelwa esigungwini esilawulayo bese eludlulisela kumdidiyeli wokhetho wesiFundazwe; futhi
 - (p) Abhale ahlanganise umbiko wesifunda bese ewudlulisela kuMdidiyela wesiFundazwe.
- (3) Isekela lombheki-lukhetho wesiFunda kanye nabelekeleli bombheki-lukhetho wesiFunda bonke balekelela umbheki-lukhetho wesiFunda ekwenzeni izimiso nemisebenzi amiselwe kona.
- (4) Isekela mbheki-lukhethowesiFunda kanye nabalekeleli bombheki-lukhetho wesiFunda banganika iziluleko kumbheki –lukhetho wesifunda kunoma yiziphi izindaba ezithinta ukhetho.

Ukuqokwa Kombheki-Lukhetho Wesikole

8. (1) INhloko yoMnyango kufanele iqoke, ngokubhala phansi umbheki-lukhetho wesikole wabazali, wabafundisi, wabasebenzi nowabafundi bomgwamanda omelet abafundi esikoleni somphakathi.
- (2) Uthishanhlolo akayuqokwa njengombheki-lukhetho wesikole esikoleni lapho esebenza khona.
- (3) Umbheki-lukhetho wesikole kufanele aqoke ngokubhaliwe omunye noma abanye abafundisi abaqashwe nguMnyango noma abaqashwe yisigungu sesikole ukuba balekelele njengabalekeleli bokubheka ukhetho.
- (4) Umbheki-lukhetho wesikole uyokwengamela yonke imihlangano yokhetho ngisho nokhetho lokuchibiyela nalapho kukhethwa abazohlala esigungwini kuze baqedele

isikhathi sokuhlala kwesigungu esilawula isikole. Ezimweni ezikhethekile, uma umbheki-lukhetho wesikole engekho ukwengamela umhlangano, iNhlolo yoMnyango iyoqoka ngokubhalwe phansi umbheki-lukhetho wesikole oyongamela lowo mhlangano wokhetho.

- (5) Umbheki-lukhetho wesikole nabalekeleli bakhe abayukungenela ukhetho futhi abayukuphakamisa kumbe basekele othile;
- (6) Imisebenzi yombheki-lukhetho wesikole phakathi kweminye kubalwa-
 - (a) ukuqinisekisa, ebambisene nothishanhlolo, ukuthi isaziso esinika imininingwane yosuku, isikhathi kanye nendawo yokuqoka neyokhetho siyahlelwa futhi sikhishwe nguthishanhlolo;
 - (b) ukuqinisekisa ukuthi kunendawo efanelekile lyomhlangano wokuqoka nokhetho;
 - (c) ukuqinisekisa ukuthi ithimba lokhetho lesikole liyalwazi uhlelo lokhetho okufanele lulandelwe futhi luyayilandela imithetho;
 - (d) Ukungenelela nokuxazulula izinkinga ngosuku lokhetho; kanye
 - (e) nokudlulisa imiphumela yokhetho ehhovisi lesifunda.
 - (f) ongamele umhlangano obizelwe ukuqokwa kwamalungu azosebenza e sigungwini esilawulayo;

Amazinga Amkelekayo Okuziphatha kombheki lukhetho wesiFundazwe, wesifunda kanye Nowesikole.

9. (1) Ngokungabukeli phansi amazing amkelekayo okuziphatha, amandla kanye nemisebenzi njengokuhlizeka koMthetho kanye neminye imithetho kanye nezinqubomgomo, ubabheki-lukhetho besiFundazwe, besiFundwa kanye nabesikole kufanele -
 - (a) basebenze ngobuqotho kanye nesithunzi
 - (b) bangabi nokuchema;
 - (c) balwazi uhlelo lokhetho kanye nemithetho ehambisana nalo;
 - (d) benze ukhetho ngokuhambisana nemigomo yesifundazwe;
 - (e) babambisene nabaphathi besikole kanye nabaphathi abaseduze kwabo
 - (f) baphathe uhlelo lokuvota ngendlela elungile nenobulungiswa.
 - (g) babhekane nezingqinamba ezingavela ngomoya ophansi;
 - (h) babe mnene futhi abe ngozikhandlayo; futhi
 - (i) bangeqi amagunya abathunywe ngawo.
- (2) Umbheki-lukhetho kufanele asayine isibopho noma isiqinisekiso sobugcimumfihlo esiyokwakheka ngendlela eyonqunywa yiNhlolo yoMnyango andukuba aqalise umsebenzi wakhe wobubheki-lukhetho.
- (3) Indlela yokuziphatha yabasebenzi boMnyango abaqashwe njengababheki-lukhetho ilawulwa yimithetho efanele kanye nezinqubomgomo zomnyango.

Uhlu Lwabavoti

10. (1) uthishanhlolo kufanele alungise uhlu lwabavoti oluzimele lwalaba abalandelayo
 - (a) olwabazali;
 - (b) olwabafundisi;
 - (c) olwabasebenzi; kanye
 - (d) lwabafundi bomgwamanda omele abafundi;
- (2) uhlu lwabavoti kufanele lulungiswe ngale ndlela elandelayo-
 - (a) Uhlu lwabavoti lwabazali kufanele lulungiswe ngokususelwa kwirejista lokubhalisa abafundi esikoleni. Abavoyi abafanelekile yilabo bantu abavela kuleli rejista noma labo abangaveza ubufakazi ukuthi bangabazali njengokuba kuchawe eMthethweni.
 - (b) Ngabazali ababili kuphela abanelungelo lokuvota.
 - (c) Lwabafundisi kufanele lube nabafundisi abasebenza esikoleni;
 - (d) Uhlu lwabavoti lwabasebenzi kufanele lube nabo bonke abasebenzi abasebenza esikoleni;
 - (e) Uhlu lwabavoti lwabafundi kufanele lube namalungu omgwamanda wabamele abafundi iRCL.

- (3) Le mibandela elandelayo kufanele iningwe nguthishanhloko uma ebheka ubufakazi bokuba ngumzali lapho umuntu eziveza njengosebenza ukuba ngumzali wegazi, amgcina ngokomthetho, ongumbheki osemthethweni noma umuntu onikwe ubunikazi lapho abenza lokhu besaphila
- Izizathu zalowo osebenza umsebenzi obalulwe ngenhla
 - ukuthi umfundi uhlala nobani
 - Ikhaya laloyo osebenza ukufeza izidingo zokuba ngumzali wegazi, wesiso, umbheki osemthethweni noma umuntu onikwe ubunikazi ngokomthetho ukuthi likuphi?
 - Ukuqhelelana kwekhaya lalowo obalulwe ngenhla esigatshaneni 10(3)(c) nesikole;
 - imisebenzi ebalulwe ngenhla kufanele idlulele ngale konako lwezezimali futhi kufanele kucatshangwe kakhulu ngemisebenzi eseka imfundo yomntwana kanye nokuphasa ngezidingo zemihla ngemihla;
 - Ukuzibandakanya okuphelele kanye nomsebenzi walowo ofeza izidingo zomuntu obalulwe esigatshaneni 10(3)(c) ngenhla kulezo zomfundi
 - Uma umfundi enabanewabo esikoleni lokho kuyosho ukuthi kufanele kucatshangwe ngokuthi ngubani ofeza ubuzali kubanewabo. Imininingwane enikwa ngalaba banewabo kufanele ifane naleyo yomfundi okukhulunywa ngaye;
 - Ubudlelwano bomfundi nalo muntu ofeza lezi zidingo;
 - Uthishanhloko kufanele enze uphenyo olufanele emphakathini ukuze aqinisekise ukuthi ngubani umphakathi ombona njengomzali;
 - Noma yisiphi esinye isizathu nencazelo yomuntu ofeza izidingo ezibalulwe ngenhla;
 - Isimo ngasinye kufanele sibhekwe ngokuzimela futhi uthishanhloko wesikole kufanele aqinisekise ukuthi izinqumo ziyahambisana uma amkela umuntu njengomzali.
- (4) Uthishanhloko wesikole kufanele ezinsukwini ezili-14 andukuba kube nomhlangano wokhethi, enze incwadi eyazisa abazali ngomhlangano wokhetho lihambisane nefomu elifanenele eliyothunyelwa nabafundi ekhaya kubazali ngenhloso yokumema abazali ukuba bazohlola uhlu lwabavoti futhi babuyekeze imininingwane esesikoleni, uma kunesidingo.
- (5) Bonke labo abaqokayo ngeziphakamiso nababesekayo kanye nabaphakanyisiweyo kufanele kube ngabantu abasohlwini lokuvota.
- (6) Noma yikuphi ukubuyekeza okumayelana nohlu lwabavoti kufanele kudluliselwe kuthishanhloko ezinsukwini eziyisikhombisa ngaphambi kosuku lokhetho

ISaziso soMhlangano wokuQoka nesoKhetho

11. (1) Uthishanhloko wesikole okunguye owenza ukhethi kufanele alungise izaziso ezibalula usuku, isikhathi kanye nendawo lapho kuzokuba nomhlangano wokuqoka nowokhetho.
- (2) **Ukhetho lomfundisi, lwabasebenzi kanye nolwabantwana kufanele lube ngaphambi kolokukhetha abazali.**
- (3) Okungenani izinsuku ezili-14 ngaphambi kosuku lomhlangano wokhetho, uthishanhloko wesikole kufanele -
- adlulise ushicilelo lwesaziso somhlangano wokhetho kubazali kubafundi esikoleni ngokuyalela ngomlomo ukuthi banike isaziso kubazali babafundi kumbe athumele ushicilelo lwesaziso kubazali ngeposi;
 - adlulise ushicilelo lwesaziso somhlangano wokhetho lwabafundisi kubafundisi;
 - adlulise ushicilelo lwesaziso somhlangano wokhetho lwabasebenzi kubasebenzi;
 - adlulise ushicilelo lwesaziso somhlangano wokhetho lwabafundi beRCL kubafundi;
 - enze ukuba lezi zaziso ziphanyekwe ezindaweni ezisondelene nesikole nezindawo ezisemphakathini ezifanele.
 - Adlulise izaziso nganoma iyiphi indlela ezosebenzela umphakathi wesikole inqobo nje uma inganyatheli amalungelo amalungu omphakathi wesikole
- (4) Uthishanhloko kufanele aqinisekise ukuthi iziziso zibhalwe ngolimi lokufundisa lwesikole futhi uma kungenzeka ngolimi lwebele lwabafundi.

- (5) Uma kwenzeka kuba nesikole esisha esivulwayo ngesikhathi sokusebenza sesigungu esilawulayo, kuyosho ukuthi umhlangano wokhetho wesikole esisha kuyofanele ubanjwe ezinsukwini ezingama-60 isikolwe sivuliwe.

Ilungelo

12. (1) Noma yimuphi umzali ogama lakhe lisohlwini lwabavoti -
 (a) unelungelo kuvotela amalungu angabazali esigungwini esilawulayo; futhi
 (b) unevoti elilodwa kulowo nalowo oqokekiwe kuze kube ngamavoti alingene isibalo sabazali okufanele bavotelwe
- (2) Wonke umfundisi, kubandakanya nothishomkhulu, abasebenza esikoleni-
 (a) banelungelo lokuvotela amalungu angabafundisi, futhi
 (b) unevoti elilodwa kulowo nalowo oqokekiwe kuze kube ngamavoti alingene isibalo sabafundisi okufanele bavotelwe
- (3) Wonke umsebenzi wesikole-
 (a) unelungelo lokuvotela umsebenzi; futhi
 (b) Unevoti elilodwa
- (4) Uma isikole sinomsebenzi oyedwa, loyo msebenzi uyokungena ngaphandle kokuvotelwa esigungwini esilawulayo.
- (5) Wonke amalunga eRCL-
 (a) unelungelo lokuvotela umfundi, futhi
 (b) unevoti elilodwa kulowo nalowo oqokekiwe kuze kube ngamavoti alingene isibalo sabafundi okufanele bavotelwe

Ikhoramu Yokuqokela Umhlangano Wokhetho

13. (1) Ikhoramu engu 15% yabavoti abasohlwini lwabavoti kufanele ihlanganiswe andukuba kuqhutshekwe nomhlangano wokuqoka nokukhetha.
- (2) Uma ikhoramu ebalulwe esigatshaneni (1) ingahlangani, umhlangano kufanele uvalwe bese uhlelwa kabusha ezinsukwini ezili-14 wachithwa nokulaphouhlelo olubalulwe esigabeni 11 siyophindwa khona.
- (3) Iziphakamiso ezibhaliwe ezenziwa emhlanganweni oavalwa wachithwa ziyohlanganiswa nezitsha zomhlangano obuye wahlelwa.
- (4) Isaziso mayelana nomhlangano wesibili kufanele siveze ukuba kufanele kuhlanganiswe ikhoramu emhlanganweni wesibili.

Ukuqokela Umhlangano Wokhetho

14. (1) Umbheki-lukhetho wesikole kufanele aqoke, ngokubhala umlekeleli wombheki-lukhetho wesikole ukuba asebenze njengonobhala womhlangano ukuze kubhalwe amaminithi okuzoqhutshwa
- (2) Ngaphandle kwabaqaphi bokhetho kanye nabalekelili bombheki-lukhetho wesikole, umbheki lukhetho wesikole akufanele avumele noma yimuphi umuntu ongafanelekile ukuvota ukuba abe yingxenywe yomhlangano noma avumele ukukhethwa komuntu ongafanele ukuba angavotelwa ngokwesigaba 2.
- (3) Umbheki-lukhetho wesikole kufanele anxuse ukuba abavoti bahlinzeke ubufakazi bokuzihlonza obuzokuba ngumazisi waseNingizimu Afrika noma Ikhadi lomazisi, incwadi yokundwendwela esemthethweni, noma ubufakazi bokuba ngumhlali wesikhashana noma ngokugcwele eNingizimu Afrika.
- (4) Ngaphambi kokuqhubeka nokhetho lwamalunga esigungu esilawulayo esikoleni, umbheki-lukhetho wesikole kufanele ahlalukise lokhu kubavoti -

- (a) ukuba isikhathi sokusebenza kwesigungu esilawulayo esikhona sesiphelile futhi amalunga aso asazisiwe;
 - (b) ukuba umhlangano wokhetho ungumhlangano ovalekile;
 - (c) ukuba izinhlinzeko zesigaba 5, ziveza umuntu ongafanele ukuba yilungu lesigungu esilawulayo
 - (d) isibalo sabantu abazovotelwa
 - (e) ukuthi sonke isiiphakamiso kufanelwe sisekelwe ngumzali, umfundisi, umsebenzi noma umfundi weRCL, njengokufanele, ofanelekile ukuvota;
 - (f) ukuthi, ngesikhathi kuqokwa abavoti kufanele bakucabange ukumeleleka futhi kufanele baqinisekise ukuthi ukuqoka kunakho ukumeleleka ngokobulili, ngokwebala, uma kunokwenzeka, kuhlanganiswa nokuqokwa kwabantu abakhubazekile;
 - (g) ukuthi umvoti unevoti elilodwa esihlalweni ngasinye esivotelwayo;
 - (h) and ukuthi ukuvota kuyokuba yimfihlo;
 - (i) .ukuthi uhlelo lwezikhazelo lukhona njengokuba kubalulwe esigabeni 24.
- (5) Ngesikhathi kuqokwaabaphakanyiswayo umbheki-lukhetho kufanele -
- (a) anqume futhi anike isikhathi sokuqoka
 - (b) azise abavoti ngesikhathi esibekiwe;
 - (c) anike isikhathi esanele ukuba kuqokwe amalungu ngesikhathi sokuphakamisa; futhi
 - (d) Akuveze ukuthi isikhathi sokuqoka sesiphelile.
- (6) Umuntu angaqokwa engekho, inqobo nje
- (a) omphakamisayo nomsekelayo bekhona emhlanganweni futhi begcwalisa ifomu lokuqoka;
 - (b) Umuntu oqokiwe ethumelela uthishanhloko isideiqinisekiso esibhaliwe ukuba uyakwamukela ukuqokwa.
- (7) Ifomu lokuqoka eligcwaliswe kahle ngumqoki, omesekayo kanye nomqokwa kufanele litholwe ngumbheki-lukhetho wesikole ezinsukwini eziyisikhombisa futhi kungabi ngaphansi kwamahora ali-24 andukuba kuqale umhlangano.
- (8) At the election meeting, a candidate may be nominated verbally by-Emhlanganweni wokhetho, umuntu angaqokwa ngezwi ngu-
- (a) ngumzali womfundi obhalisiwe esikoleni ukuze agcwalise isikhala njengokwesigaba 4(a)
 - (b) umfundisi oqashwe esikoleni esithintekayo ngesikhala esizogcwalisa ngokwesigaba 4(b)
 - (c) umsebenzi oqashwe esikoleni esithintekayo ngesikhala esizogcwalisa ngokwesigaba 4(c)
 - (d) . Umsebenzi weRCL mayelana nesigaba 4(d), ngokwesimo, inqobo nje uma omunye umzali, umsebenzi noma umfundi weRCL, kuyoya ngesimo, besekela isiphakamiso futhi umuntu ophakanyiswayo ebhalela umhlangano yize engekho, ukuthi uyavuma ukusebenza njengelungu lesigungu esilawulayo, uma ekhethwa.
- (9) Umbheki-lukhetho wesikole kufanele -
- (a) avumele umuntu ophakamise othize ukuba amazise emhlanganweni futhi anike izizathu zokumqoka; kumbe
 - (b) Avumele oqokiwe ukuba azazise yena luqobo emhlanganweni
- (10) Ngesikhathi kuqokwa, umbheki-lukhetho wesikole kufanele acabangisise ngokuqoka bese echitha ukuqokwa kothile -
- (a) ongaqokwanga ngokwesigaba 14;
 - (b) ongafanelekile ngokwesigaba 5; kumbe
 - (c) ongazange aze agcwalise ifomu lokuqoka ngaphandle uma kunobufakazi obubhaliwe obuthunyelwe kumbheki-lukhetho wesikole ukuthi lowo mqokwa uyavuma ukuba yilungu lesigungu esilawulayo.
- (11) Umbheki-lukhetho wesikole kufanele amemezele amagama abaqokwa abaphakanyisiwe abamukeliwe bese enza ukuba kugcwaliswe kahle amafomu okuqokwa.
- (12) Uma isibalo sabaqokwa esesamukeliwe -

- (a) singaphansi kwesibalo samalungu adingekayo esigabeni esithintekayo, kuyohlangukiswa omunye umhlangano lapho kuyoqokwa amanye amalungu amasha okugcwalisa kulawo zingakapheli izinsuku ezili-14.
 - (c) silingana nesibalo samalungu adingekayo esigabeni esithintekayo, umbheki lukhetho kufanel amemezele ukuba labo baqokwa sebefana nabakhethiwe; kumbe
 - (c) uma sidlula esidingekayo, umbheki lukhetho wesikole kufanele, ngokushesha ngemva kosuku lokuvala kweziphakamiso, abhale phansi amagama abaqokwa ebhodini elifanele noma kwenye nje indawo efanelekile ebonakalayo kubo bonke abahambele umhlangano bese kulungiswa amaphepha okuvota.
- (13) Esikoleni lapho kunomsebenzi oyedwa, umbheki sikole kufanele azise lowo msebenzi ukuthi usekhethelwe esigungwini esilawulayo.

Ukuvota ngoMhlangano woKhetho

15. (1) Umvoti ngamunye unevoti linye esihlalweni ngasinye okufanele sigcwaliswe esigungwini esilawulayo.
- (2) Umbheki-lukhetho wesikole kufanele alungise amaphepha okuvota futhi kufanele:
 - (a) aqinisekise ukuthi lelo nalelo phepha linesitembu sesikole noma okunye okuluphawu okuzovimbela ukuthi iphepha lokuvota lithikameziseke; futhi
 - (b) Achaze uhlelo lokuvota, isibalo esiphelele sabaphakanyisiwe abazovotelwa nokuthi kuzoqoshwa kanjani ukuvota, ngokusebenzisa uphawu kumbe kusetshenziswe izinombolo noma amagama.
 - (3) Umvoti okhona kufanele aveze igama noma amagama omuntu afuna ukumvotela ephepheni elihlinzekwe ngumbheki-lukhetho wesikole ngokuhambisana nesigatshana 2(b).
 - (4) Umuntu onelungelo lokuvota kufanele aliqophe ephepheni lokuvota esesithe bese elifaka ebhokisini noma okunye okuvalekile okuhlinzekiwe ukuthi kwenze lomsebenzi.
 - (5) Umuntu ongakwazi ukumaka ivoti lakhe ephepheni njengokuba kucatshangiwe esigatshaneni 15(3), angacela ngomlomo ukusizwa kumbheki-lukhetho wesikole noma umelekeleli wakhe ukuba aphawule, eduze kwaloyo amkethayo.
 - (6) Umbheki-lukhetho wesikole uyokusiza abakhubazekile ongakwazi ukuvota ngenxa yanoma yisiphi isizathu.
 - (7) Isicelo sokusizwa kanye nokugcwaliswakwephepha lokuvota okubalulwe esigatshaneni (3) kuyokwenziwa ngasese endaweni ehlonzwe ngumbheki-likhetho wesikole ukuba yenze lowo msebenzi kepha ibe sendaweni okuvotelwa kuyo.
 - (8) Umbheki-lukhetho wesikole uyolichitha iphepha uma-
 - (a) lingenaso isitembu sesikole noma into eliphawu oluyihlonzayo njengokuba kubalulwe esigatshaneni 2(a);
 - (b) lenesiphambano eziningi ngaphezu kwamagama avotelwayo
 - (c) inegama lalowo noma lalabo abangaqokwanga ngeziphakamiso; noma
 - (d) Eligcwaliswe ngale ndlela yokuthi kunzima ukubona ukuthi ivoti belinikwa muphi oqokiwe.
 - (9) Emva kokuba bonke abavoti sebevotile, umbheki-lukhetho wesikole kanye nomelekeleli wakhe kufanele babale amavoti phambi kwabaqaphi abaqokwe yilabo abahambele umhlangano ukuba baqaphe ukubalwa kwamavoti.
 - (10) Uma kunokulingana phakathi kwababili kuzokwenziwa okunye ukuvota, umbheki-lukhetho wesikole kufanele ahlonze ukulingana ngokuphonsa indibilishi ophumelele uyokuba ngokuthi ukhethe amakhanda noma imisila yendibilishi.
 - (11) Umbheki-lukhetho wesikole kufanele amemezele imiphumela ngesikhathi somhlangano wokhetho bese eqinisekisa okunguyena othole amavoti amaningi njengelunga elivotelwe lesigungu esilawulayo.

- (12) Isibalo sabavoti esitholwe ngumuntu kulolu khetho kasisho imiphumela yokuvotewa kwezihlalo ngokwesigaba 16
- (13) Umbheki-lukhetho wesikole kufanele abhekise abafundi isigaba 32 soMthetho esibalula isimo sabantu abasebancane esigungwini sesikole.

Ukuqokwa Kwamalunga

16. (1) Uthishanhloko kufanele. Ezinsukwini ezingama-21 phambi kosuku lokhetho, adlulisele kuMbheki-Lukhetho wesiFunda ihlwanza elibalula ukudidiyeleka kwesigungu esilawulayo njengokuba kuveziwe kwisheduli A.
- (2) Uthishanhloko kufanele, ezinsukwini ezili-14 ngaphambi kosuku lokhetho athumele isimemo ezinhlanganweni ezilandelayo noma kubantu ebamema ukuba bethamele umhlangano wokumzokhetha abazobamela ngokuhambisana nesigaba 4(g) kuya ku (k)-
- izinhlango zabaxhasi, uma bekhona
 - izinhlango zabazali babafundi abanezidingo ezikhethekile, uma bekhona;
 - izinhlango zabantu abaphila nokukhubazeka, uma zikhona;
 - abantu abaphila nokukhubazeka emphakathini, uma bekhona;
 - experts in the appropriate field of special needs education; ongoti emikhakheni efanele yemfundo yabanezidingo ezikhethekile;
- (3) Umbheki-lukhetho wesikole kufanele abe ngusihlalo womhlangamno futhi aqhube lonke uhlelo emhlanganweni obalulwe esigatshaneni 16(2).
- (4) Emhlanganweni, umbheki-lukhetho wesikole kufanele ayalele ukuba-
- Izinhlango ezikhona emhlanganweni, zihlonze abazozimele ekusebenzeni esigungwini esilawulayo ngokuhambisana nehlwanza elibalulwe esigabeni 16(1).
 - Izinhlango zilethe kuye imininingwane yalabo ezibaqokile kuhlanganisa igama, ikheli kanye nezinombolo zokuxhumana kanjalo nekheli le-imeyili;
 - Uma lelo lungu eliqokwe lishiya inhlango, leyo nhlango kufanele ibhale-
 - yazise isigungu ngesimo salelo lungu;
 - ihoxise ukuqokwa kwakhe
 - ngasikhathi sinye iqoke omunye ozoyimela; futhi
 - lthe igama kanye nemininingwane egcwele ebalulwe esigatshaneni 4(b) ngenhla.
 - Kungaqokwa ungoti ongaphezu koyedwa kuyokuya ngezidingo zesikole.
- (5) Umhlangano obalulwe esigatshaneni 16(2) kufanele wandulele umhlangano wokhetho wabazali.
- (6) Isibalo sabantu abaqokwe ngokwesigatshana 16(2) kufanele singeqi kwaba-5.
- (7) Ekutholeni abaqokwa esigatshaneni 16(2) futhi esezanelisile ukuba abaqokwa bakwamukele ukuqokwa kwabo njengamalungu esigungu esilawulayo, umbheki-lukhetho wesikole kufanele kusuka lapho azise abaqokwa ngokubabhalela ukuba baqokelwe ukuba ngamalungu esigungu esilawulayo.

Ukukhethwa kwabazohlala ezihlalweni

17. (1) Umbheki-lukhetho wesikole angabiza umhlangano ngenhloso yokuhlanganisa abantu abazoba sezihlalweni ngelanga lomhlangano wokhetho lwabazali uma-
- isaziso sezinsuku ezili-14 sangokwesigaba 11(3) esasinikwe abazali, abafundisi, abasebenzi kanye nabafundi beRCL besibandakanya ulwazi lokuthi umhlangano wokukhetha amalungu azohlala ezihlalweni uzokuba ngelanga lokhetho lwabazali; futhi
 - izidingo zekhoramu zomhlangano wokuqala zifeziwe.
- (2) Uma umhlangano wokukhetha amalungu ungezokubanjwa njengokwesigatshana 17 (1), umbheki-lukhetho wesikole kufanele ahlanganise umhlangano wokuqala wesigungu esilawulayo ezinsukwini eziyisikhombisa kubanjwe umhlangano wabazali.

- (3) Umbheki lukhetho wesikole wengamela yonke imihlangano ehlanganiselwe ukukhethwa kwabazohlala ezihlalweni. Ngaphambi kokukhethwa kwamalungu, umbheki-lukhetho wesikole kufanele azise amalungu esigungu esilawulayo-
 - (a) ngemisebenzi yabahlali ezihlalweni; futhi
 - (b) Ngesidingo sokuqinisekiso sokumeleleka siyacabangisiswa ekukhetheni abazohlala ezihlalweni.
- (4) Emhlanganweni wokuqala wesigungu esilawulayo amalungu kufanele akhethe ngevoti eliyimfihlo -
 - (a) Usihlalo
 - (b) Usekela-Sihlalo
 - (c) Umgcinimafa; kanye
 - (d) Nonobhala
- (5) Noma yiliphi ilungu lomgwamanda olawulayo elikhethwe noma eliqokwe eminxeni yabantu ababalulwe esigabeni 4(a), 4(f), 4(h) kanye no 4(i) kanjalo no 4(j) abangakwazi ukuba ngusihlalo wesigungu esilawulayo
- (6) Isikhathi sokusebenza sabasezihlalweni ngunyaka owodwa
- (7) Okade esesihlalweni angabuye avotelwe futhi ngemva kokuphelelwa yisikhathi.
- (8) Ngemva kokucela kwesigungu esilawulayo, uthishanhloko angayalela omunye wabasebenzi bakhe alekelele umgcinimafa kanye nosihlalo besigungu esilawulayo.
- (9) Lapho, ngasizathu thize, isihlalo selinye ilungu sivuleka, isigungu esilawulayo, emhlanganweni waso wokuqala ngemva kokuvuleka kwaleso sikhala, kufanele ukhethe elinye lamalungu aso ukuba agcwalise leso sikhala isikhathi esisale kulowo azomngenela.
- (10) Uthishanhloko kufanele, ezinsukwini ezili-14 emva kokukhetho ahlinzeke iNhloko yoMnyango ngeminingwane yalunga elisha kuhlenganisa namagama, izinombolo zikamazisi, zocingo noma zikamakhalekhukhwini, zeikhahlamezi kanye namakheli nele imeyii, njengokufanale.

Uhlelo Lokudlulisela Umsebenzi

18. (1) Ezinsukwini ezili-14 kukhethwe abahlala esigungwini esilawulayo, uthishanhloko wesikole njengomelele iNhloko yoMnyango esigungwini esilawulayo uyokuphatha uhlelo lokunikezela ngomsebenzi.
- (2) Amalungu aphumayo esigungwini esilawulayo esikoleni kufanele badlulise wonke amaphepha amayelana nesigungu esilawula isikole kumalunga amasha.
- (3) Isitifiketi esigunyaziwe sokudlulisela esiveza isibalo saamaphepha namafayela azodluliselwa kufanele sikhishwe futhi sisayinwe ngusihlalo ophumayo nongenayo.
- (4) Uthishanhloko wesikole somphakathi kufanele adluliswele ezinsukwini ezili-14 kukhethwe amalungu amasha esigungu esilawulayo isitifiketi esesigcwaliswe ngokufanele sokunikezela ngaomsebenzi kumbheki-lukhetho wesiFunda.

Usuku loKhetho Olugcwele

19. (1) Isikole singanquma, uma kunezizathu eziphoqayo nangokunquma kwesigungu esilawulayo saso, ukuba nokhetho losuku olugcwele kunokuba sense umhlangano wokhetho uma-
 - (a) lokho kuchezuka kuzobeka izidingo zomphakathi wasesikoleni phambili kanye nesikole uqobo futhi kuzokwenza ukuba abantu abazozibandakanya nokhetho babe baningi ngesikhathi kuqhutshwa uhlelo lokuvota
 - (b) lokho kuchezuka kungezokuba yingcindezelo embi komunye umvuti noma iqembu labavoti;
 - (c) Kuhlinzekwe ngokwanele uhlelo lokuqoka.

- (2) Uma isigungu esilawula isikole sinquma ukuba nosuku olugcwele lokhetho, uthishanhloko kufanele-
- Afake kwiNhlolo yoMnyango isicelo, esibhalwe phansi, sokuba nosuku lokhetho kusasele izinsuku ezingama-21 akhiphe isaziso sokhetho
 - ahlinzeke ngezizathu eziphoqayo zokuba kube lusuku olugcwele kunokuba kube nomhlangano ogcwele wokhetho;
 - anike ubufakazi bobukhona babaqaphi kanye nethimba lokhetho ngesikhathi ukhetho lonke luqhubeka;
 - anike ubufakazi bobukhona bazo zonke izinsiza zokuba kwenziwe uhlelo lokuqoka kanye nolokhetho osukwini lonke; futhi
 - anike ubufakazi bokuthi uhlelo lokufundisa nokufunda esikoleni ngeke luphazamiseka osukwini lonke;
- (3) Andukuba anike imvume ukuba kube nosuku olugcwele lokhetho esikoleni, iNhlolo yoMnyango kufanele ininge ngezinhlizelo zesigatshana 18(2) futhi kufanele izenelise ukuthi izidingo zonke zalokho sekuhlangatshezwene nazo.
- (4) Isinqumo seNhlolo yoMnyango kufanele sidluliselwe esikoleni ezinsukwini ezili-14 ithole isicelo sesikole.
- (5) Umbheki-lukhetho wesikole kufanele, ngaphambi koSuku loKhetho, aqinisekise ukuthi-
- isikole sinegunya elibhaliwe elikhishwe yiNhlolo yoMnyango ukuba sibe nosuku olugcwele lokhetho;
 - lukhona uhlelo olumile losuku lokhetho;
 - bonke abaphakanyisiwe bathumele imininingwane yabo esikoleni nokuthi lokhu kulungiselelwa ukuze kunamekwe ngaphandle kwesiteshi sokuvota;
 - isikhathi sokuvala siyonika abaqaphi kanye nethimba elisebenza okhethweni ukuba babuyele ekhaya; futhi
 - Ngesikhathi sokuvala, isikole siyokuba nomuntu okhona lapho ukuze aqaphe wonke amaphepha asetshenziswe okhethweni.

Ukuqokela uKhetho losuku olugcwele

20. (1) Lapho isikole sesigunyaziwe yiNhlolo yoMnyango ukuba sibe noSuku loKhetho, uhlelo olulandelayo lokuphakamisa kufanele lulandelwe-
- uthishanhloko uzolungisa isaziso somhlangano wokuphakamisa futhi kumele isaziso sisho usuku, isikhathi nendawo yomhlangano wokuqoka; futhi
 - isaziso somhlangano wokuphakamisa wabazali kufanele sisakazwe futhi sichaywe endaweni evulekile esikoleni nasemphakathini okungenani kusasele izinsuku ezingama-21 kube lusuku lokhetho
- (2) Uthishanhloko kufanele aqinisekise ukuthi-
- incwadi yesaziso somhlangano weziphakamiso kanye nefomu yokuqoka omphakamisayo kunikwa wonke umfundi kusasele izinsuku ezingama-21 kube lusuku olugcwele oluhlongozwayo lokhetho bese beyalelwa ngomlomo ukuba banike ifomu lokuqoka nesaziso sokhetho kubazali; noma
 - kumbe kokunye, ikhophi yesaziso kanye nefomu lokuqoka kufanele kuthunyelwe kubazali bawo wonke umfundi kusasele izinsuku ezingama-21 kube lusuku lokhetho olugcwele; noma
 - inhlanganisela yezaziso ezimbili zohlobo olumbili lusetshenziswe inqobo nje uma abazali kanye namalungu omphakathi engacindezeleki ngalokho; futhi
 - Isaziso kanye nefomu lokuqoka kufanele, uma kungenzeka, lube ngolimi lokufundisa esikoleni kanye nolimi/nezilimi lwaboafundi lwebele ukuze kuqinisekiswa ukuba babe baningi abazibandakanyayo.
- (3) Isaziso kufanele sazise abazali ukuthi ifomu yokuqoka kufanele igcwaliswe isayinwe bese isayinwa ngoqokwayo, omphakamisayo kanye nomesekayo bese ibuyiselwa esikoleni

ezinsukwini ezili-14ngaphambi komhlangano wokuqoka nokuphakamisa futhi kufanele ibandakanye neminingwane njengokuba baluliwe esigabeni 20(7).

- (4) Ngesikhathi somhlangano wokuqoka, umbheki lukhetho wesikole kufanele alandele uhlelo lokuqoka ophakanyiswayo njengoba kucatshangiwe esigabeni 14.
- (5) Ovotelwayo angaphakanyiswa futhi asekelwe yinoma yimuphi umuntu oyingxenywe yalobo abamelwe noqokwayo abe yingxenywe yesigaba somphakamisayo.
- (6) umbheki-lukhetho wesikole kufanele aqinisekise ukuthi noma yimuphi umuntu ofanelekile ngokusemthethweni ukuba angaqokwa nofuna ukuqokwa ukhululekile ukuzibandakanye ohlelweni lokuqoka futhi nokuthi wonke umuntu onjalo uyayiletha iminingwan yakhe -
 - (a) igama lakhe nesibongo
 - (b) igama nebanga umntwana wakhe akulo
 - (c) umsebenzi awusebenzayo kanye namakhono akhe
 - (d) isitatimende esiveza ukuthi ufanelekile ukuba yilunga lesigungu esilawulayo njengokuba kuveziwe esigabeni 4; kanjalo
 - (e) Nesitatimende sakhe esifushane esisho ukuthi uzo namuphi umthelelela esikoleni.
- (7) Emhlanganweni wokuqoka umbheki –lukhetho wesikole kufanele acele bonke abaqokiwe ukuba bamnike imibhalo ngeminingwane yabo.
- (8) Ngemva kokuqoka, umbheki-lukhetho wesikole kuffanele acubungule abaphakanyiswa achithe nomayimuphi umphakanyiswa -
 - (a) ukuqokwa kwakhe okungasekelwanga;
 - (b) ongafanelekile ukungenela ukhetho, futhi
 - (c) ongazange agcwalise futhi alethe ifomu lokuqoka kanye neminingwane njengokuba kudingekile.
 - (d) ongazange aveze ukuthanda ukusebenza esigungwini esilawulayo.
- (9) Uma isibalo sabaqokiwe sisincane kunesamalungu adingekayo esigungwini esilawulayo, isaziso kufanele sithunyelwe kubazali futhi kucelwe abanye abaqokwayo.
- (10) Uma isibalo sabaqokiwe silingana namalungu adingekayo esigungwini esilawulayo, umbheki lukhetho wesikole uzokwamukela abaqokiwe bonke njengamalungu avotelwe bese ekuveza ukuthi usuku lokhetho ngeke lusaba nasidingo.
- (11) Uthishanhloko kuyomele ukuba ezinsukwini eziyisikhombisa ngemva kohlelo lokuqoka, azise abazali ngokubabhalela, ngemiphumela yokuqoka njengokuba kubalulwe esigatshaneni 10 futhi azise abazali ukuthi usuku lokhetho ngeke lusaba nasidingo.
- (12) Uma isibalo sabantu abaqokiwe singaphezulu kwamalungu adingekayo esigungwini esilawulayo, uthishanhloko uyokwazisa abazali ngokubabhalela, ngawo wonke amagama kanye neminingwane yablabo abaqokiwe nabamkelwe njengabaphakanyiswayo. Usuku olugcwele lokhethi kufanele lulandele emva kwalokho nalapho kuyovotwa khona ngevoti eliyimfihlo.
- (13) Uthishanhloko kufanele aveze iminingwane yabaqokiwe kubazali okungenani izinsuku eziyisikhombisangaphambi kokuba kube nosuku lokhetho olugcwele.
- (14) Akukho muntu oyohlela usuku lokuqoka ngendlela eyokwenza ukuba kube yisibalo sabantu abadingekayo kuphela esiqokwayo ukuze kubalekelwe ukuba nohlelo lokhetho, kanti noma yikuphi okwenza okunjalo kuyothathwa njengokungafanele njengokuba kucatshangelwa esigabeni 25.

Election Ukuvota Ngosuku Olugcwele

21. (1) Isaziso sosuku olugcwele lokuvota kufanele lwaziswe kubazali ezinsukwini ezili-14 kusukela kube nomhlangano wokuphakamisa amagama.
- (2) Kuyovotwa ngevoti eliyimfihlo kanti kuyolandelwa lolu hlelo lokuvota olulandelayo-

- (a) bonke abavoti abamagama abo asohlwini lwabavoti ayacingwa bese ephawulwa ngokudwebela ohlwini
 - (b) abavoti abadinga unako olukhethekile kuhlanguanisa, kepha kungagcini kubantu abakhulile, abakhubazekile kumbe abesifazane abakhulelwe, basizakale ngaphandle kokucindezela abanye abavoti;
 - (c) abavoti abamagama abo angaveli ohlwini lwabavoti lwaleso sikole kabavunyelwe ukuvota;
 - (d) yonke imidanti yokuvota efanele kufanele yenzelwe lowo nalowo mvoti ofanele ofike esiteshini sokuvota (okungukuthi igama lomvoti liphawulwe ngokusulwa ohlwini);
 - (e) abavoti abangakwazi ukufeza zonke izidingo zokhetho angeke bavunyelwe ukuvota;
 - (f) bonke abavoti banikwa iphepha lokuvota elifanele;
 - (g) isicelo sosizo esenziwe ngubavoti abangakwazi ukubhala ivoti labo ephepheni lokuvota nganoma yisiphi isizathu siyokubhekwa ngokushesha;
 - (h) uhlelo lokuvotisa kanye nabasebenzi baqashelwa ngendlela enika ulwazi olwanele ukuze kubekwe imininingwane futhi kungenelelwe ngesikhathi uma kunesidingo;
 - (i) ukuphikisa okuvela kubavoyi kuyaqoshwa bese kunqunywa ngakho ngokuhambisana nendlela yokuxazulula izinkinga;
 - (j) ukuxoxisana nabavoti, abasebenzi kanye nabanye abaneqhaza kufanele kuhlanguanise wonke uwonke, kungabi nabunhlanguano. Kuhloniphe isithunzi somuntu futhi kukhuthaze ukubekezelelana;
 - (k) izinkinga ezingase zibe khona ziyahlonzwa futhi zicutshungulwe ukuthi zinganamthelela muni ohlelweni lokuvota kanjalo kubhekwe nezisombululo ezingase zibe lusizo;
 - (l) ukuxazululwa kwezinkinga kuyofakazelwa yizimo kanyefuthi zifanelekile ukuze zibhekane nezinkinga ngokufanele;
 - (m) indlela yokuxazulula izinkinga ikhuthaza ukuhamba kahle kokulawulwa kwesiteshi sokuvota, kuphakamise imigomo yokhetho olukhululekile nolungenazihibe futhi akufanele noma ngaphansi kwesiphi isimo ziphoxe umvoti ofanelekile;
 - (n) Uhlelo lokuvota kanye nezindlela zokuluqhuba zivulelekile kubaqaphi, abaqokwe ngabazali ukuba baqaphe uhlelo lokhetho ngale kokuphazamisa ukhetho.
- (3) Umbheki-lukhetho wesikole angakha isu uma lingekho ibhokisi elisemthethweni lokufaka amavoti. Ibhokisi lokufaka amavoti kufanele livaleke ngci ngemva kokuba abaqaphi sebekuqinisekisile ukuthi kalinalutho phakathi.

IKhoramu yosuku olugcwele loKhetho

22. (1) Umbheki-lukhetho wesikole kufanele anqume ngesikhathi sokuqala nokuphetha kokuvota futhi kufanele lezi zikhathi zivele kusenesikhathi ezazisweni zabazali.
- (2) Umbheki-lukhetho wesikole kufanele aqikelele ukuthi amaphepha okuvota aphawuliwe ayasishaya isibalo sekhoramu ka-15% ukuze kuqhubeka ukubala.
- (3) Uma isibalo sabavoti singafinyeleli kulo-15% ongaphezu kwekhoramu kusho ukuthi ukubala kwamaphepha aphawuliwe okuvota kufanele kuqalwe. Nokuyosho ukuthi olunye usuku olugcwele lokhetho kufanelwe lunqunywe nguthishanhlolo wesikole, futhi lolo suku kufanele lwaziswe kubazali ezinsukwini eziyisikhombisa kusukela ngosuku olugcwele lokhetho.
- (4) Ukuqoka okubhalwe phansi okutholakale ngaphambi kokuba kuchithwe usuku olugcwele lokhetho kuyotshekwa nacho kugcwaliswe okwangalolo suku oseluhlelwe kabusha.
- (5) Usuku olugcwele olulandelayo lokhetho kufanele lube zingakedluli izinsuku ezili-14 kwachithwa ukhetho.
- (6) Ngosuku lwesibili olugcwele lokhetho, ukubala amaphepha aphawuliwe kufanele kuqalwe ngemva kokuvalwa kokuvota kungakhathalekile ukuthi ikhoramu igwalile noma cha.

Ukubalwa kwamaPhepha okuVota

23. (1) Uma kuhlangani u-15% wabavoti ababhalisiwe noma uma sekuwusuku lwesibili olugcwele lokhetho, umbheki-lukhetho wesikole kufanele aqinisekise ukuthi -
- uhlelo lokubala amavoti luvulelekile kubaqaphi nabavotelwayo;
 - zonke izinkonondo ngohlelo lokubala zibhalwa phansi kahle;
 - igama lovotelwayo ngamunye kanye nesibalo samavoti atholwe ngovotelwayo ngamunye limenyezela ngokumemezayo kulabo abaqaphe uhlelo;
 - ifomu eliveza amaphepha okuvota abaliwe liyagcwaliswa; futhi
 - iphepha elibika imiphumela lisayiniwe.
- (2) Umbheki-lukhetho wesikole kufanele angalamukeli iphepha lokuvota -
- Elingenaso isitembu sesikole noma uphawu olubalulayo.
 - eleneziphambano (x) eziningi ezaqa isibalo sezihlalo ezisesigungwini esilawulayo; noma
 - elinegama lomuntu noma abantu abangaqokwanga; noma
 - Eligcwalise ngendlela engakhombisi ukuthi yimuphi ovotelwayo.
- (3) Lapho isibalo samavoti afakwe kubavotelwa ababili nangaphezulu silingana kanti lokho kukhinyabeza imiphumela yokhetho, umbheki-lukhetho wesikole uyoqinisekisa, ngokudweba inkatho noma ngokuphosa indibilishi, ukuze ahlukane lokho kulingana kwabavotelwayo. Lolu hlelo lokuhlala ukulingana kufanele kwenziwe ngendlela evulelekile nangokuvumelana nabavotelwayo abakhona lapho.
- (4) Lapho umbheki-lukhetho wesikole esechithe amaphepha okuvota njengokuba kubaluliwe esigatshani (2), kufanele achazele wonke amalungu angenele ukhetho akhona futhi kufanele awanike ithuba lokuba abheke lawo maphepha achithwayo uma efisa kanjalo.
- (5) Noma ngubani ongenele ukhetho okhona lapho angasiphikisa isinqumo sombheki-lukhetho wesikole ohlelweni lokubala noma lokuchitha nakuba kunjalo umbheki-lukhetho wesikole nguye oyothatha isinqumo esingujuqu.
- (6) Imininingwane yalokho kuphikisa kufanele ibhalwe ngemuva kwalelo phepha okuphikiswana ngalo futhi lubalwe embikweni wokhetho oyokwenziwa ngumbheki-lukhetho wesikole.
- (7) Uma kukhona inkinga engaxuzululeki kumbheki-lukhetho wesikole, kuyofanele kulandele uhlelo lokuxazulula olubalulwe esigabeni 24.
- (8) Umbheki-lukhetho wesikole kufanele amemezele imiphumela kubangeneli bokhetho nabaqaphi abakhona bese eqinisekisa ngabavotelwa abathole amavoti abenza amalungu avotelwe esigungu esilawulayo, bese azisa ngokusemthethweni labo abathole izihlalo.
- (9) Wonke amaphepha amayelana nohlelo lokhetho kufanelwe aphawulwe kahle ngumbheki-lukhetho wesikole bese ebalula usuku lokhetho kanye neminingwane yalo kuyokuthi lawo maphepha anjalo alondolozwe esikoleni okungenani isikhathi sokusebenza kwesigungu esilawulayo.

Ukusebenza kwalesiSaziso

24. Ngaphandle uma kubalulwe ngqo kulesi saziso zonke ezinye izindaba ezikulesi saziso eziphathelene nomhlangano wokhetho lwesigungu esilawulayo ziyokusebenza ezikoleni ezikhetha ukuba nokhetho losuku olugcwele

Ukuxazulula Izinkinga

25. (1) Umbheki-lukhetho wesikole uyokunquma ukuba zonke izindaba ezithinta ukuqokwa kwamalungu kanye nokukhethwa kwalaba abaqokiwe.
- (2) Zonke izinkinga ezithinta uhlelo lokhetho kufanele zibikwe kumbheki-lukhetho wesikole
- (3) Umbheki-lukhetho wesikole uyozama ukuxazulula inkinga ngendlela engenzeleli nenobulungiswa. Isinqumo sakhe ngesikhathi sokhetho singujuqu.

- (4) Umvoti noma umuntu obengomunye wabebevotelwa ngesikhathi sokhetho lwesigungu esilawulayo ongenelisekile ngesinqumo sombheki-lukhetho wesikole angafaka isikhalazo, ngokubhalela umbheki-lukhetho wesifunda ezinsukwini eziyisikhombisa kusukela okhethweni uma kunezinsolo zokuthi izinhlelo zokhetho ezibekiwe azilandelwanga ngesikhathi sokhetho.
- (5) Uma umvoti noma umuntu obengomunye wabebevotelwa esigungwini esilawulayo azi noma eneminingwane yokungahambisi kahle okuhambisana nokhetho angabhalela umbheki-lukhetho wesifunda zingakedluli izinsuku eziyisikhombisa kusuka okhethweni. Uma kukhona ukuvezwa kokungahambisi kahle ngemva kwezinsuku eziyisikhombisa, umbheki-lukhetho wesiFunda kufanele aphenye isikhalazo leso futhi athathe nezinyathelo ezifanele.
- (6) Uma ethola isikhalazo, ukungeneliseki kumbe ulwazi oluthinta ukungahambisi kahle, umbheki-lukhetho wesiFunda kufanele aqoke isekela mbheki-lukhetho wesiFunda ukuba enze uphenyo ezinsukwini ezili-14 bese enza izincomo kuye.
- (7) Umbheki-lukhetho wesifunda, ngemva kokhetho, angachitha ukhetho njengolungagunyaziwe futhi angamisa olunye ukhetho uma enelisekile ukuthi-
- imiyalelo emisiwe ayilandelwanga; kumbe
 - kukhona ukungahambisi kahle okwenziwe ngesikhathi kuqhutshwa uhlelo lokhetho; futhi
 - imiphumela yokhetho ibingahluka ukube akubanga khona ukungahambisi kahle okwenzekile kumbe ukuba izimiso nemiyalelo bezilandeliwe;
- (8) Uma noma yimuphi umvoti noma obevotelwa okhethweni lwesigungu esilawulayo enokunonona ngesinqumo sombheki-lukhetho wesiFunda, angaphikisa isinqumo leso kwiNhloko yoMnyango ezinsukwini ezili-14 ethole isinqumo sombheki-lukhetho wesiFunda.
- (9) Inhloko yoMnyango kufanele-
- ezinsukwini eziyisikhombisa ethole ukudlulisa ukuphikisa kwesinqumo, adlulise ukuphikisa lokho kumbheki-lukhetho wesiFundazwe;
 - anxuse umbheki-lukhetho wesiFundazwe ukuba aphenye bese elungisa umbiko onezincomo zingakasululi izinsuku ezili-14 ukudlulisa ukuphikisa isinqumo kudluliselwe kumbheki-lukhetho wesifundazwe; futhi
 - adlinze ngezincomo ezisembikweni njengokuba kubekiwe esigatsheneni (9)(b), athole bese azisa ngesinqumo sakhe ngokubhalela ummangali kanye nombheki-lukhetho wesifunda ezinsukwini ezili-14 ethole umbiko ovela kumbheki-lukhetho wesifundazwe.
- (10) Isinqumo seNhloko yoMnyango siyokuba ngujuqu.

Uhlelo ngemva koKhetho

26. (1) Ngemva kokukhethwa kwamalungu esigungu esilawulayo, uthishanhloko kufanele -
- ezinsukwini eziyisikhombisa kade kunokhetho, azise ngokubhala, ilungu ngalinye ngokukhethwa kwalo kanti leso saziso kufanele sithunyelwe ngesikhahlamezi, ngeposi, nge-imeyili kumbe sihanjiwe ngqo kulo;
 - abhalele umbheki-lukhetho wesiFunda amazise ngemininingwano yokhetho, okubandakanya nosuku lokhetho, amagama, izinombolo zomazisi, izinombolo zocingo, izinombolo zezikhahlamezi kanye namakheli awo wonke amalungu akhethiwe;
 - afake wonke amaphepha, okuhlenganisa nawokuvota asetshenziswe kulolo khetho, emvilophini bese eyayivala thaqa leyo mvilophu;
 - aqinisekise ukulondoloza ngokuphephile wonke amaphepha thinta ukhetho okungenani kuze kuphele isikhathi sokusebenza saleso sigungu esilawulayo;
 - ahambise kuMqondisi wesiFunda ifomu elibekiwe elihlenganisa amagama namakheli abantu abakhethwe ukuba ngamalungu esigungu esilawulayo

- (f) ahambise kuMqondisi wesiFunda isiqinisekiso sokhetho olungenazihibe noma isiqinisekiso esilandisa ngemininingwane yezihibe ayokubhala kwiFomu Lokuqinisekisa Ukhetho.
- (g) aqinisekise ukuthi lFomu Leminingwane eliveza imininingwane yawo wonke amalunga akhethelwe esigungwini esilawulayo liyafika kuMqondisi wesiFunda zingakedluli izinsuku ezili-14 ngemva kokwazisa ngemiphumela yokhetho.
- (h) azise isiFunda ngezinguquko ezikhona kumalungu esigungu ezinsukwini ezili-14 lolo guquko lwenziwe ukuze kuqinisekise ukuthi uhlu lolwazi lunemininingwane ehambisana nesikhathi.

Ukhetho lokuchibiyela

27. (1) isihlalo siyabuleka esigungwini esilawulayo uma ilungu-
- (a) lisula ngokubhala phansi
 - (b) lidlula emhlabeni;
 - (c) lihoxiswa njengoba kubalulwe esigabeni 5
 - (d) Liphutha imihlangano yesigungu esilawulayo eyejwayelekile emibili (2) nangaphezulu ilandelana ngaphandle kokubhala isixoliso sokuphutha
 - (e) uma lisuswa esihlalweni ngokuhambisana nezinhlizeko eziqokethwe yimigomo yokuziphatha ebalulwe esigabeni 18A soMthetho; noma
 - (f) lingasangeni esigabeni samalunga akade liwamele ngesikhathi sokhetho.
- (2) Kufanele kumenyezwe isikhala uma kukhuphuka isibalo sabafundi ababhalisile ngesikalo esingaphezu kuka 10% nangaphezulu njengoba kucatshangiswe esigabeni 2 (4)(a).
- (3) kufanele kube nokhetho lokuchibiyela njalo uma
- (a) isibalo sabazali esigungwini esilawulayo sesehle salingana noma saba ngaphansi kwesibalo smanye amalungu esigungu esilawulayo;
 - (b) isibalo samalungu esigungu esilawulayo sesehle saba ngaphansi kwekhoramu ebalulwe esigabeni 13 (1); noma
 - (c) ilungu lesinye sezigaba zamalungu esigungu esilawulayo abalulwe esigabeni 23 woMthetho lingasamelelekile esigungwini esilawulayo.
- (4) Kufanele umbheki-lukhetho wesikole abambe ukhetho lokuchibiyela zingakapheli izinsuku ezingama-90 lesi sikhala sivulekile.
- (5) Uma, noma kunini, isibalo sabazali singedluli esibalweni samanye amalungu anamagunya okuvota esehlangene, isigungu esilawulayo kufanele ngesikhathi kikusalindwe ukhetho lokuchibiyela, uqoke abazali abanamalungelo okuvota
- (6) Uma kuvela isihlalo esikhathini esingaphezulu kwezinyanga eziyisithupha ngaphambi kokuphela kwesikhathi esinqunyelwe isigungu esilawulayo, umbheki-lukhetho wesikole kufanele enze ukhetho elandela imigomo ebalulwe esigabeni 11.
- (7) Uma kuvuleka isihlalo kusasele izinyanga eziyisithupha andukuba kuphele isikhathi sokusebenza sesigungu esilawulayo ngenxa yokushiya komzali oyilunga, lowo munxa othintekayo kulokho kuhamba kufanele uqoke ngevoti leningi umuntu oyokugcwalisa isikhala kulesi khathi esisele sesigungu esilawulayo.
- (8) Ilungu eliqokiwe elibalulwe esigatshaneni 26(7) ngenhla lithatha wonke amalungelo okuvota elingula elishiyayo.
- (9) Ilungu elikhethwe ngokuhambisana nalesi sigaba liyokuhlala esihlalweni ukuqedela isikhathi esisalele loyo elimngenelayo inqobo nje uma lisafanelekile ngomthetho

Isigungu esilawulayo esisebenza ezikoleni ezimbili noma ngaphezulu.

28. (1) Ilungu leMgwamanda oPhezulu linganquma ukuba ukulawulwa kwezikole ezimbili kwenziwe yisigungu sokulawula esisodwa uma kubonakala kuzokwenza imfundo iqhubeka esikoleni lesi.

- (2) ILungu leMgwamanda oPhezulu kaliyukusebenza ngaphansi kwesigatshana (1) ngaphandle kokuba –
- akhiphe isaziso kwiZaziso zikaHulumeni wesiFundazwe esidalula inhloso yakhe yokwenza lowo msebenzi;
 - anikeze ababambe iqhaza ukuba balethe izethulo singakedluli isikhathi esingangezinsuku ezingama-30;
 - Aninge ngazo zonke izincwadi ezenziwe lapha.

Ukuhlakazwa kwesiGungu Esilawulayo

29. (1) ILungu loMgwamanda oPhezulu lingahlakaza isigungu esilawulayo esikoleni uma-
- isikole singasasebenzi kahle, sivaliwe, sinokungazinsi, sinobungozi kwezempilo noma uma singanobungozi kunoma yimuphi umuntu kuleso sikole;
 - izikole zihlanganiswa, sivalwa, sihlukana kumbe kunokunye nje ukuhlalwa kabusha kwesikole;
 - uma ngokubona kwakhe isigungu esilawulayo singasakhombi ukumeleleka komphakathi isikole esikhiwe kuwo; noma
 - Siphethe ngendlela engagculisi, uma isikole siphawulwa njengesingasebenzi sanhlobo futhi uhlelo lokufundisa nokufunsa longasakwazi ukuqhubeka esikoleni
- (2) Ekuningeni ngosivumelwano somuzwa wokungathembi ovunye ngabazali abangengaphansi kuka 15% abasohlwini lwabavoti emhlanganweni wabazali, iLungu loMgwamanda oPhezulu lingasihlakaza isigungu esilawula isikole.
- (3) ILungu loMgwamanda oPhezulu lingahlakaza isigungu esilawulayo esesenze isikole singalawuleki, singakwazi ukusebenza, noma ngesinye nje isizathu elisibona senile futhi licabangela imfundo esiFundazweni.
- (4) ILungu loMgwamanda oPhezulu lingahlakaza isigungu esilawulayo esesenze isikole singalawuleki, ngokwezigatshana (1), (2) kumbe (3), inqobo nje uma –
- lisazisile isigungu esilawulayo sesikole leso ngezinhloso zalo zokusihlakaza;
 - linike isigungu esilawulayo sesikole ithuba lokwenza izethulo eziveza ukuthi kungani kufanele lingasihlakazi; futhi
 - Selizicubungulise kahle lezo zethulo.

Ukwaba Amandla

30. INhloko yoMnyango ingabela ongumsebenzi ogunyaziwe woMnyango, ngokubhalwe phansi, amajoka, imisebenzi kanye namandla enikwe yona ngokwalesi saziso.

Ukuchithwa kweSaziso

31. Lapha kuchithwa isaziso sesiFundazwe No. 699 oshicilelwe eZazisweni zikaHulumeni Wesifundazwe KwaZulu Natali ngosuku lomhla zili-10 kuNhlolanja 2012

N P NKONYENI

ILungu LoMgwamanda Ophezulu sesiFundazwe saKwaZulu Natali
Elibhekelele ezeMfundo

ISHEDULI A

UKWAKHEKHA KWESIGUNGU ESILAWULAYO EZIKOLENI ZOMPHAKATHI NGOKOHLOBO NESIBALO SABAFUNDI.

Izibalo zamalungu esigungu esilawulayo esikoleni masingeqi kwamahlunu (5). Lokho kuyonqunywa yisikole ngokuhambisan nezimo zesikole

Uhlobo Lwesikole	Abafundi Ababhalisile Esikoleni	Uthisha nhloko	Isibalo Samalungu Abafundisi	Isibalo Samalungu Abafundi, Uma Kwenzeka	Isibalo Sabasebenzi	Isibalo Samalungu Angabazali Uma kwenzeka	Umnikazi Wendawo Uma Ikhona	Amalungu aqokwe njengokuba kubalulwa Ngokwesigaba 24	Isamba Samalungu
Primary School	1 to 149	1	2	0	1	5	1	5	15
Primary School	150 and more	1	3	0	1	6	1	5	17
Secondary School	1 to 149	1	2	1	1	6	1	5	17
Secondary School	150 and more	1	3	2	1	8	1	5	21
Combined School	1 to 149	1	2	2	1	7	1	5	19
Combined School	150 and more	1	3	2	1	8	1	5	21

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