

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

6554

Friday, 12 September 2008

Buitengewone Provinsiale Koerant

6554

Vrydag, 12 September 2008

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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(*Reprints are obtainable at Room 9-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)

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INHOUD

(*Herdrukke is verkrygbaar by Kamer 9-06, Provinsiale-gebou, Dorpstraat 4, Kaapstad 8001.)

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

V. L. PETERSEN (Ms),
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

P.N. 278/2008

12 September 2008

MEASURES RELATING TO GOVERNING BODIES AND A REPRESENTATIVE COUNCIL OF LEARNERS OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS (INCLUDING PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILDREN'S ACT, 2005 (ACT 38 OF 2005); THE WESTERN CAPE PROVINCIAL SCHOOL ACT, 1997 (ACT 12 OF 1997), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977), AS AMENDED)

The Member of the Executive Council responsible for Education in the Province of the Western Cape has in terms of sections 11, 24 and 28 of the South African Schools Act, 1996 (Act 84 of 1996), as amended, and with the concurrence of the financial head promulgated the measures set out in the Schedule.

SCHEDULE

(A) MEASURES RELATING TO GOVERNING BODIES AND A REPRESENTATIVE COUNCIL OF LEARNERS OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS (EXCLUDING PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILDREN'S ACT, 2005 (ACT 38 OF 2005); THE WESTERN CAPE PROVINCIAL SCHOOL ACT, 1997 (ACT 12 OF 1997), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977), AS AMENDED)

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PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

V. L. PETERSEN (Me),
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.K. 278/2008

12 September 2008

MAATREËLS BETREFFENDE BEHEERLIGGAME EN 'N VERTEENWOORDIGENDE RAAD VAN LEERDERS VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE (INGESLUIT OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE KINDERWET, 2005 (WET 38 VAN 2005); DIE WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), SOOS GEWYSIG, DAARHEEN VERWYS OF OORGEPLAAS IS)

Die Lid van die Uitvoerende Raad verantwoordelik vir Onderwys in die Provinsie Wes-Kaap het kragtens artikels 11, 24 en 28 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig, en met die instemming van die finansiële hoof, die maatreëls in die Bylae uitgevaardig.

BYLAE

(A) MAATREËLS BETREFFENDE BEHEERLIGGAME EN 'N VERTEENWOORDIGENDE RAAD VAN LEERDERS VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE (UITGESONDERD OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE KINDERWET, 2005 (WET 38 VAN 2005); DIE WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), SOOS GEWYSIG, DAARHEEN VERWYS OF OORGEPLAAS IS)

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1. Definitions

In these measures any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context otherwise indicates—

“days” means working days excluding Saturdays, Sundays and public holidays;

“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, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

“electoral officer” means an electoral officer contemplated in measure 7;

“Head of Department” means the head of the education department in the Province of the Western Cape;

“member” means a member of the governing body;

“member of staff” means a person appointed in terms of the Public Service Act who is not an educator at a school including those employed by the school;

“Member of the Executive Council” means the Member of the Executive Council who is responsible for education in the Province of the Western Cape;

“Minister” means Minister of Education;

“officer” means an employee of the Western Cape Education Department appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) or the Public Service Act, 1994 (Proclamation 103 of 1994);

“parent” means—

- (a) the parent or 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 learner’s education at the school;

“principal” means an educator appointed or acting in a post established as the head of a school;

“representative council of learners” means a representative council of learners established in terms of section 11 of the Act;

“school” means a public school for learners with special education needs;

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1. Woordomskrifwing

In hierdie maatreëls het ’n woord of uitdrukking waaraan ’n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“beampte” ’n werknemer van die Wes-Kaap Onderwysdepartement wat aangestel is kragtens die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998) of die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

“dae” werksdae, uitsluitend Saterdag, Sondag en openbare vakansiedae;

“departementshoof” die hoof van die departement van onderwys in die provinsie Wes-Kaap;

“die Wet” die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig;

“distrikskiesbeampte” ’n senior distriksbeampte by ’n distrikskantoor verantwoordelik vir toesighouding oor en die bestuur van die verkiesingsproses in die distrik;

“kiesbeampte” ’n kiesbeampte in maatreël 7 beoog;

“Leerder met spesiale onderwysbehoefes” ’n leerder met bykomende onderwysbehoefes vir wie daar binne skole vir leerders met spesiale onderwysbehoefes, voorsiening gemaak word;

“lid” ’n lid van die beheerliggaam;

“Lid van die Uitvoerende Raad” die Lid van die Uitvoerende Raad wat verantwoordelik is vir onderwys in die provinsie Wes-Kaap;

“Minister” die Minister van Onderwys;

“opvoeder” enige persoon, met uitsondering van ’n persoon wat aangestel is om uitsluitlik buite-kurrikulêre werksaamhede te verrig, wat ander persone onderrig, opvoed of oplei of wat professionele opvoedkundige dienste, met inbegrip van professionele terapie en opvoedkundige sielkundige dienste, by ’n skool lewer;

“ouer” beteken—

- (a) die ouer of voog van ’n leerder;
- (b) die persoon met wettige aanspraak op sorg vir ’n leerder;
- (c) die persoon wat onderneem om die verpligtinge van ’n persoon in paragrawe (a) en (b) ten opsigte van die leerder se opvoeding op skool na te kom;

“personeellid” ’n persoon wat aangestel is ingevolge die Staatsdienswet, wat nie ’n opvoeder by die skool is nie ingesluit die wat deur ’n skool in diens geneem is;

“prinsipaal” ’n opvoeder wat in ’n pos wat ingestel is as hoof van die skool aangestel is of waarneem;

“skool” ’n openbare skool vir leerders met spesiale onderwysbehoefes;

“the Act” means the South African Schools Act, 1996 (Act 84 of 1996), as amended; and

“Western Cape Education Department” means the department responsible for education in the Province of the Western Cape.

2. Composition of Governing Body

- (1) A governing body established for a school in terms of section 24 of the Act, shall consist of—
 - (a) seven parents of learners at the school who are not employed at the school, insofar as it is reasonably practicable;
 - (b) two educators at the school;
 - (c) one member of staff at the school who is not an educator;
 - (d) two learners in the eighth grade or higher, if reasonably practicable;
 - (e) one member representing all sponsoring bodies, if applicable;
 - (f) one member representing all organisations of parents of learners with special education needs, if applicable;
 - (g) one member representing all organisations for disabled persons, if applicable;
 - (h) one disabled person, if applicable;
 - (i) one expert in an appropriate field of special education needs; and
 - (j) the principal in his or her official capacity.
- (2) Parents must elect the members referred to in submeasure (1)(a).
- (3) Educators employed at the school concerned must elect the members referred to in submeasure (1)(b).
- (4) Members of staff at the school concerned who are not educators must elect the members referred to in submeasure (1)(c).
- (5) The representative council of learners must elect the members referred to in submeasure (1)(d).
- (6) The sponsoring bodies referred to in submeasure (1)(e) must submit at least three nominations in order of preference to the Member of the Executive Council via the principal of the school for the appointment of the member referred to in submeasure (1)(e).
- (7) The person referred to in submeasure (1)(f) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (8) The person referred to in submeasure (1)(g) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (9) The person referred to in submeasure (1)(h) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (10) The person referred to in submeasure (1)(i) shall be designated by the Head of Department.
- (11) The members in submeasure (1) shall, where appropriate, be appointed by the Member of the Executive Council.
- (12) A resolution of the governing body is not invalid, if, for any reason, any of the members referred to in submeasure (1), are not represented on the governing body.

“verteenwoordigende raad van leerders” ’n verteenwoordigende raad van leerders ingestel kragtens artikel 11 van die Wet; en

“Wes-Kaap Onderwysdepartement” die departement verantwoordelik vir onderwys in die provinsie Wes-Kaap.

2. Samestelling van Beheerliggaam

- (1) ’n Beheerliggaam ingevolge artikel 24 van die Wet vir ’n skool ingestel, bestaan uit—
 - (a) sewe ouers van leerders by die skool wat nie by die skool in diens is nie, vir sover dit redelikerwys uitvoerbaar is;
 - (b) twee opvoeders by die skool;
 - (c) een personeellid van die skool wat nie ’n opvoeder is nie;
 - (d) twee leerders in die agtste graad of hoër, indien redelik uitvoerbaar;
 - (e) een lid as verteenwoordiger van alle borgliggame, indien toepaslik;
 - (f) een lid as verteenwoordiger van alle organisasies van ouers van leerders met spesiale onderwysbehoefes, indien toepaslik;
 - (g) een lid as verteenwoordiger van alle organisasies vir gestremde persone, indien toepaslik;
 - (h) een gestremde persoon, indien toepaslik;
 - (i) een deskundige in ’n toepaslike veld van spesiale onderwysbehoefes; en
 - (j) die prinsipaal in sy of haar amptelike hoedanigheid.
- (2) Ouers moet die lede bedoel in submaatreeël (1)(a) verkies.
- (3) Opvoeders in diens by die betrokke skool moet die lede bedoel in submaatreeël (1)(b) verkies.
- (4) Personeellede in diens by die skool wat nie opvoeders is nie moet die lede bedoel in submaatreeël (1)(c) verkies.
- (5) Die verteenwoordigende raad van leerders moet die leerders bedoel in submaatreeël (1)(d) verkies.
- (6) Die borgliggame in submaatreeël (1)(e) bedoel, moet ten minste drie name vir aanstelling van die lid in submaatreeël (1)(e) bedoel, in volgorde van voorkeur aan die Lid van die Uitvoerende Raad via die prinsipaal van die skool voorlê.
- (7) Die persoon in submaatreeël (1)(f) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit ’n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (8) Die persoon in submaatreeël (1)(g) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit ’n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (9) Die persoon in submaatreeël (1)(h) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit ’n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (10) Die persoon in submaatreeël (1)(i) bedoel, moet deur die Departementshoof aangewys word.
- (11) Die lede in submaatreeël (1) bedoel, word deur die Lid van die Uitvoerende Raad aangestel, waar paslik.
- (12) Die besluit van die beheerliggaam is nie ongeldig nie, indien enige van die lede in submaatreeël (1) bedoel, om een of ander rede nie op die beheerliggaam verteenwoordig word nie.

(13) The Member of the Executive Council may approve a school governing body composition which differs from the composition contemplated in submeasure (1) if—

- (a) the governing body of the school has applied in writing for such different composition and provided reasons for their request; and
- (b) the Member of the Executive Council is satisfied that such a composition is in the interest of education at the school.

(14) The Member of the Executive Council may at any time and at his or her discretion, withdraw the permission referred to in submeasure (13) and dissolve the governing body formed in terms of submeasure (13)(a), whereupon, a new governing body shall be formed in accordance with submeasure (1).

(15) If the principal of the school is of the opinion that 50% of the parents of learners of a school reside so far outside the immediate vicinity of the school that the election of a governing body by the parents is not feasible he or she shall obtain written approval from the Head of Department to nominate suitable persons for appointment.

(16) For the purpose of the appointment of the required number of parent members contemplated in submeasures (13) and (15), the principal shall submit, in order of preference, the names and particulars of three more than the required number of parent members so as to enable the Head of Department to exercise a choice.

3. Disqualification of Members of a Governing Body

A person shall be ineligible to be elected or appointed as a member of a governing body if he or she—

- (a) has at any time been convicted of an offence for which he or she was sentenced to imprisonment, without the option of a fine, for a period exceeding six months, or if he or she has not yet served his or her full period of imprisonment, unless he or she has received a free pardon or the period of his or her imprisonment has expired at least three years prior to the date of his or her election as a member of such body;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member, does not have a child enrolled as a learner at the school concerned.

4. Term of Office of Members of Governing Body

(1) Subject to the provisions of measures 5 and 23, the term of office of a member of a governing body who is not a learner shall be three years effective from a date determined by the Head of Department: Provided that the term of office of a member who is a learner shall be one year: Provided further that the Head of Department may at any time remove a member from office for reasons he or she deems to be sufficient.

(2) If a person elected as a member of a governing body as contemplated in measure 2(1) ceases to fall within the category referred to in that measure in respect of which he or she was elected as a member he or she ceases to be a member of the governing body.

(3) A member of a governing body may be re-elected, re-appointed or co-opted as the case may be after the expiry of his or her term of office.

(4) Subject to the provisions of submeasures (1) and (2) and measures 5 and 23 the members of a governing body shall, notwithstanding the expiry of their terms of office referred to in submeasure (1) keep their membership until a new governing body is composed in accordance with measure 2.

5. Dissolution and Recomposition of Governing Body

(1) The Member of the Executive Council may dissolve a governing body if—

(13) Die Lid van die Uitvoerende Raad kan goedkeuring verleen vir die samestelling van 'n beheerliggaam van 'n skool wat verskil van dié wat in submaatreeël (1) beoog word, indien—

- (a) die beheerliggaam van die skool skriftelik aansoek gedoen het om sodanige verskillende samestelling, met opgawe van redes daarvoor; en
- (b) die Lid van die Uitvoerende Raad tevrede is dat sodanige samestelling in belang van die onderwys by die skool is.

(14) Die Lid van die Uitvoerende Raad kan die toestemming in submaatreeël (13) bedoel te eniger tyd na goeddunke terugtrek en die beheerliggaam kragtens submaatreeël (13)(a) saamgestel, ontbind, waarna 'n nuwe beheerliggaam ooreenkomstig submaatreeël (1) saamgestel word.

(15) Indien die prinsipaal van mening is dat 50% van die ouers van leerders van 'n skool so ver buite die onmiddellike omgewing van die skool woonagtig is dat dit prakties onmoontlik is om 'n verkiesing van ouers 'n beheerliggaam te reël, verkry hy of sy skriftelike goedkeuring van die departementshoof om geskikte persone te nomineer vir aanstelling.

(16) Vir die doeleindes van die aanstelling van die vereiste getal ouerlede soos in submaatreeëls (13) en (15) beoog, lê die prinsipaal die name en besonderhede van drie of meer as die vereiste getal persone in orde van voorkeur voor ten einde die Departementshoof in staat te stel om 'n keuse uit te oefen.

3. Diskwalifikasie van Lede van 'n Beheerliggaam

Iemand is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word indien hy of sy—

- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is vir 'n periode langer as ses maande, of nog nie die volle tydperk van sy of haar gevangenisstraf uitgedien het nie, tensy algehele kwytstelling aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van so 'n liggaam verstryk het;
- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
- (c) 'n ongerehabiliteerde insolvent is; of
- (d) in die geval van 'n ouerlid, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie.

4. Ampstermyn van Lede van Beheerliggaam

(1) Behoudens die bepalings van maatreeëls 5 en 23, is die ampstermyn van 'n lid van 'n beheerliggaam wat nie 'n leerder is nie, drie jaar effektief vanaf 'n datum deur die Departementshoof bepaal: Met dien verstande dat die ampstermyn van 'n lid wat 'n leerder is, een jaar is: Met dien verstande voorts dat die Departementshoof te eniger tyd 'n lid van sy of haar amp kan onthef om redes deur hom of haar as voldoende geag.

(2) Indien 'n persoon wat as lid van 'n beheerliggaam verkies is nie meer in die kategorie val soos na verwys word in maatreeël 2(1) nie, staak daardie persoon se lidmaatskap van die beheerliggaam.

(3) 'n Lid van 'n beheerliggaam kan herverkies of gekoöpteer word, na gelang van die geval, na verstryking van sy of haar ampstermyn.

(4) Behoudens die voorbehoudsbepalings by submaatreeëls (1) en (2) en maatreeëls 5 en 23, behou die lede van 'n beheerliggaam, ondanks die verstryking van hul ampstermyne bedoel in submaatreeël (1), hul lidmaatskap tot 'n nuwe beheerliggaam ooreenkomstig maatreeël 2 saamgestel word.

5. Ontbinding en Hersamestelling van Beheerliggaam

(1) Die Lid van die Uitvoerende Raad kan 'n beheerliggaam ontbind as hy of sy van mening is dat—

- (a) he or she is of the opinion that owing to the amalgamation of schools or the division of a school or other reorganisation of school facilities it is necessary to afford parents an opportunity to elect members of a new governing body which will be properly representative of the parents of learners attending the schools or school concerned after such reorganisation;
 - (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interests of the school concerned;
 - (c) for any reason the number of members of a governing body falls below the quorum referred to in measure 21(4); or
 - (d) at least 60% of all parents entitled to vote under measure 6(1) at the election of members of a governing body of a school, should, at a parents' meeting convened for this purpose with at least 14 days' prior written notice which shall be sent by post to such parents, or be handed to each learner with the oral instruction to hand it to his or her parents, vote in favour of a motion of no confidence in the governing body concerned.
- (2) The chairperson of a governing body shall convene a parents' meeting referred to in submeasure (1)(d), within 21 days after he or she has been requested thereto in writing by not less than 30% of the parents entitled to vote, referred to in that submeasure.
 - (3) Where a governing body has been dissolved under submeasure (1), it shall cease to function on a date to be fixed by the Member of the Executive Council.
 - (4) The Head of Department shall, if a governing body has ceased to function, appoint sufficient persons from a list of names of sufficient persons in order of preference submitted to him or her by the principal to discharge the functions of a governing body at the school for a period not exceeding three months.
 - (5) The Head of Department may extend the period referred to in submeasure (4) by further periods not exceeding three months each, but the total period shall not exceed one year.
 - (6) A governing body must be elected under these measures within a year after the appointment of the persons referred to in submeasure (4).
 - (7) The Head of Department shall notify the principal forthwith in writing of the names and addresses of the members of a governing body appointed in terms of submeasure (4).

6. Franchise

- (1) Every parent having one or more learners enrolled at a school, shall be entitled to vote at the election of the parent members of the governing body of such school and only such parents will be admitted to the voting hall.
- (2) Any person who is entitled to vote, shall have one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with measure 2.

7. Electoral Officer

- (1) The Head of Department appoints a principal of a school or other officer in writing as the electoral officer to conduct the nomination and election, as the case may be, of parent, educator and non-educator members referred to in measure 2(1)(a), (b) and (c) to a governing body: Provided that a principal may not act as electoral officer for the nomination or election of members of the governing body of the school of which he or she is the principal.
- (2) The electoral officer may appoint one or more persons to assist at an election.
- (3) The electoral officer shall preside at any meeting held for the purpose of an election of a governing body.

- (a) weens die amalgamasie van skole of die verdeling van 'n skool of ander reorganisasie van skoolgeriewe, dit nodig is om aan ouers 'n geleentheid te gee vir die verkiesing van lede van 'n nuwe beheerliggaam wat behoorlik verteenwoordigend sal wees van die ouers van leerders wat na sodanige reorganisasie die betrokke skool of skole sal bywoon;
 - (b) sodanige beheerliggaam in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie;
 - (c) die getal lede van 'n beheerliggaam om enige rede daal tot minder as die kworum bedoel in maatreeël 21(4); of
 - (d) minstens 60% van alle ouers wat kragtens maatreeël 6(1) geregtig is om by 'n verkiesing van lede van 'n beheerliggaam van 'n skool te stem, by 'n ouervergadering wat, met minstens 14 dae skriftelike kennisgewing wat aan bedoelde ouers per pos versend moet word of aan elke leerder oorhandig moet word met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig, vir dié doel belê is, ten gunste van 'n mosie van wantroue in die betrokke beheerliggaam stem.
- (2) Die voorsitter van 'n beheerliggaam moet 'n ouervergadering soos in submaatreeël (1)(d) bedoel, belê binne 21 dae nadat hy of sy skriftelik daartoe versoek is deur minstens 30% van die stemgeregtigde ouers in daardie submaatreeël bedoel.
 - (3) Wanneer 'n beheerliggaam kragtens submaatreeël (1) ontbind is, hou dit op om te funksioneer op 'n datum wat die Lid van die Uitvoerende Raad vasstel.
 - (4) Indien die beheerliggaam opgehou het om te funksioneer, stel die Departementshoof voldoende persone aan uit 'n lys van name van geskikte persone deur die prinsipaal voorgelê in volgorde van voorkeur om die werksaamhede van die beheerliggaam van die skool uit te voer vir 'n tydperk van hoogstens drie maande.
 - (5) Die Departementshoof kan die tydperk bedoel in submaatreeël (4) met verdere tydperke van hoogstens drie maande elk verleng, maar die totale tydperk mag nie een jaar oorskry nie.
 - (6) 'n Beheerliggaam moet kragtens hierdie maatreeëls binne een jaar na die aanstelling van persone in submaatreeël (4) bedoel, verkies word.
 - (7) Die Departementshoof moet die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die lede van 'n beheerliggaam ingevolge submaatreeël (4) aangestel.

6. Stemreg

- (1) Elke ouer wat een of meer ingeskrewe leerders by 'n skool het, is geregtig om by 'n verkiesing van die ouerlede van die beheerliggaam vir daardie skool te stem en slegs sodanige ouers sal tot die stemlokaal toegelaat word.
- (2) Iemand wat geregtig is om te stem, het een stem ten opsigte van elke kandidaat met 'n maksimum aantal stemme gelyk aan die getal lede wat ooreenkomstig maatreeël 2 verkies moet word.

7. Kiesbeampte

- (1) Die Departementshoof stel 'n prinsipaal van 'n skool of 'n ander beampte skriftelik as die kiesbeampte aan om die nominasie en verkiesing, na gelang van die geval, van die ouer, opvoeder- en nie-opvoederlede bedoel in maatreeël 2(1)(a), (b) en (c) op 'n beheerliggaam te behartig: Met dien verstande dat 'n prinsipaal nie as kiesbeampte kan optree by die benoeming of verkiesing van lede van die beheerliggaam van die skool waarvan hy of sy die prinsipaal is nie.
- (2) Die kiesbeampte kan een of meer persone aanstel om by 'n verkiesing behulpsaam te wees.
- (3) Die kiesbeampte tree op as voorsitter van enige vergadering wat met die oog op 'n verkiesing van 'n beheerliggaam gehou word.

8. Date, Time and Place of Nomination and Election Meeting of Parent Members

- (1) The electoral officer determines a date, time and place for a nomination and election meeting and inform the principal in writing thereof. The election of parent members is preceded by the election of other components of the governing body.
- (2) In the case of a new school, the nomination and election meeting shall be held not later than 30 days after the establishment of such a school.
- (3) The Member of the Executive Council may allow deviations from the requirement of submeasure (2), to the extent that it is reasonably required in the circumstances of a given case.

9. Notice of a Nomination and Election Meeting of Parent Members

- (1) The electoral officer shall prepare a notice in the form of Annexure A, of the nomination and election meeting referred to in measure 8 in which the date, time and place of such meeting shall be stated and shall, at least 20 days prior to the date of the nomination and election meeting, provide the principal with a sufficient number of copies of such notice in order that the provisions of submeasure (2) may be carried into effect.
- (2) The principal shall with the notice referred to in submeasure (1)—
 - (a) send a copy to the parents by post at least 21 days prior to the date of the nomination and election meeting, if he or she deems it expedient; or
 - (b) hand a copy to every learner of the school concerned with the oral instruction to hand it to his or her parent(s) at least 14 days prior to the date of the nomination and election meeting.

10. Making School Register available

The principal shall place the register containing the names and addresses of the parents of learners of the school concerned, at the disposal of the electoral officer for purposes of control before the nomination and election meeting. All nominators, seconders and candidates must be people who are listed on the voters' roll.

11. Nomination of Parent Members

- (1) A parent candidate must be nominated by the parent of a learner of the school concerned—
 - (a) by lodging with the electoral officer, not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting, a nomination form (Annexure B) duly completed by the proposer, seconder and parent candidate; or
 - (b) by proposing a parent as a member of the governing body during the nomination and election meeting: Provided that another parent seconds the proposal and a nomination form, duly completed by the proposer, the seconder and, if present, the parent candidate, is, within the time referred to in submeasure (2), lodged with the electoral officer.
- (2) If a quorum as referred to in measure 12(2) is present, the electoral officer shall determine the time to be allowed for the nomination of parent candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (3) If a quorum as referred to in measure 12(2) is not met, the meeting must be rescheduled for another day and the same procedures as in measure 8 and 9 must be repeated. Notice of the second meeting should clearly state that no quorum is required for the second meeting.
- (4) A parent candidate may not nominate him- or herself.

8. Datum, Tyd en Plek van Nominasie- en Verkiegingsvergadering van Ouerlede

- (1) Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n nominasie- en verkiegingsvergadering en maak dit skriftelik aan die prinsipaal bekend. Die verkiesing van die ouerlede van die beheerliggaam word voorafgegaan deur die verkiesing van die ander lede van die beheerliggaam.
- (2) In die geval van 'n nuwe skool, word die nominasie- en verkiegingsvergadering nie later as 30 dae nadat so 'n skool ingestel is, belê.
- (3) Die Lid van die Uitvoerende Raad kan afwykings toelaat van die vereistes van submaatreeël (2) tot die mate wat dit redelikerwys in die omstandighede van 'n gegewe geval nodig is.

9. Kennisgewing van 'n Nominasie- en Verkiegingsvergadering van Ouerlede

- (1) Die kiesbeampte stel 'n kennisgewing van die nominasie- en verkiegingsvergadering bedoel in maatreeël 8 in die vorm van Bylae A op waarin die datum, tyd en plek van sodanige vergadering aangedui word en voorsien die prinsipaal minstens 20 dae voor die datum van die nominasie- en verkiegingsvergadering van 'n voldoende aantal afskrifte van sodanige kennisgewing sodat aan die bepalinge van submaatreeël (2) uitvoering gegee kan word.
- (2) Die prinsipaal moet 'n afskrif van die kennisgewing in submaatreeël (1) bedoel—
 - (a) aan die ouers van elke sodanige leerder per pos versend minstens 21 dae voor die datum van die nominasie- en verkiegingsvergadering vir ouer(s), indien hy of sy dit dienstig ag; of
 - (b) aan elke leerder van die betrokke skool oorhandig met die mondelinge opdrag om dit aan sy of haar ouer(s) te oorhandig; minstens 14 dae voor die datum van die nominasie- en verkiegingsvergadering

10. Besikbaarheid van Skoolregister

Die prinsipaal stel die register wat die name en adresse van die ouers van leerders van die betrokke skool bevat aan die kiesbeampte beskikbaar vir kontrole-doeleindes voor die nominasie- en verkiegingsvergadering. Alle voorstellers, sekondante en kandidate moet mense wees wie se name gelys is op die skoolregister.

11. Nominasie van Ouerlede

- (1) 'n Ouer-kandidaat moet deur 'n ouer van 'n leerder van die betrokke skool genomineer word—
 - (a) deur 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en ouer-kandidaat voltooi is, nie meer as sewe dae, en nie minder as 24 uur, voor die aanvang van die nominasie- en verkiegingsvergadering by die kiesbeampte in te dien; of
 - (b) deur 'n ouer tydens die nominasie- en verkiegingsvergadering as 'n lid van die beheerliggaam voor te stel, mits 'n ander ouer die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die ouer-kandidaat voltooi is, binne die tyd in submaatreeël (2) bedoel, by die kiesbeampte ingedien word.
- (2) Indien 'n kworum soos bedoel in maatreeël 12(2) aanwesig is, bepaal die kiesbeampte die tyd wat tydens die nominasie- en verkiegingsvergadering vir die nominasie van ouer-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (3) Indien 'n kworum soos bedoel in maatreeël 12(2) nie aanwesig is nie, moet die vergadering herskeduleer word vir 'n ander dag. Dieselfde prosedure soos by maatreeëls 8 en 9 moet herhaal word. Kennisgewing van die tweede vergadering moet duidelik meld dat geen kworum vir die tweede vergadering benodig word nie.
- (4) 'n Ouer-kandidaat mag nie homself of haarself nomineer nie.

- (5) After expiry of the time referred to in submeasure (2) the electoral officer shall consider the nominations and reject the nomination of any parent candidate who—
- (a) has not been nominated in accordance with submeasure (1);
 - (b) is ineligible as contemplated in measure 3;
 - (c) in the case of a nomination referred to in submeasure (1)(b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (2), that such parent candidate will be willing to serve as a member of the governing body; or
 - (d) has nominated him- or herself;

and thereafter the electoral officer shall announce the names of the parent candidates whose nominations have been accepted.

- (6) (a) If the total number of parent candidates whose nominations have been accepted as contemplated in submeasure (4), is less than the number of members determined in terms of measure 2(1)(a) in respect of the governing body concerned, a new meeting at which new parent candidates must be nominated must be convened in accordance with the provisions of these measures.
- (b) If the number of thus accepted parent candidates who are parents of learners of the school concerned—
- (i) is equal to the number of the members determined in terms of measure 2(1)(a) in respect of the governing body concerned, the electoral officer shall declare every thus accepted parent candidate to be a duly elected member of the governing body; or
 - (ii) is more than the number of members determined in terms of measure 2(1)(a) in respect of the governing body concerned, a poll shall be held in accordance with measure 12.

12. Poll

- (1) The poll referred to in measure 11(6)(b)(ii) shall be held on the date and at the time and place determined in accordance with measure 9(1).
- (2) A quorum for the poll referred to in submeasure (1) shall be equal to 15% of the total number of enrolled learners of the school and is determined as follows:
- | | |
|-------------------------|---------------------|
| Total enrolled learners | = 500 |
| Quorum | = $500 \times 15\%$ |
| | = 75 parents |
- (3) The electoral officer shall issue every parent referred to in measure 6(1) who wishes to vote, with an approved ballot paper on which an official mark or stamp appears.
- (4) A parent referred to in measure 6(1) shall record his or her vote on the ballot paper referred to in submeasure (3): Provided that if such parent is on account of ignorance, blindness or any other physical defect unable thus to record his or her vote, the electoral officer may, at the request of the said parent and in the presence of a witness named by the parent concerned, record the vote of such parent on the ballot paper referred to in submeasure (3) for the parent candidate or parent candidates indicated by the parent concerned.
- (5) The electoral officer shall reject a ballot paper—
- (a) on which the official mark or stamp referred to in submeasure (3) does not appear;
 - (b) on which more votes are recorded than the number of members to be elected in accordance with measure 2; or
 - (c) which is completed in such a way that it is in the opinion

- (5) Na verstryking van die tyd in submaatreeël (2) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige ouer-kandidaat wat—
- (a) nie ooreenkomstig submaatreeël (1) genomineer is nie;
 - (b) onbevoeg is soos in maatreeël 3 beoog;
 - (c) in die geval van 'n nominasie in submaatreeël (1)(b) bedoel nie die bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreeël (2) bedoel, voorgelê word dat so 'n ouer-kandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (d) homself of haarself genomineer het;

en daarna maak die kiesbeampte die name van die ouer-kandidate wie se nominasies aanvaar is, bekend.

- (6) (a) Indien die totale getal ouer-kandidate wie se nominasies aanvaar is soos beoog in submaatreeël (4) minder is as die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig die bepalinge van hierdie maatreeëls belê word waarop nuwe ouer-kandidate aldus genomineer moet word.
- (b) Indien die getal aldus aanvaarde ouer-kandidate wat ouers van leerders van die betrokke skool is—
- (i) gelyk is aan die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte elke aldus aanvaarde ouer-kandidaat tot 'n behoorlike verkose lid van die beheerliggaam; of
 - (ii) meer is as die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig maatreeël 12 gehou.

12. Stemming

- (1) Die stemming bedoel in maatreeël 11(6)(b)(ii) word op die datum, tyd en plek ooreenkomstig maatreeël 9(1) bepaal, gehou.
- (2) 'n Kworum vir die stemming in submaatreeël (1) bedoel, sal gelyk wees aan 15% van die totale getal ingeskrewe leerders van die skool en wat soos volg bepaal word:
- | | |
|----------------------------|---------------------|
| Totale ingeskrewe leerders | = 500 |
| Kworum | = $500 \times 15\%$ |
| | = 75 ouers |
- (3) Die kiesbeampte reik aan elke ouer in maatreeël 6(1) bedoel wat sy of haar stem wil uitbring, 'n goedgekeurde stembrief waarop 'n amptelike merk of stempel voorkom, uit.
- (4) 'n Ouer bedoel in maatreeël 6(1) bring sy of haar stem op die stembrief bedoel in submaatreeël (3) uit: Met dien verstande dat indien so 'n ouer weens onkunde, blindheid of 'n ander liggaamsgebrek nie in staat is om sy of haar stem aldus uit te bring nie, die kiesbeampte, op versoek van bedoelde ouer en in die teenwoordigheid van 'n getuie deur die betrokke ouer benoem, die stem van sodanige ouer op die ouer-kandidaat of ouer-kandidate deur die betrokke ouer aangedui, op die stembrief bedoel in submaatreeël (3) uitbring.
- (5) Die kiesbeampte verwerp 'n stembrief—
- (a) waarop die amptelike merk of stempel in submaatreeël (3) bedoel, nie voorkom nie;
 - (b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig maatreeël 2 verkies moet word; of
 - (c) wat so voltooi is dat dit volgens die oordeel van die

of the electoral officer uncertain for which parent candidate or parent candidates a vote was recorded.

- (6) After the rejection of the ballot paper referred to in submeasure (5), the electoral officer shall—
- (a) in the presence of every parent candidate who wishes to be present, count the votes recorded for every parent candidate; and
 - (b) declare the number of parents determined in terms of measure 2(1)(a) in respect of the governing body concerned, for whom the greatest number of votes have been recorded to be duly elected members of the governing body concerned and state the number of votes recorded for every parent candidate.
- (7) If the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the electoral officer shall ascertain the result with regard to the said parent candidates by drawing lots.
- (8) No proxy votes will be accepted for school governing body elections.

13. Nomination and Election Meeting of Educator Members

- (1) The electoral officer shall determine a date, time and place for a meeting for the nomination and election of educator members, which shall be held at least 7 days before the nomination and election meeting for parent members.
- (2) An educator candidate on the establishment of a school where there are more than ten (10) educators on the establishment of a school, must be nominated as follows:
 - (a) A nomination form (Annexure B) duly completed by the proposer, seconder and educator candidate shall be lodged with the electoral officer not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting; or
 - (b) An educator may be proposed as a member of the governing body during the nomination and election meeting, provided that another educator seconds the proposal and a nomination form duly completed by the proposer, the seconder and, if present, the educator candidate, is, within the time referred to in submeasure (3), lodged with the electoral officer.
- (3) If a quorum as referred to in measure 14(2) is present, the electoral officer shall determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (4) An educator candidate may not nominate him- or herself.
- (5) After expiry of the time referred to in submeasure (3) the electoral officer shall consider the nominations and reject the nomination of any educator candidate who—
 - (a) has not been nominated in accordance with submeasure (2);
 - (b) in the case of a nomination referred to in submeasure (2)(b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (3), that such educator candidate will be willing to serve as a member of the governing body; or
 - (c) has nominated him- or herself;

and thereafter the electoral officer shall announce the names of the educator candidates whose nominations have been accepted.

- (6) (a) If no nominations of educator candidates have been accepted in terms of submeasure (5) or is less than the total number of educators (two) as determined by measure 2(1)(b) in respect of the governing body concerned, a new meeting at which new educator candidates may be

kiesbeampte onseker is op watter ouer-kandidaat of ouer-kandidate 'n stem uitgebring is.

- (6) Na die verwerping van stembriewe in submaatreeël (5) bedoel, moet die kiesbeampte—
- (a) in die teenwoordigheid van elke ouer-kandidaat wat teenwoordig wil wees, die stemme wat op elke ouer-kandidaat uitgebring is, tel; en
 - (b) die getal ouers wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, op wie die meeste stemme uitgebring is tot behoorlik verkose lede van die betrokke beheerliggaam verklaar en die getal stemme wat op elke ouer-kandidaat uitgebring is, vermeld.
- (7) Waar die getal stemme wat op twee of meer ouer-kandidate uitgebring is, gelyk is en die uitslag van die stemming raak, stel die kiesbeampte die uitslag met betrekking tot bedoelde ouer-kandidate deur loting vas.
- (8) Geen volmagstemme is aanvaarbaar by skoolbeheerliggaam-verkiesings nie.

13. Nominasie- en Verkiegingsvergadering van Opvoederlede

- (1) Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n vergadering vir die nominasie en verkiesing van opvoederlede, welke vergadering ten minste 7 dae voor die nominasie- en verkiesingsvergadering vir ouerlede gehou moet word.
- (2) 'n Opvoeder-kandidaat op die diensstaat van 'n skool moet op die volgende wyse genomineer word indien daar meer as tien (10) opvoeders op die diensstaat van die skool is:
 - (a) 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en opvoeder-kandidaat voltooi is, word nie meer as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte ingedien; of
 - (b) 'n opvoeder kan tydens die nominasie- en verkiesingsvergadering as lid van die beheerliggaam voorgestel word, mits 'n ander opvoeder die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoeder-kandidaat voltooi is, binne die tyd in submaatreeël (3) bedoel, by die kiesbeampte indien.
- (3) Indien 'n kworum soos bedoel in maatreeël 14(2) aanwesig is, bepaal die kiesbeampte die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van opvoeder-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (4) 'n Opvoeder-kandidaat mag nie homself of haarself nomineer nie.
- (5) Na verstryking van die tyd in submaatreeël (3) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige opvoeder-kandidaat wat—
 - (a) nie ooreenkomstig submaatreeël (2) genomineer is nie;
 - (b) in die geval van 'n nominasie in submaatreeël (2)(b) bedoel, nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreeël (3) bedoel, voorgelê word dat so 'n opvoeder-kandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (c) homself of haarself genomineer het;

en daarna maak die kiesbeampte die name van die opvoeder-kandidate wie se nominasies aanvaar is, bekend.

- (6) (a) Indien daar geen opvoeder-kandidate is nie wie se nominasies ingevolge submaatreeël (5) aanvaar is of die totale getal opvoeder-kandidate wie se nominasies aanvaar is minder is as die getal lede (twee) wat ingevolge maatreeël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal

nominated shall be convened in accordance with the provisions of these measures.

- (b) If the number of thus accepted educator candidates who are educators of the school concerned—
- (i) is equal to the number of the members determined in terms of measure 2(1)(b) in respect of the governing body concerned, the electoral officer shall declare every thus accepted educator candidate to be a duly elected member of the governing body; or
 - (ii) is more than the number of members determined in terms of measure 2(1)(b) in respect of the governing body concerned, a poll shall be held in accordance with measure 14.
- (7) If there are 10 or less educators on the establishment of a school, the procedure for the nomination of educator members is not followed, but proceeded directly to the procedure for the poll referred to in measure 14.

14. Poll at Election of Educator Members

- (1) The electoral officer shall prepare a notice of the election meeting and at least 10 days before such meeting shall distribute a copy of the notice to every educator on the establishment of the school.
- (2) A quorum at the poll shall consist of one more than half of the total number of educators on the establishment of the school.
- (3) The electoral officer shall issue each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.
- (4) An educator referred to in submeasure (1), shall cast his or her vote by writing the names of two educator candidates on the ballot paper as contemplated in submeasure (3).
- (5) The electoral officer shall reject a ballot paper—
 - (a) on which the official mark or stamp referred to in submeasure (3) does not appear;
 - (b) on which the names of more than two educator candidates appear; or
 - (c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which educator candidate or educator candidates a vote was recorded.
- (6) The two educator candidates for whom the greatest number of votes have been recorded, shall be declared as duly elected by the electoral officer.
- (7) Where the number of votes recorded for the first three or more educator candidates is equal, the electoral officer shall repeat the polling procedure until two educator candidates record a simple majority of votes: Provided that if one candidate recorded a simple majority of votes, but the number of votes recorded for the other educator candidates in the second position is equal, the polling procedure will at least be repeated twice with regard to the other educator candidates until one of the other educator candidate record a simple majority of the votes.
- (8) If a result for the second position with regard to the other educator candidates referred to in submeasure (7) is not obtained, the electoral officer shall ascertain the result with regard to the said educator candidates by drawing lots.

15. Nomination and Election of a Non-educator Member

The procedure for the nomination and election of educator members shall *mutatis mutandis* apply to the nomination and election of a non-educator member.

is, moet 'n nuwe vergadering ooreenkomstig die bepalings van hierdie maatreëls belê word waarop nuwe opvoederkandidate aldus genomineer kan word.

- (b) Indien die getal aldus aanvaarde opvoederkandidate wat opvoeders van die betrokke skool is—
- (i) gelyk is aan die getal lede wat ingevolge maatreël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte elke aldus aanvaarde opvoederkandidaat tot 'n behoorlike verkose lid van die beheerliggaam; of
 - (ii) meer as die getal lede wat ingevolge maatreël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig maatreël 14 gehou.
- (7) Indien daar 10 of minder opvoeders op die diensstaat van die skool is, word die prosedure vir die nominasie van opvoederlede nie gevolg nie, maar word direk tot die prosedure vir stemming in maatreël 14 bedoel, oorgegaan.

14. Stemming by Verkiesing van Opvoederlede

- (1) Die kiesbeampte berei 'n kennisgewing ten opsigte van die verkiesingsvergadering voor, en besorg ten minste 10 dae voor sodanige vergadering 'n afskrif van hierdie kennisgewing aan elke opvoeder op die diensstaat van die skool.
- (2) 'n Kworum tydens die stemming sal een meer as die helfte van die totale getal opvoeders op die diensstaat van die skool wees.
- (3) Die kiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring 'n goedgekeurde stembrief waarop 'n amptelike merk of stempel voorkom uit.
- (4) 'n Opvoeder in submaatreël (1) bedoel, bring sy of haar geheime stem uit op die stembrief in submaatreël (3) beoog deur twee name van opvoederkandidate daarop aan te bring.
- (5) Die kiesbeampte verwerp 'n stembrief—
 - (a) waarop die amptelike merk of stempel in submaatreël (3) bedoel, nie voorkom nie;
 - (b) waarop die name van meer as twee opvoederkandidate verskyn of;
 - (c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter opvoederkandidaat of opvoederkandidate 'n stem uitgebring is.
- (6) Die twee opvoederkandidate op wie die meeste stemme uitgebring is, word deur die kiesbeampte as verkose verklaar.
- (7) In geval van 'n staking van stemme by die eerste drie of meer opvoederkandidate moet die kiesbeampte die stemprosedure herhaal totdat twee opvoederkandidate 'n gewone meerderheid stemme op hulle verenig: Met dien verstande dat indien een opvoederkandidaat 'n gewone meerderheid van stemme op hom of haar verenig, maar 'n staking van stemme ontstaan tussen ander opvoederkandidate om die tweede posisie te beklee, word die stemprosedure met betrekking tot die ander opvoederkandidate hoogstens twee keer herhaal.
- (8) Indien 'n uitslag vir die tweede posisie met betrekking tot die ander opvoederkandidate in submaatreël (7) bedoel, nie behaal is nie, stel die kiesbeampte die uitslag met betrekking tot bedoelde opvoederkandidate deur loting vas.

15. Nominasie en Verkiesing van 'n Nie-opvoederlid

Die prosedure vir die nominasie en verkiesing van opvoederlede is *mutatis mutandis* van toepassing by die nominasie en verkiesing van 'n nie-opvoederlid.

16. Nomination and Election of Learner Members

- (1) The representative council of learners referred to in measure 24 shall elect from its ranks two learners who shall be members of the governing body.
- (2) The procedure for the nomination and election of educator members as prescribed at measures 13(1) to (6) and 14 shall apply to the nomination and election of the learner members referred to in submeasure (1).
- (3) For the purpose of this measure “electoral officer” shall mean the principal of the school concerned.

17. Decision of Electoral Officer

The electoral officer shall decide all matters connected with the nomination of candidates and the poll referred to in measures 11, 12, 13, 14 and 15 respectively. All disputes should be reported to the officiating electoral officer during the election process. The electoral officer is mandated to resolve all disputes in order to declare elections undisputed. His or her decision during the election is final. Should there be a dispute that the electoral officer is unable to resolve, then the elections must go ahead.

18. District electoral officer

- (1) Any person(s) who wish(es) to lodge an objection with regard to the matters referred to in measure 17, must lodge such an objection in writing within 7 days after the election of members in a specific category with the district electoral officer, who decides thereon.
- (2) The district electoral officer must consider the objection and respond in writing within 7 days of receipt of the objection.
- (3) An appeal may be lodged with the Member of the Executive Council within 30 days after the elections, if the person(s) is/are not satisfied with the decision of the district electoral officer.

19. Procedure after Election of Governing Body

After the election of a governing body the electoral officer shall—

- (a) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- (b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- (c) notify each elected member, including a member referred to in measure 11(6)(b)(i), in writing of his or her election; and
- (d) notify the principal and the Head of Department forthwith in writing of the date of the election and of the names and addresses of the persons elected as members including the names and addresses of the persons declared elected in accordance with measure 11(6)(b)(i).

20. Election of Office-bearers

- (1) The principal shall convene the first meeting of the governing body within 14 days after he or she has been notified in writing of the dates of the elections and of the names and addresses of all the members of the governing body.
- (2) At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.
- (3) Subject to the provisions of submeasure (2) only,
 - (i) members of the governing body elected from the categories of persons referred to in measure 2(1)(a), (e), (f), (g), (h) and (i) may serve as chairperson of the governing body;

16. Nominasie en Verkieping van Leerderlede

- (1) Die verteenwoordigende raad van leerders soos in maatreeël 24 bedoel, verkies uit sy eie geledere twee leerders wat lede van die beheerliggaam moet wees.
- (2) Die prosedure vir die nominasie en verkiesing van opvoederlede soos voorgeskryf by maatreeëls 13(1) tot (6) en 14 is van toepassing by die nominasie en verkiesing van leerderlede soos in submaatreeël (1) bedoel.
- (3) Vir die doel van dié maatreeël beteken “kiesbeampte” die prinsipaal van die betrokke skool.

17. Beslissing van Kiesbeampte

Die kiesbeampte beslis alle aangeleenthede wat met die nominasie van kandidate en stemming bedoel in maatreeëls 11, 12, 13, 14 en 15 onderskeidelik, verband hou. Alle dispute moet aan die optredende kiesbeampte gerapporteer word gedurende die verkiesingsproses. Die kiesbeampte het ’n mandaat om alle dispute op te los en die verkiesings as ongedisputeer te verklaar. Sy of haar beslissing is finaal. Indien daar ’n dispuut is wat nie deur die kiesbeampte opgelos kan word nie, moet die verkiesing voltooi word.

18. Distrikskiesbeampte

- (1) Enige persoon wat ’n beswaar wil aanteken oor die aangeleenthede in maatreeël 17 bedoel, moet so ’n beswaar binne 7 dae na die verkiesing van lede in ’n bepaalde kategorie skriftelik aanteken by die distrikskiesbeampte, wat daaroor beslis.
- (2) Die distrikskiesbeampte moet die beswaar oorweeg en binne 7 dae na ontvangs van die beswaar, skriftelik reageer.
- (3) Appèl kan by die Lid van die Uitvoerende Raad aangeteken word binne 30 dae na die verkiesing indien die persoon(e) nie tevrede is met die beslissing van die distrikskiesbeampte nie.

19. Prosedure na Verkieping van Beheerliggaam

Na die verkiesing van ’n beheerliggaam moet die kiesbeampte—

- (a) alle dokumente, met inbegrip van stembriewe, wat by so ’n verkiesing gebruik is in koeverte plaas en die koeverte verseël;
- (b) bedoelde koeverte in veilige bewaring hou vir ’n tydperk van minstens drie maande vanaf die datum van die verkiesing van die betrokke beheerliggaam;
- (c) elke verkose lid, met inbegrip van ’n lid in maatreeël 11(6)(b)(i) bedoel, skriftelik in kennis stel van sy of haar verkiesing; en
- (d) die prinsipaal en die Departementshoof onverwyld skriftelik in kennis stel van die datum van die verkiesing en van die name en adresse van die persone wat tot lede verkies is met inbegrip van die name en die adresse van die persone wat ooreenkomstig maatreeël 11(6)(b)(i) verkose verklaar is.

20. Verkieping van Ampsdraers

- (1) Die prinsipaal belê die eerste vergadering van die beheerliggaam binne 14 dae nadat hy of sy skriftelik in kennis gestel is van die datums van die verkiesings en van al die name en adresse van die lede van die beheerliggaam.
- (2) Op die eerste vergadering van die beheerliggaam verkies so ’n liggaam uit sy geledere ampsdraers wat minstens ’n voorsitter, ’n tesourier en ’n sekretaris insluit.
- (3) Onderhewig aan die bepalinge van submaatreeël (2) mag:
 - (i) Enige lid van die beheerliggaam wat uit die kategorieë van persone bedoel in maatreeël 2(1)(a), (e), (f), (g), (h) en (i) verkies of aangestel is, as die voorsitter van ’n beheerliggaam dien;

- (ii) an educator, non-educator or parent member may serve as secretary; and
- (iii) a non-educator or parent member may serve as treasurer.
- (4) Subject to the provisions of submeasure (6), the office-bearers shall remain in office for a term of 12 months from the date of their election.
- (5) An office bearer of a governing body may be re-elected or co-opted after the expiry of his or her term of office.
- (6) If for any reason the office of an office-bearer becomes vacant, the governing body shall, subject to the provisions of submeasure (3), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.
- (7) The principal shall preside at an election referred to in submeasure (2), and also an election referred to in submeasure (6).
- (8) The principal shall, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

21. Meetings of Governing Body

- (1) The chairperson of a governing body shall determine the date, time and place of a meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof: Provided that in the case of a matter requiring urgent attention in the opinion of the chairperson of the governing body at least 24 hours notice may be given.
- (2) Any person may on the invitation of the governing body be present at a meeting of such body and take part in the discussion, but shall have no vote and shall leave the meeting when the governing body so decides.
- (3) A governing body may require any staff member of the school concerned to attend a meeting of such body in connection with any matter relating to the functions of the governing body.
- (4) The majority of the enfranchised members of a governing body shall constitute a quorum for any meeting of the governing body.
- (5) A governing body shall determine its own rules relating to its meetings and procedures at those meetings.

22. Minutes of Proceedings of Meetings

- (1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall, not later than 14 days after such meeting, provide the Head of Department, or any officer duly designated by him or her, and each member with a copy of such minutes.
- (2) The secretary of a governing body shall provide, on request, a parent of a learner at that school, or member of staff at that school, with a copy of such minutes where the applicant requires it for the exercise or protection of his or her rights or interest: Provided that there will be no violation of the rights of persons.
- (3) The minutes of the proceedings of every meeting of a governing body or committee thereof shall at the next ensuing meeting of the governing body or committee thereof, as the case may be, be submitted for approval.
- (4) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of such a body or any committee thereof shall be handed to the principal concerned.
- (5) At the closure of a school the principal shall hand in all minutes

- (ii) alleenlik 'n opvoeder, nie-opvoeder of ouerlid as sekretaris dien; en
- (iii) alleenlik 'n nie-opvoeder of ouerlid as tesourier dien.

- (4) Behoudens die bepalings van submaatreeël (6) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf die datum van hul verkiesing.
- (5) 'n Ampsdraer van 'n beheerliggaam kan herkies of gekoöpteer word, na verstryking van sy of haar ampstermyn.
- (6) Waar die amp van 'n ampsdraer om enige rede vakant raak, verkies die beheerliggaam op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalings van submaatreeël (3), een van sy lede om daardie vakature vir die onverstreke ampstermyn van sy of haar voorganger te vul.
- (7) Die prinsipaal sit voor by 'n verkiesing bedoel in submaatreeël (2), asook by 'n verkiesing bedoel in submaatreeël (6).
- (8) Die prinsipaal moet na 'n vergadering waarop enige ampsdraer ooreenkomstig hierdie maatreëls verkies is, die Departementshoof onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon verkies.

21. Vergaderings van Beheerliggaam

- (1) Die voorsitter van 'n beheerliggaam bepaal die datum, tyd en plek van 'n vergadering en die sekretaris van so 'n liggaam stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis: Met dien verstande dat in die geval van 'n saak wat na die oordeel van die voorsitter van die beheerliggaam spoedeisend gehanteer moet word, minstens 24 uur kennis gegee kan word.
- (2) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van so 'n liggaam teenwoordig wees en aan die bespreking deelneem, maar het nie stemreg nie en verlaat die vergadering wanneer die beheerliggaam aldus besluit.
- (3) 'n Beheerliggaam kan vereis dat enige personeellid van die betrokke skool 'n vergadering van so 'n liggaam moet bywoon in verband met enige aangeleentheid wat op die werksaamhede aan die beheerliggaam betrekking het.
- (4) Die meerderheid van die stemgeregtigde lede van 'n beheerliggaam vorm 'n kworum vir enige vergadering van die beheerliggaam.
- (5) 'n Beheerliggaam bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

22. Notules van Verrigtinge van Vergaderings

- (1) Die sekretaris van 'n beheerliggaam hou notule van die verrigtinge van elke vergadering en voorsien die Departementshoof of enige beampde deur hom of haar aangewys en elke lid van die beheerliggaam van 'n afskrif van sodanige notule.
- (2) Die sekretaris van 'n beheerliggaam voorsien, op versoek, 'n ouer van 'n leerder by daardie skool, of personeellid van die skool van 'n afskrif van so 'n notule: Met die verstande dat daar in die proses nie op die regte van persone inbreuk gemaak sal word nie en dit benodig word deur die aanvrager vir die uitoefening of beskerming van sy of haar regte of belange.
- (3) Die notule van die verrigtinge van elke vergadering van 'n beheerliggaam of komitee daarvan moet op die eersvolgende vergadering van die beheerliggaam of komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word.
- (4) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn moet alle notules en ander dokumente van so 'n liggaam of enige komitee daarvan aan die betrokke prinsipaal oorhandig word.
- (5) By die sluiting van 'n skool moet die prinsipaal alle notules en

and other documents of the governing body or any committee thereof at the Western Cape Education Department for safe-keeping.

23. Casual Vacancies in Governing Body

- (1) A casual vacancy shall occur in a governing body if a member—
 - (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive meetings without the permission of the governing body;
 - (d) becomes ineligible as referred to in measures 3(a), (b) and (c) and 4(2); or
 - (e) has been removed from office in terms of measure 4(1).
- (2) Whenever a casual vacancy occurs—
 - (a) in a governing body composed in terms of measures 2(13), (15) and 5(4), the Head of Department shall forthwith appoint an eligible person in the vacancy; and
 - (b) in case of a parent member, in a governing body composed in terms of measure 2(1), the governing body shall fill such vacancy by means of co-option at its next meeting;
 - (c) in a governing body composed in terms of measure 2(1), the governing body shall fill such a vacancy, excluding a vacancy referred to in submeasure (2)(b), in the prescribed manner.
- (3) A member appointed, co-opted or elected in accordance with submeasure (2), obtains membership for the unexpired period of the term of office of his or her predecessor.
- (4) If a vacancy has been filled—
 - (a) in accordance with submeasure (2)(a), the Head of Department shall, and
 - (b) in accordance with submeasure (2)(b) and (c), the secretary of the governing body concerned shall, forthwith notify the principal, in writing, of the name of the person who is no longer a member of the governing body and of the name and address of his or her successor.
- (5) If a vacancy has been filled in accordance with submeasure (2)(b), such a member shall have voting rights.

24. Representative Council of Learners

- (1) Composition of representative council of learners

A representative council of learners consists of three (3) representatives for each grade from the eighth grade and higher, and such council is the only recognised and legitimate representative learner body at the school.
- (2) Nomination and election of members of representative council of learners
 - (a) The representatives for each grade referred to in submeasure (1) are elected separately by the learners in the grade concerned;
 - (b) The procedure for the nomination and election of educator members as prescribed at measures 13(1) to (6) and 14 shall apply to the nomination and election of the representatives for each grade referred to in paragraph (a).
 - (c) For the purpose of this measure “electoral officer” shall mean the principal of the school concerned.

ander dokumente van die beheerliggaam of enige komitee daarvan by die Wes-Kaap Onderwysdepartement vir veilige bewaring inhandig.

23. Toevallige Vakatures in Beheerliggaam

- (1) 'n Toevallige vakature in 'n beheerliggaam ontstaan indien 'n lid—
 - (a) bedank;
 - (b) te sterwe kom;
 - (c) sonder die toestemming van die beheerliggaam van drie agtereenvolgende vergaderings afwesig is;
 - (d) onbevoeg word soos in maatreëls 3(a), (b) en (c) en 4(2) bedoel; of
 - (e) ingevolge maatreël 4(1) van sy of haar amp onthef is.
- (2) Wanneer 'n toevallige vakature ontstaan—
 - (a) in 'n beheerliggaam saamgestel ingevolge maatreëls 2(13), (15) en 5(4), stel die Departementshoof onverwyld 'n bevoegde persoon in die vakature aan;
 - (b) in die geval van 'n ouerlid, in die beheerliggaam saamgestel ingevolge maatreël 2(1) moet die beheerliggaam by sy eersvolgende vergadering so 'n vakature by wyse van koöptering vul; en
 - (c) in 'n beheerliggaam saamgestel ingevolge maatreël 2(1), moet die beheerliggaam so 'n vakature, uitgesonderd die vakature in submaatreël (2)(b) bedoel, op die voorgeskrewe wyse vul.
- (3) 'n Lid wat ooreenkomstig submaatreël (2) aangestel of verkies is, verkry lidmaatskap vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger.
- (4) Waar 'n vakature gevul is—
 - (a) ooreenkomstig submaatreël (2)(a) moet die Departementshoof; en
 - (b) ooreenkomstig submaatreël (2)(b) en (c), moet die sekretaris van die betrokke beheerliggaam, die prinsipaal, onverwyld skriftelik in kennis stel van die naam van die persoon wat nie meer lid van die beheerliggaam is nie en van die naam en adres van sy of haar opvolger.
- (5) Waar 'n vakature gevul is ingevolge submaatreël (2)(b), het sodanige lid stemreg.

24. Verteenwoordigende Raad van Leerders

- (1) Samestelling van verteenwoordigende raad van leerders

'n Verteenwoordigende raad van leerders bestaan uit drie verteenwoordigers vir elke graad vanaf die agtste graad en hoër, en hierdie raad is die enigste erkende en wettige verteenwoordigende leerderliggaam by die skool.
- (2) Nominasie en verkiesing van lede van verteenwoordigende raad van leerders
 - (a) Die verteenwoordigers van elke graad bedoel in submaatreël (1) word verkies deur die leerders in die betrokke graad.
 - (b) Die prosedure vir die nominasie en verkiesing van opvoederlede soos voorgeskryf by maatreëls 13(1) tot (6) en 14 is van toepassing by die nominasie en verkiesing van die verteenwoordigers van elke graad soos bedoel in paragraaf (a).
 - (c) Vir die doel van dié maatreël, beteken “kiesbeampte” die prinsipaal van die betrokke skool.

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| <p>(3) Election of office-bearers of representative council of learners</p> | <p>(3) Verkiesing van ampsdraers van verteenwoordigende raad van leerders</p> |
| <p>(a) The principal shall convene the first meeting of the representative council of learners and shall preside at such meeting.</p> <p>(b) At the first meeting the representatives shall elect from their ranks at least a chairperson, a vice-chairperson and a secretary.</p> | <p>(a) Die prinsipaal belê die eerste vergadering van die verteenwoordigende raad van leerders en sit voor tydens sodanige vergadering.</p> <p>(b) Op die eerste vergadering verkies die verteenwoordigers uit eie geledere ampsdraers wat minstens 'n voorsitter, 'n ondervoorsitter en 'n sekretaris insluit.</p> |
| <p>(4) Functions of representative council of learners</p> | <p>(4) Funksies van verteenwoordigende raad van leerders</p> |
| <p>The representative council of learners must—</p> | <p>Die verteenwoordigende raad van leerders moet—</p> |
| <p>(a) draft a constitution and submit it to the governing body for approval;</p> <p>(b) act as representatives of their fellow learners;</p> <p>(c) serve as a channel of communication among learners themselves, between learners and staff and between learners and principal;</p> <p>(d) assist in maintaining order in the school in accordance with approved school rules;</p> <p>(e) set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, co-operation and active participation in school activities;</p> <p>(f) promote good relations among learners themselves, between learners and staff, the school and the community and the school and parents;</p> <p>(g) promote responsibility, learnership and leadership;</p> <p>(h) support the total educational program of the school (academic, religious, cultural and sports); and</p> <p>(i) maintain and refine school traditions.</p> | <p>(a) 'n grondwet opstel en aan die beheerliggaam voorlê vir goedkeuring;</p> <p>(b) as verteenwoordigers van hul medeleerders optree;</p> <p>(c) as kommunikasiekanaal tussen leerders onderling, leerders en personeel en leerders en die prinsipaal dien;</p> <p>(d) bydra tot die handhawing van die goeie orde in die skool ooreenkomstig die goedgekeurde skoolreëls;</p> <p>(e) 'n positiewe voorbeeld stel ten opsigte van dissipline, lojaliteit, respek, stiptelikheid, akademiese deeglikheid, moraliteit, samewerking en aktiewe deelname aan skoolbedrywighede;</p> <p>(f) goeie verhoudinge tussen leerders van die skool onderling, leerders en personeel, die skool en die gemeenskap, en die skool en ouers bevorder;</p> <p>(g) verantwoordelikheid, leerderskap en leierskap bevorder;</p> <p>(h) die totale opvoedkundige program van die skool (akademies, godsdienstig, kultureel en sport) ondersteun; en</p> <p>(i) die tradisies van die skool handhaaf en verfyen.</p> |
| <p>(5) Dissolution of representative council of learners</p> | <p>(5) Ontbinding van verteenwoordigende raad van leerders</p> |
| <p>(a) The principal of the school concerned may, after consultation with the governing body, dissolve a representative council of learners if such representative council of learners has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interest of the school concerned.</p> <p>(b) A representative council of learners dissolved in terms of submeasure (5)(a) must be recomposed in accordance with this measure.</p> | <p>(a) Die prinsipaal van die betrokke skool kan, na oorlegpleging met die beheerliggaam 'n verteenwoordigende raad van leerders ontbind indien sodanige verteenwoordigende raad van leerders in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie.</p> <p>(b) 'n Verteenwoordigende raad van leerders wat kragtens submaatreël (5)(a) ontbind is, moet ooreenkomstig hierdie maatreël hersaamgestel word.</p> |
| <p>(6) Discharge of individual members of representative council of learners</p> | <p>(6) Onthefing van individuele lede van verteenwoordigende raad van leerders</p> |
| <p>(a) The principal may, after consultation with the governing body, the staff and the representative council of learners, discharge a member of the representative council of learners from his or her membership if he or she—</p> <p>(i) commits an act which undermines the administration of the school, or encourages such acts to be committed by others;</p> <p>(ii) is disobedient or refuses to carry out instructions given to him or her by any educator or a person in charge;</p> <p>(iii) is loath or refuses to fulfil duties;</p> <p>(iv) conducts himself or herself in a scandalous, improper or unseemly manner or is guilty of gross discourtesy towards another person;</p> | <p>(a) Die prinsipaal kan na oorlegpleging met die beheerliggaam, die personeel en die verteenwoordigende raad van leerders 'n lid van die verteenwoordigende raad van leerders van sy of haar lidmaatskap onthef indien hy of sy—</p> <p>(i) 'n daad wat die administrasie van die skool ondermyn, pleeg of ander aanmoedig om dit te pleeg;</p> <p>(ii) ongehoorsaam is of weier om instruksies wat aan hom of haar deur enige opvoeder of persoon in bevel gegee is, uit te voer;</p> <p>(iii) nalatig of traag is om pligte wat aan hom of haar opgelê is, uit te voer;</p> <p>(iv) hom of haar op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra of hom of haar aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;</p> |

- (v) is found guilty of an offence and is sentenced to imprisonment for a period exceeding six months, without the option of a fine;
 - (vi) absents him or herself from school without reason or valid cause
 - (vii) fails to attend three consecutive meetings without the prior permission of the council;
 - (viii) leaves the school permanently; or
 - (ix) has been suspended.
- (b) A vacancy that occurs as a result of the application of submeasure (6)(a), must be filled by a member elected in accordance with measure 23.

25. Commencement

These measures come into operation immediately and repeal in its totality the Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners with Special Education Needs (including public schools for learners sent or transferred thereto in terms of the Child Care Act, 1983, (Act 74 of 1983); the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1997 (Act 51 of 1977) as published in Provincial Gazette Extraordinary 6001 of 29 April 2003 at Provincial Notice 110/2003.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

Election of Learners/Educators/Non-Educator/Parents of Learners as Members of Governing Body

(MEASURES 9, 11, 12, 13, 14, 15 AND 16)

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of as members of the governing body for the above-mentioned school will be held on (date) at (time) at (place). It shall be determined at (time) on the evening of the nomination and election meeting whether a quorum of enfranchised parents is present. Parents are thus requested to be present before (time)

A candidate may also be nominated by lodging with the electoral officer not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate. For this purpose nominations will be accepted at the school from (date) until (time) on (date)

(Nomination forms are obtainable from the principal.)

If more candidates are nominated than the number of members to be elected, a poll will be conducted immediately.

.....
DATE SIGNATURE OF ELECTORAL OFFICER
ADDRESS:
.....
.....
.....

- (v) by skuldigbevinding aan 'n misdryf gevonnisd word tot gevangenisstraf vir langer as ses maande sonder die keuse van 'n boete;
 - (vi) van die skool af wegbly sonder 'n geldige rede of oorsaak;
 - (vii) versuim om drie agtereenvolgende vergaderings by te woon sonder om vooraf toestemming van die raad te verkry;
 - (viii) die skool permanent verlaat; of
 - (ix) geskors is.
- (b) 'n Vakature wat as gevolg van die toepassing van submaatreël (6)(a) ontstaan, moet gevul word deur 'n lid wat ooreenkomstig maatreël 23 verkies is.

25. Inwerkingtreding

Hierdie maatreëls tree onmiddellik in werking en herroep die Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders met Spesiale Onderwysbehoefes (ingesluit openbare skole vir leerders wat kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos gewysig, daarheen verwys of oorgeplaas is) soos gepubliseer in Buitengewone Provinsiale Koerant 6001 van 29 April 2003 by Provinsiale Kennisgewing 110/2003, in sy geheel.

BYLAE A

KENNISGEWING VAN NOMINASIE- EN VERKIESINGSVERGADERING

Verkiesing van Leerders/Opvoeders/Nie-Opvoeder/Ouers van Leerders as Lede van Beheerliggaam

(MAATREËLS 9, 11,12, 13, 14, 15 EN 16)

NAAM VAN SKOOL

Kennis geskied hiermee dat 'n vergadering vir die nominasie van kandidate vir die verkiesing van as lede van die beheerliggaam vir bogenoemde skool, op (datum) om (tyd) by (plek) gehou sal word.

Daar sal om (tyd) op die aand van die nominasie- en verkiesingsvergadering bepaal word of 'n kworum stemgeregtigde ouers teenwoordig is. Ouers word dus versoek om voor (tyd) teenwoordig te wees.

'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van bogenoemde vegadering by die kiesbeampte in te dien. Nominasies sal vir hierdie doel vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word.

(Nominasievorms is by die prinsipaal verkrygbaar.)

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal daar onmiddellik tot stemming oorgegaan word.

.....
DATUM HANDTEKENING VAN KIESBEAMPTE
ADRES:
.....
.....
.....

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

- (1) The governing body shall consist of—
- (a) seven parents of learners at the school who are not employed at the school, insofar as it is reasonably practicable;
 - (b) two educators at the school;
 - (c) one member of staff employed at the school concerned who is not an educator;
 - (d) two learners in the eighth grade or higher, if reasonably practicable;
 - (e) one member representing all sponsoring bodies, if applicable;
 - (f) one member representing all organisations of parents of learners with special education needs, if applicable;
 - (g) one member representing all organisations for disabled persons, if applicable;
 - (h) one disabled person, if applicable;
 - (i) one expert in an appropriate field of special education needs; and
 - (j) the principal in his or her official capacity.
- (2) Parents must elect the members referred to in subparagraph (1)(a).
- (3) Educators at the school concerned must elect the members referred to in subparagraph (1)(b).
- (4) Members of staff at the school concerned who are not educators must elect the members referred to in subparagraph (1)(c).
- (5) A representative council of learners must elect the members referred to in subparagraph (1)(d).
- (6) The sponsoring bodies referred to in subparagraph (1)(e) must submit at least three nominations in order of preference to the Member of the Executive Council via the principal of the school for the appointment of the member referred to in subparagraph (1)(e).
- (7) The person referred to in subparagraph (1)(f) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (8) The person referred to in subparagraph (1)(g) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (9) The person referred to in subparagraph (1)(h) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference via the principal of the school.
- (10) The person referred to in subparagraph (1)(i) shall be designated by the Head of Department.

2. NOMINATIONS OF PARENT MEMBERS

- (a) Each candidate shall be proposed by a voter referred to in paragraph 4 and seconded by another voter. A voter who proposes or seconds a candidate shall satisfy himself or herself that the candidate is eligible to be elected as a member.

INLIGTING IN VERBAND MET VERKIESING

(Moet kennisgewing van nominasie- en verkiesingsvergadering vergesel)

1. SAMESTELLING VAN BEHEERLIGGAAM

- (1) Die beheerliggaam bestaan uit—
- (a) sewe ouers van leerders by die skool wat nie by die skool in diens is nie, vir sover dit redelikerswys uitvoerbaar is;
 - (b) twee opvoeders by die skool;
 - (c) een personeellid van die skool wat nie 'n opvoeder is nie;
 - (d) twee leerders in die agste graad of hoër, indien redelik uitvoerbaar;
 - (e) een lid as verteenwoordiger van alle borgliggame, indien toepaslik;
 - (f) een lid as verteenwoordiger van alle organisasies van ouers van leerders met spesiale onderwysbehoefes, indien toepaslik;
 - (g) een lid as verteenwoordiger van alle organisasies vir gestremde persone, indien toepaslik;
 - (h) een gestremde persoon, indien toepaslik;
 - (i) een deskundige in 'n toepaslike veld van spesiale onderwysbehoefes; en
 - (j) die prinsipaal in sy of haar amptelike hoedanigheid.
- (2) Ouers moet die lede bedoel in subparagraaf (1)(a) verkies.
- (3) Opvoeders in diens by die betrokke skool moet die lede bedoel in subparagraaf (1)(b) verkies.
- (4) Personeellede in diens by die skool wat nie opvoeders is nie moet die lede bedoel in subparagraaf (1)(c) verkies.
- (5) Die verteenwoordigende raad van leerders moet die leerders bedoel in subparagraaf (1)(d) verkies.
- (6) Die borgliggame in subparagraaf (1)(e) bedoel, moet ten minste drie name vir aanstelling van die lid in subparagraaf (1)(e) bedoel, in volgorde van voorkeur aan die Lid van die Uitvoerende Raad via die prinsipaal van die skool voorlê.
- (7) Die persoon in subparagraaf (1)(f) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorlê is.
- (8) Die persoon in subparagraaf (1)(g) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorlê is.
- (9) Die persoon in subparagraaf (1)(h) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorlê is.
- (10) Die persoon in subparagraaf (1)(i) bedoel, moet deur die Departementshoof aangewys word.

2. NOMINASIES VAN OUERLEDE

- (a) Elke kandidaat moet deur 'n stemgeregtigde in paragraaf 4 bedoel voorgestel en deur 'n ander stemgeregtigde gesekondeer word. 'n Stemgeregtigde wat 'n kandidaat voorstel of sekondeer, moet homself of haarself oortuig dat die kandidaat bevoeg is om tot lid verkies te word.

- (b) A nomination form shall be completed in respect of every candidate. These forms are obtainable from the principal before the meeting and will also be available at the meeting.
- (c) If a quorum as referred to in Measure 12(2) of the Measures is present the electoral officer shall determine the time to be allowed for the nomination of candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (d) A parent candidate may not nominate him- or herself.

3. DISQUALIFICATION OF MEMBERS OF GOVERNING BODY

A candidate shall be ineligible to be elected or appointed as a member of a governing body if he or she—

- (a) has been convicted of any offence for which he or she was sentenced to imprisonment without the option of a fine for a period exceeding six months, or if he or she has not yet served his or her full period of imprisonment, unless he or she has received a free pardon or the period of his or her imprisonment ended at least three years prior to the date of his or her election;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member does not have a child enrolled as a learner at the school concerned.

4. FRANCHISE

- (a) Every parent of one or more learners on the roll of a school at the time of the election of members of a governing body for such school shall be entitled to vote at such election.
- (b) A person who is not the natural parent but who is a person in whose custody one or more learners referred to in paragraph (a) have been lawfully placed, is entitled to vote at such an election, and only such parents will be admitted to the voting hall.
- (c) A person who is entitled to vote shall have one vote in respect of any particular candidate: Provided that the total number of votes of such a person shall not exceed the number of members to be elected.

5. GENERAL

The principal may include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of parent participation.

DECLARATION BY PARENT OF LEARNER

(MUST BE PRODUCED BY PARENT AT VOTING HALL)

I,
(Full Name)

of
(Residential Address)

declare hereby that I am—(*)

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

.....
(Full Name(s) of Learner(s))

.....
SIGNATURE OF PARENT

.....
DATE

((*) Delete which is not applicable)

- (b) 'n Nominasievorm moet ten opsigte van elke kandidaat voltooi word. Hierdie vorms is voor die vergadering by die prinsipaal verkrygbaar en sal ook by die vergadering beskikbaar wees.
- (c) Indien 'n kworum soos bedoel in maatreël 12(2) van hierdie Maatreëls aanwesig is, bepaal die kiesbeampte die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van kandidate toegelaat word, en stel die vergadering daarvan in kennis.
- (d) 'n Ouer-kandidaat mag nie homself of haarself nomineer nie.

3. DISKWALIFIKASIE VAN LEDE VAN BEHEERLIGGAAM

'n Kandidaat is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word indien hy of sy—

- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is vir 'n periode langer as ses maande of nog nie die volle tydperk van sy of haar gevangenisstraf uitgedien het nie, tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van so 'n liggaam verstryk het;
- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
- (c) 'n ongerehabiliteerde insolvent is; of
- (d) in die geval van 'n ouerlid, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie.

4. STEMREG

- (a) Elke ouer van een of meer leerders op die register van 'n skool ten tyde van die verkiesing van lede van 'n beheerliggaam vir sodanige skool, is geregtig om by sodanige verkiesing te stem en slegs sodanige ouers sal tot die stemlokaal toegelaat word.
- (b) Iemand wat nie die natuurlike ouer is nie, maar 'n persoon is in wie se sorg een of meer leerders in paragraaf (a) bedoel, wettig geplaas is, is geregtig om by sodanige verkiesing te stem.
- (c) Iemand wat geregtig is om te stem, het een stem ten opsigte van enige besondere kandidaat: Met dien verstande dat die totale aantal stemme van so iemand nie die getal lede wat verkies moet word, oorskry nie.

5. ALGEMEEN

Die prinsipaal kan sodanige bykomende inligting by hierdie bylae insluit wat hy of sy nodig mag ag vir die gladde verloop van die verkiesing soos, byvoorbeeld die belangrikheid van ouerdeelname.

VERKLARING DEUR OUER VAN LEERDER

(MOET DEUR OUER BY STEMLOKAAL GETOON WORD)

Ek,
(Volle Naam)

van
(Woonadres)

verklaar hierby dat ek—(*)

- (a) die ouer/voog is van;
- (b) die persoon is met wettige aanspraak op sorg vir; of
- (c) die persoon is wat onderneem om die verpligtinge van 'n persoon by paragrawe (a) en (b) genoem na te kom met betrekking tot die opvoeding op skool van

.....
(Leerder(s) se Volle Naam/Name)

.....
HANDTEKENING VAN OUER

.....
DATUM

((*) Skrap wat nie van toepassing is nie)

ANNEXURE B**NOMINATION FORM**

Election of Learners/Educators/Non-Educator/Parents of
Learners as Members of Governing Body

(MEASURES 11, 13, 15 AND 16)

(In terms of section 28(e) of the South African Schools Act, 1996 (Act 84 of 1996), as amended, the achievement of the highest practicable level of representivity shall be striven for in the nomination and election of members of the governing body.)

NAME OF SCHOOL:

PROPOSER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator/parent of a learner of the above-mentioned school, hereby propose

.....
(Full Name of Candidate)

as a member of the governing body of the above-mentioned school.

.....
SIGNATURE OF PROPOSER

SECONDER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator/parent of a learner of the above-mentioned school, hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE:

I,
(Full Name)

of
(Residential Address)

hereby declare that I—

- (a) accept the above-mentioned nomination; and
(b) am not ineligible to be a member of a governing body referred to in paragraph 3 of the “ Information in Connection with Election” (attached to Annexure A).

.....
SIGNATURE OF CANDIDATE

OR

(IF PROPOSED AT NOMINATION AND ELECTION
MEETING)

I,
(Full Name)

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate—

- (a) who is not present at the nomination and election meeting to

BYLAE B**NOMINASIEVORM**

Verkiesing van leerders/Opvoeders/Nie-opvoeder/Ouers van
leerders as lede van Beheerliggaam

(MAATREËLS 11, 13, 15 EN 16)

(Kragtens artikel 28(e) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996) soos gewysig, moet daar tydens die nominasie en verkiesing van lede van beheerliggame na die hoogste praktiese vlak van verteenwoordiging van lede van 'n beheerliggaam gestreef word.)

NAAM VAN SKOOL:

VOORSTELLER:

Ek,
(Volle naam)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder/ouer van 'n leerder van bogenoemde skool, stel hiermee vir

.....
(Volle naam van kandidaat)

as lid van die beheerliggaam van bogenoemde skool voor.

.....
HANDTEKENING VAN VOORSTELLER

SEKONDANT:

Ek,
(Volle naam)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder/ouer van 'n leerder van bogenoemde skool, sekondeer hiermee bogenoemde voorstel

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,
(Volle naam)

van
(Woonadres)

verklaar hiermee dat ek

- (a) bogenoemde nominasie aanvaar, en
(b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in paragraaf 3 van die “Inligting in verband met die verkiesing” (sien Bylae A).

.....
HANDTEKENING VAN KANDIDAAT

OF

(INDIEN OP NOMINASIE- EN VERKIESINGSVERGADERING
VOORGESTEL)

Ek,
(Volle naam)

verklaar dat skriftelike bewyse tot my bevrediging voorgelê is dat bogenoemde kandidaat—

- (a) wat nie by die nominasie- en verkiesingsvergadering teenwoordig is

<p>complete the nomination form, will, if elected, be willing to serve as a member of the governing body; and</p> <p>(b) is not ineligible to be a member of a governing body referred to in measure 3 of the Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners with Special Education Needs (including public schools for learners sent or transferred thereto in terms of the Children's Act, 2005, (Act 38 of 2005); the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as amended</p> <p>..... SIGNATURE OF ELECTORAL OFFICER</p> <p>Under measure 11(4) this nomination is *accepted/rejected.</p> <p>..... DATE SIGNATURE OF ELECTORAL OFFICER *Delete which is not applicable.</p>	<p>om die nominasievorm te voltooi nie, indien verkies, bereid sal wees om as lid van die beheerliggaam te dien, en</p> <p>(b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in maatreeël 3 van die Maatreëls betreffende Beheerliggame vir Openbare Skole skole vir Leerders met Spesiale Onderwysbehoefes (ingesluit openbare skole vir leerders wat kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos gewysig, daarheen verwys of oorgeplaas is).</p> <p>..... HANDTEKENING VAN KIESBEAMPTE</p> <p>Kragtens maatreeël 11(4) word hierdie nominasie * aanvaar/verwerp.</p> <p>..... DATUM: HANDTEKENING VAN KIESBEAMPTE *Skrap wat nie van toepassing is nie.</p>
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P.N. 279/2008

12 September 2008

(B) MEASURES RELATING TO GOVERNING BODIES AND A REPRESENTATIVE COUNCIL OF LEARNERS OF PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILDREN'S ACT, 2005 (ACT 38 OF 2005); THE WESTERN CAPE PROVINCIAL SCHOOL ACT, 1997 (ACT 12 OF 1997), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977), AS AMENDED

SCHEDULE

ARRANGEMENT OF MEASURES

1. Definitions
2. Composition of Governing Body
3. Disqualification of Members of a Governing Body
4. Term of Office of Members of Governing Body
5. Dissolution and Recomposition of Governing Body
6. Franchise
7. Electoral Officer
8. District Electoral Officer
9. Nomination and Election Meeting of Educator Members
10. Poll at Election of Educator Members
11. Nomination and Election of a Non-educator Member
12. Nomination and Election of Learner Members
13. Decision of Electoral Officer
14. Procedure after Election of Governing Body
15. Election of Office-bearers
16. Meetings of Governing Body
17. Minutes of Proceedings of Meetings
18. Casual Vacancies in Governing Body

P.K. 279/2008

12 September 2008

(B) MAATREËLS BETREFFENDE BEHEERLIGGAME EN 'N VERTEENWOORDIGENDE RAAD VAN LEERDERS VAN OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE KINDERWET, 2005 (WET 38 VAN 2005); DIE WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), SOOS GEWYSIG, DAARHEEN VERWYS OF OORGEPLAAS IS

BYLAE

RANGSKIKKING VAN MAATREËLS

1. Woordomsywing
2. Samestelling van Beheerliggaam
3. Diskwalifikasie van Lede van 'n Beheerliggaam
4. Ampstermyn van Lede van Beheerliggaam
5. Ontbinding en Hersamestelling van Beheerliggaam
6. Stemreg
7. Kiesbeampte
8. Distrikskiesbeampte
9. Nominasie- en Verkiesingsvergadering van Opvoederlede
10. Stemming by Verkiesing van Opvoederlede
11. Nominasie en Verkiesing van 'n Nie-opvoederlid
12. Nominasie en Verkiesing van Leederlede
13. Beslissing van Kiesbeampte
14. Prosedure na Verkiesing van Beheerliggaam
15. Verkiesing van Ampsdraers
16. Vergaderings van Beheerliggaam
17. Notules van Verrigtinge van Vergaderings
18. Toevallige Vakatures in Beheerliggaam

19. Representative Council of Learners

20. Repeal

1. Definitions

In these measures any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context otherwise indicates—

“days” means working days excluding Saturdays, Sundays and public holidays;

“district electoral officer” means a senior district official at a district office responsible to oversee and manage the election process;

“educator” means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

“electoral officer” means an electoral officer contemplated in measure 7;

“Head of Department” means the head of the education department in the Province of the Western Cape;

“member” means a member of the governing body;

“member of staff” means a person appointed according to the Public Service Act who is not an educator at a school including those employed by the school;

“Member of the Executive Council” means the Member of the Executive Council who is responsible for education in the Province of the Western Cape;

“Minister” means Minister of Education;

“officer” means an employee of the Western Cape Education Department appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) or the Public Service Act, 1994 (Proclamation 103 of 1994);

“principal” means an educator appointed or acting in a post established as the head of a school;

“psychologist” means an educator appointed in a post or acting in as psychologist at the school;

“representative council of learners” means a representative council of learners established in terms of section 11 of the Act;

“school” means—

(a) a youth care and education centre for learners with special education needs:

(i) established in terms of section 12(1)(f) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), and

(ii) is maintained for the admission, care, education and training of learners sent, transferred or referred to the school, in terms of section 158 of the Children’s Act, 2005 (Act 38 of 2005) or sections 39 and 40 of the Western Cape Provincial Education Act, 1997 (Act 12 of 1997), for education, training and/or after school programmes and/or residential care, if required; and

(b) a special youth care and education centre for learners with special education needs:

(i) established in terms of section 12(1)(f) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997); and

19. Verteenwoordigende Raad van Leerders

20. Herroeping

1. Woordoms krywing

In hierdie maatreëls het ’n woord of uitdrukking waaraan ’n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“beampte” ’n werknemer van die Wes-Kaap Onderwysdepartement wat aangestel is kragtens die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998) of die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

“dae” werksdae, uitsluitend Saterdag, Sondag en openbare vakansiedae;

“departementshoof” die hoof van die departement van onderwys in die provinsie Wes-Kaap;

“die Wet” die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig;

“distrikskiesbeampte” ’n senior distriksbeampte by ’n distrikskantoor verantwoordelik vir toesighouding oor en die bestuur van die verkiesingsproses in die distrik;

“kiesbeampte” ’n kiesbeampte in maatreël 7 beoog;

“Leerder met spesiale onderwysbehoefes” ’n leerder met bykomende onderwysbehoefes vir wie daar binne skole vir leerders met spesiale onderwysbehoefes, voorsiening gemaak word;

“lid” ’n lid van die beheerliggaam;

“Lid van die Uitvoerende Raad” die Lid van die Uitvoerende Raad wat verantwoordelik is vir onderwys in die provinsie Wes-Kaap;

“Minister” die Minister van Onderwys;

“opvoeder” enige persoon, met uitsondering van ’n persoon wat aangestel is om uitsluitlik buite-kurrikulêre werksaamhede te verrig, wat ander persone onderrig, opvoed of oplei of wat professionele opvoedkundige dienste, met inbegrip van professionele terapie en opvoedkundige sielkundige dienste, by ’n skool lewer;

“personeellid” ’n persoon wat aangestel is ingevolge die Staatsdienswet, wat nie ’n opvoeder by die skool is nie ingesluit die wat deur ’n skool in diens geneem is;

“prinsipaal” ’n opvoeder wat in ’n pos wat ingestel is as hoof van die skool aangestel is of waarnaam;

“sielkundige” ’n opvoeder wat as sielkundige by die skool aangestel is of waarnaam;

“skool” beteken—

(a) ’n jeugsorg- en onderwysentrum vir leerders met spesiale onderwysbehoefes:

(i) wat ingevolge artikel 12(1)(f) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997) ingestel is; en

(ii) wat in stand gehou word vir die opname, versorging, onderwys en opleiding van leerders wat na die skool gestuur, verwys of oorgeplaas word ingevolge artikel 158 van die Kinderwet, 2005 (Wet 38 van 2005) of artikels 39 en 40 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997) vir onderwys, opleiding en/of buite-skoolse programme en/of residensiële versorging, indien benodig; en

(b) ’n spesiale jeugsorg- en onderwysentrum vir leerders met spesiale onderwysbehoefes:

(i) wat ingevolge artikel 12(1)(f) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997) ingestel is; en

- (ii) is maintained for the admission, care, education and training of learners referred to the school, in terms of section 290(1)(d) of the Criminal Procedure Act, 1977 (Act 51 of 1977), as amended;

“the Act” means the South African Schools Act, 1996 (Act 84 of 1996), as amended; and

“Western Cape Education Department” means the department responsible for education in the Province of the Western Cape.

2. Composition of Governing Body

(1) A governing body established for a school in terms of section 24 of the Act, shall consist of—

- (a) two educators at the school;
- (b) one member of staff at the school who is not an educator;
- (c) two learners in the eighth grade or higher, if reasonably practicable;
- (d) at least four but not more than six experts in appropriate fields of special education needs of the learners of the school, which experts shall not occupy posts at the school concerned: Provided that such experts must include—
 - (i) a commissioner for child welfare for the district in which the school is situated, designated by the Department of Justice; and
 - (ii) a social worker of the Department of Social Development, designated by that Department;

must include:

- (e) a psychologist at the school; and
 - (f) the principal in his or her official capacity.
- (2) Educators employed at the school concerned must elect the members referred to in submeasure (1)(a).
 - (3) Members of staff at the school concerned who are not educators must elect the members referred to in submeasure (1)(b).
 - (4) The representative council of learners must elect the members referred to in submeasure (1)(c).
 - (5) The members referred to in submeasure (1)(d), excluding submeasure (1)(d)(i) and (ii) shall be appointed from a list submitted to the Member of the Executive Council by the Head of Department, containing the names in order of preference of at least two more than the number of persons to be appointed.
 - (6) The person referred to in submeasure (1)(e) shall be appointed by the Member of the Executive Council from a list of candidates, if the school should have more than one psychologist, in order of preference submitted by the principal of the school.
 - (7) Every member referred to in submeasure (1) shall, where appropriate, be appointed by the Member of the Executive Council.
 - (8) Such member or members of the community (that may include a parent(s)) to be co-opted by the governing body to assist in fulfilling specified responsibilities: Provided that no more than six such members be co-opted, which members or members do not have voting rights on the governing body.

3. Disqualification of Members of a Governing Body

A person shall be ineligible to be elected or appointed as a member of a governing body if he or she—

- (a) has at any time been convicted of an offence for which he or she was sentenced to imprisonment, without the option of a fine

- (ii) wat instand gehou word vir die opname, versorging, onderwys en opleiding van leerders wat ingevolge artikels 290(1)(d) van die Straffproeswet, 1977 (Wet 51 van 1977), soos gewysig, na die skool verwys word;

“verteenwoordigende raad van leerders” ’n verteenwoordigende raad van leerders ingestel kragtens artikel 11 van die Wet; en

“Wes-Kaap Onderwysdepartement” die departement verantwoordelik vir onderwys in die provinsie Wes-Kaap.

2. Samestelling van Beheerliggaam

(1) ’n Beheerliggaam ingevolge artikel 24 van die Wet vir ’n skool ingestel, bestaan uit—

- (a) twee opvoeders by die skool;
- (b) een personeelid van die skool wat nie ’n opvoeder is nie;
- (c) twee leerders in die agtste graad of hoër, indien redelik uitvoerbaar;
- (d) minstens vier maar hoogstens ses deskundiges in toepaslike velde van die spesiale onderwysbehoefte van die leerders van die skool, welke deskundiges nie betrekkings by die skool mag beklee nie, en—
 - (i) ’n kommissaris van kindersorg vir die distrik waarin die skool geleë is en deur die departement van Justisie aangewys; en
 - (ii) ’n maatskaplike werker van die Departement van Maatskaplike Ontwikkeling, aangewys deur daardie Departement,

moet insluit;

- (e) ’n sielkundige van die skool; en
 - (f) die prinsipaal in sy of haar amptelike hoedanigheid.
- (2) Opvoeders in diens by die betrokke skool moet die lede bedoel in submaatreeël (1)(a) verkies.
 - (3) Personeellede in diens by die skool wat nie opvoeders is nie moet die lede bedoel in submaatreeël (1)(b) verkies.
 - (4) Die verteenwoordigende raad van leerders moet die leerders bedoel in submaatreeël (1)(c) verkies.
 - (5) Die lede in submaatreeël (1)(d) bedoel, uitgesonderd dié in submaatreeël (1)(d)(i) en (ii) word aangestel uit ’n lys wat deur die Departementshoof aan die Lid van die Uitvoerende Raad voorgelê word en waarin die name in volgorde van voorkeur vervat is van minstens twee kandidate as die getal persone wat aangestel moet word.
 - (6) Die persoon in submaatreeël (1)(e) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit ’n lys van kandidate, indien die skool meer as een sielkundige sou hê, wat in volgorde van voorkeur via die prinsipaal van die skool voorlê word.
 - (7) Elke lid in submaatreeël (1) bedoel, word deur die Lid van die Uitvoerende Raad aangestel, waar paslik.
 - (8) Sodanige lid of lede van die gemeenskap (wat ’n ouer(s) kan insluit) as wat deur die beheerliggaam gekoöpteer word om behulpsaam te wees met die nakoming van bepaalde verantwoordelikhede: Met dien verstande dat nie meer as ses sodanige lede gekoöpteer word nie, welke lid of lede nie stemreg op die beheerliggaam het nie.

3. Diskwalifikasie van Lede van ’n Beheerliggaam

Iemand is onbevoeg om as lid van ’n beheerliggaam verkies of aangestel te word indien hy of sy—

- (a) te eniger tyd skuldig bevind is aan ’n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van ’n boete gevonnissen is vir

for a period exceeding six months, or if he or she has not yet served his or her full period of imprisonment, unless he or she has received a free pardon or the period of his or her imprisonment has expired at least three years prior to the date of his or her election as a member of such body;

- (b) is mentally ill and has been so declared by a competent court; or
- (c) is an unrehabilitated insolvent.

4. Term of Office of Members of Governing Body

- (1) Subject to the provisions of measures 5 and 18, the term of office of a member of a governing body who is not a learner shall be three years effective from a date determined by the Head of Department: Provided that the term of office of a member who is a learner shall be one year: Provided further that the Head of Department may at any time remove a member from office for reasons he or she deems to be sufficient.
- (2) If a person elected as a member of a governing body as contemplated in measure 2(1) ceases to fall within the category referred to in that measure in respect of which he or she was elected as a member he or she ceases to be a member of the governing body.
- (3) A member of a governing body may be re-elected or co-opted as the case may be after the expiry of his or her term of office.
- (4) Subject to the provisions of submeasures (1) and (2) and measures 5 and 18, the members of a governing body shall, notwithstanding the expiry of their terms of office referred to in submeasure (1) keep their membership until a new governing body is composed in accordance with measure 2.

5. Dissolution and Recomposition of Governing Body

- (1) The Member of the Executive Council may dissolve a governing body if—
 - (a) he or she is of the opinion that owing to the amalgamation of schools or the division of a school or other reorganisation of school facilities it is necessary to appoint members of a new governing body which will be properly representative of the school or schools concerned after such reorganisation;
 - (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interests of the school concerned;
 - (c) for any reason the number of members of a governing body falls below the quorum referred to in measure 16(4).
- (2) If a governing body has been dissolved under submeasure (1), it shall cease to function on a date to be fixed by the Member of the Executive Council.
- (3) The Head of Department shall, if a governing body has ceased to function, appoint sufficient persons from a list of names of sufficient persons in order of preference submitted to him or her by the principal to discharge the functions of a governing body at the school for a period not exceeding three months.
- (4) The Head of Department may extend the period referred to in submeasure (3) by further periods not exceeding three months each, but the total period shall not exceed one year.
- (5) A governing body must be elected under these measures within a year after the appointment of the persons referred to in submeasure (3).
- (6) The Head of Department shall notify the principal forthwith in writing of the names and addresses of the members of a governing body appointed in terms of submeasure (3).

'n periode langer as ses maande of nog nie die volle tydperk van sy of haar gevangenisstraf uitgedien het nie of tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy/of haar verkiesing as lid van so 'n liggaam verstryk het;

- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is; of
- (c) 'n ongerehabiliteerde insolvent is.

4. Ampstermyn van Lede van Beheerliggaam

- (1) Behoudens die bepalings van maatreëls 5 en 18, is die ampstermyn van 'n lid van 'n beheerliggaam wat nie 'n leerder is nie, drie jaar effektief vanaf 'n datum deur die Departementshoof bepaal: Met dien verstande dat die ampstermyn van 'n lid wat 'n leerder is, een jaar is: Met dien verstande voorts dat die Departementshoof te eniger tyd 'n lid van sy of haar amp kan onthef om redes deur hom of haar as voldoende geag.
- (2) Indien 'n persoon wat as lid van 'n beheerliggaam verkies is nie meer in die kategorie val soos na verwys word in maatreël 2(1) nie, staak sy of haar lidmaatskap van die beheerliggaam.
- (3) 'n Lid van 'n beheerliggaam kan herverkies of gekoöpteer word, na gelang van die geval, na verstryking van sy of haar ampstermyn.
- (4) Behoudens die voorbehoudsbepalings by submaatreëls (1) en (2) maatreëls 5 en 18, behou die lede van 'n beheerliggaam, ondanks die verstryking van hul ampstermyne bedoel in submaatreël (1), hul lidmaatskap tot 'n nuwe beheerliggaam ooreenkomstig maatreël 2 saamgestel word.

5. Ontbinding en Hersamestelling van Beheerliggaam

- (1) Die Lid van die Uitvoerende Raad kan 'n beheerliggaam ontbind as hy of sy van mening is dat—
 - (a) weens die amalgamasie van skole of die verdeling van 'n skool of ander reorganisasie van skoolgeriewe, dit nodig is vir die aanstelling van lede van 'n nuwe beheerliggaam wat behoorlik verteenwoordigend sal wees van die betrokke skool of skole na sodanige herorganisasie;
 - (b) sodanige beheerliggaam in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie;
 - (c) die getal lede van 'n beheerliggaam om enige rede daal tot minder as die kworum bedoel in maatreël 16(4).
- (2) Wanneer 'n beheerliggaam kragtens submaatreël (1) ontbind is, hou dit op om te funksioneer op 'n datum wat die Lid van die Uitvoerende Raad vasstel.
- (3) Indien die beheerliggaam opgehou het om te funksioneer, stel die Departementshoof voldoende persone aan uit 'n lys van name van geskikte persone deur die prinsipaal voorgelê in volgorde van voorkeur om die werksaamhede van die beheerliggaam van die skool uit te voer vir 'n tydperk van hoogstens drie maande.
- (4) Die Departementshoof kan die tydperk bedoel in submaatreël (3) met verdere tydperke van hoogstens drie maande elk verleng, maar die totale tydperk mag nie een jaar oorskry nie.
- (5) 'n Beheerliggaam moet kragtens hierdie maatreëls binne een jaar na die aanstelling van persone in submaatreël (3) bedoel, saamgestel word.
- (6) Die Departementshoof moet die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die lede van 'n beheerliggaam ingevolge submaatreël (3) aangestel.

6. Franchise

Any person who is entitled to vote, shall have one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with measure 2.

7. Electoral Officer

- (1) The Head of Department appoints a principal of a school or other officer in writing as the electoral officer to conduct the nomination and election, as the case may be, of educator and non-educator members referred to in measure 2(1)(a) and (b) to a governing body: Provided that a principal may not act as electoral officer for the nomination or election of members of the governing body of the school of which he or she is the principal.
- (2) The electoral officer may appoint one or more persons to assist at an election.
- (3) The electoral officer shall preside at any meeting held for the purpose of an election of a governing body.

8. Nomination and Election Meeting of Educator Members

- (1) The electoral officer shall determine a date, time and place for a meeting for the nomination and election of educator members.
- (2) An educator candidate on the establishment of a school where there are more than ten (10) educators on the establishment of a school, must be nominated as follows:
 - (a) a nomination form (Annexure B) duly completed by the proposer, seconder and educator candidate shall be lodged with the electoral officer not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting; or
 - (b) an educator may be proposed as a member of the governing body during the nomination and election meeting, provided that another educator seconds the proposal and a nomination form duly completed by the proposer, the seconder and, if present, the educator candidate, is, within the time referred to in submeasure (3), lodged with the electoral officer.
- (3) If a quorum as referred to in measure 9(2) is present, the electoral officer shall determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (4) An educator candidate may not nominate him- or herself.
- (5) After expiry of the time referred to in submeasure (3), the electoral officer shall consider the nominations and reject the nomination of any educator candidate who—
 - (a) has not been nominated in accordance with submeasure (2);
 - (b) in the case of a nomination referred to in submeasure (2)(b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (3), that such educator candidate will be willing to serve as a member of the governing body; or
 - (c) has nominated him- or herself;

and thereafter the electoral officer shall announce the names of the educator candidates whose nominations have been accepted.

- (6) (a) If there are no educator candidates whose nominations have been accepted in terms of submeasure (5), or is less than the number of members (two) determined in terms of measure 2(1)(a) in respect of the governing body concerned, a new meeting at which new educator candidates may be nominated shall be convened in accordance with the provisions of these measures.

6. Stemreg

Iemand wat geregtig is om te stem, het een stem ten opsigte van elke kandidaat met 'n maksimum aantal stemme gelyk aan die getal lede wat ooreenkomstig maatreeël 2 verkies moet word.

7. Kiesbeampte

- (1) Die Departementshoof stel 'n prinsipaal van 'n skool of 'n ander beampte skriftelik as die kiesbeampte aan om die nominasie en verkiesing, na gelang van die geval, van die opvoeder- en nie-opvoederlede bedoel in maatreeël 2(1)(a) en (b) op 'n beheerliggaam te behartig: Met dien verstande dat 'n prinsipaal nie as kiesbeampte kan optree by die benoeming of verkiesing van lede van die beheerliggaam van die skool waarvan hy of sy die prinsipaal is nie.
- (2) Die kiesbeampte kan een of meer persone aanstel om by 'n verkiesing behulpsaam te wees.
- (3) Die kiesbeampte tree op as voorsitter van enige vergadering wat met die oog op 'n verkiesing van 'n beheerliggaam gehou word.

8. Nominasie- en Verkiesingsvergadering van Opvoederlede

- (1) Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n vergadering vir die nominasie en verkiesing van opvoederlede.
- (2) 'n Opvoeder-kandidaat op die diensstaat van 'n skool moet op die volgende wyse genomineer word indien daar meer as tien (10) opvoeders op die diensstaat van die skool is:
 - (a) 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en opvoeder-kandidaat voltooi is, word nie meer as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte ingedien; of
 - (b) 'n opvoeder kan tydens die nominasie- en verkiesingsvergadering as lid van die beheerliggaam voorgestel word, mits 'n ander opvoeder die voorstel sekondant en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoeder-kandidaat voltooi is, binne die tyd in submaatreeël (3) bedoel, by die kiesbeampte indien.
- (3) Indien 'n kworum soos bedoel in maatreeël 9(2) aanwesig is, bepaal die kiesbeampte die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van opvoeder-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (4) 'n Opvoeder-kandidaat mag nie homself of haarself nomineer nie.
- (5) Na verstryking van die tyd in submaatreeël (3) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige opvoeder-kandidaat wat—
 - (a) nie ooreenkomstig submaatreeël (2) genomineer is nie;
 - (b) in die geval van 'n nominasie in submaatreeël (2)(b) bedoel, nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreeël (3) bedoel, voorgelê word dat so 'n opvoeder-kandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (c) homself of haarself genomineer het;

en daarna maak die kiesbeampte die name van die opvoeder-kandidate wie se nominasies aanvaar is, bekend.

- (6) (a) Indien daar geen opvoeder-kandidate is wie se nominasies ingevolge submaatreeël (5) aanvaar is, of die totale getal opvoeder-kandidate wie se nominasie aanvaar is minder is as die getal lede (twee) wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig die bepalinge van hierdie maatreeëls belê word waarop nuwe opvoeder-kandidate aldus genomineer kan word.

(b) If the number of thus accepted educator candidates who are educators of the school concerned—

(i) is equal to the number of the members determined in terms of measure 2(1)(a) in respect of the governing body concerned, the electoral officer shall declare every thus accepted educator candidate to be a duly elected member of the governing body; or

(ii) is more than the number of members determined in terms of measure 2(1)(a) in respect of the governing body concerned, a poll shall be held in accordance with measure 9.

(7) If there are 10 or less educators on the establishment of a school, the procedure shall be as determined in measure 9.

9. Poll at Election of Educator Members

(1) The electoral officer shall prepare a notice of the election meeting and at least 10 days before such meeting shall distribute a copy of the notice to every educator on the establishment of the school.

(2) A quorum at the poll shall consist of one more than half of the total number of educators on the establishment of the school.

(3) The electoral officer shall issue each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.

(4) An educator referred to in submeasure (1), shall cast his or her vote by writing the names of two educator candidates on the ballot paper as contemplated in submeasure (3).

(5) The electoral officer shall reject a ballot paper—

(a) on which the official mark or stamp referred to in submeasure (3) does not appear;

(b) on which the names of more than two educator candidates appear; or

(c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which educator candidate or educator candidates a vote was recorded.

(6) The two educator candidates for whom the greatest number of votes have been recorded, shall be declared as duly elected by the electoral officer.

(7) Where the number of votes recorded for the first three or more educator candidates is equal, the electoral officer shall repeat the polling procedure until two educator candidates record a simple majority of votes: Provided that if one candidate recorded a simple majority of votes, but the number of votes recorded for the other educator candidates in the second position is equal, the polling procedure will be repeated with regard to the other educator candidates until one of the other educator candidates record a simple majority of the votes.

(8) If a result for the second position with regard to the other educator candidates referred to in submeasure (7) is not obtained, the electoral officer shall ascertain the result with regard to the said educator candidates by drawing lots.

10. Nomination and Election of a Non-educator Member

The procedure for the nomination and election of educator members shall *mutatis mutandis* apply to the nomination and election of a non-educator member.

(b) Indien die getal aldus aanvaarde opvoeder-kandidate wat opvoeders van die betrokke skool is—

(i) gelyk is aan die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte elke aldus aanvaarde opvoeder-kandidaat tot 'n behoorlike verkose lid van die beheerliggaam; of

(ii) meer as die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig maatreeël 9 gehou.

(7) Indien daar 10 of minder opvoeders op die diensstaat van die skool is, word die prosedure soos bepaal in maatreeël 9, gevolg.

9. Stemming by Verkiesing van Opvoederlede

(1) Die kiesbeampte berei 'n kennisgewing ten opsigte van die verkiesingsvergadering voor, en besorg ten minste 10 dae voor sodanige vergadering 'n afskrif van hierdie kennisgewing aan elke opvoeder op die diensstaat van die skool.

(2) 'n Kworum tydens die stemming sal een meer as die helfte van die totale getal opvoeders op die diensstaat van die skool wees.

(3) Die kiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring 'n goedgekeurde stembrief waarop 'n amptelike merk of stempel voorkom uit.

(4) 'n Opvoeder in submaatreeël (1) bedoel, bring sy of haar geheime stem uit op die stembrief in submaatreeël (3) beoog deur twee name van opvoeder-kandidate daarop aan te bring.

(5) Die kiesbeampte verwerp 'n stembrief—

(a) waarop die amptelike merk of stempel in submaatreeël (3) bedoel, nie voorkom nie;

(b) waarop die name van meer as twee opvoeder-kandidate verskyn of;

(c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter opvoeder-kandidaat of opvoeder-kandidate 'n stem uitbring is.

(6) Die twee opvoeder-kandidate op wie die meeste stemme uitgebring is, word deur die kiesbeampte as verkose verklaar.

(7) In geval van 'n staking van stemme by die eerste drie of meer opvoeder-kandidate moet die kiesbeampte die stemprosedure herhaal totdat twee opvoeder-kandidate 'n gewone meerderheid stemme op hulle verenig: Met dien verstande dat indien een opvoeder-kandidaat 'n gewone meerderheid van stemme op hom of haar verenig, maar 'n staking van stemme ontstaan tussen ander opvoeder-kandidate om die tweede posisie te beklee, word die stemprosedure met betrekking tot die ander opvoeder-kandidate hoogstens twee keer herhaal.

(8) Indien 'n uitslag vir die tweede posisie met betrekking tot die ander opvoeder-kandidate in submaatreeël (7) bedoel, nie behaal is nie, stel die kiesbeampte die uitslag met betrekking tot bedoelde opvoeder-kandidate deur loting vas.

10. Nominasie en Verkiesing van 'n Nie-opvoederlid

Die prosedure vir die nominasie en verkiesing van opvoederlede is *mutatis mutandis* van toepassing by die nominasie en verkiesing van 'n nie-opvoederlid.

11. Nomination and Election of Learner Members

- (1) The representative council of learners referred to in measure 19 shall elect from its ranks two learners who shall be members of the governing body.
- (2) The procedure for the nomination and election of educator members as prescribed at measures 8(1) to (6) and 9 shall apply to the nomination and election of the learner members referred to in submeasure (1).
- (3) For the purpose of this measure “electoral officer” shall mean the principal of the school concerned.

12. Decision of Electoral Officer

The electoral officer shall decide all matters connected with the nomination of candidates and the poll referred to in measures 8, 9 and 10 respectively. All disputes should be reported to the officiating officer during the elections process. The electoral officer is mandated to resolve all disputes in order to declare elections undisputed. His or her decision during the election is final. Should there be a dispute that the electoral officer is unable to resolve, the elections must be completed.

13. District Electoral Officer

- (1) Any person(s) who wish(es) to lodge an objection with regard to the matters referred to in measure 12, must lodge such an objection in writing within 7 days after the election of members in a specific category with the district electoral officer, who decides thereon.
- (2) The district electoral officer must consider the objection and respond in writing within 7 days of receipt of the objection.
- (3) An appeal may be lodged with the Member of the Executive Council within 30 days after the elections, if the person(s) is/are not satisfied with the decision of the district electoral officer.

14. Procedure after Election of Governing Body

- (1) After the election of the members referred to in measure 2(1)(a) and (b) the electoral officer shall—
 - (a) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
 - (b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
 - (c) notify each elected member in writing of his or her election; and
 - (d) notify the principal and the Head of Department forthwith in writing of the date of the election and of the names and addresses of the persons elected as members.
- (2) After the appointment of the members referred to in measure 2(1)(d) by the Member of the Executive Council, the Head of Department shall notify the principal of the school concerned forthwith in writing of the names and addresses of the persons concerned.

15. Election of Office-bearers

- (1) The principal shall convene the first meeting of the governing body within 14 days after he or she has been notified in writing of the dates of the elections and of the names and addresses of all the members of the governing body.
- (2) At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must

11. Nominasie en Verkieping van Leerderlede

- (1) Die verteenwoordigende raad van leerders soos in maatreeël 19 bedoel, verkies uit sy eie geledere twee leerders wat lede van die beheerliggaam moet wees.
- (2) Die prosedure vir die nominasie en verkieping van opvoederlede soos voorgeskryf by maatreeëls 8(1) tot (6) en 9 is van toepassing by die nominasie en verkieping van leerderlede soos in submaatreeël (1) bedoel.
- (3) Vir die doel van dié maatreeël beteken “kiesbeampte” die prinsipaal van die betrokke skool.

12. Beslissing van Kiesbeampte

Die kiesbeampte beslis alle aangeleenthede wat met die nominasie van kandidate en stemming bedoel in maatreeëls 8, 9 en 10 onderskeidelik, verband hou. Alle dispute moet aan die optredende kiesbeampte gerapporteer word gedurende die verkiesingsproses. Die kiesbeampte het ’n mandaat om alle dispute op te los en die verkieping as ongedisputeer te verklaar. Sy of haar beslissing is finaal. Indien daar ’n dispuut is wat nie deur die kiesbeampte opgelos kan word nie, moet die verkieping voltooi word.

13. Distrikskiesbeampte

- (1) Enige persoon(e) wat ’n beswaar wil aanteken oor die aangeleenthede in maatreeël 12 bedoel, moet so ’n beswaar binne 7 dae na die verkieping van lede in ’n bepaalde kategorie skriftelik aanteken by die distrikskiesbeampte, wat daaroor beslis.
- (2) Die distrikskiesbeampte moet die beswaar oorweeg en binne 7 dae na ontvangs van die beswaar, skriftelik reageer.
- (3) Appèl kan by die Lid van die Uitvoerende Raad aangeteken word binne 30 dae na die verkieping indien die persoon(e) nie tevrede is met die beslissing van die distrikskiesbeampte nie.

14. Prosedure na Samestelling van Beheerliggaam

- (1) Na die verkieping van lede in maatreeël 2(1)(a) en (b) bedoel moet die kiesbeampte—
 - (a) alle dokumente, met inbegrip van stembriewe, wat by so ’n verkieping gebruik is in koeferte plaas en die koeferte verseël;
 - (b) bedoelde koeferte in veilige bewaring hou vir ’n tydperk van minstens drie maande vanaf die datum van die verkieping van die betrokke beheerliggaam;
 - (c) elke verkose lid skriftelik in kennis stel van sy of haar verkieping; en
 - (d) die prinsipaal en die Departementshoof onverwyld skriftelik in kennis stel van die datum van die verkieping en van die name en adresse van die persone wat tot lede verkies is.
- (2) Na die aanstelling van die lede in maatreeël 2(1)(d) bedoel, deur die Lid van die Uitvoerende Raad, moet die Departementshoof die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die betrokke persone.

15. Verkieping van Ampsdraers

- (1) Die prinsipaal belê die eerste vergadering van die beheerliggaam binne 14 dae nadat hy of sy skriftelik in kennis gestel is van die datums van die verkiesings en van al die name en adresse van die lede van die beheerliggaam.
- (2) Op die eerste vergadering van die beheerliggaam verkies so ’n liggaam uit sy geledere ampsdraers wat minstens ’n voorsitter,

include at least a chairperson, a treasurer and a secretary: Provided that the chairperson must be elected from members referred to in measure 2(1)(d).

- (3) Subject to the provisions of submeasure (5), the office-bearers shall remain in office for a term of 12 months from the date of their election.
- (4) An office bearer of a governing body may be re-elected or co-opened after the expiry of his or her term of office.
- (5) If for any reason the office of an office-bearer becomes vacant, the governing body shall, subject to the provisions of submeasure (2), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.
- (6) The principal shall preside at an election referred to in submeasure (2), and also an election referred to in submeasure (5).
- (7) The principal shall, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

16. Meetings of Governing Body

- (1) The chairperson of a governing body shall determine the date, time and place of a meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof: Provided that in the case of a matter requiring urgent attention in the opinion of the chairperson of the governing body at least 24 hours notice may be given.
- (2) Any person may on the invitation of the governing body be present at a meeting of such body and take part in the discussion, but shall have no vote and shall leave the meeting when the governing body so decides.
- (3) A governing body may require any staff member of the school concerned to attend a meeting of such body in connection with any matter relating to the functions of the governing body.
- (4) The majority of the enfranchised members of a governing body shall constitute a quorum for any meeting of the governing body.
- (5) A governing body shall determine its own rules relating to its meetings and procedures at those meetings.

17. Minutes of Proceedings of Meetings

- (1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall not later than 14 days after such meeting, provide the Head of Department, or any officer duly designated by him or her, and each member with a copy of such minutes.
- (2) The secretary of a governing body shall provide, on request, a member of staff at that school, with a copy of such minutes where the applicant requires it for the exercising or protection of his or her rights or interest: Provided that there will be no violation of the rights of any other person.
- (3) The minutes of the proceedings of every meeting of a governing body or committee thereof shall at the next ensuing meeting of the governing body or committee thereof, as the case may be, be submitted for approval.
- (4) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of such a body or any committee thereof shall be handed to the principal concerned.
- (5) At the closure of a school the principal shall hand in all minutes and other documents of the governing body or any committee thereof at the Western Cape Education Department for safe-keeping.

'n tesourier en 'n sekretaris insluit: Met dien verstande dat die voorsitter uit lede in maatreeël 2(1)(d) bedoel, verkies moet word.

- (3) Behoudens die bepalings van submaatreeël (5) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf die datum van hul verkiesing.
- (4) 'n Ampsdraer van 'n beheerliggaam kan herverkies word, na verstryking van sy of haar ampstermyn.
- (5) Waar die amp van 'n ampsdraer om enige rede vakant raak, verkies die beheerliggaam op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalings van submaatreeël (2), een van sy lede om daardie vakature vir die onverstreke ampstermyn van sy of haar voorganger te vul.
- (6) Die prinsipaal sit voor by 'n verkiesing bedoel in submaatreeël (2), asook by 'n verkiesing bedoel in submaatreeël (5).
- (7) Die prinsipaal moet na 'n vergadering waarop enige ampsdraer ooreenkomstig hierdie maatreeëls verkies is, die Departementshoof onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon verkies is.

16. Vergaderings van Beheerliggaam

- (1) Die voorsitter van 'n beheerliggaam bepaal die datum, tyd en plek van 'n vergadering en die sekretaris van so 'n liggaam stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis: Met dien verstande dat in die geval van 'n saak wat na die oordeel van die voorsitter van die beheerliggaam spoedeisend gehanteer moet word, minstens 24 uur kennis gegee kan word.
- (2) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van so 'n liggaam teenwoordig wees en aan die bespreking deelneem, maar het nie stemreg nie en verlaat die vergadering wanneer die beheerliggaam aldus besluit.
- (3) 'n Beheerliggaam kan vereis dat enige personeellid van die betrokke skool 'n vergadering van so 'n liggaam moet bywoon in verband met enige aangeleentheid wat op die werksaamhede van die beheerliggaam betrekking het.
- (4) Die meerderheid van die stemgeregtigde lede van 'n beheerliggaam vorm 'n kworum vir enige vergadering van die beheerliggaam.
- (5) 'n Beheerliggaam bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

17. Notules van Verrigtinge van Vergaderings

- (1) Die sekretaris van 'n beheerliggaam hou notule van die verrigtinge van elke vergadering en voorsien, nie later nie as 14 dae na sodanige vergadering, die Departementshoof of enige beampte deur hom of haar aangewys en elke lid van die beheerliggaam van 'n afskrif van sodanige notule.
- (2) Die sekretaris van 'n beheerliggaam voorsien, op versoek, 'n personeellid van die skool van 'n afskrif van so 'n notule, waar die aanvrer dit benodig vir die uitoefening of beskerming van sy of haar regte of belange: Met die verstande dat daar in die proses nie op die regte van persone inbreuk gemaak sal word nie.
- (3) Die notule van die verrigtinge van elke vergadering van 'n beheerliggaam of komitee daarvan moet op die eersvolgende vergadering van die beheerliggaam of komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word.
- (4) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn moet alle notules en ander dokumente van so 'n liggaam of enige komitee daarvan aan die betrokke prinsipaal oorhandig word.
- (5) By die sluiting van 'n skool moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan by die Wes-Kaap Onderwysdepartement vir veilige bewaring inhandig.

18. Casual Vacancies in Governing Body

- (1) A casual vacancy shall occur in a governing body if a member—
- resigns;
 - dies;
 - is absent from three consecutive meetings without the permission of the governing body;
 - becomes ineligible as referred to in measures 3 and 4(2); or
 - has been removed from office in terms of measure 4(1).
- (2) Whenever a casual vacancy occurs—
- in a governing body composed in terms of measure 5(3), the Head of Department shall forthwith appoint an eligible person in the vacancy; and
 - in a governing body composed in terms of measure 2(1), the governing body shall fill such vacancy in the prescribed manner;
- (3) A member appointed or elected in accordance with submeasure (2), obtains membership for the unexpired period of the term of office of his or her predecessor.
- (4) If a vacancy has been filled—
- in accordance with submeasure (2)(a), the Head of Department shall, and
 - in accordance with submeasure (2)(b), the secretary of the governing body concerned shall,

forthwith notify the principal, in writing, of the name of the person who is no longer a member of the governing body and of the name and address of his or her successor.

19. Representative Council of Learners

- (1) Composition of representative council of learners
- A representative council of learners consists of 3 representatives for each grade from the eighth grade and higher, and such council is the only recognised and legitimate representative learner body at the school.
- (2) Nomination and election of members of representative council of learners
- The representatives for each grade referred to in submeasure (1) are elected by the learners from that grade.
 - The procedure for the nomination and election of the educator members as prescribed at measures 8(1) to (6) and 9 shall apply to the nomination and election of the representatives for each grade referred to in paragraph (a).
 - For the purpose of this measure the “electoral officer” shall mean the principal of the school concerned.
- (3) Election of office-bearers of representative council of learners
- The principal shall convene the first meeting of the representative council of learners and shall preside at such meeting.
 - At the first meeting the representatives shall elect from their ranks at least a chairperson, a vice-chairperson and a secretary.

18. Toevallige Vakatures in Beheerliggaam

- (1) 'n Toevallige vakature in 'n beheerliggaam ontstaan indien 'n lid—
- bedank;
 - te sterwe kom;
 - sonder die toestemming van die beheerliggaam van drie agtereenvolgende vergaderings afwesig is;
 - onbevoeg word soos in maatreëls 3 en 4(2) bedoel; of
 - ingevolge maatreël 4(1) van sy of haar amp onthef is.
- (2) Wanneer 'n toevallige vakature ontstaan—
- in 'n beheerliggaam saamgestel ingevolge maatreël 5(3), stel die Departementshoof onverwyld 'n bevoegde persoon in die vakature aan; en
 - in 'n beheerliggaam saamgestel ooreenkomstig maatreël 2(1) moet die beheerliggaam so 'n vakature op die voorgeskrewe wyse vul.
- (3) 'n Lid wat ooreenkomstig submaatreël (2) aangestel of verkies is verkry lidmaatskap vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger.
- (4) Waar 'n vakature gevul is—
- ooreenkomstig submaatreël (2)(a) moet die Departementshoof; en
 - ooreenkomstig submaatreël (2)(b), moet die sekretaris van die betrokke beheerliggaam,

die prinsipaal, onverwyld skriftelik in kennis stel van die naam van die persoon wat nie meer lid van die beheerliggaam is nie en van die naam en adres van sy of haar opvolger.

19. Verteenwoordigende Raad van Leerders

- (1) Samestelling van verteenwoordigende raad van leerders
- 'n Verteenwoordigende raad van leerders bestaan uit 3 verteenwoordigers vir elke graad vanaf die agtste graad en hoër, en hierdie raad is die enigste erkende en wettige verteenwoordigende leerderliggaam by die skool.
- (2) Nominasie en verkiesing van lede van verteenwoordigende raad van leerders
- Die verteenwoordigers van elke graad bedoel in submaatreël (1) word verkies deur die leerders in die betrokke graad.
 - Die prosedure vir die nominasie en verkiesing van opvoederlede soos voorgeskryf by maatreëls 8(1) tot (6) en 9 is van toepassing by die nominasie en verkiesing van die verteenwoordigers van elke graad soos bedoel in paragraaf (a).
 - Vir die doel van dié maatreël, beteken “kiesbeampte” die prinsipaal van die betrokke skool.
- (3) Verkiesing van ampsdraers van verteenwoordigende raad van leerders
- Die prinsipaal belê die eerste vergadering van die verteenwoordigende raad van leerders en sit voor tydens sodanige vergadering.
 - Op die eerste vergadering verkies die verteenwoordigers uit eie geledere ampsdraers wat minstens 'n voorsitter, 'n ondervoorsitter en 'n sekretaris insluit.

(4) Functions of representative council of learners

The representative council of learners must—

- (a) draft a constitution and submit it to the governing body for approval;
- (b) act as representatives of their fellow learners;
- (c) serve as a channel of communication among learners themselves, between learners and staff and between learners and principal;
- (d) assist in maintaining order in the school in accordance with approved school rules;
- (e) set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, co-operation and active participation in school activities;
- (f) promote good relations among learners themselves, between learners and staff, the school and the community and the school and parents;
- (g) promote responsibility, learnership and leadership;
- (h) support the total educational programme of the school (academic, religious, cultural and sports); and
- (i) maintain and refine school traditions.

(5) Dissolution of representative council of learners—

- (a) The principal of the school concerned may, after consultation with the governing body, dissolve a representative council of learners if such representative council of learners has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interest of the school concerned.
- (b) A representative council of learners dissolved in terms of submeasure (5)(a), must be recomposed in accordance with this measure.

(6) Discharge of individual members of representative council of learners

- (a) The principal may, after consultation with the governing body, the staff and the representative council of learners, discharge a member of the representative council of learners from his or her membership if he or she—
 - (i) commits an act which undermines the administration of the school, or encourages such acts to be committed by others;
 - (ii) is disobedient or refuses to carry out instructions given to him or her by any educator or a person in charge;
 - (iii) is loath or refuses to fulfil duties;
 - (iv) conducts himself or herself in a scandalous, improper or unseemly manner or is guilty of gross discourtesy towards another person;
 - (v) is found guilty of an offence and is sentenced to imprisonment for a period exceeding six months without the option of a fine;
 - (vi) stay away from school without a valid reason or cause;
 - (vii) fails to attend three consecutive meetings, without the prior permission of the council;

(4) Funksies van verteenwoordigende raad van leerders

Die verteenwoordigende raad van leerders moet—

- (a) 'n grondwet opstel en aan die beheerliggaam voorlê vir goedkeuring;
- (b) as verteenwoordigers van hul medeleerders optree;
- (c) as kommunikasiekanaal tussen leerders onderling, leerders en personeel en leerders en die prinsipaal dien;
- (d) bydra tot die handhawing van die goeie orde in die skool ooreenkomstig die goedgekeurde skoolreëls;
- (e) 'n positiewe voorbeeld stel ten opsigte van dissipline, lojaliteit, respek, stiptelikheid, akademiese deeglikheid, moraliteit, samewerking en aktiewe deelname aan skoolbedrywighede;
- (f) goeie verhoudinge tussen leerders van die skool onderling, leerders en personeel, die skool en die gemeenskap, en die skool en ouers bevorder;
- (g) verantwoordelikheid, leiderskap en leierskap bevorder;
- (h) die totale opvoedkundige program van die skool (akademies, godsdienstig, kultureel en sport) ondersteun; en
- (i) die tradisies van die skool handhaaf en verfyen.

(5) Ontbinding van verteenwoordigende raad van leerders

- (a) Die prinsipaal van die betrokke skool kan, na oorlegpleging met die beheerliggaam 'n verteenwoordigende raad van leerders ontbind indien sodanige verteenwoordigende raad van leerders in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie.
- (b) 'n Verteenwoordigende raad van leerders wat kragtens submaatreeël (5)(a) ontbind is, moet ooreenkomstig hierdie maatreeël hersaamgestel word.

(6) Onthefing van individuele lede van verteenwoordigende raad van leerders

- (a) Die prinsipaal kan na oorlegpleging met die beheerliggaam, die personeel en die verteenwoordigende raad van leerders, 'n lid van die verteenwoordigende raad van leerders van sy of haar lidmaatskap onthef indien hy of sy—
 - (i) 'n daad wat die administrasie van die skool ondermyn, pleeg of ander aammoedig om dit te pleeg;
 - (ii) ongehoorsaam is of weier om instruksies wat aan hom of haar deur enige opvoeder of persoon in bevel gegee is, uit te voer;
 - (iii) nalatig of traag is om pligte wat aan hom of haar opgelê is, uit te voer;
 - (iv) hom of haar op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra of hom of haar aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;
 - (v) by skuldigbevinding aan 'n misdryf gevonniss word tot gevangenisstraf vir langer as ses maande sonder die keuse van 'n boete;
 - (vi) van die skool af wegbly sonder 'n geldige rede of oorsaak;
 - (vii) versuim om drie agtereenvolgende vergaderings by te woon sonder om vooraf toestemming van die raad te verkry;

- (viii) leaves the school permanently; or
- (ix) has been suspended.

(b) A vacancy that occurs as a result of the application of submeasure (6)(a), must be filled by a member elected in accordance with this measure.

20. Commencement

These measures come into operation immediately and repeal in its totality the Measures relating to Governing Bodies of Public Schools for learners sent or transferred thereto in terms of the Child Care Act, 1983 (Act 74 of 1983), the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as published in Provincial Gazette Extraordinary 6001 of 29 April 2003 at Provincial Notice 110/2003.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

Election of Learners/Educators/Non-Educator as Members of Governing Body

(MEASURES 8, 9, 10 AND 11)

NAME OF SCHOOL

Notice is hereby given that a meeting for the nomination and election of candidates for the election of as members of the governing body for the abovementioned school will be held on (date) at (time) at (place).

A candidate may also be nominated by lodging with the electoral officer not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate. For this purpose nominations will be accepted at the school from (date) until (time) on (date).

(Nomination forms are obtainable from the principal.)

If more candidates are nominated than the number of members to be elected, a poll will be conducted immediately.

..... DATE SIGNATURE OF ELECTORAL OFFICER
	ADDRESS:

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

- (1) The governing body shall consist of—
- (a) two educators at the school;
 - (b) one member of staff at the school who is not an educator;
 - (c) two learners in the eighth grade or higher, if reasonably practicable;
 - (d) at least four but not more than six experts in appropriate fields of special education needs of the learners of the school, which experts shall not occupy posts at the school concerned: Provided that such experts must include—

- (viii) die skool permanent verlaat; of
- (ix) geskors is.

(b) 'n Vakature wat as gevolg van die toepassing van submaatreeël (6)(a) ontstaan, moet gevul word deur 'n lid wat ooreenkomstig hierdie maatreeël verkies is.

20. Inwerkingtreding

Hierdie maatreëls tree onmiddellik in werking en herroep die Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders wat kragtens die Wet op Kindersorg, 1983 (Wet 74 van 1983); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), daarheen verwys of oorgeplaas is, soos gepubliseer in Buitengewone Provinsiale Koerant 6001 van 29 April 2003 by Provinsiale Kennisgewing 110/2003, in sy geheel.

BYLAE A

KENNISGEWING VAN NOMINASIE- EN VERKIESINGSVERGADERING

Verkiesing van Leerders/Opvoeders/Nie-Opvoeder as Lede van Beheerliggaam

(MAATREËLS 8, 9, 10 EN 11)

NAAM VAN SKOOL:

Kennis geskied hiermee dat 'n vergadering vir die nominasie van kandidate vir die verkiesing van as lede van die beheerliggaam vir bogenoemde skool, op (datum) om (tyd) by (plek) gehou sal word.

'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van bogenoemde vergadering by die kiesbeampte in te dien. Nominasies sal vir hierdie doel vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word.

(Nominasievorms is by die prinsipaal verkrygbaar.)

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal daar onmiddellik tot stemming oorgegaan word.

..... DATUM HANDTEKENING VAN KIESBEAMPTE
	ADRES:

INLIGTING IN VERBAND MET VERKIESING

(Moet kennisgewing van nominasie- en verkiesingsvergadering vergesel)

1. SAMESTELLING VAN BEHEERLIGGAAM

- (1) Die beheerliggaam bestaan uit—
- (a) twee opvoeders by die skool;
 - (b) een personeelid van die skool wat nie 'n opvoeder is nie;
 - (c) twee leerders in die agtste graad of hoër, indien redelik uitvoerbaar;
 - (d) minstens vier maar hoogstens ses deskundiges in toepaslike velde van die spesiale onderwysbehoefes van die leerders van die skool, welke deskundiges nie betrekkings by die skool mag beklee nie, en—

- (i) a commissioner for child welfare for the district in which the school is situated, designated by the Department of Justice; and
 - (ii) a social worker of the Department of Welfare, designated by that Department;
- (e) a psychologist at the school; and
- (f) the principal in his or her official capacity.
- (2) Educators employed at the school concerned must elect the members referred to in subparagraph (1)(a).
- (3) Members of staff at the school concerned who are not educators must elect the members referred to in subparagraph (1)(b).
- (4) A representative council of learners must elect the members referred to in subparagraph (1)(c).
- (5) The members referred to in subparagraph (1)(d), excluding subparagraph (1)(d)(i) and (ii) shall be appointed from a list submitted to the Member of the Executive Council by the Head of Department, containing the names in order of preference of at least two more than the number of persons to be appointed.
- (6) The person referred to in subparagraph (1)(e) shall be appointed by the Member of the Executive Council from a list of candidates, if the school should have more than one psychologist, in order of preference submitted by the principal of the school.

2. DISQUALIFICATION OF MEMBERS

A candidate shall be ineligible to be elected or appointed as a member of a governing body if he or she—

- (a) has been convicted of any offence for which he or she was sentenced to imprisonment, without the option of a fine, for a period exceeding six months, or if he or she has not yet served his or her full period of imprisonment, unless he or she has received a free pardon or the period of his or her imprisonment ended at least three years prior to the date of his or her election;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member does not have a child enrolled as a learner at the school concerned.

3. FRANCHISE

A person who is entitled to vote shall have one vote in respect of any particular candidate: Provided that the total number of votes of such person shall not exceed the number of members to be elected.

4. GENERAL

The principal may include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of parent participation.

ANNEXURE B

NOMINATION FORM

Election of Learners/Educators/Non-Educator as
Members of Governing Body

(MEASURES 8, 10 AND 11)

(In terms of section 28(e) of the South African Schools Act, 1996 (Act 84 of 1996), as amended, the achievement of the highest practicable level of representivity shall be striven for in the nomination and election of members of the governing body.)

- (i) 'n kommissaris van kindersorg vir die distrik waarin die skool geleë is en deur die departement van Justisie aangewys; en

- (ii) 'n maatskaplike werker van die Departement van Welsyn, aangewys deur daardie Departement, moet insluit;

- (e) 'n sielkundige van die skool; en

- (f) die prinsipaal in sy of haar amptelike hoedanigheid.

- (2) Opvoeders in diens by die betrokke skool moet die lede bedoel in subparagraaf (1)(a) verkies.

- (3) Personeellede in diens by die skool wat nie opvoeders is nie moet die lede bedoel in subparagraaf (1)(b) verkies.

- (4) Die verteenwoordigende raad van leerders moet die leerders bedoel in subparagraaf (1)(c) verkies.

- (5) Die lede in subparagraaf (1)(d) bedoel, uitgesonderd dié in subparagraaf (1)(d)(i) en (ii) word aangestel uit 'n lys wat deur die Departementshoof aan die Lid van die Uitvoerende Raad voorgelê word en waarin die name in volgorde van voorkeur vervat is van minstens twee kandidate as die getal persone wat aangestel moet word.

- (6) Die persoon in subparagraaf (1)(e) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van kandidate, indien die skool meer as een sielkundige sou hê, wat in volgorde van voorkeur via die prinsipaal van die skool voorlê word.

2. DISKWALIFIKASIE VAN LEDE VAN BEHEERLIGGAAM

'n Kandidaat is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word indien hy of sy—

- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is vir 'n periode langer as ses maande of nog nie die volle tydperk van sy of haar gevangenisstraf uitgedien het nie of tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van so 'n liggaam verstryk het;
- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
- (c) 'n ongerehabiliteerde insolvent is; of
- (d) in die geval van 'n ouerlid, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie.

3. STEMREG

Iemand wat geregtig is om te stem, het een stem ten opsigte van enige besondere kandidaat: Met dien verstande dat die totale aantal stemme van so iemand nie die getal lede wat verkies moet word, oorskry nie.

4. ALGEMEEN

Die prinsipaal kan sodanige bykomende inligting by hierdie bylae insluit wat hy of sy nodig mag ag vir die gladde verloop van die verkiesing soos, byvoorbeeld die belangrikheid van deelname.

BYLAE B

NOMINASIEVORM

Verkiesing van leerders/Opvoeders/Nie-opvoeder as
lede van Beheerliggaam

(MAATREËLS 8, 10 EN 11)

(Kragtens artikel 28(e) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig, moet daar tydens die nominasie en verkiesing van lede van beheerliggame na die hoogste praktiese vlak van verteenwoordiging van lede van 'n beheerliggaam gestreef word.)

NAME OF SCHOOL:

PROPOSER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator of the above-mentioned school,
hereby propose

.....
(Full Name of Candidate)

of
(Residential Address)

as a member of the governing body of the abovementioned school.

.....
SIGNATURE OF PROPOSER

SECONDER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator of the above-mentioned school,
hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE:

I,
(Full Name)

of
(Residential Address)

hereby declare that I—

(a) accept the above-mentioned nomination; and

(b) am not ineligible to be a member of a governing body contemplated
in paragraph 2 of the “Information in Connection with Elections”
(attached to Annexure A).

.....
SIGNATURE OF CANDIDATE

OR
(IF PROPOSED AT NOMINATION AND
ELECTION MEETING)

I,
(Full Name)

declare that written proof to my satisfaction has been submitted that the
above-mentioned candidate—

(a) who is not present at the nomination and election meeting to
complete the nomination form, will, if elected, be willing to serve as
a member of the governing body; and

(b) is not ineligible to be a member of a governing body referred to in
measure 3 of the Measures relating to Governing Bodies for Public
Schools for Learners sent of transferred thereto in terms of the
Children’s Act, 2005 (Act 38 of 2005); the Western Province School
Education Act, 1997 (Act 12 of 1997), and/or the Criminal
Procedure Act, 1977 (Act 51 of 1977), as amended.

.....
SIGNATURE OF ELECTORAL OFFICER

Under measure 11(4) this nomination is *accepted/rejected

DATE SIGNATURE OF ELECTORAL OFFICER

*Delete which is not applicable.

NAAM VAN SKOOL:

VOORSTELLER:

Ek,
(Volle naam)

van
(Woonadres)

synde ’n leerder/opvoeder/nie-opvoeder van bogenoemde skool, stel
hiermee vir

.....
(Volle naam van kandidaat)

van
(Woonadres)

as lid van die beheerliggaam van bogenoemde skool voor.

.....
HANDTEKENING VAN VOORSTELLER

Sekondant:

Ek,
(Volle naam)

van
(Woonadres)

synde ’n leerder/opvoeder/nie-opvoeder van bogenoemde skool,
sekondeer hiermee bogenoemde voorstel.

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,
(Volle naam)

van
(Woonadres)

verklaar hiermee dat ek

(a) bogenoemde nominasie aanvaar, en

(b) nie onbevoeg is om ’n lid van ’n beheerliggaam te wees nie soos
bedoel in paragraaf 2 van die “Inligting in verband met die
verkieping” (sien Bylae A).

.....
HANDTEKENING VAN KANDIDAAT

OF
(INDIEN OP NOMINASIE- EN
VERKIESINGSVERGADERING VOORGESTEL)

Ek,
(Volle naam)

verklaar dat skriftelike bewys tot my bevrediging voorgelê is dat
bogenoemde kandidaat—

(a) wat nie by die nominasie- en verkiesingsvergadering teenwoordig is
om die nominasievorm te voltooi nie, indien verkies, bereid sal wees
om as lid van die beheerliggaam te dien, en

(b) nie onbevoeg is om ’n lid van ’n beheerliggaam te wees nie soos
bedoel in maatreeël 3 van die Maatreëls betreffende Beheerliggame vir
Openbare Skole vir Leerders wat kragtens die Kinderwet, 2005 (Wet
38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys,
1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van
1977), soos gewysig, daarheen verwys of oorgeplaas is.

.....
HANDTEKENING VAN KIESBEAMPTTE

Kragtens maatreeël 9(5) word hierdie nominasie *aanvaar/verwerp.

DATUM: HANDTEKENING VAN KIESBEAMPTTE

*Skrap wat nie van toepassing is nie.

