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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

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

Provincial Building,
Wale Street,
Cape Town.

P.N. 164/2008

20 May 2008

MEASURES RELATING TO GOVERNING BODIES AND A REPRESENTATIVE COUNCIL OF LEARNERS FOR PUBLIC SCHOOLS (EXCLUDING PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS)

The Member of the Executive Council responsible for Education in the Province of the Western Cape has in terms of sections 11 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**ARRANGEMENT OF MEASURES**

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PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

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

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.K. 164/2008

20 Mei 2008

MAATREËLS BETREFFENDE BEHEERLIGGAME EN 'N VERTEENWOORDIGENDE RAAD VAN LEERDERS VIR OPENBARE SKOLE (UITGESONDERD OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE)

Die Lid van die Uitvoerende Raad verantwoordelik vir Onderwys in die Provinsie Wes-Kaap het kragtens artikels 11 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**RANGSKIKKING VAN MAATREËLS**

1. Woordoms krywing
2. Samestelling van Beheerliggaam
3. Diskwalifikasie van Lede van 'n Beheerliggaam
4. Ampstermyn van Lede van Beheerliggame
5. Ontbinding en Hersamestelling van Beheerliggame
6. Stemreg
7. Kiesbeampte
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19. Prosedure na Verkieging van Beheerliggaam
20. Verkieging van Ampsdraers
21. Vergaderings van Beheerliggame
22. Notules van Verrigtinge van Vergaderings
23. Toevallige Vakatures in Beheerliggame
24. Verteenwoordigende Raad van Leerders
25. Herroeping

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 according to the Public Service Act who is not an educator at a school including those appointed 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 an ordinary public school;

“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) Subject to submeasure (11), a governing body established for a school in terms of section 23 of the Act, shall consist of—

- (a) seven parents who are not employed at the school and, in the case where learner members referred to in submeasure (1)(d) do not serve on the governing body, five parents;
- (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;

1. Woordomskrywing

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 Indiësneming 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;

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

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

“kiesbeampte” ’n kiesbeampte in maatreël 7 beoog;

“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”—

- (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 paragrafe (a) en (b) ten opsigte van die leerder se opvoeding op skool na te kom;

“personeellid” ’n persoon wat aangestel is ingevolge die Staatsdienswet, wie 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;

“skool” ’n gewone openbare skool;

“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) Behoudens submaatreël (11) bestaan ’n beheerliggaam ingevolge artikel 23 van die Wet vir ’n skool ingestel, uit—

- (a) sewe ouers wat nie by die skool in diens is nie en, in die geval waar daar nie leerderlede soos in submaatreël (1)(d) bedoel, op die beheerliggaam dien nie, vyf ouers;
- (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;

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| <p>(e) the principal;</p> <p>(f) the owner of the property occupied by the school or his or her nominee if co-opted on the governing body of the school, without voting rights; and</p> <p>(g) such member or members of the community 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 member or members do not have voting rights on the governing body.</p> <p>(2) Subject to submeasure (4), co-opted members do not have voting rights on the governing body.</p> <p>(3) Parents must comprise the majority of members of a governing body who have voting rights.</p> <p>(4) If the number of parents at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights.</p> <p>(5) If a parent is co-opted with voting rights as contemplated in submeasure (4), the co-option ceases when the vacancy has been filled through a by-election, which must be held in accordance with the procedures for the election of parent members detailed in these measures, within 90 days after the vacancy has occurred. If the by-election did not take place within 90 days, or a quorum could not be obtained at a by-election meeting, the governing body can co-opt a parent for a further 90 days. The nomination and election meeting must be rescheduled in terms of existing measures.</p> <p>(6) Parents must elect the parent members referred to in submeasure (1)(a).</p> <p>(7) Educators employed at the school concerned must elect the educator members referred to in submeasure (1)(b).</p> <p>(8) Members of staff employed at the school who are not educators must elect the member of staff referred to in submeasure (1)(c).</p> <p>(9) The representative council of learners must elect the learners referred to in submeasure (1)(d).</p> <p>(10) The governing body of a school which provides education to learners with special education needs must—</p> <p>(a) co-opt one or more persons, without voting rights, who have expertise regarding the special education needs of those learners; and</p> <p>(b) establish a committee on special education needs in terms of section 30 of the Act</p> <p>(11) The Member of the Executive Council may approve the composition of a governing body at a school which differs from the composition contemplated in submeasure (1) if—</p> <p>(a) the governing body of the school has applied in writing for such different composition providing reasons therefor; and</p> <p>(b) the Member of the Executive Council is satisfied that such composition is in the interest of education at the school</p> <p>(12) The Member of the Executive Council may at any time in his or her discretion, withdraw the permission referred to in submeasure (11) and dissolve the governing body composed under submeasure (11)(a) whereupon a new governing body shall be composed in accordance with submeasure (1)</p> <p>(13) 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.</p> | <p>(e) die prinsipaal;</p> <p>(f) die eienaar van die eiendom waarop die skool gevestig is of sy of haar genomineerde indien gekoöpteer op die beheerliggaam van 'n skool sonder stemreg; en</p> <p>(g) sodanige lid of lede van die gemeenskap 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.</p> <p>(2) Gekoöpteerde lede het, behoudens submaatreeël (4), nie stemreg op die beheerliggaam nie.</p> <p>(3) Ouers moet die meerderheid van die lede van die beheerliggaam wat stemreg het, uitmaak.</p> <p>(4) Indien die getal ouers in enige stadium nie meer is as die gekombineerde totaal van die ander lede met stemreg nie, moet die beheerliggaam ouers tydelik met stemreg koöpteer.</p> <p>(5) Indien 'n ouer gekoöpteer is met stemreg soos in submaatreeël (4) beoog, staak die koöptering wanneer die vakature gevul is by wyse van 'n tussenverkiesing wat binne 90 dae nadat die vakature ontstaan het, gehou moet word, ooreenkomstig die prosedures wat gevolg moet word vir die verkiesing van ouerlede soos gedetailleerd in hierdie maatreeëls. Sou die tussenverkiesing nie binne 90 dae plaasvind en 'n kworum vir 'n tussenverkiesing nie bereik kon word nie, kan die beheerliggaam 'n ouer koöpteer vir 'n verdere 90 dae. Die nominasie-en verkiesingsvergadering moet herskeduleer word in gevolge bestaande Maatreeëls.</p> <p>(6) Ouers moet die ouerlede bedoel in submaatreeël (1)(a) verkies.</p> <p>(7) Opvoeders in diens by die betrokke skool moet die opvoederlede bedoel in submaatreeël (1)(b) verkies.</p> <p>(8) Personeellede in diens by die skool wat nie opvoeders is nie moet die personeellid bedoel in submaatreeël(1)(c) verkies.</p> <p>(9) Die verteenwoordigende raad van leerders moet die leerders bedoel in submaatreeël (1)(d) verkies.</p> <p>(10) Die beheerliggaam van 'n skool wat onderwys verskaf aan leerders met spesiale onderwysbehoefes moet—</p> <p>(a) 'n persoon of persone sonder stemreg met kundigheid ten opsigte van die spesiale onderwysbehoefes van dié leerders koöpteer; en</p> <p>(b) 'n komitee vir spesiale onderwysbehoefes ingevolge artikel 30 van die Wet instel.</p> <p>(11) 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—</p> <p>(a) die beheerliggaam van die skool skriftelik aansoek gedoen het om sodanige verskillende samestelling, met opgawe van redes daarvoor; en</p> <p>(b) die Lid van die Uitvoerende Raad tevrede is dat sodanige samestelling in belang van die onderwys by die skool is.</p> <p>(12) Die Lid van die Uitvoerende Raad kan die toestemming in submaatreeël (11) bedoel te eniger tyd na goedgeeinde terugtrek en die beheerliggaam kragtens submaatreeël (11)(a) saamgestel, ontbind, waarna 'n nuwe beheerliggaam ooreenkomstig submaatreeël (1) saamgestel word.</p> <p>(13) 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 vir ouers van 'n beheerliggaam te reël, verkry hy of sy skriftelike goedkeuring van die departementshoof om geskikte persone te nomineer vir aanstelling.</p> |
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(14) For the purpose of the appointment of the required number of parent members contemplated in submeasures (11) and (13) the principal shall submit the names and particulars of three more than the required number in order of preference 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 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 Bodies

- (1) Subject to the provisions of measures 5 and 22, 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 22 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 Re-composition of Governing Bodies

- (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 re-organisation 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 re-organisation;
 - (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interest of the school concerned;
 - (c) for any reason the number of members of a governing body falls below the quorum referred to in measure 20(4);
 - (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

(14) Vir die doeleindes van die aanstelling van die vereiste getal ouerlede soos in submaatreëls (11) en (13) beoog, lê die prinsipaal die name en besonderhede van drie 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 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.

4. Ampstermyn van Lede van Beheerliggaam

- (1) Behoudens die bepalings van maatreëls 5 en 22, 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 gegag.
- (2) Indien 'n persoon wat as lid van 'n beheerliggaam verkies is soos in maatreël 2(1) beoog, nie meer in die kategorie in daardie maatreël bedoel ten aansien waarvan hy of sy as lid verkies is, val 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) en maatreëls 5 en 22, 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 Beheerliggame

- (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 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 maatreël 20(4);
 - (d) minstens 60% van alle ouers wat kragtens maatreël 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

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.

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.

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 maatreëls 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 maatreël 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 maatreël 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. Datum, Tyd en Plek van Nominasie- en Verkiesingsvergadering van Ouerlede

- (1) Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n nominasie- en verkiesingsvergadering en maak dit skriftelik aan die prinsipaal bekend. Die verkiesing van ouerlede word voorafgegaan deur die verkiesing van die ander komponente van die beheerliggaam.
- (2) In die geval van 'n nuwe skool, word die nominasie- en verkiesingsvergadering nie later nie 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. 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 of every learner by post at least 21 days prior to the date of the nomination and election meeting for parents, if he or she deems it expedient; or
 - (b) hand a copy thereof 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.
- (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

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

- (1) Die kiesbeampte stel 'n kennisgewing van die nominasie- en verkiesingsvergadering bedoel in maatreël 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 verkiesingsvergadering van 'n voldoende aantal afskrifte van sodanige kennisgewing sodat aan die bepalings van submaatreël (2) uitvoering gegee kan word.
- (2) Die prinsipaal moet 'n afskrif van die kennisgewing in submaatreël (1) bedoel—
 - (a) aan die ouers van elke sodanige leerder per pos versend minstens 21 dae voor die datum van die nominasie- en verkiesingsvergadering vir ouers, 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 verkiesingsvergadering

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 verkiesingsvergadering. 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 nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte in te dien; of
 - (b) deur 'n ouer tydens die nominasie- en verkiesingsvergadering 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 submaatreël (2) bedoel, by die kiesbeampte ingedien word.
- (2) Indien 'n kworum soos bedoel in maatreël 12(2) aanwesig is, bepaal die kiesbeampte die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van ouer-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (3) Indien 'n kworum soos bedoel in maatreël 12(2) nie aanwesig is nie, moet die vergadering herskeduleer word vir 'n ander dag. Dieselfde prosedure soos by maatreëls 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 haarstel nomineer nie.
- (5) Na verstryking van die tyd in submaatreël (2) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige ouer-kandidaat wat—
 - (a) nie ooreenkomstig submaatreël (1) genomineer is nie;
 - (b) onbevoeg is soos in maatreël 3 beoog;
 - (c) in die geval van 'n nominasie in submaatreël (1)(b) bedoel nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreël (2) bedoel, voorgelê word dat so 'n ouer-kandidaat bereid sal wees om as lid van die beheerliggaam te dien; of

(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 (5), 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 x 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 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.

(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 submaatreël (5) minder is as die getal lede wat ingevolge maatreël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig die bepalings van hierdie maatreëls 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 maatreël 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 maatreël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig maatreël 12 gehou.

12. Stemming

- (1) Die stemming bedoel in maatreël 11(6)(b)(ii) word op die datum, tyd en plek ooreenkomstig maatreël 9(1) bepaal, gehou.
- (2) 'n Kworum vir die stemming in submaatreël (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 x 15% |
| | = 75 ouers |
- (3) Die kiesbeampte reik aan elke ouer in maatreël 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 maatreël 6(1) bring sy of haar stem op die stembrief bedoel in submaatreël (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 submaatreël (3) uitbring.
- (5) Die kiesbeampte verwerp 'n stembrief—
- (a) waarop die amptelike merk of stempel in submaatreël (3) bedoel, nie voorkom nie;
 - (b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig maatreël 2 verkies moet word; of
 - (c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter ouer-kandidaat of ouer-kandidate 'n stem uitgebring is.
- (6) Na die verwerping van stembriewe in submaatreël (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 maatreël 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) 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 the total number of educator candidates whose nominations have been accepted as contemplated in submeasure (5), is less than the number of members (two) determined in terms of measure 2(1)(b) 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.

(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) 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 skool beheerliggaamverkiegings 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 die totale getal opvoeder-kandidate wie se nominasies aanvaar is soos beoog in submaatreeël (5) minder is as die getal lede (twee) wat ingevolge maatreeël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig die bepalings van hierdie maatreeëls belê word waarop nuwe opvoeder-kandidate aldus genomineer kan word.

(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)(b) 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)(b) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig maatreeël 14 gehou.

- (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 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.

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.

16. Nomination and Election of Learner Members

- (1) The representative council of learners referred to in measure 23 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 the procedure for the nomination and election of educator members, a reference in the said procedure to an electoral officer shall be construed as a reference to the principal of the school concerned for the nomination and election of learner members referred to in submeasure (2).

17. Decision of Electoral Officer

The electoral officer shall decide all matters connected with the

- (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 maatreeël 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 submaatreeël (1) bedoel, bring sy of haar 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 uitgebring 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.

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. Nominasie en Verkiesing van Leerderlede

- (1) Die verteenwoordigende raad van leerders soos in maatreeël 23 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 maatreeël 13(1) tot (6) en 14 is van toepassing by die nominasie en verkiesing van leerderlede soos in submaatreeël (1) bedoel.
- (3) By die toepassing van die prosedure vir die nominasie en verkiesing van opvoederlede word 'n verwysing na 'n kiesbeampte uitgelê as 'n verwysing na die prinsipaal van die betrokke skool by die nominasie en verkiesing van die leerderlede soos in submaatreeël (2) bedoel.

17. Beslissing van Kiesbeampte

Die kiesbeampte beslis alle aangeleenthede wat met die nominasie

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, the elections must go ahead.

18. District electoral officer

- (1) Any person(s) who wishes 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) a parent member of a governing body who is not employed at the school may serve as chairperson of the governing body;
 - (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).

van kandidate en stemming bedoel in maatreëls 11, 12, 13, 14 en 15 onderskeidelik, verband hou. Alle dispute moet aan die optredende kiesbeampte gerapporteer word gedurende die verkiesingsproses. Die kiesbeampte is gemaand om alle dispute op te los en die verkiesing 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(e) wat 'n beswaar wil aanteken oor die aangeleentheid in submaatreël (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 Verkiesing 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 maatreël 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 maatreël 11(6)(b)(i) as verkose verklaar is.

20. Verkiesing 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) Behoudens die bepalings van submaatreël (2) kan slegs:
 - (i) 'n Ouerlid van 'n beheerliggaam, wat nie by die skool in diens is nie, as die voorsitter van 'n beheerliggaam dien.
 - (ii) 'n opvoeder, nie-opvoeder of ouerlid as sekretaris op die beheerliggaam dien.
 - (iii) 'n nie-opvoeder of ouerlid as tesourier op die beheerliggaam dien.
- (4) Behoudens die bepalings van submaatreël (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 herverkies 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 submaatreël (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 submaatreël (2), asook by 'n verkiesing bedoel in submaatreël (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 Bodies

- (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 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: Provided that there will be no violation of the rights of persons and that the applicant requires it for the exercising or protection of his or her rights or interest.
- (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 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.

23. Casual Vacancies in Governing Bodies

- (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(a), (b) and (c) and 4(2); or
 - has been removed from office in terms of measure 4(1).
- (2) Whenever a casual vacancy occurs—

- (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 Beheerliggame

- (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.

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 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 van, 'n ouer van 'n leerder by daardie skool, of personeellid van die skool van 'n afskrif van so 'n notule: Met dien 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 ander dokumente van die beheerliggaam of enige komitee daarvan by die Wes-Kaap Onderwysdepartement vir veilige bewaring inhandig.

23. Toevallige Vakatures in Beheerliggame

- (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(a), (b) en (c) en 4(2) bedoel; of
 - ingevoelge maatreël 4(1) van sy of haar amp onthef is.
- (2) Wanneer 'n toevallige vakature ontstaan—

- (a) in a governing body composed in terms of measures 2(11) and (13), the Head of Department shall forthwith appoint an eligible person in the vacancy; and
- (b) in a governing body composed in accordance with measure 2(1) the governing body shall fill—
- (i) a parent member vacancy, in accordance with the provisions of measure 2(4) and (5); and
 - (ii) a vacancy other than a parent member vacancy, through a by-election within 14 days after the occurrence of the vacancy, in accordance with the election procedures in terms of these measures.
- (3) A member appointed in accordance with submeasure (2)(a) or elected to fill a vacancy by means of a by-election in accordance with submeasure (2)(b), obtains membership for the unexpired period of the term of office of his or her predecessor subject to the provisions of measure 4.
- (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), 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) A member elected to fill a vacancy by means of a by-election as contemplated in submeasure (2)(b), shall have voting rights.

24. 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—
- (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 the procedure for the nomination and election of educator members a reference in the said procedure to an electoral officer shall be construed as a reference to the principal of the school concerned for the nomination and election of representatives referred to in paragraph (b).
- (3) Election of office bearers of representative council of learners
- (a) The principal shall convene the first meeting of the representative council of learners and shall preside at such meeting.
 - (b) At the first meeting the representatives shall elect from their ranks at least a chairperson, a vice-chairperson and a secretary.
- (4) Functions of representative council of learners
- The representative council of learners must—

- (a) in 'n beheerliggaam saamgestel ingevolge maatreëls 2(11) en (13), stel die Departementshoof onverwyld 'n bevoegde persoon in die vakature aan; en
- (b) in 'n beheerliggaam saamgestel ooreenkomstig maatreël 2(1) moet die beheerliggaam—
- (i) 'n vakature van 'n ouerlid, ooreenkomstig die bepalinge van maatreël 2(4) en (5), en
 - (ii) 'n vakature ander as 'n vakature van 'n ouerlid, by wyse van 'n tussenverkieing, binne 14 dae na die ontstaan van die vakature, ooreenkomstig die verkiesingsprosedure ingevolge hierdie maatreëls, vul.
- (3) 'n Lid wat ooreenkomstig submaatreël (2)(a) aangestel is of ooreenkomstig submaatreël 2(b) by wyse van 'n tussenverkieing verkies is om 'n vakature te vul, verkry lidmaatskap vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger behoudens die bepalinge van maatreël 4.
- (4) Waar 'n vakature gevul is—
- (a) ooreenkomstig submaatreël 2(a) moet die Departementshoof; en
 - (b) 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.
- (5) 'n Lid wat verkies is om 'n vakature te vul by wyse van 'n tussenverkieing soos beoog in submaatreël (2)(b), het stemreg.

24. 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—
- (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) By die toepassing van die prosedures vir die nominasie en verkiesing van opvoederlede word 'n verwysing na 'n kiesbeampte uitgelê as 'n verwysing na die prinsipaal van die betrokke skool by die nominasie en verkiesing van die verteenwoordigers soos in paragraaf (b) bedoel.
- (3) Verkiesing van ampsdraers van verteenwoordigende raad van leerders
- (a) Die prinsipaal belê die eerste vergadering van die verteenwoordigende raad van leerders en sit voor tydens sodanige vergadering.
 - (b) Op die eerste vergadering verkies die verteenwoordigers uit eie geledere ampsdraers wat minstens 'n voorsitter, 'n ondervoorsitter en 'n sekretaris insluit.
- (4) Funksies van verteenwoordigende raad van leerders
- Die verteenwoordigende raad van leerders moet—

- | | |
|---|---|
| <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>(5) Dissolution of representative council of learners</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>(6) Discharge of individual members of representative council of learners</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 style="padding-left: 20px;">(i) commits an act which undermines the administration of the school, or encourages such acts to be committed by others;</p> <p style="padding-left: 20px;">(ii) is disobedient or refuses to carry out instructions given to him or her by any educator or a person in charge;</p> <p style="padding-left: 20px;">(iii) is loath or refuses to fulfil duties;</p> <p style="padding-left: 20px;">(iv) conducts himself or herself in a scandalous, improper or unseemly manner or is guilty of gross discourtesy towards another person;</p> <p style="padding-left: 20px;">(v) is found guilty of an offence and is sentenced to imprisonment for a period exceeding six months without the option of a fine;</p> <p style="padding-left: 20px;">(vi) stay away from school without permission to do so, unless he or she can prove a valid reason for his or her absence;</p> <p style="padding-left: 20px;">(vii) fails to attend meetings regularly;</p> <p style="padding-left: 20px;">(viii) leaves the school permanently; or</p> <p style="padding-left: 20px;">(ix) has been suspended.</p> <p>(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.</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 verfyne.</p> <p>(5) Ontbinding van verteenwoordigende raad van leerders</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) Ontheffing van individuele lede van verteenwoordigende raad van leerders</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 style="padding-left: 20px;">(i) 'n daad wat die administrasie van die skool ondermyn, pleeg of ander aanmoedig om dit te pleeg;</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(iii) nalatig of traag in die uitvoering van pligte is;</p> <p style="padding-left: 20px;">(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> <p style="padding-left: 20px;">(v) by skuldigbevinding aan 'n misdryf gevonnissen word tot gevangenisstraf vir 'n periode langer as ses maande sonder die keuse van 'n boete;</p> <p style="padding-left: 20px;">(vi) sonder verlof van die skool af wegbly, tensy hy of sy 'n geldige rede vir sy of haar afwesigheid kan bewys;</p> <p style="padding-left: 20px;">(vii) versuim om vergaderings gereeld by te woon;</p> <p style="padding-left: 20px;">(viii) die skool permanent verlaat; of</p> <p style="padding-left: 20px;">(ix) geskors is.</p> <p>(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.</p> |
|---|---|

25. Commencement

These measures come into operation immediately and repeal in its totality the Measures relating to Governing Bodies for Public Schools (excluding Public Schools for Learners with Special Education Needs) as published in Provincial Gazette Extraordinary 5946 of 31 January 2003 at Provincial Notice 370/2002.

ANNEXURE A

Notice of Nomination and Election Meeting

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

(MEASURES 9, 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:

.....

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

- (a) The governing body shall consist of—
(i) seven parents who are not employed at the school and in the case where learner members referred to in subparagraph (a)(iv) do not serve on the governing body, five parents, elected by parents of learners at the school concerned;
(ii) two educators at the school, elected by educators employed at the school concerned;
(iii) one non-educator at the school, elected by members of staff employed at the school concerned who are not educators;
(iv) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks;
(v) the principal;

25. Inwerkingtreding

Hierdie maatreëls tree onmiddellik in werking en herroep die Maatreëls betreffende Beheerliggame vir Openbare Skole (uitgesonderd Openbare Skole vir Leerders met Spesiale Onderwysbehoefte) soos gepubliseer in Buitengewone Provinsiale Koerant 5946 van 31 Januarie 2003 by Provinsiale Kennisgewing 370/2002, in sy geheel.

BYLAE A

Kennisgewing van Nominasie- en Verkiegingsvergadering

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

(MAATREËLS 9, 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 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 KIESBEAMPT

ADRES:

.....

INLIGTING IN VERBAND MET VERKIESING

(Moet kennisgewing van nominasie- en verkiesingsvergadering vergesel)

1. SAMESTELLING VAN BEHEERLIGGAAM

- (a) Die beheerliggaam bestaan uit—
(i) sewe ouers wat nie by die skool in diens is nie en, in die geval waar daar nie leerderlede soos in subparagraaf (a)(iv) bedoel, op die beheerliggaam dien nie, vyf ouers, verkies deur ouers van leerders by die betrokke skool;
(ii) twee opvoeders by die skool verkies deur opvoeders in diens by die betrokke skool;
(iii) een nie-opvoeder by die skool verkies deur personeellede in diens by die betrokke skool wat nie opvoeders is nie;
(iv) twee leerders in die agste graad of hoër verkies deur die verteenwoordigende raad van leerders uit eie geleedere;
(v) die prinsipaal;

- (vi) the owner of the property occupied by the school or his or her nominee if co-opted on the governing body of a school, without voting rights; and
 - (vii) such member or members, without voting rights, of the community (maximum of six members) to be co-opted by the governing body
- (b) The majority of the members of the governing body shall be parents who have voting rights.

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.
- (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) 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

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 4(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 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.

- (vi) die eienaar van die eiendom waarop die skool gevestig is of sy of haar genomineerde, indien gekoöpteer op die beheerliggaam van 'n skool, sonder stemreg; en

- (vii) sodanige lid of lede van die gemeenskap sonder stemreg (hoogstens ses lede) as wat deur die beheerliggaam gekoöpteer kan word.

- (b) Die meerderheid van die lede van die beheerliggaam moet stemgeregtigde ouers wees.

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) '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) Die kiesbeampte bepaal 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

'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.

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 4(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.

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)

ANNEXURE B

NOMINATION FORM

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

(MEASURES 11, 13, 14, 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)

of
(Residential Address)

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

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)

BYLAE B

NOMINASIEVORM

Verkieing van leerders/Opvoeders/Nie-opvoeder/Ouers van leerders as lede van Beheerliggaam.

(MAATREËLS 11,13,14,15 EN 16)

(Kragtens artikel 28(e) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig, moet daar tydens die nominasie en verkieing 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)

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/ouer van 'n leerder van bogenoemde skool, sekondeer hiermee bogenoemde voorstel

.....
HANDTEKENING VAN SEKONDANT

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” (see 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 (excluding Public Schools for Learners with Special Education needs).

.....
SIGNATURE OF ELECTORAL OFFICER

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

.....
DATE SIGNATURE OF ELECTORAL OFFICER

*Delete which is not applicable.

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” (kyk 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 (uitgesonderd Openbare Skole vir Leerders met Spesiale Onderwysbehoefes).

.....
HANDTEKENING VAN KIESBEAMPTE

Kragtens maatreeël 11(4) word hierdie nominasie *aanvaar/verwerp.

.....
DATUM HANDTEKENING VAN KIESBEAMPTE

*Skrap wat nie van toepassing is nie.

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS

SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE

