



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette
Extraordinary

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Provinsiale Koerant

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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

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(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

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Any person or organisation wishing to comment on the said draft regulations is requested to lodge such comment in writing before or on 22 February 2013:

Enige persoon of organisasie wat graag kommentaar wil lewer oor die genoemde regulasies word versoek om sodanige kommentaar skriftelik te lewer voor of op 22 Februarie 2013:

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngale drafti yemimisele ikhankanyiweyo kucelwa ukuba afake izimvo zakhe ngencwadi ebhaliweyo ungalulanga umhla we-22 ka-Februwari 2013:

(a) By posting it to:
Adv. Lynn Marchelle Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Private Bag X9114
Cape Town
8000

(a) deur dit te pos aan:
Adv. Lynn Coleridge-Zils
Direkteur: Beleidskoördinerings
Wes-Kaap Onderwysdepartement
Privaatsak X9114
Kaapstad
8000

(a) Ngokuposela u:
Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Private Bag X9114
Cape Town
8000

or

of

okanye

(b) By e-mailing it to:
Lynn.Coleridge@westerncape.gov.za

(b) deur dit te e-pos na:
Lynn.Coleridge@westerncape.gov.za

(b) Nge-imeyili ku:
Lynn.Coleridge@westerncape.gov.za

or

of

okanye

(c) Faxing it to: 021-467 2900
(Tel: 021-467 2055)

(c) deur dit te faks aan: 021-467 2900
(Tel: 021-467 2055)

(c) ngeFeksi apha: 021-467 2900
(Ifoni: 021-467 2055)

or

of

okanye

(d) By delivering it to: Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Room 8-70
(8th Floor, Grand Central Towers)
Cape Town
8000

(d) deur dit af te lewer by: Adv. Lynn Coleridge-Zils
Direkteur: Beleidskoördinerings
Wes-Kaap Onderwysdepartement
Kamer 8-70
(8ste Vloer, Grand Central Towers)
Kaapstad
8000

(d) ngesandla ku: Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Room 8-70
(8th Floor, Grand Central Towers)
Cape Town
8000

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLA WULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N.284/2013

31 January 2013

In terms of section 63(1)(cD), read with section 26A of the Western Cape Provincial School Education Act, 1997, the Provincial Minister responsible for education in the Western Cape intends to make the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations 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 —

“**committee**” means a committee of the governing body of a public school established in terms of section 23 of the Act; and

“**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Declaration of personal interest

2. (1) A governing body must ensure that each of its members complete a declaration of personal interest form similar to the one attached as Annexure A.
- (2) A member of a governing body must, annually, and on becoming aware or being made aware thereof, declare any direct or indirect personal interest relating to —
- (a) any business, commercial or financial activities undertaken by the governing body or the school;
- (b) any financial or other obligation to any individual or organisation that might seek to influence the performance of any function or obligation of the governing body; or
- (c) any matter to be discussed at a meeting of the governing body or committee which may entail a possible conflict of interest with the governing body or committee.
- (3) Any person may, in writing, inform the chairperson of a governing body or principal of a school, before the meeting, of a possible conflict of interest of a member of the governing body.

- (4) A member referred to in sub-regulation (2) or (3) must recuse himself or herself from a meeting during discussion and when a decision is taken on the matter or when voting takes place thereon.
- (5) A governing body may not take a decision on any matter if it has knowledge of any conflict of interest contemplated in these regulations, until the member has recused himself or herself, as required in sub-regulation (4).
- (6) The provisions of sub-regulations (1) to (5) also apply, with the necessary changes, to committees and committee members.

Register

3. The chairperson of a governing body of a school must, annually, compile and maintain a register of all personal interests of members of the governing body or committee members, declared in terms of regulation 2.

Non-compliance

4.
 - (1) A member of a governing body who fails to adhere to the provisions of regulation 2, commits a breach of the code of conduct of the governing body as determined by the Provincial Minister in terms of section 26A of the Act, and may, after due process, have his or her membership of the governing body suspended or terminated by the Head of Department.
 - (2) A member of a governing body referred to in sub-regulation (1), who has had his or her membership suspended or terminated, may appeal against the decision of the Head of Department to the Provincial Minister.
 - (3) A governing body may, after due process, suspend or terminate the membership of a committee member who fails to adhere to the provisions of regulation 2.

Short title

5. These regulations are called the Regulations relating to the Declaration of Personal Interest of Members of Governing Bodies.

DECLARATION/ DISCLOSURE FORM

I, the undersigned (surname and initials) _____

(Postal address) _____

(Residential address) _____

(Position held) _____

(Name of School) _____

Tel _____ Fax no: _____

hereby certify that the following information is complete and correct to the best of my knowledge:

1. Shares and other financial interests

Number of shares/ Extent of financial interests	Nature	Nominal value	Name of company/ entity

2. Directorships and partnerships

Name of Corporate entity or partnership	Type of business	Amount of remuneration

3. Remunerated work

Name of employer	Type of work

4. Consultancies and retainerships

Name of client	Nature	Type of business activity	Value of any benefits received

5. Gifts and hospitality from a source other than a family member while serving on the governing body

Description	Value	Source

SIGNATURE OF GOVERNING BODY MEMBER/ COMMITTEE MEMBER

DATE: _____

PLACE: _____

OATH/ AFFIRMATION

1. I certify that before administering the oath/affirmation I asked the deponent the following questions and wrote down her/his answers in her/his presence:

(i) Do you understand the contents of the declaration?

Answer _____

(ii) Do you have any objection to taking the prescribed oath or affirmation?

Answer _____

(iii) Do you consider you consider the prescribed oath or affirmation binding on your conscience?

Answer _____

2. I certify that the deponent has acknowledged that she/he knows and understands the contents of this declaration. The deponent utters the following words: "I swear that the contents of this declaration are true, so help me God". / "I truly affirm that the contents of the declaration are true". The signature/ mark of the deponent is affixed to the declaration in my presence.

Commissioner of Oath/ Justice of the Peace

Full first names and surname: _____
 _____ (Block letters)

Designation (rank) _____ Ex Officio Republic of South Africa

Street address of institution _____

Date _____ Place _____

CONTENTS NOTED: CHAIRPERSON OF THE GOVERNING BODY

DATE: _____

NOTE:

The completed form must be submitted to the Governing Body which must maintain a Register in terms of Regulation 3 on the Declaration of Personal Interests.

PROVINSIALE KENNISGEWING

P.K. 284/2013

31 Januarie 2013

Ingevolge artikel 63(1)(cD), saamgelees met artikel 26A van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997, beplan die Provinsiale Minister verantwoordelik vir Onderwys in die Wes-Kaap om die regulasies soos in die Bylae uiteengesit te maak:

SKEDULE**Definisies**

1. In hierdie regulasies het enige woord of uitdrukking wat betekenis dra in die Wet die betekenis wat daaraan gegee is, en tensy die konteks anders aandui, beteken —

“**komitee**” ’n komitee saamgestel deur die beheerliggaam van ’n openbare skool ingevolge artikel 23 van die Wet; en

“**die Wet**” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997).

Verklaring van persoonlike belang

2. (1) ’n Beheerliggaam moet seker maak dat elkeen van sy lede ’n verklaring van persoonlike belang voltooi ooreenkomstig die vorm aangeheg as Aanhangsel A.
- (2) ’n Lid van ’n beheerliggaam moet jaarliks, en indien hy of sy bewus word van of bewus gemaak word daarvan, enige direkte of indirekte persoonlike belange verklaar wat te doen het met -
- (a) enige besigheid, kommersiële of finansiële aktiwiteite wat deur die beheerliggaam of die skool onderneem is;
 - (b) enige finansiële of ander verpligting teenoor enige individu of organisasie wat mag poog om die prestasie of funksionering of verpligting van die beheerliggaam te beïnvloed; of
 - (c) enige saak wat bespreek moet word by ’n vergadering van die beheerliggaam of komitee, wat ’n moontlike botsing van belange met die beheerliggaam of komitee kan inhou.
- (3) Enige persoon mag, skriftelik, die voorsitter van ’n beheerliggaam of die prinsipaal van ’n skool, voor die vergadering, inlig van ’n moontlike botsing van belange van ’n lid van die beheerliggaam.

- (4) 'n Lid, na wie verwys word in subregulasie (2) of (3) moet hom of haar aan die vergadering onttrek tydens die bespreking, en wanneer die besluit geneem word oor die saak of stemmery daarvoor plaasvind.
- (5) 'n Beheerliggaam mag nie 'n besluit oor enige saak neem, indien dit kennis dra van enige botsing van belange soos bedoel in hierdie regulasies nie, totdat die lid hom of haar onttrek het, soos vereis word in subregulasie (4).
- (6) Die bepalings van subregulasie (1) tot (5) is ook van toepassing, met die nodige veranderinge, op komitees en komiteelede.

Register

3. Die voorsitter van die beheerliggaam van 'n skool moet jaarliks 'n register saamstel en byhou van alle persoonlike belange van lede van die beheerliggaam of komiteelede wat verklaar is ingevolge regulasie 2.

Nie-voldoening

4. (1) 'n Lid van die beheerliggaam wat in gebreke bly om te voldoen aan die bepalings van regulasie 2 oortree die gedragskode van die beheerliggaam soos bepaal deur die Provinsiale Minister ingevolge artikel 26A van die Wet, en sy of haar lidmaatskap van die beheerliggaam, mag nadat die nodige prosesse gevolg is, opgeskort of beëindig word deur die Departementshoof.
- (2) 'n Lid van 'n beheerliggaam, soos bedoel in subregulasie (1), wie se lidmaatskap opgeskort of beëindig is, kan by die Provinsiale Minister teen die besluit van die Departementshoof appelleer.
- (3) 'n Beheerliggaam mag, na die nodige proses gevolg is, die lidmaatskap van 'n komiteelid opskort of beëindig, indien hy of sy nalaat om te hou by die bepalings van regulasie 2.

Kort titel

5. Hierdie regulasies word genoem die Regulasies betreffende die Verklaring van Persoonlike Belange van Lede van Beheerliggame.

VERKLARING / ONTHULLINGSVORM

Ek, die ondergetekende (van en voorletters) _____

(Posadres) _____

(Woonadres) _____

(Posisie beklee in beheerliggaam) _____

(Naam van skool) _____

Tel.: _____ Faksno. _____

verklaar hiermee dat die volgende inligting volledig en korrek is na die beste van my wete:

1. Aandeel en ander finansiële belange

Getal aandeel/ Omvang van finansiële belange	Aard	Nominale waarde	Naam van maatskappy/entiteit

2. Direkteurskappe en vennootskappe

Naam van korporatiewe entiteit of vennootskap	Soort besigheid	Bedrag van besoldiging

3. Besoldigde werk

Naam van werkgewer	Soort werk

4. Konsultasiedienste en retensiegelde

Naam van kliënt	Aard	Soort besigheids-aktiwiteit	Waarde van enige voordele ontvang

5. Geskenke en gasvryheid van 'n bron anders as 'n familielid terwyl daar op die beheerliggaam diens gedoen word.

Beskrywing	Waarde	Bron

HANDTEKENING VAN BEHEERLIGGAAMLID/KOMITEELID

DATUM: _____

PLEK: _____

EED/BEVESTIGING

1. Ek verklaar dat, voor die afneem van die eed/bevestiging, ek die verklaarder die volgende vrae gevra het en sy/haar antwoorde afgeskryf het in sy/haar teenwoordigheid:

(i) Verstaan u die inhoud van die verklaring?

Antwoord: _____

(ii) Het u enige beswaar teen die aflê van die voorgeskrewe eed of bevestiging

Antwoord: _____

(iii) Beskou u die voorgeskrewe eed of bevestiging bindend op u gewete?

Antwoord: _____

2. Ek sertifiseer dat die verklaarder erken het dat hy/sy die inhoud van hierdie verklaring ken en verstaan. Die verklaarder doen die volgende verklaring hardop: "Ek sweer dat die inhoud van hierdie verklaring waar is, so help my God"./"Ek bevestig dat die inhoud van hierdie verklaring waar is". Die handtekening/merk van die verklaarder is toegevoeg tot die verklaring in my teenwoordigheid.

Kommissaris van Ede / Vrederegter

Volle voorname en vanne: _____
_____ (Drukletters)

Hoedanigheid (rang): _____ Ampshalwe Republiek van Suid-Afrika

Straatadres van inrigting: _____

Datum: _____ Plek: _____

KENNIS GENEEM VAN INHOUD: VOORSITTER VAN DIE SKOOLBEHEERLIGGAAM:

DATUM: _____

L.W:

Die voltooide vorm moet voorgelê word aan die beheerliggaam, wat 'n register moet aanhou ingevolge Regulasie 8 op die Verklaring van Persoonlike Belange.

ISAZISO SEPHONDO
IPHONDO LENTSHONA KOLONI

I.S. 284/2013

31 Januwari 2013

Ngokwesiqendu 63(1)(cD), esifundwa kunye nesiqendu 26A soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997, uMphathiswa wePhondo ophathiswe ezemfundo eNtshona Koloni, unenjongo yokwenza le mimiselo ecaciswe kuleShedyuli:

ISHEDYULI

lingcaciso-magama

1. Kule mimiselo naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kuMthetho, lihlala linaloo ntsingiselo liyinikiweyo yaye, ngaphandle kokuba umxholo walatha okunye-

“**ikomiti**” kuthetha ikomiti yebhunga lolawulo lesikolo ngokwesiqendu 23 soMthetho; yaye

“**uMthetho**” kuthetha uMthetho weMfundo wezikolo zePhondo leNtshona Koloni, 1997, (uMthetho 12ka-1997).

Ukuxelwa kwenxaxheba esisabelo somntu

2. (1) Ibhunga lolawulo maliqinisekise ukuba ngalinye ilungu lamalungu alo lizalisa ifom yokuxele inxaxhe esisabelo somntu enjengale iqhotyoshelweyo njengesihlomelo A.
- (2) Ilungu lebhunga lolawulo kufuneka, qho ngonyaka, yaye lakwazi okanye xa liye laziswa, liyixele nayiphi na inxaxheba esisabelo salo ngokucace gca ephathelele-
- (a) kulo naliphi na ishishini, imisebenzi yokurhweba ushishine okanye yezemali eyenziwa libhunga lolawulo okanye sisikolo;
- (b) nayiphi na imbopheleleko yezemali okanye elolunye uhlobo kuye nabani na okanye kuwo nawuphi na umbutho onokufuna ukuphemebelela ukwenziwa kwawo nawuphi na umsebenzi okanye nayiphi na imbopheleleko yebhunga lolawulo; okanye
- (c) kuwo nawuphi na umbandela oza kuxoxwa kwintlanganiso yebhunga lolawulo okanye yekomiti yebhunga lolawulo, nongathi ubangele ukungqubana kweemfuno (*conflict of interest*) nebhunga lolawulo okanye nekomiti.
- (3) Nabani na unokuthi, ngencwadi ebhaliweyo, azise usihlalo webhunga lolawulo okanye inqununu yesikolo, ngaphambi kokuqala kwintlanganiso, ukuba kungakho ukungqubana kweemfuno ezichaphazela ilungu lebhunga lolawulo.

- (4) Ilungu elikhankanywe kummiselwana (2) okanye (3) malicele ukurhoxa entlanganisweni (*must recuse himself or herself from a meeting*) ngethuba leengxoxo, kunye naxa kuthathwa isigqibo malunga naloo mbandela okanye xa kuvotwa ngokumalunga nawo.
- (5) Ibhunga lolawulo alinakuthatha sigqibo ngawo nawuphi na umbandela ukuba linolwazi lwako nakuphi na ukungaqubana kweemfuno (*conflict of interest*) okuchatshazelwe kule mimiselo, de libe ilungu elo lirhoxil njengoko kufuneka ngokomiselwana (4).
- (6) Imigaqo yemimiselwana (1) kuye kutsho ku-(5) ikwasebenza nayo, ize iguqulwe nje apho kuyimfuneko, kwiikomiti nakumalungu eekomiti.

Irejista

3. Usihlalo webhunga lolawulo lwesikolo, qho ngonyaka, makenze yaye agcine irejista yazo zonke iinxaxheba ezizabelo zamalungu ebhunga lolawulo ezixelwe ngokommiselo 2.

Ukungathotyelwa kwemimiselo

4. (1) Ilungu lebhunga lolawulo elingaphumeleliyo ukulandela ngqo le migaqo (*provisions*) yommiselo 2, laphula umgaqo wokuziphatha webhunga lolawulo njengoko umiselwe nguMphathiswa wePhondo ngokwesiqendu 26A soMthetho, yaye linokuthi, emva kwenkqubo esemthethweni (*due process*), bunqunyanyiswe okanye bupheliswe ubulungu balo kwibhunga lolawulo yiNtloko yeSebe.
- (2) Ilungu leBhunga lolawulo elikhankanywe kummiselwana (1) elithe ubulungu balo bamiswa okanye banqunyanyiswa, linokufaka isibheni esichasa isigqibo seNtloko yeSebe kuMphathiswa wePhondo.
- (3) Ibhunga lolawulo linokuthi emva kwenkqubo esemthethweni (*due process*), libunqumamise okanye libuphelise ubulungu belungu lekomiti elingaphumeleliyo ukulandela imigaqo yommiselo 2.

Igama elifutshane

5. Le mimiselo ibizwa ngokuba yiMimiselo emalunga nokuXelwa kweNxaxheba esiSabelo soMntu yaMalungu amaBhunga.

IFOM YOKUBHENGEZA/ YOKUXELA INXAXHEBA ESISABELO SOMNTU

Mna, osayinileyo apha ngasezantsi (igama nee-inishiyali) _____

(Idilesi yeposi) _____

(Idilesi yendawo ahlala kuyo) _____

(Isikhundla akuso kwibhunga lolawulo) _____

(Igama lesikolo) _____

Ifoni: _____

Ifeksi: _____

Ngokwenjenje ndingqinisisa ukuba le ngcaciso ilandelayo yepheleleyo nechanekileyo ngokolwazi nengqiqo yam egqibeleleyo:

1. Izabelo nezinye izinto eziyinxaxheba esisabelo esiyimali (*financial interests*)

Inani lezabelo/ Ubungakanani benxaxheba yesabelo esiyimali	Uhlobo	Ixabiso ngokwemali	Igama lenkampani/ lequmrhu

2. Ezobulawuli nobuhlakani kwezoshishino (*directorships and partnerships*)

Igama leZiko eliliqumrhu okanye elilihlakani kwezoshishino	Uhlobo lweshishini	Isixa-mali esingumvuzo

3. Umsebenzi ohlawulelwayo

Igama loMqeshi	Uhlobo loMsebenzi

4. Ii-arhente zengcebiso neenkonzco ezihlawulelwa kwangaphambili (*consultancies and retainerships*)

Igama lowenzelwa iinkonzco	Uhlobo	Uhlobo lomsebenzi woshishino	Ixabiso lazo naziphi na iinzuzo ezifunyanwayo

5. Izipho nezenzo zesisa ezivela komnye umthombo ongenguye umntu wosapho ngexa lokuxelenga kwibhunga lolawulo.

Inkcazo	Ixabiso	Umthombo

ISIGINITSHA YELUNGU LEBHUNGA LOLAWULO/ YELUNGU LEKOMITI

UMHLA: _____

INDAWO: _____

ISIFUNGO/ ISINGQINISISO

1. Mna ndingqinisisa ukuba phambi kokuba ndimenzise isifungo/isingqinisiso ndimbuzile owenza isifungo le mibuzo ilandelayo ndaza ndabhala phantsi iimpendulo zakhe ekho:

(i) Ngaba uyakuqonda okubhaliweyo kwesi sibhengezo?

Impendulo: _____

(ii) Ngaba ukuchasile ukuthatha isifungo okanye isingqinisiso esimiselweyo?

Impendulo: _____

(ii) Ngaba usithatha esi sifungo okanye esi singqinisiso simiselweyo njengesibophelelayo kwisazela sakho?

Impendulo: _____

2. Ndiyinqinisisa ukuba owenza isifungo uvumile ukuba uyakwazi yaye ekuqonda okubhalwe kwesi sibhengezo. Owenza isifungo utsho la mazwi alandelayo: “Ndiyafunga ukuba okubhalwe kwesi sibhengezo kuyinyaniso, ngoko ke ndincede Thixo”./ “Ndingqinisisa ngokunyanisekileyo ukuba okubhalwe kwesi sibhengezo kuyinyaniso”. Isiginitsha/uphawu lowenza isifungo ifakwe/lufakwe kwesi sibhengezo ndikho.

UMkhomishina wokuFungisa/ IGosa lokuSayina amaXwebhu
(Commissioner of Oath/ Justice of the Peace)

Igama elipheleleyo nefani: _____

(Bhala ungadibanisi amagama)

Isikhundla (inqanaba) _____ Ngenxa yesikhundla endikuso kwiRiphabliki
yoMzantsi Afrika

Idilesi yesitrato yeziko: _____

Umhla: _____ Indawo: _____

OKUBHALIWEYO KUQATSHELWE: NGUSIHLALO WEBHUNGA LOLAWULO LWESIKOLO

UMHLA: _____

QAPHELA:

Le fom izalisiweyo mayingeniswe kwiBhunga loLawulo ekufuneka lona ligcine irejista ngokoMgaqo 3 omalunga nokuXelwa kweeNxaxheba zeZabelo zoMntu (*Personal Interests*).

