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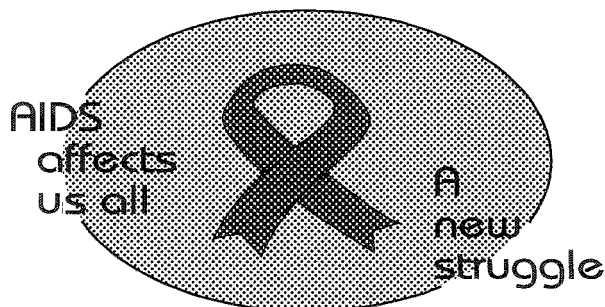
PIETERMARITZBURG

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**PART 2 OF 3**

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**PROVINCIAL NOTICE 653 OF 2024****SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)  
NOTICE RELATING TO THE ELECTION OF MEMBERS OF GOVERNING BODIES  
FOR ORDINARY PUBLIC SCHOOLS  
(EXCLUDING SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS)**

I, **Mbali C. Frazer**, Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal have, in terms of Sections 23 and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996), as amended, determined matters relating to school governing bodies as contained in this schedule.

**SCHEDULE****Definitions**

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

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

**"Assistant School Electoral Officer"** means a person employed by the Department or the governing body who is appointed by the School Electoral Officer to assist during elections and is not an electoral officer at any other school;

**"CNS system"** means the candidate nominations system which is a secure electronic system that is used for the electronic Submission of information and documents contemplated in this notice;

**"closed meeting"** means a meeting open only to —

- (a) parents for the election of parents;
- (b) educators for the election of educators;
- (c) non-educator member for the election of non-educator member; and
- (d) learners from the representative council of learners;

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

**"co-opted members"** means —

- (a) members co-opted without voting powers to assist the governing body in discharging its functions;
- (b) the owner of the private property on which a public school is situated and who does not have voting powers;
- (c) members without voting powers co-opted for expertise regarding special needs in an ordinary public school which provides education to learners with special education needs; and
- (d) members with voting powers co-opted pending the by-election, to replace exiting parent members who have not completed their term of office;

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

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

**"District Electoral Officer"** means a senior District official at a District office responsible for overseeing and managing the election process in the district;

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

**"e-election"** means a school governing body election in which electronic means are used in one or more stages of the election process;

**"election day"** means a full day that is set aside by the school for purposes of conducting the election of a school governing body instead of holding an election meeting and which constitutes a deviation;

**"election meeting"** means —

- (a) four separate election meetings held exclusively for the nomination and election of parents only, educators only, non-educators only and learners from the representative council of learners only, as the case may be and which may include an e-election; and
- (b) a by-election meeting;

**"election monitors"** means officials or stakeholders selected from the Provincial or District electoral task teams and approved by the Head of Department to monitor governing body elections;

**"electronic ballot box"** means the electronic means by which the votes are stored after it is cast by voters and pending the counting process;

**"e-voting"** means an e-election that involves the use of an electronic process to cast a vote;

**"e-voting station"** means the voting station that is used for an e-election and which is established at a place determined by the School Electoral Officer;

**"e-voting system"** means a process which uses the hardware and software of electronic systems to nominate and vote for a candidate remotely or virtually from a selection of candidates in an election;

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

**"franchise"** means the right to vote for —

- (a) parents in the parent component;
- (b) educators in the educator component;
- (c) non-educator member in the non-educator member component; or
- (d) RCL member in the learner component;

**"Gender diversity"** means the inclusion of male, female, lesbian, gay, bisexual, transgender, queer, intersex and all other forms of gender identity;

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

**"member"** means a member of the governing body;

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

**"non-educator member"** means a person employed in terms of the Public Service Act, 1994 (Act No. 103 of 1994) or the South African Schools Act, 1996 (Act No. 84 of 1996) who is not an educator at a public school;

**"parent"** means —

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

**"POPIA"** means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

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

**"Provincial Electoral Officer"** means a senior official from a Provincial office responsible for overseeing and managing the election process in the Province;

**"public school"** means —

- (a) an ordinary public school; or
- (b) a public school that provides education with a specialised focus on talent, including sport, performing arts or creative arts;

**"remote e-voting"** means an e-voting process which could occur at the school or from any other place where the casting of votes are done via a device and does not use hard copies of ballot papers in the voting process;

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

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

**"School Electoral Officer"** means a school principal or an official who is not employed at the school, appointed by the Head of Department to conduct school governing body elections; and

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

## Composition of Governing Bodies for Public Schools

2. (1) The membership of a governing body of a public school comprises the following members —
- (a) elected members;
  - (b) the principal by virtue of his or her official capacity; and
  - (c) co-opted members with or without voting rights.
- (2) The elected members of a governing body referred to in sub-paragraph (1) (a) comprise the following —
- (a) parents of learners at the school;
  - (b) educators at the school;
  - (c) non-educator member; and
  - (d) learners from the eighth grade or higher at the school elected from the RCL, if applicable.
- (3) The number of parent, educator, non-educator and learner members of a governing body must, depending on the type and grading of the school concerned, comply with Schedule A of this notice.
- (4) Before any annual meeting for the election of office bearers, the governing body must determine if there has been an increase or decrease in learner enrolment as contemplated in schedule A and if there has been —
- (a) an increase in the enrolment which results in an additional vacancy in the governing body, such vacancy must only be declared if the increase in the learner enrolment is 10% percent or more; and
  - (b) (i) if there has been a decrease in learner enrolment by 10% or more and such decrease requires one or more educators and one or more learners from the RCL to vacate the position in the governing body, the educator or educators and learner or learners from the RCL who received the least number of votes must vacate the position; or
  - (ii) if members were duly elected where no voting occurred, the component affected by the decrease in enrolment must by secret ballot determine who will vacate the position in the governing body.
- (5) The increase or decrease in learner enrolment will result in either a vacancy in the parent component or a member of the parent component vacating his or her position on the governing body.

### Term of Office

3. (1) A governing body is elected for a period of three years unless otherwise directed by the Member of the Executive Council.
- (2) The Member of the Executive Council must determine the term of office of governing bodies of all schools.
- (3) All members excluding learners elected from a representative council of learners in terms of clause 2(2) (d) are elected for a term of three years.
- (4) The term of office of a governing body member who is a learner elected in terms of clause 2 (2)(d) is one year.
- (5) A member of a governing body holds office until the expiry of the term of office of the governing body or the exiting of the member through death or is no longer eligible in terms of clause 5.
- (6) Should there be any delay in the election of a governing body during the election period determined by the Minister, the delay will not affect the term of office determined by the Minister.
- (7) Should the Head of Department determine on reasonable grounds that a governing body has ceased to perform one or more functions in terms of the Act, the Head of Department may withdraw the functions of the governing body and —
  - (a) appoint sufficiently qualified persons to carry out all such functions or one or more of such functions of the governing body for a period not exceeding three months;
  - (b) may extend the period referred to in sub-clause (7)(a) for periods not exceeding three months at a time, which combined period shall not exceed one year; and
  - (c) the persons contemplated in sub-clause (7)(a) must within the period of the appointment build the necessary capacity within the governing body to ensure that it would be able to perform the functions it previously failed to perform.
- (8) Before the Head of Department can act in terms of sub-clause (7), he or she must follow the due process in the Act.
- (9) Subject to sub-clause 4, a member of a governing body may, depending on the circumstances, be re-elected or co-opted, after the expiry of his or her term of office.

### Membership of a Governing Body

4. (1) A governing body which governs a school consists of the following members —
  - (a) parents of learners enrolled at the school for which a governing body is being elected, comprising one more parent than the combined total number of members with voting rights referred to in sub-clauses (b), (c), (d) and (e);
  - (b) an educator or educators, depending on the learner enrolment at the school as reflected in Schedule A hereto;
  - (c) one non-educator elected by the non-educator members employed at the school for which a governing body is being elected;
  - (d) learners, if applicable, elected by members of the RCL from the RCL in a school with grade eight or higher, the number of learners elected will be determined in accordance with Schedule A;
  - (e) the principal, representing the Head of Department in a school in his or her official capacity; and
  - (f) co-opted members of the community, if any, provided the number of co-opted members must not exceed five.
- (2) A governing body of a public school situated on private property may co-opt, without voting rights, the owner of the private property or the nominated representative of such owner.

### Eligibility

5. (1) A person will not be eligible to be a member of a governing body if he or she —
  - (a) is mentally ill and has been declared as such by a competent court or a Psychiatrist;

- (b) is an unrehabilitated insolvent;
  - (c) has been found guilty of an offence and sentenced to imprisonment by a court of law either in South Africa or in any other country without the option of a fine for a period exceeding six months unless the period of imprisonment has expired three (3) years prior to the date of his or her nomination;
  - (d) has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act No.38 of 2005) or the Sexual Offences and Related Matters Amendment Act, 2007 (Act No.32 of 2007);
  - (e) has informed the School Electoral Officer that his or her name appears in the National Child Protection Register referred to in the Children's Act, 2005 (Act No.38 of 2005) or if this information was brought to the attention of the School Electoral Officer and such information was verified;
  - (f) no longer falls within the category of members that he or she represented at the time of his or her election;
  - (g) in the case of an educator appointed in terms of the Employment of Educator's Act, 1998 (Act No.76 of 1998) was found guilty of misconduct and received a sanction of —
    - (i) a fine;
    - (ii) suspension without pay; or
    - (iii) demotion;
  - (h) in the case of a non-educator member appointed in terms of the Public Service Act, 1994 (Act No.103 of 1994) was found guilty of misconduct and received a sanction of —
    - (i) a fine;
    - (ii) suspension without pay; or
    - (iii) demotion;
  - (i) had his or her membership terminated by the Head of Department in terms of Section 18A of the Act or any other applicable legislation.
- (2) A parent who is employed at the school either as an educator or a non-educator is not eligible to represent parents on the governing body.
- (3) The principal must —
- (a) at all times ensure that the governing body is properly constituted in terms of this Notice; and
  - (b) within five days of becoming aware that a member is not eligible, inform the Circuit Manager in writing that the member is no longer eligible to be a member of the governing body.
- (4) A member of the governing body must inform the school principal of his or her ineligibility as soon as he or she becomes aware of it.
- (5) Upon receiving the information in terms of sub-clauses (3) and (4) above, the Circuit Manager in charge of the school concerned must, in writing and within five days of receipt of the information, inform the District Electoral Officer of a member who is no longer eligible as a member of the governing body.
- (6) The District Electoral Officer must —
- (a) within five days of receipt of the information referred to in sub-clause (5) verify the information received;
  - (b) if satisfied that the member is no longer eligible, inform the member in writing of the member's ineligibility; and
  - (c) ensure that the member vacates the seat.

### **Appointment of Provincial Electoral Officer**

6. (1) The Head of Department must appoint in writing, a Provincial Electoral Officer, a Deputy Provincial Electoral Officer and Assistant Provincial Electoral Officers.

- (2) The Provincial Electoral Officer must —
- (a) ensure that the Provincial Notice is promulgated timeously;
  - (b) ensure that there is adequate election advocacy;
  - (c) administer the appointment of one or more officials in the service of the Department to assist during the election as Assistant Provincial Electoral Officers;
  - (d) ensure that the District Electoral Officers, Deputy Electoral Officers, Assistant Electoral Officers and any other person involved in the election signs an oath or affirmation of confidentiality in a format determined by the Head of Department before he or she performs the allocated function;
  - (e) ensure that there is compliance with legislation and procedures in respect of the elections;
  - (f) co-ordinate the resources to conduct efficient and fair governing body elections;
  - (g) ensure that materials and procedures for the training of District and School Electoral Officers and the election teams are in place;
  - (h) develop and provide templates of all documents required for the elections;
  - (i) resolve disputes relating to the elections which could not be resolved at school or district level;
  - (j) compile an election schedule for all schools in the Province;
  - (k) monitor and evaluate the election process in the Province;
  - (l) consolidate a provincial database of governing bodies in taking office;
  - (m) conduct investigations as directed by the Head of Department; and
  - (n) monitor the induction of newly elected governing body members.
- (3) The Deputy Provincial Electoral Officer and the Assistant Provincial Electoral Officer must assist the Provincial Electoral Officer in the performance of his or her functions and duties.

#### **Appointment of District Electoral Officer**

7. (1) The Head of Department must appoint in writing, a District Electoral Officer, a Deputy District Electoral Officer and Assistant District Electoral Officers.
- (2) The District Electoral Officer must —
- (a) administer the appointment of one or more officials employed by the Department to assist during the election as Assistant District Electoral Officers;
  - (b) co-ordinate the election process in the district;
  - (c) administer the appointment of School Electoral Officers;
  - (d) ensure that the School Electoral Officers, Deputy School Electoral Officers, Assistant School Electoral Officers and any other person involved in the election sign an oath or affirmation of confidentiality in a format determined by the Head of Department before he or she performs the allocated function;
  - (e) ensure compliance with the election process;
  - (f) advise the School Electoral Officers on the proposed strategy and implementation of the elections in the district and ensure that the process is conducted as agreed;
  - (g) compile a management plan to implement the Provincial Notice;
  - (h) ensure that each school has an electoral officer in line with the Provincial Notice and that the school electoral teams are established;
  - (i) ensure that all election officials working at school level are adequately trained and are aware of their roles and responsibilities;
  - (j) ensure that all electoral officers receive the Provincial Election Notice and other documents timeously;
  - (k) ensure that election advocacy is conducted as planned;
  - (l) ensure that the entire election process is monitored;
  - (m) ensure that the names and contact details of the persons elected to governing bodies are completed on the relevant forms and submitted by the principal to the district office within seven days of the elections taking place;
  - (n) ensure that the relevant Data form is received from the school principal and submitted to the district within seven days of the first meeting at which the office bearers are elected;
  - (o) resolve disputes related to the decisions which could not be resolved at school level;
  - (p) develop a data base of newly elected governing bodies and submit the database to the Provincial Election Coordinator; and
  - (q) compile a written district report on elections and submit it to the Provincial Election Coordinator.

- (3) The Deputy District Electoral Officer and the Assistant District Electoral Officer will assist the District Electoral Officer in the performance of his or her functions.
- (4) The Deputy District Electoral Officer and Assistant District Electoral Officers may provide advice to the District Electoral Officer on any issue relating to the elections.

#### **Appointment of School Electoral Officer**

8. (1) The Head of Department must appoint in writing, a School Electoral Officer for the election of parents, educators, non-educator and learners from the RCL as members of a governing body of a public school.
- (2) A principal must not be appointed as School Electoral Officer in the school where he or she is the principal.
- (3) The School Electoral Officer must appoint in writing, one or more officials or educators in the service of the Department or employed by the school governing body to assist at the elections as Assistant Electoral Officers.
- (4) The School Electoral Officer must, for the duration of the term of office of the elected school governing body, preside over all election meetings including by-elections and elections for office-bearers. In exceptional circumstances however, should the School Electoral Officer not be available to preside over any election meeting, the Head of Department must appoint in writing, a School Electoral Officer for that particular election meeting.
- (5) The School Electoral Officer and the Assistant School Electoral Officer must not be a candidate, nor a proposer or seconder of a candidate.
- (6) The duties of a School Electoral Officer are, *inter alia* to —
  - (a) in consultation with the school principal ensure that a notice giving details of the date, time and venue of the nomination and election meeting is prepared and dispatched by the school principal;
  - (b) ensure that there is a suitable venue for the nomination and election meeting;
  - (c) ensure that the school election team knows the electoral process to be followed and complies with relevant legislation;
  - (d) ensure that all persons involved in the election sign an oath or affirmation of confidentiality in a format determined by the Head of Department before he or she performs the allocated function;
  - (e) intervene and resolve any disputes on the day of election; and
  - (f) submit election results to the district office.

#### **Acceptable Standard of Conduct for the Provincial, District and School Electoral Officers**

9. (1) Notwithstanding the acceptable standard of conduct, powers and duties provided for in the Act and other relevant legislation and policies, the Provincial, District and School Electoral Officers must —
  - (a) act honestly and with dignity;
  - (b) act in an unbiased way;
  - (c) be familiar with the election process and applicable legislation;
  - (d) carry out the election in terms of the provincial prescripts;
  - (e) co-operate with school managers and line management;
  - (f) manage the voting process in a fair and just manner;
  - (g) deal with difficulties that may arise with courtesy;
  - (h) be polite and diligent;
  - (i) not exceed his or her mandate; and
  - (j) ensure that the prescripts of the Protection of Personal Information Act No. 4 of 2013 are adhered to at all times when processing personal information.
- (2) The conduct of officials of the Department who are appointed as Electoral Officers is regulated by the relevant departmental legislation and policies applicable to their employment.



**Voters' Roll**

10. (1) The principal must prepare a separate voters' roll for parents, educators, non-educators and learners from the RCL.
- (2) The voters' roll must be prepared as follows:
- (a) The voters' roll for parents must be prepared from the school admission register. Eligible voters are those persons appearing in the admission register, persons who can prove that they are parents as defined in the Act or meet the criteria in sub-clause (3). Only two parents per learner are eligible to vote;
  - (b) The voters' roll for educators must consist of all educators employed at the school;
  - (c) The voters' roll for non-educators must consist of all non-educators employed at the school; and
  - (d) The voters' roll for learners must consist of all members of the RCL.
- (3) The following guidelines must be taken into consideration by the principal in determining proof of parenthood in respect of the person who undertakes to fulfil the obligations of the biological, adoptive, legal guardian or the person entitled to custody of a learner in circumstances where the learner's parents are living:
- (a) The reasons for the person undertaking to fulfil the obligations of the parent as defined in the Act;
  - (b) The person with whom the learner resides with;
  - (c) Where the home of the persons who undertakes to fulfill the obligations of the biological, adoptive, legal guardian or the person entitled to custody is situated;
  - (d) The proximity of the home of the persons referred to in sub-clause (3)(c) to that of the school;
  - (e) The obligations must extend beyond financial assistance and consideration must be given to the obligation towards the learner's education and the day-to-day care and support provided to the learner;
  - (f) The overall involvement and responsibility of the person who undertakes to fulfil the obligations of the persons referred to in sub-clause (3)(c) to that of the learner;
  - (g) Should the learner have other siblings in the school then consideration must be given to who assumes parenthood of the other siblings. The information provided in respect of the other siblings must be compared with the information provided for the learner concerned;
  - (h) The relationship of the person who undertakes to fulfil the obligations towards the learner;
  - (i) The school principal must undertake a reasonable investigation within the community if possible, to ascertain who the community regards as being the parent;
  - (j) Any other reasonable explanation for the person undertaking to fulfil the obligations of the parent referred to above; and
  - (k) Each case must be dealt with on its merits and the school principal must ensure that there is consistency when taking decisions in accepting any person as a parent.
- (4) The principal of the school must at least 14 days prior to the election meeting, send a letter together with the relevant forms with the learners to their parents, notifying them of the election meeting, inviting them to inspect the voters' roll and to update their information, if necessary.
- (5) Only the school principal is allowed to authorise amendments to the voters' roll.
- (6) All those who nominate or second the nominations and the nominees must be persons who are listed on the voters' roll for their respective constituency of representation on the governing body.
- (7) Any updates or queries relating to the voters' roll must be referred to the principal at least seven days prior to the election date as no queries relating to the voters' roll will be dealt with by the School Electoral Officer on the day of the election.

**Notice of a Nomination and Election Meeting**

11. (1) The principal of the school that holds an election meeting must consider the convenience of voters when preparing notices setting out the date, time and place of the nomination and election meeting.
- (2) The election of the educator, non-educator and RCL components must precede the election of the parent component.
- (3) At least 14 days prior to the date of the first election meeting, the principal of the school must send out copies of the notice of the election meeting.
- (4) The principal must ensure that he or she —
- (a) hands a copy of the notice of the election meeting for parents to every learner at the school with an instruction to give the notice to the learner's parents;
  - (b) hands a copy of the notice of the election meeting of educators to the educators;
  - (c) hands a copy of the notice of the election meeting of non-educators to the non-educators;
  - (d) hands a copy of the notice of the election meeting of the RCL component to each member of the RCL;
  - (e) causes copies of such notice to be displayed or posted in a conspicuous place at the school and in suitable and prominent places in the community; and
  - (f) circulates the notice in whatever method that the school usually communicates with which may include may work for the school community including the use of WhatsApp messages, D6 Communicator or D6 Connect provided that whichever method is used does must not disadvantage members of the school community.
- (5) The principal must ensure —
- (a) that the notices are in the school's language of instruction and where practical in the home language of the learners; and
  - (b) that all parents are encouraged to participate in the election.
- (6) Should a new school be established during the term of the governing body, then the election meeting of the new school must be held within 60 days of the establishment of the school.

**Franchise**

12. (1) Every parent whose name appears in the voters' roll —
- (a) is entitled to vote for parent members of the governing body; and
  - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator including the principal employed at a school —
- (a) is entitled to vote for educator members; and
  - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every non-educator at the school —
- (a) is entitled to vote for a non-educator; and
  - (b) has one vote.
- (4) If the school has only one non-educator, that non-educator is duly elected to serve in the governing body.
- (5) Every member of a RCL —
- (a) is entitled to vote for learner members; and
  - (b) has one vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.
- (6) Proxy votes are not allowed.

**Quorum for a Nomination and Election Meeting**

13. (1) A quorum of 15 % of voters on the voters' roll must be constituted prior to proceeding with the nomination and election meeting.
- (2) If a quorum referred to in sub-clause (1) is not constituted, the —
- (a) meeting must be adjourned and a second meeting must be rescheduled for another date not less than seven days and not more than 14 days from the day on which the meeting was adjourned; and
  - (b) principal of the school must adhere to the procedure stipulated in clause 11(4) (a)-(f).
- (3) The written nominations received prior to the adjourned meeting will in addition to any other new written nominations be considered at the rescheduled meeting.
- (4) The notice in respect of the second meeting must state that no quorum is required in order for the second meeting to proceed.

**Nominations for an Election Meeting**

14. (1) The School Electoral Officer must appoint in writing an Assistant School Electoral Officer to act as secretary of the meeting and to record the minutes of the proceedings.
- (2) Save for election monitors and the Assistant School Electoral Officers, the School Electoral Officer must not allow any person who is not eligible as a voter to attend a meeting or allow the election of a person who is not qualified as a candidate in terms of clause 2.
- (3) The School Electoral Officer must request voters to provide proof of identification in the form of a South African identity document or identity card, a valid passport or proof of temporary or permanent residence for non-South African citizens.
- (4) Before proceeding with the election of members of a governing body, the School Electoral Officer must bring the following to the attention of voters —
- (a) that the term of office of the current school governing body has expired and members have been officially notified;
  - (b) that the election meeting is a closed meeting;
  - (c) that clause 5 renders a person ineligible for membership to a governing body;
  - (d) the number of persons to be elected;
  - (e) that every nomination must be seconded by a parent, educator, non-educator or a learner from the RCL, as the case may be, who is entitled to vote;
  - (f) that during nominations, voters must take into account representivity and must ensure that nominations are representative of gender diversity, race and wherever possible include nominations of persons with disabilities;
  - (g) that a voter has one vote for each vacancy to be filled;
  - (h) that voting is by secret ballot; and
  - (i) that a grievance procedure exists as contemplated in clause 28.
- (5) During the nomination period the School Electoral Officer must —
- (a) determine and allocate the time for nominations;
  - (b) inform the voters of the time allocated;
  - (c) allow sufficient time for the nomination of candidates during the nomination phase; and
  - (d) indicate when the time for nominations has lapsed.
- (6) A person may be nominated in absentia, provided the —
- (a) proposer and seconder of the nominated person are present at the meeting and must complete a nomination form; and
  - (b) nominated person sends written confirmation of acceptance of the nomination to the principal.

- (7) A nomination form duly completed by the proposer, seconder and the nominee must have been received by the School Electoral Officer within seven days of the election meeting.
- (8) Notwithstanding sub-clause (7), a candidate may be nominated in writing at the election meeting by —
- (a) a parent of a learner enrolled at the school for a vacancy in terms of clause 4(a);
  - (b) an educator employed at the school concerned for a vacancy in terms of clause 4(b);
  - (c) a non-educator employed at the school concerned for a vacancy in terms of clause 4(c);
  - (d) a learner from the RCL in terms of clause 4(d),
- provided that another parent, educator, non-educator or a learner from RCL, as the case may be, seconds the proposal and the person nominated indicates to the meeting in writing if he or she is absent, that he or she is prepared to serve as a member of the governing body, if elected.
- (9) A School Electoral Officer must —
- (a) allow a person who nominated a candidate an opportunity to introduce the candidate to the meeting and give reasons for the nomination; or
  - (b) allow a nominated candidate to introduce himself or herself to the meeting.
- (10) During the nominations, the School Electoral Officer must consider the nominations and reject the nomination of any candidate who —
- (a) has not been nominated in accordance with this clause;
  - (b) is not eligible in terms of clause 5; or
  - (c) has not completed the nomination form unless written proof has been submitted by the candidate to the School Electoral Officer that such nominee will be willing to serve as a member of the governing body and that he or she meets the eligibility requirements.
- (11) The School Electoral Officer must announce the names of the nominees whose nominations have been accepted and cause nomination forms to be completed.
- (12) If the total number of nominees whose nominations have been accepted —
- (a) is less than the number of members required in respect of the category concerned, a new meeting must be convened where additional nominees are nominated and the new meeting must be convened not less than seven days but not more than 14 days of the first nomination meeting;
  - (b) is equal to the number of members required in respect of the category concerned, the Electoral Officer must declare every accepted nominee to be duly elected; or
  - (c) exceeds the number of vacancies, the School Electoral Officer must, immediately after the closing of the nominations, write down the names of the candidates on a suitable board or any other surface that is clear and visible to everyone in attendance at the meeting and prepare ballot papers.
- (13) In a school where there is one non-educator, the School Electoral Officer must inform the non-educator that he or she —
- (a) is duly elected to the governing body; and
  - (b) must complete the necessary election forms.

### **Voting at the Election Meeting**

15. (1) Each voter has one vote for each vacant position to be filled on the governing body.
- (2) The School Electoral Officer must prepare ballot papers and must —
- (a) ensure that every ballot paper has the school stamp on it or some other distinguishing feature which prevents the ballot papers from being tampered with; and
  - (b) explain the voting process, the maximum number of nominees to be voted for as well as how to record the vote either by marking with a cross(x), using numbers or by writing names.

- (3) A voter present must indicate the name or names of the candidate or candidates preferred by him or her on the ballot paper provided by the School Electoral Officer in terms of sub-clause (2)(b).
- (4) A person with a right to vote must record his or her vote on the ballot paper in secrecy and deposit the folded ballot paper in a box or other closed container provided for this purpose.
- (5) A person who is unable to mark his or her vote on the ballot paper as contemplated in sub-clause (3), may make a verbal request for assistance from the School Electoral Officer or the Assistant School Electoral Officer to mark, next to the appropriate candidate, his or her vote on the ballot paper.
- (6) The School Electoral Officer, in the presence of the Assistant School Electoral Officer, must assist any person with a disability or any person who for whatever reason is unable to mark his or her vote.
- (7) The request for assistance and the completion of the ballot paper contemplated in sub-clause (5) must be done in private and in an area identified by the School Electoral Officer for that purpose but within the area in which the voting is taking place.
- (8) Should a ballot paper be spoilt when a person is casting his or her vote, the electoral officer must —
  - (a) issue the person with a new ballot paper with the same number as the spoilt ballot paper and indicate the word “*duplicate*” on the new ballot paper;
  - (b) retain the spoilt ballot paper and clearly mark “*spoilt*” on it;
  - (c) record all spoilt ballot papers on the relevant template; and
  - (d) retain the record of spoilt ballot papers and the spoilt ballot papers with the other election documents.
- (9) The School Electoral Officer must reject a ballot paper —
  - (a) which is without the school stamp or distinguishing feature as contemplated in sub-clause 2(a);
  - (b) with more crosses(x) recorded than the number of vacancies on the governing body;
  - (c) with the name of a person or persons not nominated; or
  - (d) which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (10) After all the voters have cast their votes, the School Electoral Officer and the Assistant School Electoral Officers must count the votes in the presence of three observers appointed by those attending the meeting to observe the counting process.
- (11) In the case of a tie between candidates after another voting session, the School Electoral Officer must break the deadlock by tossing a coin and —
  - (a) the candidates must be made to choose between heads or tails;
  - (b) the candidate who chooses correctly wins the tie-breaker; and
  - (c) this tie-breaker process must be conducted openly and in agreement with the candidates present.
- (12) The School Electoral Officer must announce the results during the election meeting and declare the candidates who have secured the most votes as the elected members of the governing body.
- (13) The number of votes a person secures in this election does not determine the outcome of the election of office bearers elected in terms of clause 16.
- (14) The School Electoral Officer must direct the learners to Section 32 of the Act which outlines the status of minors on the governing body.

### **Election of Office Bearers**

16. (1) The School Electoral Officer may convene a meeting solely for the purpose of electing office bearers on the day of the parents' election meeting if —
  - (a) the 14 day's notice in terms of clause 11(3) which was issued to parents, educators, non-educator member and learners from the RCL included information that the meeting for the election of office bearers would take place on the day of the parent election.
  - (b) the quorum requirements of the first meeting have been complied with.

- (2) Should the meeting to elect office bearers not be held in terms of sub-clause (1), the School Electoral Officer must convene the first meeting of the governing body within seven days of the date of the parent election meeting.
- (3) The School Electoral Officer must preside over all meetings convened for the election of office bearers.
- (4) Prior to the election of office bearers, the School Electoral Officer must make the members of the governing body aware —
  - (a) of the responsibilities of office bearers; and
  - (b) the need to ensure that representivity is taken into consideration in the election of office bearers.
- (5) At the first meeting of a governing body the members must elect by secret ballot a —
  - (a) chairperson;
  - (b) deputy-chairperson;
  - (c) treasurer; and
  - (d) secretary.
- (6) Only a parent member, not employed at the school is eligible for the election to the position of chairperson or deputy chairperson of the governing body.
- (7) Spouses, siblings and closely related members must not serve as Office Bearers on the governing body at the same time.
- (8) The term of office for office bearers is a period of one year.
- (9) Upon the expiry of the term of office of the office bearers, the School Electoral Officer must conduct the elections of office bearers for the next term.
- (10) An office bearer may be re-elected after the expiry of the term of office.
- (11) At the request of the governing body, the principal may designate a member of his or her staff to assist the treasurer and secretary of the governing body.
- (12) Where, for any reason, the office of one of the office bearers becomes vacant, the governing body, at the first meeting after the vacancy has occurred, must elect one of its members to fill the vacancy for the unexpired period of his or her predecessor.
- (13) The principal must, within 14 days after the election and with the consent of the office bearers provide the Head of Department with the details of the new office bearers including names, identity numbers, telephone or cellular phone numbers, fax numbers, addresses and email addresses, as applicable. The information provided will be handled by the Department in accordance with the prescripts of the POPIA.

### **Hand over Process**

17. (1) Within 14 days of the election of office bearers, the principal of the school as a representative of the Head of Department in the governing body must manage the hand over process.
- (2) The outgoing office bearers of the school governing body must hand over to the newly elected office bearers all documents relating to the school governing body.
- (3) An approved handover certificate indicating all the documents to be handed over, must be issued and signed by both the outgoing and incoming chairpersons, the principal of the school and the Circuit Manager.
- (4) The Circuit Manager must ensure that all schools which he or she is responsible for, conducts the hand over process and all duly completed handover certificates are submitted to the District Electoral Officer within 14 days of the election of the office bearers.

### Deviation from the Nomination and Election Process

18. (1) Should a governing body with compelling reasons elect not to follow the nomination and election process referred to in this notice, the governing body must apply to the Head of Department for a deviation from the usual nomination and election process and must follow the prescripts referred to in this notice.
- (2) The governing body may make application for a deviation for either the full day or an e-election.
- (3) The Head of Department must grant such application if the application is fully substantiated and the Head of Department is satisfied that this is the only form of election process to be followed by the school when conducting the election.
- (4) A governing body that is granted approval by the Head of Department to deviate from the usual nomination and election process, is not precluded from reverting to the usual nomination and election process when conducting by-elections.

### Full Day Election

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

**Nominations for the Full Day Election**

20. (1) Where a school has been granted permission by the Head of Department to hold a full day election, the following nomination process must be followed —
- (a) the principal must prepare notices of the nomination meeting and must indicate the date, place and time of the nomination meeting; and
  - (b) the notice of the nomination meeting for parents should be distributed and displayed in prominent places at the school and in the community at least 21 days prior to the date of the full day election.
- (2) The principal must endeavour to use a combination of the following methods to ensure that the notice of the nomination meeting for a full day election is brought to the attention of the school community —
- (a) a hard copy of the notice of the nomination meeting and the nomination form is handed to every learner at least 21 days prior to the proposed full day election with a verbal instruction to hand the notice and the nomination form to their parents;
  - (b) a copy of the notice and the nomination form must be sent to the parents of every learner by post at least 21 days prior to the date of the full day election; and
  - (c) circulates the notice and nomination form in whatever method that the school usually communicates with which may include WhatsApp messages, D6 Communicator or D6 Connect provided that whichever method is used does not disadvantage members of the school community.
- (3) The notice and the nomination form must, where possible, be in the school's language of instruction and in the home language of the learners to ensure maximum participation of all parents.
- (4) The notice must inform the parents that the nomination form should be completed and signed by the candidate, the proposer and the seconder and returned to the school 14 days before the nomination meeting and must include the profile contemplated in sub-clause (7).
- (5) During the nomination meeting, the School Electoral Officer must adhere to the clauses relating to the quorum and the nomination process in clauses 13 and 14 respectively.
- (6) A candidate may only be nominated and seconded by a person belonging to the same representative membership category as the candidate.
- (7) The School Electoral Officer must ensure that any person who is eligible and willing to be nominated is free to participate in the nomination process and any such person must submit their profile stating —
- (a) his or her name and surname;
  - (b) the names and grades of his or her children in the school;
  - (c) his or her occupation;
  - (d) experience or skills;
  - (e) a statement that indicates that he or she qualifies to be a member of a governing body as contemplated in clause 4; and
  - (f) a brief statement stipulating the value he or she can add to the school.
- (8) At the nomination meeting the School Electoral Officer must request profiles from all the nominees.
- (9) After the nominations, the School Electoral Officer must consider the nominations and reject the nomination of any candidate —
- (a) whose nomination has not been seconded;
  - (b) who is not eligible for election;
  - (c) who has not completed and submitted the nomination form and profile as required; or
  - (d) who has not indicated willingness to serve in the governing body.
- (10) If the total number of nominees is less than the number of members required in the governing body, a notice must be sent to parents and more nominees names must be requested.
- (11) If the number of nominees is equal to the number of members required in the governing body, the School Electoral Officer must declare all the nominees as duly elected members and indicate that an election day will no longer be necessary.



- (12) The principal must within seven days after the nomination process, notify parents in writing of the outcome of the nomination meeting in sub-clause (10) and inform parents that an election day will no longer be necessary.
- (13) A full day election must take place should the number of nominees be more than the number of members required in a governing body and the principal must inform the parents in writing of the names and of the profiles of the candidates whose nominations have been accepted.
- (14) Voting in a full day election meeting will be by secret ballot.
- (15) The principal must display the nominees' profiles at the venue of the full day election.
- (16) No person shall make attempts to organise the nomination process in such a manner that only the required number of members are nominated in order to avoid the election process and any such act shall be deemed to be an election irregularity as contemplated in clause 28.

### **Voting at the Full Day Election**

21. (1) Notice of the full day election must be issued to parents 14 days from the nomination meeting.
- (2) Voting shall be by secret ballot and the following voting process must apply:
  - (a) All eligible voters whose names appear on the voters' roll are located and marked off on the voters' roll;
  - (b) Voters who require special attention including but not limited to the elderly, disabled or pregnant women are assisted without prejudicing other voters;
  - (c) Voters whose names do not appear on the voters' roll for that school will not be allowed to vote;
  - (d) All the voting integrity tasks must be performed for every eligible voter who has visited the election venue;
  - (e) Voters who fail any of the voting integrity checks will not be allowed to vote;
  - (f) All voters are issued with the correct ballot papers;
  - (g) Requests for assistance made by voters who are unable to mark their vote on the ballot papers for whatever reason be attended to promptly;
  - (h) The electoral process be monitored in a manner that provides sufficient information for record keeping and to allow for timely interventions where required;
  - (i) Objections from voters are recorded and decided in line with the dispute resolution process;
  - (j) Interactions with voters, personnel and any other role-players are inclusive, non-partisan, respecting human dignity and promoting tolerance;
  - (k) Potential or actual problems are identified and analyzed in terms of potential impact on the electoral process and possible solutions;
  - (l) The Electoral Officer endeavours to address problems in a manner that promotes the smooth running of the election, upholds the principle of free and fair elections and ensure that no person is disenfranchised; and
  - (m) The voting process and procedures are open to observers, duly nominated by parents who must monitor the process without interfering with the elections.
- (3) The School Electoral Officer may improvise if there is no official ballot box. The ballot box used must be sealed after observers have acknowledged that it is empty.

### **Quorum for a full day Election**

22. (1) The School Electoral Officer must decide the time for the start and close for the casting of votes and must indicate these times in the notice to parents.

- (2) The School Electoral Officer must ensure that the marked ballot papers meet the required 15% quorum in order for counting to proceed.
- (3) If the poll has not reached the required 15% quorum, the counting of the marked ballot papers must not commence and —
  - (a) another date for the full day election must be decided upon by the principal of the school; and
  - (b) such date must be communicated to the parent body within seven days from the day of the full day election.
- (4) The written nominations received prior to the adjourned full day election will in addition to any other new written nomination be considered at the rescheduled full day election.
- (5) The next full day election must be held within 14 days from the date of the adjourned election.
- (6) During the second full day election, counting of marked ballot papers must proceed after the voting has closed irrespective of whether it meets the requirements of the quorum.

### Counting of Ballot Papers

23. (1) After the elections, the School Electoral Officer must ensure that —
- (a) the counting process is open to observers and candidates;
  - (b) all objections to the counting process are recorded accurately;
  - (c) the name of each candidate and the number of votes cast for each candidate is loudly announced to the observers;
  - (d) the form indicating the counted ballot papers form is completed; and
  - (e) the results sheet has been signed.
- (2) The School Electoral Officer must reject a ballot paper —
- (a) which is without the school stamp or distinguishing feature;
  - (b) with more crosses(x) recorded than the number of vacancies on the governing body;
  - (c) with the name of a person or persons not nominated; or
  - (d) which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (3) Where the number of votes recorded for two or more candidates is equal and it affects the result of the poll, the School Electoral Officer must break the deadlock by tossing a coin and —
- (a) the candidates must be made to choose between heads or tails;
  - (b) the candidate who chooses correctly wins the tie-breaker; and
  - (c) this tie-breaker process must be conducted openly and in agreement with the candidates present.
- (4) Where the School Electoral Officer has rejected a ballot paper as contemplated in sub-clause (2), an explanation must be given by the School Electoral Officer to all candidates present and he or she must grant the candidates an opportunity to inspect the rejected ballot paper if they so desire.
- (5) Any candidate present may object to the decision of the School Electoral Officer in the counting or rejection process however the School Electoral Officer has the final decision.
- (6) A record of such objection must be indicated at the back of the ballot paper that is being contested and reflected in the election report by the School Electoral Officer.
- (7) Should there be a dispute that the Electoral Officer is unable to resolve, the dispute process contemplated in clause 28 must be followed.
- (8) The School Electoral Officer must —
- (a) announce the results to the candidates and observers present;
  - (b) declare the candidates who have secured the most votes as the elected members of the governing body; and
  - (c) officially inform the successful candidates of their election into the governing body.

- (9) The School Electoral Officer must clearly mark all documentation relating to the election process and he or she must —
- (a) indicate the election date; and
  - (b) keep a record of the documentation safely at the school for at least the duration of the term of office of the governing body.

## **EVOTING**

### **24. E-election Process**

- (1) The school principal must at least 21 days prior to the election, make an application to the Head of Department to conduct the election by means of an e-voting system.
- (2) The application must be fully motivated and relevant documentary proof in support of the application must be submitted to the Head of Department.
- (3) The Head of Department will only consider the application if he or she is satisfied that —
  - (a) a survey of the school had been conducted and the majority of the voters reflected on the voters' roll confirms that they are amenable to the school conducting elections using the e-voting process;
  - (b) the school has the necessary infrastructure to assist parents who do not have the means to participate in the e-voting process;
  - (c) provision has been made to accommodate parents that require assistance with the process;
  - (d) no parent would be prejudiced if the e-voting process is used;
  - (e) the school electoral team has the capacity to handle the e-voting process;
  - (f) the school uses a system that will safeguard and immediately store the information as soon as the vote is cast; and
  - (g) the prescripts of the POPIA will be complied with by all people involved in the e-voting process.

### **25. E-voting Operational Requirements**

- (1) The nomination of members must take place in accordance with the procedures set out in this notice relating to the nominations for a full day election. The nomination must be submitted electronically on the CNS system.
- (2) The School Electoral Officer must establish an e-voting station where the e-voting can take place.
- (3) The e-voting and remote e-voting must be held on the date and at the time and place as determined by the School Electoral Officer.
- (4) The principal must at least 14 days prior to the date of the e-election —
  - (a) inform the voters in clear and simple language of the manner in which the e-election will take place and any steps a voter may have to take in order to participate and vote; and
  - (b) provide an official list of the software to be used for the e-election and a brief description of it.
- (5) Remote e-voting must not start at an earlier time than the opening of the e-voting station at the school and must not continue after the end of the voting period at the e-voting station.
- (6) Before any e-voting takes place, the School Electoral Officer must satisfy himself or herself that the e-voting system is working efficiently and correctly and that the necessary security measures referred to in this notice are in place.
- (7) For every e-voting channel, support and guidance on voting procedures must be set up and be available to the voter. In the case of remote e-voting, such arrangements must also be available through a different widely available communication channel.
- (8) The School Electoral Officer must ensure that all voters —
  - (a) are able to use the relevant software and services; and
  - (b) are supplied with additional facilities, such as special interfaces and personal assistance.

- (9) There must be equality in the manner of presentation of all voting options on the device used for casting an electronic vote.
- (10) A list of the nominees which must stipulate the nominee's —
  - (a) name;
  - (b) child's name and grade;
  - (c) occupation, experience and skills; and
  - (d) vision for the school.
- (11) The School Electoral Officer must ensure that the e-voting system presents an authentic ballot to the voter.
- (12) In the case of remote e-voting, the voter must be informed about the means to verify that a connection to the official server has been established and that the authentic ballot has been presented.

## 26. Technical Requirements of the E-voting System

- (1) The service provider must provide a cloud-based system.
- (2) To ensure the democratic process of the elections, the voter interfaces of e-voting systems must be usable and understandable to all voters.
- (3) The e-voting system must verify the eligibility of the voter before the vote can be cast.
- (4) The e-voting system must authenticate the voter and ensure that only the appropriate number of votes per voter is cast and stored in the electronic ballot box.
- (5) The e-voting system must ensure that the voters' choice is accurately represented in the vote and that the sealed vote enters the electronic ballot box.
- (6) The e-voting system must —
  - (a) maintain the availability and integrity of the votes;
  - (b) ensure the confidentiality of the votes; and
  - (c) keep it sealed until the counting process.
- (7) After the end of the e-voting period, no voter must be allowed to gain access to the e-voting system.
- (8) The e-voting system must contain measures to preserve the availability of its services during the e-voting process.
- (9) The system must be able to run on various platforms and devices such as laptops, tablets and smartphones.
- (10) The School Electoral Officer must appoint at least one person on grounds of expertise who will —
  - (a) have access to the central infrastructure of the electronic platform and the election data; and
  - (b) conduct critical technical activities carried outside of the election periods.
- (11) The system used must —
  - (a) be accurate;
  - (b) be able to calculate and provide results as soon as the election time has elapsed;
  - (c) have all the available checks and balances to verify the authenticity of the results;
  - (d) maintain the availability and integrity of the electronic ballot box and the output of the counting process for the duration of the term of office of the SGB; and
  - (e) provide the ability to verify that an e-election has complied with the applicable legal provisions with the intention of verifying that the results are an accurate representation of the authentic votes.

### Application of this Notice

27. Unless otherwise specifically provided for in this notice, all other matters relating to the election meeting of governing bodies must be applicable to schools that decide to use the full day election or the e-voting process.

### Dispute Resolution

28. (1) The School Electoral Officer must decide on all matters concerning the nomination and election of nominees in terms of all the categories.
- (2) All disputes related to the election process must be reported to the School Electoral Officer.
- (3) The School Electoral Officer must attempt to resolve all disputes in a fair and just manner.
- (4) The decision taken during the election is final.
- (5) A voter or person who was a candidate in a governing body election who is dissatisfied with the decision of the School Electoral Officer may lodge a grievance in writing with the District Electoral Officer within seven days of the election meeting.
- (6) (a) If a voter or person who was a candidate in the governing body election has any knowledge or information of any irregularities relating to the elections, he or she may within seven days of the elections, inform the District Electoral Officer in writing of the irregularities.
- (b) Should any complaint be lodged out of the seven day period but within 90 days of the election, the District Electoral Officer must investigate the complaint and take appropriate action.
- (c) Any complaint received after the expiry of the 90 days will only be investigated and dealt with by the District Director upon instruction by the Head of Department.
- (7) Upon receipt of the complaint, grievance or information relating to irregularities, the District Electoral Officer must appoint his Deputy or Assistant District Electoral Officer to conduct an investigation within 14 days and make a recommendation to him or her.
- (8) The District Electoral Officer may, after investigation declare an election invalid and may call for re-election if he or she is satisfied that —
- (a) the prescribed procedures were not followed; or
- (b) irregularities were committed during the election process; and
- (c) the outcome of the election would have been different had the irregularities not been committed or had the prescribed procedures been followed.
- (9) Should the District Electoral Officer act in terms of sub-clause 8, he or she must make a recommendation to the Head of Department to appoint sufficiently qualified persons to attend to the governance of the school while the process of re-election proceeds.
- (10) If any voter or person who was a candidate in the governing body election is aggrieved by the decision of the District Electoral Officer, he or she may appeal against such decision to the Head of Department within 14 days of receipt of the decision of the District Electoral Officer.
- (11) The Head of Department must —
- (a) within seven days of receipt of the appeal, refer the appeal to the Provincial Electoral Officer;
- (b) request the Provincial Electoral Officer to investigate and prepare a report with recommendations within 14 days of the appeal having been referred to the Provincial Electoral Officer;
- (c) consider the recommendations in the report contemplated in sub-clause (11)(b); and
- (d) make a finding and communicate the decision in writing to the appellant and to the District Electoral Officer within 14 days of receiving the report from the Provincial Electoral Officer.
- (12) The decision of the Head of Department must be regarded as a final decision.

**Procedure after Election**

29. (1) After the election of members of a governing body, the principal must —
- (a) within seven days of the election meeting, notify in writing, each elected member of his or her election and such notification must be sent by WhatsApp messages, fax, post, e-mail or hand delivered;
  - (b) notify the District Electoral Officer in writing on the prescribed form of the details of the election, including the date of election, names, identity numbers, telephone numbers, fax numbers and addresses of all elected members and the consent to submit personal information would have been obtained from the members prior to the submission;
  - (c) place all documents including ballot papers used at such elections, in envelopes and seal the envelopes;
  - (d) ensure the safe keeping and confidentiality of all documents relating to the election for at least the duration of the term of office of the governing body;
  - (e) submit to the District Director copies of all election documents for safe keeping for the duration of the term of office of the governing body;
  - (f) submit to the District Director either an undisputed election declaration or declaration detailing disputes on the prescribed Election Declaration form; and
  - (g) inform the District Director of any changes in membership of the governing body within 14 days of those changes being effected to ensure that the database is updated.
- (2) (a) The Principal and the District Director shall ensure that all personal information contained in the election documents and other documents relating to the governing body members is safely and confidentially retained with the necessary safeguards in place to ensure the protection of personal information that is contained in the documents;
- (b) The database of information must only be retained for the period the member is part of the governing body and must not be used for purposes of further processing without the consent of the individuals; and
- (c) All personal information must be stored in lockable cupboards and dealt with in terms of the POPIA.

**By-Election**

30. (1) A vacancy occurs in a governing body if a member —
- (a) resigns;
  - (b) is deceased;
  - (c) becomes disqualified as contemplated in clause 5;
  - (d) absents himself or herself from two or more consecutive ordinary meetings of the governing body without tendering a written apology for being absent, provided that the notification of the meeting was timeously and properly communicated to the member;
  - (e) is removed from office in accordance with provisions contained in a code of conduct contemplated in Section 18A of the Act; and
  - (f) no longer falls within the category of members that he or she represented at the time of the election.
- (2) A vacancy must be declared if there is an increase in the learner enrolment by 10% or more as contemplated in clause 2(4)(a).
- (3) A by-election must be held whenever —
- (a) the number of parent members of a governing body is reduced to a number equal to or less than the total of the other members of the governing body;
  - (b) the number of members of a governing body is reduced to a number less than the quorum referred to in clause 13(1); or
  - (c) a member of the category of members of a governing body referred to in Section 23 of the Act is no longer represented on a governing body.

- (4) The School Electoral Officer must conduct a by-election within 90 days of the vacancy arising.
- (5) If the number of parents at any stage is not one more than the combined total of other members with voting rights, the governing body must, pending the by-election, temporarily co-opt parents with voting rights.
- (6) If a vacancy arises more than six months before the expiry of the term of office of a governing body, the School Electoral Officer must conduct a by-election following procedures contained in this notice.
- (7) If a vacancy arises less than six months before the expiry of the term of office of a governing body as a result of the exiting of a parent member from the governing body, the remaining members of the governing body must co-opt a person to fill the vacancy for the remainder of the term of office of the governing body.
- (8) A co-opted member representing the parent component referred to in sub-clause (7) above assumes the voting rights of the exiting member.
- (9) A member elected in accordance with this paragraph remains in office for the unexpired term of office of his or her predecessor providing they are still eligible.

### **Governing Body serving two or more Schools**

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

### **Disqualification or Removal of a Member of a Governing Body**

32. (1) A member of the governing body who, after following due process was found guilty of an act of misconduct as contemplated in the Provincial Code of Conduct for members of governing bodies in terms of Section 18 A of the Act must be disqualified or removed from the governing body.
- (2) In order to disqualify or remove a member, the due process as contemplated in the Code of Conduct referred to in sub-clause (1) must be followed.

### **Dissolution of a Governing Body**

33. (1) The Head of Department may dissolve a governing body if —
  - (a) the school is dysfunctional, closed, partly disestablished, is a health risk or may affect the safety of any person at such a school;
  - (b) a merger, closure, division of a school or any other re-organisation of the school occurs;
  - (c) after taking all facts into consideration is of the view that the governing body is no longer representative of the community for which a school has been established; or
  - (d) due to poor governance, the school is rendered dysfunctional and the process of teaching and learning can no longer be undertaken at the school.
- (2) The Head of Department may dissolve a school governing body that has rendered a school ungovernable, in terms of a provision in the Act or for any other reason that he or she deems fit and to be in the interest of education in the Province.

- (3) The Head of Department may not dissolve a governing body unless he or she has —
- (a) notified the school governing body concerned in writing of his or her intention to dissolve the governing body;
  - (b) granted the school governing body a reasonable opportunity to make representations to him or her relating to such intention;
  - (c) given due consideration to any representation received; and
  - (d) inform the governing body in writing of the decision taken.
- (4) Any person aggrieved by the decision of the Head of Department may lodge an appeal with the Member of the Executive Council and the Member of Executive Council must —
- (a) consider the appeal with 14 days of receipt of the appeal;
  - (b) provide written reasons for the decision; and
  - (c) communicate the decision to the Appellant within the 14 day period referred to in sub-clause 4(a).

#### **Delegation of Powers**

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

#### **Repeal of Notice**

35. Provincial Notice No. 4 published in the KZN Provincial Gazette No 2251 on 18 February 2021 is hereby repealed.

**MBALI C. FRAZER**  
**Member of the Executive Council of the Province of KwaZulu-Natal**  
**Responsible for Education**



**SCHEDULE A****COMPOSITION OF GOVERNING BODY OF ORDINARY PUBLIC SCHOOLS  
BY TYPE AND LEARNER ENROLMENT**

<b>TYPE OF SCHOOL</b>	<b>NUMBER OF LEARNERS ENROLLED AT SCHOOL</b>	<b>PRINCIPAL</b>	<b>NUMBER OF EDUCATOR MEMBERS</b>	<b>NUMBER OF LEARNER MEMBERS</b>	<b>NUMBER OF MEMBER OF STAFF MEMBERS</b>	<b>NUMBER OF PARENT MEMBERS</b>	<b>TOTAL NUMBER OF MEMBERS</b>
Primary School	1 to 159	1	1	0	1	4	7
Primary School	160 to 700	1	2	0	1	5	9
Primary School	701 and more	1	3	0	1	6	11
Secondary School	1 to 649	1	2	2	1	7	13
Secondary School	650 and more	1	3	3	1	9	17
Combined School	1 to 499	1	2	2	1	7	13
Combined School	500 and more	1	3	3	1	9	17

## PROVINSIALE KENNISGEWING 653 VAN 2024

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

KENNISGEWING INSAKE DIE VERKIESING VAN BEHEERLIGGAME VAN GEWONE OPENBARE SKOLE  
(WAT SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE UITSLUIT)

**Ek, Mbali C. Frazer**, lid van die Uitvoerende Raad belas met onderwys in die provinsie KwaZulu-Natal, bepaal hiermee ingevolge artikel 23 en 28 van die Suid-Afrikaanse Skolewet (Wet 84 van 1996), soos gewysig, die aangeleenthede oor skoolbeheerliggame wat in hierdie bylae uiteengesit word.

## BYLAE

## Woordomskrywing

1. Enige woord of uitdrukking waaraan die Wet 'n betekenis toeken, het in hierdie kennisgewing daardie betekenis, tensy daar uit die samehang anders blyk.

**“Assistentskoolkiesbeampte”** beteken 'n persoon in diens van die Departement of die beheerliggame wat deur die skoolkiesbeampte aangestel word om gedurende verkiesings bystand te verleen en wat nie by enige ander skool as 'n kiesbeampte optree nie.

**“CNS”** beteken die kandidaatbenoemingstelsel, oftewel 'n veilige elektroniese stelsel vir die elektroniese indiening van inligting en dokumente wat hierdie kennisgewing beoog.

**“Dag”** beteken 'n kalenderdag, wat Saterdag, Sondag en openbare vakansiedae insluit.

**“Departement”** beteken die KwaZulu-Natalse Departement van Onderwys.

**“Departementshoof”** beteken die Departementshoof belas met onderwys in die provinsie KwaZulu-Natal.

**“Distrikskiesbeampte”** beteken 'n senior distriksamptenaar by 'n distrikskantoor belas met toesig oor en die bestuur van die verkiesingsproses in die distrik.

**“E-afstandstemming”** beteken 'n e-stemproses wat by die skool of op enige ander plek kan geskied waar stemme deur middel van 'n toestel uitgebring word en waar daar geen papierstembriewe in die stemproses gebruik word nie.

**“Eerste vergadering”** beteken 'n vergadering wat uitsluitlik gehou word vir die verkiesing van ampsdraers nadat die lede van die beheerliggame verkies is.

**“Elektroniese stembus”** beteken die elektroniese middele wat gebruik word om stemme te stoor nadat kiesers dit uitgebring het en totdat die telproses begin.

**“E-stemming”** beteken 'n e-verkiesing waarin 'n elektroniese proses gebruik word om 'n stem uit te bring.

**“E-stemstasie”** beteken die stemstasie wat vir 'n e-verkiesing gebruik word en wat ingerig word op 'n plek wat die skoolkiesbeampte bepaal.

**“E-stemstelsel”** beteken 'n proses wat die harde- en sagteware van elektroniese stelsels gebruik om verkiesingskandidate op 'n afstand of virtueel uit 'n groep kandidate te benoem en vir hulle te stem.

**“E-verkiesing”** beteken 'n skoolbeheerliggameverkiesing waarin elektroniese middele in een of meer stadiums van die verkiesingsproses gebruik word.

**“Gekombineerde skool”** beteken 'n openbare skool wat leerders van die grondslag- tot die senior fase of van die senior tot die verdere onderwys- en opleidingsfase of van die grondslag- tot die verdere onderwys- en opleidingsfase inskryf.

**“Gekoöpteerde lede”** beteken —

- (a) lede sonder stemreg wat gekoöpteer word om die beheerliggame sy werksaamhede te help verrig;

- (b) die eienaar van die privaat eiendom waarop 'n openbare skool geleë is, wat sonder stemreg gekoöpteer word;
- (c) lede sonder stemreg wat gekoöpteer word op grond van hulle kundigheid ten opsigte van spesiale behoeftes in 'n gewone openbare skool wat onderwys aan leerders met spesiale onderwysbehoefte voorsien; en
- (d) lede met stemreg wat gekoöpteer word in afwagting van 'n tussenverkiesing ter vervanging van uitredende ouerlede wat nie hulle ampstermyn voltooi het nie.

**“Genderdiversiteit”** beteken die insluiting van manlike, vroulike, lesbiese, gay, biseksuele, transgender, queer, interseksuele en alle ander vorme van genderidentiteit.

**“Geslote vergadering”** beteken 'n vergadering wat slegs oop is vir —

- (a) ouers, vir die verkiesing van ouers;
- (b) opvoeders, vir die verkiesing van opvoeders;
- (c) nie-opvoederlede, vir die verkiesing van nie-opvoederlede; en
- (d) leerders van die verteenwoordigende raad van leerders.

**“Kieser”** beteken 'n ouer in die ouerkomponent, 'n opvoeder in die opvoederkomponent, 'n nie-opvoeder in die nie-opvoederkomponent, en 'n leerder uit die verteenwoordigende raad van leerders.

**“Lid”** beteken 'n lid van die beheerliggaam.

**“Lid van die Uitvoerende Raad”** beteken die lid van die Uitvoerende Raad belas met onderwys in die provinsie KwaZulu-Natal.

**“Nie-opvoederlid”** beteken 'n persoon wat ingevolge die Staatsdienswet, 1994 (Wet 103 van 1994) of die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996) aangestel is en wat nie 'n opvoeder by 'n openbare skool is nie.

**“Openbare skool”** beteken —

- (a) 'n gewone openbare skool; of
- (b) 'n openbare skool wat onderwys voorsien met 'n spesiale klem op talent, waaronder in sport, die uitvoerende kunste of die skeppende kunste.

**“Opvoeder”** beteken 'n persoon wat by 'n openbare skool ander persone onderrig, opvoed of oplei of professionele opvoedkundige dienste voorsien, waaronder professionele terapie en opvoedkundige sielkundedienste, maar sluit uit 'n onderwysassistent, 'n onderwyshulp of 'n persoon wat uitsluitlik aangestel is om buitekurrikulêre pligte te vervul.

**“Ouer”** beteken —

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

**“POPIA”** beteken die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet 4 van 2013).

**“Provinsiale kiesbeampte”** beteken 'n senior amptenaar van 'n provinsiale kantoor belas met toesig van en die bestuur van die verkiesingsproses in die provinsie.

**“Skool”** beteken 'n gewone openbare skool wat leerders in een of meer grade van graad R tot graad 12 inskryf.

**“Skoolhoof”** beteken 'n opvoeder wat aangestel word as die hoof van 'n openbare skool en wat vir die professionele bestuur en administrasie van die skool verantwoordelik is.

**“Skoolkiesbeampte”** beteken 'n skoolhoof of 'n amptenaar wat nié by die skool in diens is nie wat deur die Departementshoof aangestel word om die skoolbeheerliggaamverkiesing te behartig.

**“Stemreg”** beteken die reg om te stem vir —

- (a) ouers in die ouerkomponent;
- (b) opvoeders in die opvoederkomponent;
- (c) 'n nie-opvoeder in die nie-opvoederkomponent; of
- (d) VRL-lede in die leerderkomponent.

**“Verkiesingsdag”** beteken 'n volle dag wat die skool vir die verkiesing van 'n beheerliggaam opsysit in plaas daarvan om 'n verkiesingsvergadering te hou en wat dus 'n afwyking uitmaak.

**“Verkiesingsmonitors”** beteken amptenare of belanghebbendes wat uit die provinsiale of distriksverkiesingstaakgroepe gekies en deur die Departementshoof goedgekeur word om beheerliggaamverkiesings te monitor.

**“Verkiesingsvergadering”** beteken –

- (a) vier afsonderlike verkiesingsvergaderings wat uitsluitlik gehou word vir die benoeming en verkiesing van slegs ouers, slegs opvoeders, slegs nie-opvoeders, en slegs leerders uit die verteenwoordigende raad van leerders, na gelang van die geval, en wat 'n e-verkiesing kan insluit; en
- (b) 'n tussenverkiesingsvergadering.

**“Verteenwoordigende raad van leerders” (VRL)** beteken 'n verteenwoordigende raad van leerders wat ingevolge artikel 11 van die Wet ingestel is.

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

### Samestelling van beheerliggame van openbare skole

2. (1) Die lede van 'n beheerliggaam van 'n openbare skool bestaan uit —
  - (a) verkose lede;
  - (b) die skoolhoof in sy of haar amptelike hoedanigheid; en
  - (c) gekoöpteerde lede met of sonder stemreg.
- (2) Die verkose lede van 'n beheerliggaam waarna subparagraaf (1)(a) hier bo verwys, bestaan uit —
  - (a) ouers van leerders by die skool;
  - (b) opvoeders by die skool;
  - (c) 'n nie-opvoeder; en
  - (d) leerders in die agtste graad of hoër by die skool wat uit die VRL verkies word, waar dit van toepassing is.
- (3) Na gelang van die tipe en gradering van die betrokke skool, moet die getal ouer-, opvoeder-, nie-opvoeder- en leerderlede van 'n beheerliggaam aan die voorskrifte in bylae A by hierdie kennisgewing voldoen.
- (4) Voordat enige jaarvergadering vir die verkiesing van ampsdraers geskied, moet die beheerliggaam bepaal of leerderinskrywings toegeneem of afgeneem het, soos wat bylae A beoog, en:
  - (a) in geval van 'n toename in inskrywings wat 'n bykomende vakature in die beheerliggaam laat ontstaan, moet sodanige vakature slegs verklaar word indien die toename in leerderinskrywings 10% of meer is; en
  - (b) (i) in geval van 'n afname in leerderinskrywings van 10% of meer wat vereis dat een of meer opvoeders en een of meer VRL-leerders hulle ampte in die beheerliggaam ontruim, moet die opvoeder(s) en VRL-leerder(s) wat die minste stemme ontvang het hulle ampte ontruim; of
  - (ii) indien lede behoorlik verkies is sonder 'n stemproses, moet die ledekomponent wat deur die afname in inskrywings geraak word deur geheime stemming bepaal wie hulle ampte in die beheerliggaam moet ontruim.
- (5) Die toename of afname in leerderinskrywings sal hetsy 'n vakature in die ouerkomponent laat ontstaan of vereis dat 'n lid van die ouerkomponent sy of haar amp in die beheerliggaam ontruim.

### Ampstermyn

3. (1) 'n Beheerliggaam word vir 'n tydperk van drie jaar verkies, tensy die lid van die Uitvoerende Raad anders voorskryf.
- (2) Die lid van die Uitvoerende Raad moet die ampstermyn van beheerliggame van alle skole bepaal.

- (3) Alle lede buiten leeders wat ingevolge klousule 2(2)(d) uit die verteenwoordigende raad van leeders verkies word, word vir 'n termyn van drie jaar verkies.
- (4) 'n Beheerliggaamlid wat 'n leerder is wat ingevolge klousule 2(2)(d) verkies word, dien vir 'n ampstermyn van een jaar.
- (5) 'n Lid van die beheerliggaam beklee die amp tot en met die verstryking van die ampstermyn van die beheerliggaam, of tot die uitrede van die lid as gevolg van sterfte of omdat die lid nie meer ingevolge klousule 5 geskik is om in die beheerliggaam te dien nie.
- (6) In geval van enige vertraging in die verkiesing van 'n beheerliggaam gedurende die verkiesingstydperk wat die Minister bepaal, sal die vertraging geen uitwerking hê op die ampstermyn wat die Minister bepaal nie.
- (7) Indien die Departementshoof op redelike gronde bepaal dat 'n beheerliggaam nie meer een of meer van sy werksaamhede ingevolge die Wet verrig nie, kan die Departementshoof die werksaamhede van die beheerliggaam terugtrek en —
  - (a) behoorlik gekwalifiseerde persone aanstel om ál sodanige werksaamhede of een of meer van sodanige werksaamhede van die beheerliggaam te verrig vir 'n tydperk van hoogstens drie maande;
  - (b) kan die Departementshoof die tydperk waarna subklousule (7)(a) verwys met hoogstens drie maande op 'n slag verleng, hoewel die totale tydperk nie een jaar mag oorskry nie; en
  - (c) moet die persone wat in subklousule (7)(a) beoog word binne die aanstellingstydperk die nodige vermoë in die beheerliggaam bou om te sorg dat die beheerliggaam die werksaamhede sal kan verrig wat dit nie voorheen kon nie.
- (8) Voordat die Departementshoof ingevolge subklousule (7) kan optree, moet hy of sy die behoorlike proses in die Wet volg.
- (9) Onderworpe aan subklousule (4) kan 'n lid van 'n beheerliggaam ná die verstryking van sy of haar ampstermyn herkies of gekoöpteer word, na gelang van omstandighede.

#### Lidmaatskap van 'n beheerliggaam

4. (1) 'n Beheerliggaam van 'n skool bestaan uit die volgende lede —
  - (a) Ouers van leeders wat ingeskryf is by die skool waarvoor 'n beheerliggaam verkies word, welke komponent een meer moet wees as die totaal van die stemgeregtigde lede waarna subklousules (b), (c), (d) en (e) verwys;
  - (b) 'n Opvoeder of opvoeders, na gelang van die getal leerderinskrywings by die skool soos wat bylae A hierby aandui;
  - (c) Een nie-opvoeder wat verkies word deur die nie-opvoederlede in diens by die skool waarvoor 'n beheerliggaam verkies word;
  - (d) Waar van toepassing, leeders wat deur lede van die VRL uit die VRL verkies word in 'n skool met graad agt of hoër, waar die getal verkose leeders ooreenkomstig bylae A bepaal word;
  - (e) Die skoolhoof in sy of haar amptelike hoedanigheid as verteenwoordiger van die Departementshoof by die skool; en
  - (f) Gekoöpteerde lede van die gemeenskap, indien enige, met dien verstande dat die getal gekoöpteerde lede nie vyf mag oorskry nie.
- (2) 'n Beheerliggaam van 'n openbare skool wat op privaat eiendom geleë is, kan die eienaar van die privaat eiendom of sodanige eienaar se benoemde verteenwoordiger sonder stemreg koöpteer.

#### Geskiktheid

5. (1) 'n Persoon is nie geskik om 'n lid van 'n beheerliggaam te wees nie indien —
  - (a) hy of sy geestesongesteld is en deur 'n bevoegde hof of 'n psigiater as sodanig verklaar is;
  - (b) hy of sy 'n ongerehabiliteerde insolvent is;
  - (c) hy of sy hetsy in Suid-Afrika of in enige ander land in 'n hof aan 'n misdryf skuldig bevind en tronkstraf sonder die opsie van 'n boete opgelê is vir 'n tydperk van meer as ses maande, tensy die tydperk van die tronkstraf ten minste drie jaar voor die datum van sy of haar benoeming verstryk het;
  - (d) hy of sy ingevolge die Kinderwet, 2005 (Wet 38 van 2005) of die Wysigingswet op die Strafwet (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet 32 van 2007) ongeskik verklaar is om met kinders te werk;

- (e) hy of sy die skoolkiesbeampte in kennis stel dat sy of haar naam opgeneem is in die Nasionale Kinderbeskermingsregister waarna die Kinderwet, 2005 (Wet 38 van 2005) verwys of indien hierdie inligting onder die skoolkiesbeampte se aandag gebring en geverifieer word;
  - (f) die persoon nie meer val in die ledekategorie wat hy of sy ten tyde van sy of haar verkiesing verteenwoordig het nie;
  - (g) hy of sy, in geval van 'n opvoeder wat ingevolge die Wet op Indiensneming van Opvoeders, 1998 (Wet 76 van 1998) aangestel is, skuldig bevind is aan wangedrag en gestraf is met —
    - (i) 'n boete;
    - (ii) skorsing sonder betaling; of
    - (iii) posverlaging;
  - (h) hy of sy, in geval van 'n nie-opvoederlid wat ingevolge die Staatsdienswet, 1994 (Wet 103 van 1994) aangestel is, skuldig bevind is aan wangedrag en gestraf is met —
    - (i) 'n boete;
    - (ii) skorsing sonder betaling; of
    - (iii) posverlaging;
  - (i) die Departementshoof sy of haar lidmaatskap ingevolge artikel 18A van die Wet of enige ander tersaaklike wetgewing beëindig het.
- (2) 'n Ouer wat hetsy as 'n opvoeder of nie-opvoeder by die skool in diens is, is nie geskik om ouers in die beheerliggaam te verteenwoordig nie.
- (3) Die skoolhoof moet —
- (a) te alle tye sorg dat die beheerliggaam na behore ooreenkomstig hierdie kennisgewing saamgestel is; en
  - (b) binne vyf dae nadat hy of sy daarvan bewus word dat 'n lid nie meer geskik is om in die beheerliggaam te dien nie, die kringbestuurder skriftelik daarvan in kennis stel.
- (4) 'n Lid van die beheerliggaam moet die skoolhoof van sy of haar ongeskiktheid in kennis stel sodra die lid daarvan bewus word.
- (5) Wanneer die kringbestuurder in beheer van die betrokke skool die inligting in subklousules (3) en (4) hier bo ontvang, moet die bestuurder die distrikskiesbeampte binne vyf dae skriftelik in kennis stel van 'n lid wat nie meer geskik is om in die beheerliggaam te dien nie.
- (5) Die distrikskiesbeampte moet —
- (a) die inligting in subklousule (5) binne vyf dae na ontvangs daarvan verifieer;
  - (b) indien hy of sy oortuig is daarvan dat die lid nie meer geskik is om in die beheerliggaam te dien nie, die lid skriftelik van sodanige ongeskiktheid in kennis stel; en
  - (c) toesien dat die lid sy of haar setel in die beheerliggaam ontruim.

### **Aanstelling van Provinsiale Kiesbeampte**

6. (1) Die Departementshoof moet skriftelik 'n provinsiale kiesbeampte sowel as 'n adjunk- en 'n assistent-provinsiale kiesbeampte aanstel.
- (2) Die provinsiale kiesbeampte moet —
- (a) sorg dat die provinsiale kennisgewing betyds uitgevaardig word;
  - (b) sorg dat daar genoeg voorspraak gedoen word vir die verkiesing;
  - (c) die administrasie behartig vir die aanstelling van een of meer amptenare in diens van die Departement om gedurende die verkiesing as assistent- provinsiale kiesbeamptes bystand te verleen;
  - (d) sorg dat die distriks-, adjunk- en assistentkiesbeamptes en enige ander persoon gemoeid met die verkiesing 'n eed of vertroulikheidsooreenkoms onderteken in 'n vorm wat die Departementshoof bepaal voordat sodanige persone hulle toegewese werksaamhede verrig;
  - (e) sorg dat alle wetgewing en prosedures ten opsigte van die verkiesing nagekom word;
  - (f) hulpbronne koördineer om doeltreffende en regverdige beheerliggaamverkiesings te hou;

- (g) toesien dat materiaal en prosedures vir die opleiding van distriks- en skoolkiesbeamptes en die verkiesingspanne gereed is;
- (h) template ontwikkel en voorsien vir alle dokumente wat vir die verkiesing vereis word;
- (i) verkiesingsgeskille besleg wat nie op skool- of distriksvlak besleg kon word nie;
- (j) 'n verkiesingsrooster vir alle skole in die provinsie opstel;
- (k) die verkiesingsproses in die provinsie moniteer en evalueer;
- (l) 'n provinsiale databasis van dienende beheerliggame konsolideer;
- (m) ondersoek onderneem soos wat die Departementshoof voorskryf; en
- (n) die oriëntering van nuwe beheerliggaamlede moniteer.

- (3) Die adjunk- en assistent- provinsiale kiesbeampte moet die provinsiale kiesbeampte in die verrigting van sy of haar werksaamhede en pligte bystaan.

### **Aanstelling van Distrikskiesbeampte**

7. (1) Die Departementshoof moet skriftelik 'n distrikskiesbeampte sowel as 'n adjunk- en 'n assistentdistrikskiesbeampte aanstel.

- (2) Die distrikskiesbeampte moet —

- (a) die administrasie behartig vir die aanstelling van een of meer amptenare in diens van die Departement om gedurende die verkiesing as assistentdistrikskiesbeamptes bystand te verleen;
- (b) die verkiesingsproses in die distrik koördineer;
- (c) die aanstelling van skoolkiesbeamptes administreer;
- (d) sorg dat die skoolkiesbeamptes en die adjunk- en assistentskoolkiesbeamptes en enige ander persoon gemoeid met die verkiesing 'n eed of vertroulikheidsoreenkoms onderteken in 'n vorm wat die Departementshoof bepaal voordat sodanige persone hulle toegewese werksaamhede verrig;
- (e) sorg dat die verkiesingsproses nagekom word;
- (f) die skoolkiesbeamptes oor die voorgestelde strategie en implementering van die verkiesings in die distrik adviseer en toesien dat die proses volgens ooreenkoms uitgevoer word;
- (g) 'n bestuursplan opstel om die provinsiale kennisgewing te implementeer;
- (h) toesien dat elke skool oor 'n kiesbeampte beskik soos wat die provinsiale kennisgewing vereis, en dat die skoolverkiesingspanne saamgestel word;
- (i) sorg dat alle kiesbeamptes wat op skoolvlak werk voldoende opgelei word en bewus is van hulle rolle en verantwoordelikhede;
- (j) sorg dat alle kiesbeamptes die provinsiale verkiesingskennisgewing en ander dokumente betyds ontvang;
- (k) sorg dat verkiesingsvoorspraak volgens plan geskied;
- (l) sorg dat die hele verkiesingsproses gemoniteer word;
- (m) sorg dat die name en kontakbesonderhede van die persone wat in beheerliggame verkies word op die tersaaklike vorms aangebring en binne sewe dae na die verkiesing deur die skoolhoof by die distrikskantoor ingedien word;
- (n) sorg dat die tersaaklike datavorm binne sewe dae na die eerste vergadering waar ampsdraers verkies word van die skoolhoof ontvang en by die distrik ingedien word;
- (o) verkiesingsgeskille besleg wat nie op skoolvlak besleg kon word nie;
- (p) 'n databasis van nuwe beheerliggame opstel en dit by die provinsiale verkiesingskoördineerder indien; en
- (q) 'n skriftelike distriksverslag oor die verkiesings opstel en dit by die provinsiale verkiesingskoördineerder indien.

- (3) Die adjunk- en die assistentdistrikskiesbeampte sal die distrikskiesbeampte in die uitvoering van sy of haar werksaamhede bystaan.

- (4) Die adjunk- en die assistentdistrikskiesbeampte kan die distrikskiesbeampte oor enige kwessies ten opsigte van die verkiesings adviseer.

### Aanstelling van Skoolkiesbeampte

8. (1) Die Departementshoof moet skriftelik 'n skoolkiesbeampte aanstel vir die verkiesing van ouers, opvoeders, 'n nie-opvoeder en VRL-leerders in die beheerliggaam van 'n openbare skool.
- (2) 'n Skoolhoof mag nie as skoolkiesbeampte aangestel word vir die skool waar hy of sy die hoof is nie.
- (3) Die skoolkiesbeampte moet skriftelik een of meer amptenare of opvoeders in diens van die Departement of die skoolbeheerliggaam aanstel om gedurende die verkiesing as assistentkiesbeamptes bystand te verleen.
- (4) Die skoolkiesbeampte moet vir die volle duur van die ampstermyn van die verkose skoolbeheerliggaam as voorsitter optree by alle verkiesingsvergaderings, waaronder tussenverkiesings en die verkiesing van ampsdraers. In uitsonderlike gevalle waar die skoolkiesbeampte egter nié beskikbaar is om as voorsitter by 'n verkiesingsvergadering op te tree nie, moet die Departementshoof skriftelik 'n ander skoolkiesbeampte vir daardie bepaalde verkiesingsvergadering aanstel.
- (5) Die skoolkiesbeampte en assistentskoolkiesbeampte mag nie 'n kandidaat of 'n voorsteller of sekondant van 'n kandidaat wees nie.
- (6) Die pligte van 'n skoolkiesbeampte is onder andere om —
- in oorleg met die skoolhoof te sorg dat 'n kennisgewing met die besonderhede van die datum, tyd en plek van die benoeming- en verkiesingsvergadering opgestel en deur die skoolhoof versprei word;
  - te sorg dat daar 'n geskikte lokaal vir die benoeming- en verkiesingsvergadering is;
  - te sorg dat die skoolverkiesingspan die voorgeskrewe verkiesingsproses ken en aan die tersaaklike wetgewing voldoen;
  - te sorg dat alle persone gemoeid met die verkiesing 'n eed of vertroulikheidsooreenkoms onderteken in 'n vorm wat die Departementshoof bepaal voordat sodanige persone hulle toegewese werksaamhede verrig;
- (e) tussenbeide te tree in enige geskille op die verkiesingsdag en dit te probeer besleg; en
- (f) die verkiesingsuitslae by die distrikskantoor in te dien.

### Aanvaarbare Gedragstandaard vir Provinsiale, Distriks- en Skoolkiesbeamptes

9. (1) Nieteenstaande die aanvaarbare gedragstandaard, bevoegdhede en pligte waarvoor die Wet en ander tersaaklike wetgewing en beleide voorsiening maak, moet die provinsiale, distriks- en skoolkiesbeamptes—
- eerlik en waardig optree;
  - onpartydig optree;
  - vertrou wees met die verkiesingsproses en tersaaklike wetgewing;
  - die verkiesing ooreenkomstig provinsiale voorskrifte uitvoer;
  - met skoolbestuurders en lynbestuur saamwerk;
  - die stemproses op 'n billike en regverdigde manier bestuur;
  - probleme wat dalk opduik op 'n beleefde manier hanteer;
  - hoflik en pligsgetrou wees;
  - nie hulle bevoegdhede oorskry nie; en
  - sorg dat die voorskrifte van die Wet op Beskerming van Persoonlike Inligting (Wet 4 van 2013) te alle tye in die verwerking van persoonlike inligting nagekom word.
- (2) Die gedrag van amptenare van die Departement wat as kiesbeamptes aangestel word, val onder die tersaaklike departementele wetgewing en beleide wat op hulle indiensneming van toepassing is.

### Kieserslys

10. (1) Die skoolhoof moet 'n afsonderlike kieserslys vir ouers, opvoeders, nie-opvoeders en VRL-leerders opstel.
- (2) Die kieserslys moet soos volg saamgestel word —
- Die kieserslys vir ouers moet uit die skooltoelatingsregister opgestel word. Stemgeregtigde kiesers is daardie persone wat in die toelatingsregister verskyn, persone wat kan bewys dat hulle ouers is soos wat die Wet dit omskryf, en wat aan die kriteria in subklousule (3) voldoen. Slegs twee ouers per leerder mag stem.
  - Die kieserslys vir opvoeders moet bestaan uit alle opvoeders in diens by die skool.
  - Die kieserslys vir nie-opvoeders moet bestaan uit alle nie-opvoeders in diens by die skool.
  - Die kieserslys vir leerders moet uit alle lede van die VRL bestaan.



- (3) Die skoolhoof moet die volgende riglyne in ag neem in die bepaling van bewys van ouerskap ten opsigte van die persoon wat onderneem om die verpligtinge na te kom van die biologiese of aanneemouer, die wettige voog of die persoon met wettige aanspraak op sorg vir die leerder in omstandighede waar die leerder se ouers nog leef —
- (a) Die redes waarom die persoon onderneem om die verpligtinge na te kom van 'n ouer soos wat die Wet dit omskryf;
  - (b) Die persoon by wie die leerder woon;
  - (c) Die ligging van die huis van die persoon wat onderneem om die verpligtinge na te kom van die biologiese of aanneemouer, die wettige voog of die persoon met wettige aanspraak op sorg vir die leerder;
  - (d) Die afstand tussen die huis van die persoon in subklousule (3)(c) en die skool;
  - (e) Die verpligtinge moet verder as finansiële bystand strek, en daar moet ook oorweging geskenk word aan die verpligtinge ten opsigte van die leerder se opvoeding en die daaglikse versorging en steun wat aan die leerder voorsien word;
  - (f) Die algehele betrokkenheid en verantwoordelikheid van die persoon wat onderneem om die verpligtinge in subklousule (3)(c) ten opsigte van die leerder na te kom;
  - (g) Indien die leerder ander broers of susters in die skool het, moet daar oorweging geskenk word aan wie as sodanige sibbe se ouers optree. Die inligting wat ten opsigte van die ander sibbe voorsien is, moet met die inligting vir die betrokke leerder vergelyk word;
  - (h) Die verwantskap tussen die persoon wat onderneem om die verpligtinge van ouer na te kom, en die leerder;
  - (i) Waar dit moontlik is, moet die skoolhoof 'n redelike ondersoek in die gemeenskap onderneem om te bepaal wie die gemeenskap as die ouer beskou;
  - (j) Enige ander redelike verklaring waarom die persoon onderneem om die verpligtinge van ouer na te kom; en
  - (k) Elke geval moet op meriete hanteer word, en die skoolhoof moet sorg dat besluite oor die aanvaarding van enige persoon as 'n ouer konsekwent is.
- (4) Die skoolhoof moet ten minste 14 dae voor die verkiesingsvergadering 'n brief en die tersaaklike vorms saam met die leerders huis toe stuur waarin die ouers in kennis gestel word van die verkiesingsvergadering en genooi word om die kieserslys na te gaan en hulle inligting by te werk indien dit nodig is.
- (5) Slegs die skoolhoof mag wysigings aan die kieserslys magtig.
- (6) Almal wat kandidate benoem en sekondeer én die benoemdes self moet op die kieserslys vir hulle onderskeie beheerliggaamkomponente verskyn.
- (7) Enige bywerkings of navrae oor die kieserslys moet ten minste sewe dae voor die verkiesingsdatum na die skoolhoof verwys word aangesien die skoolkiesbeampte nie op die dag van die verkiesing enige navrae oor die kieserslys sal hanteer nie.

### **Kennisgewing van 'n Benoeming - en Verkiesingsvergadering**

- 11.(1) Die Hoof Van Die Skool Wat 'N Verkiesingsvergadering Hou, moet kiesers se gerief in ag neem wanneer kennisgewings met die datum, tyd en plek van die benoeming- en verkiesingsvergadering opgestel word.
- (2) Die verkiesing van die opvoeder-, nie-opvoeder- en VRL-komponente moet die verkiesing van die ouercomponent voorafgaan.
  - (3) Die skoolhoof moet ten minste 14 dae voor die datum van die eerste verkiesingsvergadering afskrifte van die kennisgewing van die verkiesingsvergadering uitstuur.
  - (4) Die skoolhoof moet sorg dat —
    - (a) hy of sy 'n afskrif van die kennisgewing van die verkiesingsvergadering vir ouers aan elke leerder by die skool oorhandig met die opdrag om die kennisgewing aan hulle ouers te gee;
    - (b) hy of sy 'n afskrif van die kennisgewing van die verkiesingsvergadering vir opvoeders aan die opvoeders oorhandig;

- (c) hy of sy 'n afskrif van die kennisgewing van die verkiesingsvergadering vir nie-opvoeders aan die nie-opvoeders oorhandig;
  - (d) hy of sy 'n afskrif van die kennisgewing van die verkiesingsvergadering vir die VRL-komponent aan elke lid van die VRL oorhandig;
  - (e) afskrifte van sodanige kennisgewing op 'n opvallende plek by die skool en op gepaste en opvallende plekke in die gemeenskap vertoon of aangebring word; en
  - (f) hy of sy die kennisgewing versprei op enige manier wat die skool gewoonlik gebruik om te kommunikeer en wat vir die skool werk, wat kan insluit die gebruik van WhatsApp-boodskappe, D6 Communicator of D6 Connect, met dien verstande dat die metode wat gebruik word geen lede van die skoolgemeenskap sal benadeel nie.
- (5) Die skoolhoof moet toesien —
- (a) dat die kennisgewings in die skool se onderrigtaal en, waar dit prakties uitvoerbaar is, in die leerders se huistaal is; en
  - (b) dat alle ouers aangemoedig word om aan die verkiesing deel te neem.
- (6) Indien 'n nuwe skool in die loop van die beheerliggaam se termyn tot stand gebring word, moet die verkiesingsvergadering van die nuwe skool binne 60 dae na die totstandkoming van die skool gehou word.

### Stemreg

- 12.(1) Elke ouer wie se naam op die kieserslys verskyn —
- (a) is daarop geregtig om vir ouerlede van die beheerliggaam te stem; en
  - (b) het een stem ten opsigte van elke benoemde, met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word.
- (2) Elke opvoeder, waaronder die skoolhoof, in diens by die skool —
- (a) is daarop geregtig om vir opvoederlede te stem; en
  - (b) het een stem ten opsigte van elke benoemde, met 'n maksimum getal stemme gelyk aan die getal opvoederlede wat verkies moet word.
- (3) Elke nie-opvoeder by die skool —
- (a) is daarop geregtig om vir 'n nie-opvoeder te stem; en
  - (b) het een stem.
- (4) Indien die skool slegs een nie-opvoeder het, word daardie nie-opvoeder tot behoorlik verkose beheerliggaamlid verklaar.
- (5) Elke lid van die VRL —
- (a) is daarop geregtig om vir leerderlede te stem; en
  - (b) het een stem ten opsigte van elke benoemde, met 'n maksimum getal stemme gelyk aan die getal leerderlede wat verkies moet word.
- (6) Geen volmagstemme word toegelaat nie.

### Kworum vir 'n benoeming- en verkiesingsvergadering

- 13.(1) 'n Kworum van 15% van kiesers op die kieserslys moet aanwesig wees voordat die benoeming- en verkiesingsvergadering kan voortgaan.
- (2) Indien die kworum in subklousule (1) nie aanwesig is nie —
- (a) moet die vergadering verdaag en 'n tweede vergadering vir 'n ander datum ten minste sewe en hoogstens 14 dae na die datum van die verdaagde vergadering gereël word; en
  - (b) moet die skoolhoof aan die prosedure in klousule 11(4)(a) tot (f) voldoen.
- (3) Die skriftelike benoemings wat voor die eerste, verdaagde vergadering ontvang is, sal saam met enige verdere skriftelike benoemings by die tweede vergadering oorweeg word.
- (4) Die kennisgewing van die tweede vergadering moet bepaal dat geen kworum vereis word om met die tweede vergadering voort te gaan nie.

**Benoemings vir 'n Verkiesingsvergadering**

- 14.(1) Die skoolkiesbeampte moet skriftelik 'n assistentskoolkiesbeampte aanstel om as sekretaris van die vergadering op te tree en die verrigtinge te notuleer.
- (2) Die skoolkiesbeampte mag nie toelaat dat enige nie-stemgeregtigde persoon buiten verkiesingsmonitors en die assistentskoolkiesbeamptes 'n vergadering bywoon of dat enige persoon wat nie ingevolge klousule 2 as 'n kandidaat in aanmerking kom, verkies word nie.
- (3) Die skoolkiesbeampte moet kiesers versoek om bewys van identiteit te lewer in die vorm van 'n Suid-Afrikaanse identiteitsdokument of-kaart, 'n geldige paspoort, of bewys van tydelike of permanente verblyfreg vir nie-Suid-Afrikaanse burgers.
- (4) Voordat daar tot die verkiesing van lede van 'n beheerliggaam oorgegaan word, moet die skoolkiesbeampte die volgende onder kiesers se aandag bring —
- (a) dat die ampstermyn van die huidige skoolbeheerliggaam verstryk het en dat lede amptelik in kennis gestel is;
- (b) dat die verkiesingsvergadering 'n geslote vergadering is;
- (c) dat klousule 5 'n persoon ongeskik maak vir lidmaatskap van 'n beheerliggaam;
- (d) die getal persone wat verkies moet word;
- (e) dat elke benoeming gesekondeer moet word deur 'n ouer, opvoeder, nie-opvoeder of 'n leerder uit die VRL, na gelang van die geval, welke sekondant stemgeregtig moet wees;
- (f) dat kiesers moet aandag skenk aan verteenwoordiging wanneer hulle benoemings maak, en moet sorg dat benoemings verteenwoordigend is van gender- en rassediversiteit sowel as persone met gestremdhede, waar dit moontlik is;
- (g) dat 'n kieser een stem het vir elke vakature wat gevul moet word;
- (h) dat die verkiesing deur geheime stemming geskied; en
- (i) dat daar 'n grieweprocedure bestaan soos wat klousule 28 beoog.
- (5) Die skoolkiesbeampte moet gedurende die benoemingsfase —
- (a) die tyd vir benoemings bepaal en toeken;
- (b) die kiesers van die toegekende tyd in kennis stel;
- (c) genoeg tyd vir die benoeming van kandidate toelaat; en
- (d) aandui wanneer die tyd vir benoemings verstreke is.
- (6) 'n Persoon kan in sy of haar afwesigheid benoem word, met dien verstande dat —
- (a) die voorsteller en sekondant van die benoemde aanwesig is by die vergadering en 'n benoemingsvorm voltooi; en
- (b) die benoemde 'n skriftelike bevestiging van aanvaarding van die benoeming aan die skoolhoof stuur.
- (7) Die skoolkiesbeampte moes binne sewe dae voor die verkiesingsvergadering 'n benoemingsvorm ontvang het wat behoorlik deur die voorsteller, sekondant en benoemde voltooi is.
- (8) Nieteenstaande subklousule (7) kan 'n kandidaat skriftelik by die verkiesingsvergadering benoem word deur—
- (a) 'n ouer van 'n leerder wat by die skool ingeskryf is, vir 'n vakature ingevolge klousule 4(a);
- (b) 'n opvoeder in diens by die betrokke skool, vir 'n vakature ingevolge klousule 4(b);
- (c) 'n nie-opvoeder in diens by die betrokke skool, vir 'n vakature ingevolge klousule 4(c);
- (d) 'n leerder uit die VRL ingevolge klousule 4(d),
- met dien verstande dat 'n ander ouer, opvoeder, nie-opvoeder of VRL-leerder, na gelang van die geval, die voorstel sekondeer, en dat die benoemde, indien hy of sy afwesig is, skriftelik aan die vergadering kommunikeer dat hy of sy bereid sou wees om in die beheerliggaam te dien indien hy of sy verkies word.
- (9) 'n Skoolkiesbeampte moet —
- (a) 'n persoon wat 'n kandidaat benoem het 'n geleentheid gun om die kandidaat aan die vergadering voor te stel en redes vir die benoeming te verstrek; of
- (b) 'n benoemde toelaat om hom- of haarself aan die vergadering voor te stel.

- (10) Die skoolkiesbeampte moet gedurende die benoemingsfase alle benoemings oorweeg en die benoeming verwerp van enige kandidaat wat —
- nie ooreenkomstig hierdie klousule benoem is nie;
  - nie ingevolge klousule 5 geskik is vir benoeming nie; of
  - nie die benoemingsvorm voltooi het nie, tensy die kandidaat die skoolkiesbeampte van 'n skriftelike bewys voorsien dat sodanige benoemde bereid sal wees om in die beheerliggaam te dien en dat hy of sy aan die geskiktheidsvereistes voldoen.
- (11) Die skoolkiesbeampte moet die name aankondig van die benoemdes wie se benoemings aanvaar is, en moet toesien dat benoemingsvorme voltooi word.
- (12) Indien die totale getal benoemdes wie se benoemings aanvaar is —
- minder is as die getal lede wat in die betrokke kategorie vereis word, moet 'n nuwe vergadering belê word waar bykomende benoemdes benoem word, welke nuwe vergadering minstens sewe dog hoogstens 14 dae na die eerste benoemingsvergadering moet plaasvind;
  - gelyk is aan die getal lede wat in die betrokke kategorie vereis word, moet die kiesbeampte elke aanvaarde benoemde tot 'n behoorlik verkose lid verklaar; of
  - die getal vakatures oorskry, moet die skoolkiesbeampte onmiddellik ná die sluiting van benoemings die kandidate se name aanbring op 'n geskikte bord of enige ander oppervlak wat duidelik en sigbaar is vir alle aanwesiges by die vergadering en stembriewe voorberei.
- (13) In 'n skool waar daar slegs een nie-opvoeder is, moet die skoolkiesbeampte die nie-opvoeder in kennis stel dat hy of sy —
- behoorlik in die beheerliggaam verkies is; en
  - die nodige verkiesingsvorme moet voltooi.

### Stemming by die Verkiesingsvergadering

- 15.(1) Elke kieser het een stem vir elke vakature in die beheerliggaam wat gevul moet word.
- (2) Die skoolkiesbeampte moet stembriewe voorberei en moet —
- sorg dat elke stembrief die skool se stempel of 'n ander onderskeidende kenmerk op het wat keer dat daar met die stembriewe gepeuter word; en
  - verduidelik hoe die stemproses werk, die maksimum getal benoemdes vir wie daar gestem moet word, en hoe om 'n stem uit te bring deur hetsy 'n kruis (x) te maak, nommers te gebruik of name neer te skryf.
- (3) 'n Aanwesige kieser moet die naam of name van sy of haar voorkeurkandidaat of -kandidate aandui op die stembrief wat die skoolkiesbeampte ingevolge subklousule (2)(b) voorsien.
- (4) 'n Stemgeregtigde persoon moet sy of haar stem in die geheim op die stembrief aanbring en die toegevoede stembrief in 'n bus of 'n ander verseëelde houer plaas wat vir dié doel voorsien word.
- (5) 'n Persoon wat nie sy of haar stem op die stembrief kan aandui soos wat subklousule (3) beoog nie, kan 'n mondelinge versoek om bystand aan die skoolkiesbeampte of die assistentskoolkiesbeampte rig om sy of haar stem langs die toepaslike kandidaat op die stembrief te merk.
- (6) Die skoolkiesbeampte moet, in die teenwoordigheid van die assistentskoolkiesbeampte, bystand verleen aan enige persoon met 'n gestremdheid of enige persoon wat om watter rede ook al nie sy of haar stem kan aandui nie.
- (7) Die versoek om bystand en die voltooiing van die stembrief wat in subklousule (5) beoog word, moet privaat geskied en op 'n plek wat die skoolkiesbeampte vir daardie doel identifiseer, maar binne die area waar stemming plaasvind.
- (8) Indien 'n stembrief bederf word wanneer 'n persoon sy of haar stem uitbring, moet die kiesbeampte —
- die persoon van 'n nuwe stembrief met dieselfde nommer as die bedorwe stembrief voorsien en die woord '*duplikaat*' op die nuwe stembrief aanbring;
  - die bedorwe stembrief bewaar en dit duidelik as '*bedorwe*' merk;
  - alle bedorwe stembriewe op die tersaaklike templaar aanteken; en
  - die rekord van bedorwe stembriewe en die bedorwe stembriewe self saam met die ander verkiesingsdokumente bewaar.

- (9) Die skoolkiesbeampte moet 'n stembrief verwerp —
- (a) wat nie die skool se stempel of ander onderskeidende kenmerk bevat soos wat subklousule (2)(a) beoog nie;
  - (b) wat meer kruise (x) op het as die getal vakatures in die beheerliggaam;
  - (c) wat die naam bevat van 'n persoon of persone wat nie benoem is nie; of
  - (d) wat so voltooi is dat dit onduidelik is vir watter benoemde(s) 'n stem uitbring is.
- (10) Nadat alle kiesers hulle stemme uitgebring het, moet die skoolkiesbeampte en die assistentskoolkiesbeampte die stemme tel in die teenwoordigheid van drie waarnemers wat deur die aanwesiges by die vergadering aangestel is om die telproses waar te neem.
- (11) In geval van 'n staking van stemme tussen kandidate ná 'n verdere stamsessie moet die skoolkiesbeampte die wenner bepaal deur 'n munt op te skiet, en —
- (a) moet die kandidate gevra word om tussen kruis en munt te kies;
  - (b) is die kandidaat wat reg kies die wenner; en
  - (c) moet hierdie uitklopproses openlik en met die instemming van die aanwesige kandidate gevolg word.
- (12) Die skoolkiesbeampte moet die verkiesingsuitslag by die verkiesingsvergadering aankondig en die kandidate wat die meeste stemme ontvang het tot verkose lede van die beheerliggaam verklaar.
- (13) Die getal stemme wat 'n persoon in hierdie verkiesing ontvang, bepaal nie die uitkoms van die verkiesing van ampsdraers wat ingevolge klousule 16 geskied nie.
- (14) Die skoolkiesbeampte moet die leerders na artikel 32 van die Wet verwys, wat die status van minderjariges in die beheerliggaam uiteensit.

### Verkiesing van Ampsdraers

- 16.(1) Die skoolkiesbeampte kan op die dag van die ouers se verkiesingsvergadering 'n vergadering belê vir die uitsluitlike doel om ampsdraers te kies indien —
- (a) die kennisgewing van 14 dae wat ingevolge klousule 11(3) aan ouers, opvoeders, nie-opvoederlede en leerders van die VRL gestuur is, genoem het dat die vergadering vir die verkiesing van ampsdraers op dieselfde dag as die ouerverkiesing sal plaasvind; en
  - (b) daar aan die kworumvereistes van die eerste vergadering voldoen is.
- (2) Indien die vergadering om ampsdraers te kies, nie ingevolge subklousule (1) gehou word nie, moet die skoolkiesbeampte die eerste vergadering van die beheerliggaam binne sewe dae na die datum van die ouerverkiesingsvergadering hou.
- (3) Die skoolkiesbeampte moet as voorsitter optree by alle vergaderings wat vir die verkiesing van ampsdraers gehou word.
- (4) Voordat ampsdraers verkies word, moet die skoolkiesbeampte die lede van die beheerliggaam bewus maak—
- (a) van ampsdraers se verantwoordelikhede; en
  - (b) van die behoefte om seker te maak dat verkose ampsdraers verteenwoordigend is.
- (5) By die eerste vergadering van 'n beheerliggaam kies die lede deur geheime stemming 'n —
- (a) voorsitter;
  - (b) ondervoorsitter;
  - (c) tesourier; en
  - (d) sekretaris.
- (6) Slegs 'n ouerlid wat nie by die skool in diens is nie kan as voorsitter of ondervoorsitter van die beheerliggaam verkies word.
- (7) Eggenote, sibbe en naverwante mag nie tegelyk as ampsdraers in die beheerliggaam dien nie.
- (8) Die ampstermyn van ampsdraers is een jaar.
- (9) Wanneer ampsdraers se ampstermyn verstryk, moet die skoolkiesbeampte die verkiesing van ampsdraers vir die volgende termyn behartig.

- (10) 'n Ampsdraer kan ná die verstryking van die ampstermyn herkies word.
- (11) Die skoolhoof kan op die beheerliggaam se versoek 'n lid van sy of haar personeel aanwys om die tesourier en sekretaris van die beheerliggaam by te staan.
- (12) Indien die amp van enige van die ampsdraers om watter rede ook al vakant word, moet die beheerliggaam by die eerste vergadering nadat die vakature ontstaan het een van sy lede kies om die vakature vir die res van die uitredende persoon se ampstermyn te vul.
- (13) Die skoolhoof moet die Departementshoof binne 14 dae ná die verkiesing en met ampsdraers se toestemming van die nuwe ampsdraers se besonderhede voorsien, waaronder name, identiteitsnommers, telefoon- of selfoonnommers, faksnommers, adresse en e-posadresse, na gelang van wat toepaslik is. Die Departement sal sodanige inligting ooreenkomstig die voorskrifte van POPIA hanteer.

### Oorhandigingsproses

- 17.(1) Die skoolhoof, as die Departementshoof se verteenwoordiger in die beheerliggaam, moet die oorhandigingsproses binne 14 dae na die verkiesing van ampsdraers behartig.
  - (2) Die uitredende ampsdraers van die skoolbeheerliggaam moet alle dokumente ten opsigte van die beheerliggaam aan die nuwe ampsdraers oorhandig.
  - (3) 'n Goedgekeurde oorhandigingsertifikaat wat alle dokumente vir oorhandiging aandui, moet uitgereik en deur sowel die uitredende as nuwe voorsitter, die skoolhoof en die kringbestuurder onderteken word.
  - (4) Die kringbestuurder moet sorg dat alle skole waarvoor hy of sy verantwoordelik is binne 14 dae na die verkiesing van ampsdraers die oorhandigingsproses onderneem en dat alle behoorlik voltooide oorhandigingsertifikate by die distrikskiesbeampte ingedien word.

### Afwyking van die benoeming- en verkiesingsproses

- 18.(1) Indien 'n beheerliggaam om afdoende redes nie die benoeming- en verkiesingsproses in hierdie kennisgewing volg nie, moet die beheerliggaam by die Departementshoof aansoek doen om 'n afwyking van die gewone benoeming- en verkiesingsproses en die voorskrifte in hierdie kennisgewing volg.
  - (2) Die beheerliggaam kan om 'n afwyking aansoek doen vir hetsy 'n voldag- of 'n e-verkiesing.
  - (3) Die Departementshoof moet sodanige aansoek toestaan indien dit ten volle gestaaf is en die Departementshoof daarvan oortuig is dat dit die enigste tipe verkiesingsproses is wat die skool vir sy verkiesing moet volg.
  - (4) Indien 'n beheerliggaam die Departementshoof se toestemming ontvang om van die gewone benoeming- en verkiesingsproses af te wyk, verhinder dit nie die beheerliggaam om vir tussenverkiesings na die gewone benoeming- en verkiesingsproses terug te keer nie.

### Voldagverkiesing

- 19.(1) 'n Skool kan om afdoende redes en volgens 'n resoluë van sy beheerliggaam besluit om 'n voldagverkiesing eerder as 'n verkiesingsvergadering te hou indien –
  - (a) die afwyking in die skoolgemeenskap se belang sal wees en maksimum kieserdeelname aan die stemproses sal teweegbring;
  - (b) die afwyking nie onbillik teen enige kieser of groep kiesers sal diskrimineer nie; en
  - (c) daar voldoende voorsiening gemaak word vir die benoemingsproses.
- (2) Waar 'n skoolbeheerliggaam op 'n voldagverkiesing besluit, moet die skoolhoof –
  - (a) minstens 21 dae voordat 'n kennisgewing van verkiesing uitgestuur word skriftelik by die Departementshoof aansoek doen om toestemming om 'n voldagverkiesing te hou;
  - (b) afdoende redes verstrek vir die keuse van 'n voldagverkiesing in plaas van 'n verkiesingsvergadering;
  - (c) bewys lewer van die beskikbaarheid van monitors en 'n verkiesingspan vir die volle duur van die verkiesingsdag;
  - (d) bewys lewer van die beskikbaarheid van hulpbronne om die benoeming- en verkiesingsproses die hele dag lank te volg; en
  - (e) bewys lewer dat die onderrig- en leerproses by die skool nie as gevolg van 'n voldagverkiesing onderbreek of mee ingemeng sal word nie.

- (3) Voordat die Departementshoof enige skool toelaat om 'n voldagverkieing te hou, moet hy of sy die bepalings van subklousule (2) oorweeg en hom of haar daarvan oortuig dat die skool die betrokke vereistes nagekom het.
- (4) Die Departementshoof se besluit moet binne 14 dae na ontvangs van die skool se aansoek aan die skool bekend gemaak word.
- (5) Die skoolkiesbeampte moet voor die verkiesingsdag toesien dat —
  - (a) die skool die Departementshoof se toestemming het om 'n voldagverkieing te hou;
  - (b) daar 'n program is vir die verkiesingsdag;
  - (c) alle benoemdes hulle profiele aan die skool voorsien het en dat die profiele gereed is om buite die stemstasie aangebring te word;
  - (d) die sluitingstyd waarnemers en die verkiesingspan genoeg tyd sal gun om na hulle onderskeie bestemmings terug te keer; en
  - (e) die skool teen sluitingstyd iemand by die stemstasie beskikbaar sal hê om alle dokumente wat vir die verkiesing gebruik is veilig te bewaar.

### **Benoemings vir die Voldagverkieing**

- 20.(1) Waar 'n skool die Departementshoof se toestemming ontvang het om 'n voldagverkieing te hou, moet die volgende benoemingsproses gevolg word —
  - (a) Die skoolhoof moet kennisgewings van die benoemingsvergadering opstel en die datum, plek en tyd van die benoemingsvergadering daarin aandui.
  - (b) Die kennisgewing van die benoemingsvergadering vir ouers behoort ten minste 21 dae voor die datum van die voldagverkieing op opvallende plekke by die skool en in die gemeenskap versprei en vertoon te word.
- (2) Die skoolhoof moet 'n kombinasie van die volgende metodes probeer gebruik om te sorg dat die kennisgewing van die benoemingsvergadering vir 'n voldagverkieing onder die skoolgemeenskap se aandag gebring word —
  - (a) Oorhandig ten minste 21 dae voor die voorgestelde voldagverkieing 'n gedrukte afskrif van die kennisgewing van die benoemingsvergadering en die benoemingsvorm aan elke leerder met 'n mondelinge opdrag om die kennisgewing en vorm aan hulle ouers te gee.
  - (b) 'n Afskrif van die kennisgewing en die benoemingsvorm moet ten minste 21 dae voor die datum van die voldagverkieing aan die ouers van elke leerder gepos word.
  - (c) Versprei die kennisgewing en benoemingsvorm op enige manier wat die skool gewoonlik gebruik om te kommunikeer, wat kan insluit WhatsApp-boodskappe, D6 Communicator of D6 Connect, met dien verstande dat die metode wat gebruik word geen lede van die skoolgemeenskap sal benadeel nie.
- (3) Waar dit moontlik is, moet die kennisgewing en benoemingsvorm in die skool se onderrigtaal en in die leerders se huistaal wees om maksimum deelname deur alle ouers te verseker.
- (4) Die kennisgewing moet die ouers inlig dat die benoemingsvorm 14 dae voor die benoemingsvergadering deur die kandidaat, die voorsteller en die sekondant voltooi en onderteken en by die skool ingedien moet word, en dat die vorm die profiel in subklousule (7) moet insluit.
- (5) Die skoolkiesbeampte moet gedurende die benoemingsvergadering aan die bepalings oor die kworum en die benoemingsproses in onderskeidelik klousule 13 en 14 voldoen.
- (6) 'n Kandidaat kan slegs deur 'n persoon in dieselfde verteenwoordigende ledekategorie as die kandidaat benoem en geseondeer word.
- (7) Die skoolkiesbeampte moet sorg dat enige persoon wat geskik en bereid is om benoem te word, beskikbaar is om aan die benoemingsproses deel te neem, en enige sodanige persoon moet 'n profiel indien met —
  - (a) sy of haar naam en van;
  - (b) die name en grade van sy of haar kinders by die skool;
  - (c) sy of haar beroep;
  - (d) ervaring of vaardighede;
  - (e) 'n verklaring wat aandui dat hy of sy ooreenkomstig klousule 4 daarvoor in aanmerking kom om 'n lid van die beheerliggaam te wees; en
  - (f) 'n kort verklaring wat verduidelik watter waarde hy of sy tot die skool kan toevoeg.

- (8) Die skoolkiesbeampte moet by die benoemingsvergadering profiele van alle benoemdes aanvra.
- (9) Die skoolkiesbeampte moet ná die benoemingsproses alle benoemings oorweeg en die benoeming verwerp van enige kandidaat —
  - (a) wie se benoeming nie gesekondeer is nie;
  - (b) wat nie geskik is vir verkiesing nie;
  - (c) wat nie die benoemingsvorm en profiel volgens voorskrif voltooi en ingedien het nie; en
  - (d) wat nie aangedui het dat hy of sy bereid is om in die beheerliggaam te dien nie.
- (10) Indien die totale getal benoemdes minder is as die getal vereiste beheerliggaamlede moet 'n kennisgewing aan ouers gestuur en verdere benoemings aangevra word.
- (11) Indien die getal benoemdes gelyk is aan die getal vereiste beheerliggaamlede moet die skoolkiesbeampte ál die benoemdes tot behoorlik verkose lede verklaar en aankondig dat 'n verkiesingsdag nie meer nodig is nie.
- (12) Die skoolhoof moet ouers binne sewe dae na die benoemingsproses skriftelik van die uitslag van die benoemingsvergadering in subklousule (10) in kennis stel en hulle inlig dat 'n verkiesingsdag nie meer nodig is nie.
- (13) 'n Voldagverkiesing moet plaasvind indien die getal benoemdes die getal vereiste beheerliggaamlede oorskry, en die skoolhoof moet die ouers skriftelik voorsien van die name en die profiele van die kandidate wie se benoemings aanvaar is.
- (14) 'n Voldagverkiesing maak van geheime stemming gebruik.
- (15) Die skoolhoof moet die profiele van die benoemdes by die lokaal van die voldagverkiesing vertoon.
- (16) Niemand mag die benoemingsproses so probeer reël dat slegs die vereiste getal lede benoem word om sodoende die verkiesingsproses te vermy nie, en enige sodanige optrede sal beskou word as 'n verkiesingsongerymdheid soos wat klousule 28 beoog.

### Stemming in die Voldagverkiesing

- 21.(1) 'n Kennisgewing van die voldagverkiesing moet 14 dae na die benoemingsvergadering aan ouers gestuur word.
- (2) 'n Voldagverkiesing maak van geheime stemming gebruik, en die volgende stemproses is van toepassing:
  - (a) Die name van alle stemgeregtigde kiesers wat op die kieserslys verskyn, word op die kieserslys gesoek en afgemerkt.
  - (b) Kiesers wat spesiale aandag vereis, waaronder bejaardes, persone met gestremdhede en swanger vroue, word bygestaan sonder om ander kiesers te benadeel.
  - (c) Kiesers wie se name nie op die kieserslys vir daardie skool verskyn nie, sal nie mag stem nie.
  - (d) Alle stemintegriteitskontroles word uitgevoer vir elke stemgeregtigde kieser wat die stemlokaal besoek.
  - (e) Kiesers wat enige van die stemintegriteitskontroles druipe, sal nie mag stem nie.
  - (f) Alle kiesers word van die korrekte stembriewe voorsien.
  - (g) Versoeke vir bystand deur kiesers wat om watter rede ook al nie hulle stem op die stembriewe kan aandui nie, word flink hanteer.
  - (h) Die verkiesingsproses word gemoniteer op 'n manier wat voldoende inligting vir rekordhouding voorsien en tydigte intervensies moontlik maak indien dit nodig is.
  - (i) Besware deur kiesers word aangeteken en ooreenkomstig die geskilbeslegtingsproses hanteer.
  - (j) Interaksie met kiesers, personeel en enige ander rolspelers is inklusief en onpartydig, respekteer menswaardigheid en bevorder verdraagsaamheid.
  - (k) Moontlike of werklike probleme word geïdentifiseer en ontleed wat betref die moontlike impak op die verkiesingsproses en moontlike oplossings.
  - (l) Die kiesbeampte probeer probleme hanteer op 'n manier wat die vlot verloop van die verkiesing bevorder, die beginsel van vrye en regverdigde verkiesings handhaaf, en sorg dat niemand van hulle stemreg ontnem word nie.
  - (m) Die stemproses en -prosedures is oop vir waarnemers wat behoorlik deur ouers benoem is, welke waarnemers die proses moet moniteer sonder om met die verkiesing in te meng.



- (3) Die skoolkiesbeampte kan improviseer indien daar geen amptelike stembus bestaan nie. Die stembus wat gebruik word, moet verseël word nadat waarnemers bevestig het dat dit leeg is.

### **Kworum vir 'n Voldagverkieping**

- 22.(1) Die skoolkiesbeampte moet op die tyd vir die aanvang en sluiting van stemming besluit en hierdie tye in die kennisgewing aan ouers aandui.
- (2) Die skoolkiesbeampte moet sorg dat die ingevulde stembriewe aan die vereiste kworum van 15% voldoen voordat die telproses kan begin.
- (3) Indien die vereiste kworum van 15% van stemgeregtigde kiesers nie aan die verkiesing deelgeneem het nie, mag die tel van stemme nie begin nie en —
- (a) moet die skoolhoof op 'n ander datum vir die voldagverkieping besluit; en
- (b) moet sodanige datum binne sewe dae na die datum van die eerste voldagverkieping aan die ouergemeenskap gekommunikeer word.
- (4) Die skriftelike benoemings wat voor die eerste, verdaagde voldagverkieping ontvang is, sal saam met enige verdere skriftelike benoemings by die tweede, herskeduleerde voldagverkieping oorweeg word.
- (5) Die tweede voldagverkieping moet binne 14 dae na die datum van die eerste, verdaagde verkiesing gehou word.
- (6) Ná die tweede voldagverkieping moet die tel van stemme begin sodra stemming gesluit het, ongeag of daar aan die kworumvereistes voldoen is of nie.

### **Tel van Stembriewe**

- 23.(1) Die skoolkiesbeampte moet ná die verkiesing toesien dat —
- (a) die telproses oop is vir waarnemers en kandidate;
- (b) alle besware teen die telproses akkuraat aangeteken word;
- (c) die naam van elke kandidaat en die getal stemme wat vir elke kandidaat uitgebring is hardop aan die waarnemers uitgelees word;
- (d) die vorm wat die getelde stembriewe aandui, voltooi word; en
- (e) die blad met uitslae onderteken word.
- (2) Die skoolkiesbeampte moet 'n stembrief verwerp —
- (a) wat nie die skoolstempel of ander onderskeidende kenmerk bevat nie;
- (b) wat meer kruise (x) op het as die getal vakatures in die beheerliggaam;
- (c) wat die naam bevat van 'n persoon of persone wat nie benoem is nie; of
- (d) wat so voltooi is dat dit onduidelik is vir watter benoemde(s) 'n stem uitgebring is.
- (3) Waar die getal stemme vir twee of meer kandidate gelyk is en dít die uitslag van die verkiesing beïnvloed, moet die skoolkiesbeampte die wenner bepaal deur 'n munt op te skiet, en —
- (a) moet die kandidate gevra word om tussen kruis en munt te kies;
- (b) is die kandidaat wat reg kies die wenner; en
- (c) moet hierdie uitklopproses openlik en met die instemming van die aanwesige kandidate gevolg word.
- (4) Waar die skoolkiesbeampte ooreenkomstig subklousule (2) 'n stembrief verwerp, moet die beampte 'n verduideliking bied aan alle aanwesige kandidate en moet hy of sy die kandidate 'n geleentheid gun om die verwerpte stembrief na te gaan indien hulle wil.
- (5) Enige aanwesige kandidaat kan teen die skoolkiesbeampte se besluit in die tel- of verwerpingsproses beswaar maak, hoewel die finale besluit by die skoolkiesbeampte berus.
- (6) Die skoolkiesbeampte moet 'n rekord van sodanige beswaar agterop die betwiste stembrief aanteken en dit in die verkiesingsverslag weergee.
- (7) In geval van 'n geskil wat die kiesbeampte nie kan besleg nie, moet die geskilproses in klousule 28 gevolg word.
- (8) Die skoolkiesbeampte moet —
- (a) die uitslae aan die aanwesige kandidate en waarnemers bekend maak;
- (b) die kandidate wat die meeste stemme ontvang het tot verkose lede van die beheerliggaam verklaar; en
- (c) die suksesvolle kandidate amptelik van hulle verkiesing in die beheerliggaam in kennis stel.

- (9) Die skoolkiesbeampte moet alle dokumente met betrekking tot die verkiesingsproses duidelik merk, en moet —
- (a) die verkiesingsdatum daarop aandui; en
  - (b) 'n rekord van die dokumente vir ten minste die duur van die beheerliggaam se ampstermyn by die skool bewaar.

## E-STEMMING

### 24. E-verkiesingsproses

- (1) Die skoolhoof moet ten minste 21 dae voor die verkiesing by die Departementshoof aansoek doen om 'n e-stemstelsel vir die verkiesing te gebruik.
- (2) Die aansoek moet ten volle gemotiveer wees, en tersaaklike dokumentêre bewys ter staving van die aansoek moet aan die Departementshoof voorsien word.
- (3) Die Departementshoof sal die aansoek slegs oorweeg indien hy of sy daarvan oortuig is dat —
  - (a) 'n opname by die skool onderneem is en die meerderheid van die kiesers op die kieserslys bevestig het dat hulle te vinde is vir 'n verkiesing met behulp van die e-stemproses;
  - (b) die skool oor die nodige infrastruktuur beskik om ouers by te staan wat nie oor die middele beskik om aan die e-stemproses deel te neem nie;
  - (c) daar voorsiening gemaak is vir ouers wat bystand met die proses vereis;
  - (d) geen ouer benadeel sal word indien die e-stemproses gebruik word nie;
  - (e) die skoolverkiesingspan oor die vermoë beskik om die e-stemproses te hanteer;
  - (f) die skool 'n stelsel gebruik wat die inligting sal beskerm en onmiddellik sal stoor sodra stemme uitgebring word; en
  - (g) alle betrokkenes by die e-stemproses die voorskrifte van POPIA sal nakom.

### 25. Bedryfsvereistes vir E-stemming

- (1) Die benoeming van lede moet geskied ooreenkomstig die benoemingsprosedure vir 'n voldagverkiesing wat in hierdie kennisgewing uiteengesit word. Benoemings moet elektronies op die CNS ingedien word.
- (2) Die skoolkiesbeampte moet 'n e-stemstasie inrig waar e-stemming kan plaasvind.
- (3) E-stemming en e-afstandstemming moet geskied op die datum, tyd en plek wat die skoolkiesbeampte bepaal.
- (4) Die skoolhoof moet ten minste 14 dae voor die datum van die e-verkiesing —
  - (a) die kiesers in duidelike en eenvoudige taal in kennis stel van die manier waarop die e-verkiesing sal plaasvind en van enige stappe wat kiesers dalk moet doen om deel te neem en te stem; en
  - (b) 'n amptelike lys voorsien van die sagteware wat vir die e-verkiesing gebruik sal word, sowel as 'n kort beskrywing daarvan.
- (5) E-afstandstemming mag nie voor die opening van die e-stemstasie by die skool begin nie en mag ook nie voortduur nadat die stemtydperk by die e-stemstasie gesluit het nie.
- (6) Voordat enige e-stemming plaasvind, moet die skoolkiesbeampte hom of haar daarvan oortuig dat die e-stemstelsel doeltreffend en reg werk en dat die nodige veiligheidsmaatreëls waarna hierdie kennisgewing verwys, getref is.
- (7) Hulp en bystand met stemprosedures moet vir elke e-stemkanaal geskep en aan kiesers beskikbaar gestel word. In geval van e-afstandstemming moet sodanige reëlings ook deur 'n ander, algemeen toeganklike kommunikasiekanaal beskikbaar wees.
- (8) Die skoolkiesbeampte moet sorg dat alle kiesers —
  - (a) die tersaaklike sagteware en dienste kan gebruik; en
  - (b) van bykomende fasiliteite, soos spesiale koppelvlakke en persoonlike bystand, voorsien word.
- (9) Alle stemopsies moet op 'n gelyke manier aangebied word op die toestel wat vir die uitbring van 'n elektroniese stem gebruik word.

- (10) 'n Lys van die benoemdes moet voorsien word, met vermelding van elke benoemde se —
- (a) naam;
  - (b) kind se naam en graad;
  - (c) beroep, ervaring en vaardighede; en
  - (d) visie vir die skool.
- (11) Die skoolkiesbeampte moet sorg dat die e-stemstelsel 'n outentieke stembrief aan die kieser voorsien.
- (12) In geval van e-afstandstemming moet kiesers in kennis gestel word van die metode om te verifieer dat 'n verbinding met die amptelike bediener bewerkstellig en 'n outentieke stembrief voorsien is.

## 26. Tegniese Vereistes vir die E-stemstelsel

- (1) Die diensverskaffer moet 'n wolkgebaseerde stelsel voorsien.
- (2) Om die demokratiese proses van die verkiesing te verseker, moet alle kiesers die kieserkoppelvlakke van e-stemstelsels kan gebruik en verstaan.
- (3) Die e-stemstelsel moet verifieer dat die kieser stemgeregtig is voordat 'n stem uitgebring kan word.
- (4) Die e-stemstelsel moet elke kieser staaf, en sorg dat slegs die toepaslike getal stemme per kieser uitgebring en in die elektroniese stembus gestoor word.
- (5) Die e-stemstelsel moet sorg dat kiesers se keuse akkuraat weergegee en die verseëelde stem in die elektroniese stembus geplaas word.
- (6) Die e-stemstelsel moet —
- (a) die beskikbaarheid en integriteit van stemme handhaaf;
  - (b) die vertroulikheid van stemme verseker; en
  - (c) stemme tot en met die telproses verseël hou.
- (7) Geen kieser mag ná die sluiting van die e-stemtydperk meer toegang tot die e-stemstelsel verkry nie.
- (8) Die e-stemstelsel moet maatreëls insluit om die beskikbaarheid van stelseldienste gedurende die e-stemproses te verseker.
- (9) Die stelsel moet op verskillende platforms en toestelle soos skootrekenaars, tabletrekenaars en slimfone kan werk.
- (10) Die skoolkiesbeampte moet ten minste een persoon op grond van kundigheid aanstel wat —
- (a) sal toegang hê tot die sentrale infrastruktuur van die elektroniese platform en die verkiesingsdata; en
  - (b) buite die verkiesingstydperke belangrike tegniese aktiwiteite sal uitvoer.
- (11) Die stelsel wat gebruik word, moet —
- (a) akkuraat wees;
  - (b) uitslae kan bereken en voorsien sodra die verkiesingstyd verstreke is;
  - (c) oor alle beskikbare wigte en teenwigte beskik om die egtheid van uitslae te staaf;
  - (d) die beskikbaarheid en integriteit van die elektroniese stembus en die uitslag van die telproses vir die duur van die skoolbeheerliggaam se ampstermyn verseker;
  - (e) kan verifieer dat 'n e-verkiesing aan die tersaaklike wetsvoorskrifte voldoen het sodat daar bevestig kan word dat die resultate 'n akkurate weergawe van die outentieke stemme is.

## Toepaslikheid van hierdie Kennisgewing

27. Tensy hierdie kennisgewing spesifiek anders bepaal, is alle ander voorskrifte met betrekking tot die verkiesingsvergadering van beheerliggame eweneens van toepassing op skole wat besluit om 'n voldagverkiesing te hou of 'n e-stemproses te gebruik.

## Geskilbeslegting

- 28.(1) Die skoolkiesbeampte moet alle kwessies ten opsigte van die benoeming en verkiesing van kandidate in alle kategorieë beslis.
- (2) Alle geskille ten opsigte van die verkiesingsproses moet by die skoolkiesbeampte aangemeld word.

- (3) Die skoolkiesbeampte moet alle geskille op 'n billike en regverdigde manier probeer besleg.
- (4) Die besluit wat gedurende die verkiesing geneem word, is finaal.
- (5) 'n Kieser of persoon wat as 'n kandidaat in 'n beheerliggaamverkiesing gestaan het en wat ontevrede is met die skoolkiesbeampte se besluit kan binne sewe dae na die verkiesingsvergadering 'n skriftelike grief by die distrikskiesbeampte indien.
- (6) (a) Indien 'n kieser of persoon wat as 'n kandidaat in die beheerliggaamverkiesing gestaan het oor enige kennis of inligting van enige verkiesingsongerymdhede beskik, kan hy of sy die distrikskiesbeampte binne sewe dae na die verkiesing skriftelik van die ongerymdhede in kennis stel.  
 (b) Indien enige klagte buite die tydperk van sewe dae dog binne 90 dae na die verkiesing ingedien word, moet die distrikskiesbeampte die klagte ondersoek en gepaste stappe doen.  
 (c) Enige klagte wat ná die 90 dae ontvang word, sal slegs in opdrag van die Departementshoof deur die distriksdirekteur ondersoek en hanteer word.
- (7) By ontvangs van die klagte, grief of inligting oor ongerymdhede moet die distrikskiesbeampte die adjunk- of assistentdistrikskiesbeampte aanstel om binne 14 dae 'n ondersoek te onderneem en 'n aanbeveling by hom of haar te doen.
- (8) Die distrikskiesbeampte kan ná sodanige ondersoek 'n verkiesing ongeldig verklaar en 'n nuwe verkiesing uitroep indien hy of sy daarvan oortuig is dat —  
 (a) die voorgeskrewe prosedures nie gevolg is nie; of  
 (b) daar gedurende die verkiesingsproses ongerymdhede plaasgevind het; en  
 (c) die uitslag van die verkiesing anders sou gewees het indien die ongerymdhede nie plaasgevind het nie of die voorgeskrewe prosedures gevolg is.
- (9) Indien die distrikskiesbeampte ingevolge subklousule (8) optree, moet hy of sy 'n aanbeveling by die Departementshoof doen om toepaslik gekwalifiseerde persone aan te stel om na die beheer van die skool om te sien terwyl die proses vir die nuwe verkiesing sy gang gaan.
- (10) Indien enige kieser of persoon wat as 'n kandidaat in die beheerliggaamverkiesing gestaan het ontevrede is met die distrikskiesbeampte se besluit kan hy of sy binne 14 dae na ontvangs van die distrikskiesbeampte se besluit by die Departementshoof daarteen appelleer.
- (11) Die Departementshoof moet —  
 (a) die appèl binne sewe dae ná ontvangs daarvan na die provinsiale kiesbeampte verwys;  
 (b) die provinsiale kiesbeampte versoek om binne 14 dae nadat die appèl na die provinsiale kiesbeampte verwys is 'n ondersoek te doen en 'n verslag met aanbevelings op te stel;  
 (c) die aanbevelings in die verslag waarna subklousule (11)(b) verwys, oorweeg; en  
 (d) binne 14 dae na ontvangs van die verslag van die provinsiale kiesbeampte 'n besluit neem en dit skriftelik aan die appellant en die distrikskiesbeampte bekend maak.
- (12) Die Departementshoof se besluit word as finaal beskou.

### Prosedure ná Verkiesing

- 29.(1) Ná die verkiesing van lede van 'n beheerliggaam moet die skoolhoof —
- (a) elke verkose lid binne sewe dae na die verkiesingsvergadering skriftelik van sy of haar verkiesing in kennis stel, welke kennisgewing per WhatsApp, faks, gewone pos of e-pos gestuur of met die hand afgelewer moet word;
  - (b) die distrikskiesbeampte skriftelik op die voorgeskrewe vorm in kennis stel van die besonderhede van die verkiesing, waaronder die verkiesingsdatum en die name, identiteitsnommers, telefoonnommers, faksnommers en adresse van alle verkose lede, en lede se toestemming om hulle persoonlike inligting bekend te maak, moes vóór indiening reeds bekom geword het;
  - (c) alle dokumente wat by sodanige verkiesing gebruik is, waaronder stembriewe, in koeverte plaas en die koeverte verseël;
  - (d) die veilige bewaring en vertroulikheid van alle dokumente met betrekking tot die verkiesing vir ten minste die duur van die beheerliggaam se ampstermyn verseker;
  - (e) afskrifte van alle verkiesingsdokumente by die distriksdirekteur indien om vir die duur van die beheerliggaam se ampstermyn veilig bewaar te word;

- (f) hetsy 'n onbetwiste verkiesingsverklaring of 'n verklaring met die besonderhede van geskille op die voorgeskrewe verkiesingsverklaringsvorm by die distriksdirekteur indien; en
  - (g) die distriksdirekteur in kennis stel van enige veranderinge in die lede van die beheerliggaam binne 14 dae na sodanige veranderinge om seker te maak dat die databasis bygewerk word.
- (2) (a) Die skoolhoof en die distriksdirekteur moet toesien dat alle persoonlike inligting wat in die verkiesingsdokumente en ander dokumente met betrekking tot die beheerliggaamlede vervat is, veilig en vertroulik bewaar word, en dat die nodige veiligheidsmaatreëls bestaan om die beskerming van persoonlike inligting in die dokumente te verseker.
- (b) Die databasis van inligting moet slegs bewaar word solank die lid in die beheerliggaam dien en mag nie sonder die individue se toestemming vir verdere verwerking gebruik word nie.
- (c) Alle persoonlike inligting moet in sluitkaste gebêre en ooreenkomstig POPIA hanteer word.

### Tussenverkiesing

30.(1) 'n Beheerliggaamvakature ontstaan indien 'n lid —

- (a) bedank;
  - (b) sterf;
  - (c) ooreenkomstig klousule 5 gediskwalifiseer word;
  - (d) versuim om twee of meer opeenvolgende gewone beheerliggaamvergaderings by te woon sonder om 'n skriftelike verskoning vir sodanige afwesigheid aan te bied, met dien verstande dat die kennisgewing van die vergaderings betyds voorsien en behoorlik aan die lid gekommunikeer is;
  - (e) uit die amp verwyder word ooreenkomstig die bepalings van 'n gedragskode wat in artikel 18A van die Wet beoog word; en
  - (f) nie meer in die ledekategorie val wat hy of sy ten tyde van die verkiesing verteenwoordig het nie.
- (2) 'n Vakature moet verklaar word indien leerderinskrywings met 10% of meer toeneem, soos wat klousule 2(4)(a) beoog.
- (3) 'n Tussenverkiesing moet gehou word wanneer ook al —
- (a) die getal ouerlede van 'n beheerliggaam daal tot 'n getal wat gelyk is aan of minder is as die totale ander lede van die beheerliggaam;
  - (b) die getal lede van 'n beheerliggaam daal tot minder as die kworum waarna klousule 13(1) verwys;
  - (c) 'n ledekategorie waarna artikel 23 van die Wet verwys, nie meer in 'n beheerliggaam verteenwoordig word nie.
- (4) Die skoolkiesbeampte moet 'n tussenverkiesing hou binne 90 dae nadat die vakature ontstaan het.
- (5) Indien die getal ouers in enige stadium nié een meer is as die totale getal ander stemgeregtigde lede nie, moet die beheerliggaam ouers tydelik met stemreg koöpteer in afwagting van die tussenverkiesing.
- (6) Indien 'n vakature meer as ses maande voor die verstryking van 'n beheerliggaam se ampstermyn ontstaan, moet die skoolkiesbeampte 'n tussenverkiesing hou ooreenkomstig die prosedures wat in hierdie kennisgewing vervat is.
- (7) Indien 'n vakature minder as ses maande voor die verstryking van 'n beheerliggaam se ampstermyn as gevolg van die uittrede van 'n ouerlid ontstaan, moet die oorblywende lede van die beheerliggaam 'n persoon koöpteer om die vakature vir die res van die beheerliggaam se ampstermyn te vul.
- (8) 'n Gekoöpteerde lid in die ouerkomponent waarna subklousule (7) hier bo verwys, neem die uittredende lid se stemreg oor.
- (9) 'n Lid wat ooreenkomstig hierdie paragraaf verkies word, bly in die amp vir die res van sy of haar voorganger se ampstermyn, mits die lid geskik bly om in die beheerliggaam te dien.

### Beheerliggaam wat twee of meer skole bedien

31.(1) 'n Lid van die Uitvoerende Raad kan bepaal dat die beheer van twee of meer openbare skole in 'n enkele beheerliggaam moet setel indien dít in belang van onderwys by die betrokke skole is.

- (2) Die lid van die Uitvoerende Raad mag nie ingevolge subklousule (1) hier bo optree nie tensy hy of sy —
- in die Provinsiale Koerant kennis gegee het van sy of haar voorneme om so op te tree;
  - belangstellende partye 'n geleentheid gegun het om binne 'n tydperk van minstens 30 dae skriftelike versoë te rig;
  - alle versoë oorweeg het; en
  - die besluit bekend gemaak het aan alle partye wat skriftelike versoë gerig het.

### Diskwalifisering of Verwydering van 'n Beheerliggaamlid

- 32.(1) 'n Lid van die beheerliggaam wat ná 'n behoorlike proses skuldig bevind is aan wangedrag soos wat die provinsiale gedragskode vir lede van beheerliggame ingevolge artikel 18A van die Wet beoog, moet uit die beheerliggaam gediskwalifiseer of verwyder word.
- (2) Om 'n lid te diskwalifiseer of te verwyder, moet die behoorlike proses in die gedragskode waarna subklousule (1) hier bo verwys, gevolg word.

### Ontbinding van 'n Beheerliggaam

- 33.(1) Die Departementshoof kan 'n beheerliggaam ontbind indien —
- die skool disfunksioneel, gesluit of deels tot niet is of 'n gesondheids- of veiligheidsrisiko vir enige persoon by sodanige skool inhou;
  - 'n samesmelting, sluiting of verdeling of enige ander herskikking van die skool plaasvind;
  - die Departementshoof ná inagneming van alle feite van mening is dat die beheerliggaam nie meer verteenwoordigend is van die gemeenskap vir wie die skool tot stand gebring is nie; of
  - die skool weens swak beheer disfunksioneel geword het en die proses van onderrig en leer nie meer by die skool onderneem kan word nie.
- (2) Die Departementshoof kan 'n skoolbeheerliggaam ontbind wat 'n skool onbeheerbaar laat word het, ingevolge 'n bepaling van die Wet, of om enige ander rede wat volgens hom of haar gepas en in die belang van onderwys in die provinsie is.
- (3) Die Departementshoof mag nie 'n beheerliggaam ontbind nie tensy hy of sy —
- die betrokke skoolbeheerliggaam skriftelik in kennis gestel het van sy of haar voorneme om die beheerliggaam te ontbind;
  - die skoolbeheerliggaam 'n redelike geleentheid gegun het om versoë oor sodanige voorneme aan hom of haar te rig;
  - enige sodanige versoë behoorlik oorweeg het; en
  - die beheerliggaam skriftelik van die besluit in kennis gestel het.
- (4) Enige persoon wat ontevrede is met die Departementshoof se besluit kan by die lid van die Uitvoerende Raad appelleer, en die lid van die Uitvoerende Raad moet —
- die appèl binne 14 dae na ontvangs daarvan oorweeg;
  - skriftelike redes vir sy of haar besluit verstrek; en
  - die besluit binne die tydperk van 14 dae waarna subklousule (4)(a) verwys aan die appellant bekend maak.

### Oordrag van bevoegdhede

34. Die Departementshoof kan die pligte, werksaamhede en bevoegdhede wat ingevolge hierdie kennisgewing aan hom of haar toegeken is skriftelik oordra aan 'n amptenaar in diens van die Departement.

### Herroeping van kennisgewing

35. Provinsiale Kennisgewing Nr 4 wat op 18 Februarie 2021 in die KwaZulu-Natalse Provinsiale Koerant Nr 2251 gepubliseer is, word hiermee herroep.

**MBALI C. FRAZER**

**Lid van die Uitvoerende Raad van die Provinsie KwaZulu-Natal  
belas met onderwys**

## BYLAE A

## SAMESTELLING VAN BEHEERLIGGAAM VAN GEWONE OPENBARE SKOLE VOLGENS TIPE EN LEERDERINSKRYWINGS

TIPE SKOOL	GETAL LEERDERS WAT BY SKOOL INGESKRYF IS	SKOOL-HOOF	GETAL OPVOEDER- LEDE	GETAL LEERDER -LEDE	GETAL NIE- OPVOEDER- LEDE	GETAL OUER- LEDE	TOTALE GETAL LEDE
Laerskool	1 tot 159	1	1	0	1	4	7
Laerskool	160 tot 700	1	2	0	1	5	9
Laerskool	701 en meer	1	3	0	1	6	11
Hoërskool	1 tot 649	1	2	2	1	7	13
Hoërskool	650 en meer	1	3	3	1	9	17
IPGekombinee rde skool	1 tot 499	1	2	2	1	7	13
Gekombineerd e skool	500 en meer	1	3	3	1	9	17

**UMTHETHO WEZIKOLE WASENINGIZIMU AFRIKA, 1996 (UMTHETHO NO. 84 KA 1996)**  
**ISAZISO ESIMAYELANA NOKUQOKWA KWAMALUNGU EZIGUNGU EZILAWULA EZIKOLENI**  
**ZIKAHULUMENI EZIJWAYELEKILE**  
**(NGAPHANDLE KWEZIKOLE ZABAFUNDI ABANEZIDINGO EZIKHETHEKILE)**

**Mina, Mbali C. Frazer**, iLungu Lesigungu Esiphezulu elengamele Ezemfundo eSifundazweni saKwaZulu-Natali, ngokwesigaba 24 kanye no 28 soMthetho Wezikole ZaseNingizimu Afrika, ka-1996 (uMthetho uNo. 84 ka- 1996), njengoba uchitshiyelwe, ngibeka imigomo ephathelene neziGungu eziLawula Izikole njengoba kuqukethwe kule Sheduli. Lo mthetho uqagula yonke imigomo ephathelene nokwakheka kanye nokukhethwa kweziGungu eziLawula iziKole zalabo bafundi abanezidingo ezikhethekileyo njengoba kuqukethwe kule Sheduli Ngokwesigatshana 24(3) salo mthetho bonke abafisa ukubamba iqhaza kule saziyo bayacelwa ukuba benze izethulo zabo eLungwini lesiGungu esiPhezulu ngokulandela isigatshana 24(2) somthetho.

Izethulo kufanele zenziwe zithunyelwe ehhovisi leLungu lesiGungu esiPhezulu zingakapheli izinsuku ezingamashumi amathathu lo mthetho ushicilelwe

**Kubhekiswe ku: Mr DN Mthethwa**

**Nge i-meyili: [nhlanhla.mthethwa@kzndoe.gov.za](mailto:nhlanhla.mthethwa@kzndoe.gov.za)**

**Noma uzihambisele wena mathupha kuleli kheli: Room 810, 8<sup>th</sup> Floor, ABSA Building, 194 Langa libalele Street, Pietermaritzburg 3200**

## ISHEDULI

### Izincazelo

1. Kulesi saziyo, noma yiliphi igama noma inkulumbo enikezwe incazelo kulo Mthetho iyoba naleyo ncazelo, ngaphandle uma ingqikithi isho okwehlukile –

**“uMthetho”** kushiwo uMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996) njengoba uchitshiyelwe;

**“uMsizi wesiKhulu Esingamele Ukhetho Esikoleni”** kushiwo umuntu oqashwe uMnyango noma isigungu esilawulayo oqokwe yisiKhulu Esingamele Ukhetho lwesiKole ukuzolekelela ngesikhathi kunokhetho; kodwa ongakhethiwe njengeSikhulu Sokhetho kwesinye isikole;

**“CNS system”** kushiwo uhlelo lokuqokwa kwalabo abazongenela ukhetho, okuwuhlelo oluphephile lwezobuchwepheshe olusetshenziselwa ukuthunyelwa kwemininingwane nemibhalo ngobuxhakaxhaka bezobuchwepheshe njengoba kushiwo kulesi saziyo;

**“umhlangano ovalekile”** kushiwo umhlangano ovuleleke kuphela —

- (a) kubazali uma kuwukhetho lwabazali;
- (b) kothisha uma kuwukhetho lothisha;
- (c) ezisebenzini ezingebona othisha uma kuwukhetho wezisebenzi ezingebona othisha; kanye
- (d) nakubafundi uma kuwukhetho lomkhandlu wabafundi;

**“isikole esihlanganise amabanga”** kushiwo isikole sikahulumeni esamukela abafundi kusukela emabangeni aphantsi kuya kwaphezulu noma emabangeni aphezulu kuya emabangeni okuqeqeshelwa umsebenzi noma kusukela emabangeni aphantsi kuya kwaphezulu nakwawokuqeqeshelwa umsebenzi;

**“amalungu afakwe esigungwini ngokwamakhono awo”** kushiwo —

- (a) amalungu angenawo amandla okuvota afakwe esigungwini ngale kokuba avotelwe ukuze alekelele isigungu ekwenzeni imisebenzi yaso;
- (b) umnikazi womhlaba lapho isikole sakhiwe khona ongenalo igunya lokuvota; kanye
- (c) namalungu anelungelo lokuvota afakwe esigungwini ukuze angene ezikhundleni zalawo aphumayo angabazali angaliqedanga ihlandla lawo kusalindwe ukhetho lokuchibiyela;

**“usuku”** kushiwo usuku lwekhalenda kubandakanya iMigqibelo, iSonto kanye namaHolidi;



**“uMnyango”** kushiwo uMnyango wezeMfundo waKwaZulu-Natali;

**“isiKhulu Esengamele uKhetho LwesiFunda”** kushiwo isisebenzi esiyinhloko ehhovisi lesiFunda esengamele ukhetho esiFundeni;

**“uThisha”** kushiwo nanoma yimuphi umuntu ofundisa, noma oqeqesha abanye abantu kumbe ohlinzeka ngezemfundo ngokomsebenzi awufundele esikoleni sika hulumeni kubandakanya ukuhlunyeleliswa kanye nokwelulekwa ngokwengqondo kodwa kungabandakanyi umsizi kathisha, umelekeleli kathisha noma umuntu oqashelwe ukwenza imisebenzi eqondene nezemidlalo;

**“ukhetho olwenziwa ngobuxhakaxhaka bezobuchwepheshe”** kushiwo ukhetho lwesiGungu esiLawula isikole lapho kusetshenziswa khona ubuxhakaxhaka bezobuchwepheshe ngesikhathi kunokhetho;

**“ukuvota kusetshenziswa ubuxhakaxhaka bezobuchwepheshe”** kushiwo ukuvota okubandakanya ukusetshenziswa kobuxhakaxhaka bezobuchwepheshe uma kuvotwa;

**“isiteshi sokuvota ngobuxhakaxhaka bezobuchwepheshe”** kushiwo isiteshi sokuvota esisendaweni enqunywe yisiKhulu soKhetho sesikole esisetshenziselwa ukuvota ngobuxhakaxhaka bezobuchwepheshe;

**“uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe”** kushiwo uhlelo olusebenzisa ubuxhakaxhaka bezobuchwepheshe lokuvotela labo abasohlwini lwabazovotelwa;

**“usuku lokhetho”** kushiwo usuku olugcwele olumiswe yisikole lwaba olokuvotelwa kwesiGungu esiLawula Isikole esikhundleni sokubamba umhlangano omaqondana nokhetho, okuwukuphambuka kokujwayelekile.

**“umhlangano wokhetho”** kushiwo —

- (a) imihlangano emine ehluhahlukene yokhetho ebanjelwa ukuphakamisa nokukhetha abazali kuphela, othisha kuphela, izisebenzi ezingebona othisha kuphela kanye nabafundi abasemkhandlwini omele abafundi kuphela; kanye
- (b) nomhlangano wokhetho lokuchibiyela;

**“izingqapheli zokhetho”** kushiwo izisebenzi noma izinhlaka okusetshenziswana nazo eziqokwe emathimbeni esiFundazwe noma esiFunda ezingamele ukhetho ezigunyazwe yiNhloko yoMnyango ukuba zibe yizingqapheli, abaphathi noma abengameli bokhetho lweziGungu zezikole.

**“ibhokisi lokugcina amavoti elisebenza ngobuchwepheshe besimanje”** kushiwo indlela esebenza ngobuchwepheshe yokugcina amavoti ngemuva kokuthi abavoti sebevotile ngesikhathi kusalindwe ukubalwa kwawo;

**“umhlangano wokuqala”** kushiwo umhlangano obanjelwa ukuqokwa kwalabo abazoba sezikhundleni uma sekuqediwe ukuqokwa kwamalungu esiGungu esiLawula isikole;

**“ilungelo lokuvota”** kushiwo ilungelo lokuvotela —

- (a) abazali esigabeni sabazali;
- (b) othisha esigabeni sothisha;
- (c) izisebenzi ezingebona othisha esigabeni sezisebenzi ezingebona othisha; noma
- (d) amalungu omkhandlu omele abafundi esigabeni sabafundi;

**“Ukwehlukahlukana ngokobulili”** kushiwo ukubandakanywa kwabesilisa nabesifazane abahehwa ubulili obufana nobabo, abanobulili besilisa nesifazane kubandakanya nazo zonke izinhlobo zobulili;

**“iNhloko yoMnyango”** kushiwo iNhloko yoMnyango eyengamele ezeMfundo esiFundazweni saKwaZulu Natali;

**“ilungu”** kushiwo ilungu lesigungu esilawula isikole;

**“iLungu LesiGungu Esiphezulu”** kushiwo iLungu Lesigungu Esiphezulu elengamele Ezemfundo esiFundazweni sakwaZulu Natali;

**“isiSebenzi esingeyena uthisha”** kushiwo umuntu oqashwe ngokoMthetho weziSebenzi zikaHulumeni, 1994 (uMthetho No. 103 ka 1994) noma ngokoMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996) ongeyena uthisha esikoleni sikaHulumeni;

**“umzali”** kushiwo —

- (a) umzali noma umuntu okhulisa noma umuntu oqokwe ngokomthetho ukunakekela umfundi;
- (b) umuntu ngokomthetho onegunya lokukhulisa umfundi; noma
- (c) umuntu ozinikela ukufeza imisebenzi yomuntu oshiwo ngenhla ezigabeni (a) no (b) ekufundeni komfundi esikoleni;

**“POPIA”** kushiwo i-*Protection of Personal Information Act*, 2013 (uMthetho No. 4 ka 2013);

**“uthishanhloko”** kushiwo uthisha oqokwe njengenhloko yesikole owengamele ukuphathwa nokulawulwa kwesikole;

**“isiKhulu soKhethe sesiFundazwe”** kushiwo isisebenzi esiyisikhulu ehhovisi lesiFundazwe esiqondene nokwenganyelwa kanye nokulawulwa kokhethe esiFundazweni;

**“isikole sikaHulumeni”** kushiwo isikole sikaHulumeni sabafundi abanezidingo zemfundo ezikhethekileyo;

**“ukuvota ukude kusetshenziswa ezobuchwepheshe”** kushiwo uhlelo lokuvota olungenzeka esikoleni nakunoma iyiphi indawo lapho kuvotwa khona kusetshenziswa ezobuchwepheshe. Kungasetshenziswa ngaphandle kokusebenzisa amaphepha okuvota uma kuvotwa;

**“Umkhandlu wabafundi” (RCL)** kushiwo umkhandlu wabafundi owasungulwa ngokwesigatshana 11 soMthetho wokuLawulwa Kwezikole No. 84 ka 1996

**“isiKhulu Esengamele uKhethe lwesiKole”** kushiwo uthishanhloko wesikole, noma isikhulu esingaqashiwe kuleso sikole, oqokwe yiNhlolo yoMnyango ukuqhuba ukhethe lwesiGungu esiLawula iSikole;

**“umvoti”** kushiwo umzali esigabeni sabazali, uthisha esigabeni sothisha, isisebenzi esingeyena uthisha esigabeni sezisebenzi ezingebona othisha kanye nomfundi esigabeni somkhandlu omele abafundi.

## Ukubunjwa kweziGungu eziLawula iziKole zikaHulumeni

2. (1) IsiGungu esiLawula Isikole sakhiwa yila malungu alandelayo —
  - (a) amalungu akhethiwe;
  - (b) uthishanhloko ngokwesikhundla sakhe; kanye
  - (c) namalungu aqokiwe, noma lokho okungavumelana nesimo.
- (2) Amalungu akhethiwe esiGungu esiLawula isikole okubhekiswe kuwo ebinzaneni (1)(a) kuba yilawa alandelayo —
  - (a) abazali babafundi baleso sikole, esimweni lapho kunokwenzeka khona.
  - (b) othisha bakuleso sikole;
  - (c) isisebenzi esingeyena uthisha sakuleso sikole; kanye
  - (d) nabafundi bebanga lesishiyagalombili noma ngaphezulu bakuleso sikole abakhethwe eMkhandlwini Omele Abafundi, esimweni lapho kunokwenzeka khona.
- (3) Isibalo samalungu angabazali, angothisha, ayizisebenzi ezingebona othisha kanye namalungu abafundi esigungu esilawulayo kumele sihambisane nezimiso ze Sheduli A yalesi saziso, kuncike ohlotsheni nasesigabeni leso sikole esithintekayo esikusona.
- (4) Ngaphambi kwanoma yimuphi umhlangano wonyaka wokuqokwa kwabazongena ezikhundleni, isigungu esilawula isikole kumele siqume ukuthi isibalo sabafundi abamukeliwe sehlele noma sinyukile njengoba kushiwo kuSheduli A, bese kuthi uma —
  - (a) isibalo sabafundi abemukeliwe sinyukile okuholela ekutheni kuvele esinye isikhala esigungwini esilawula isikole, leso sikhala kumele simenyazelwe kuphela uma isibalo sabafundi abemukeliwe sinyuke ngama-10% noma

- (b) ngaphezulu; futhi
- (c) (i) isibalo sabafundi abemukeliwe sehle ngama-10% noma ngaphezulu futhi lokho kwehla kudinga ukuthi uthisha oyedwa noma othisha abangaphezu koyedwa noma umfundi oyedwa noma abangaphezu koyedwa abasemkhandlwini omele abafundi bashiye ezikhundleni zabo esigungwini esilawula isikole, uthisha (noma othisha, njengoba kungaba njalo) kanye nomfundi (noma nabafundi njengoba kungaba njalo) osemkhandlwini noma abasemkhandlwini omele abafundi othole noma abathole amavoti amancane uyoshiya noma bayoshiya esikhundleni; noma
  - (ii) uma amalungu ayeqokwe ngendlela efanele lapho kungavotwanga khona, uhlangothi oluthinteka ngenxa yokwehla kwesibalo sabafundi abemukeliwe kumele bavote ngokuyimfihlo ukuthi ubani ozoshiya esikhundleni sesigungu esilawula isikole.
- (5) Ukwenyuka nokwehla kwesibalo sabafundi abemukeliwe kuyoholela ekutheni isikhala esigabeni sabazali noma ilungu esigabeni sabazali lishiye esikhundleni sesigungu esilawula isikole.

### 3. Isikhathi Sokusebenza Kwesigungu Esilawula Isikole

- (1) Isigungu esilawula isikole siqokelwa isikhathi esiyiminyaka emithathu ngaphandle uma iLungu Lesigungu Esiphezulu likhipha umyalelo owehlukile
- (2) iLungu Lesigungu Esiphezulu liyonquma isikhathi sokusebenza kwezigungu ezilawula izikole kuzo zonke izikole.
- (3) Uma isigungu esilawula isikole —
  - (a) sinezinyanga eziyisithupha noma ngaphansi ezisele ngaphambi kokuthi kuphele isikhathi saso sokuba sesikhundleni, isiKhulu Esengamele uKhetho lwesiFunda, ngezizathu ezizwakalayo yize kunqunywe leso sikhathi, singayalela ukuthi ukhetho lubanjwe ngosuku ayolunquma; noma
  - (b) sinezinyanga ezingaphezu kweziyisithupha ngaphambi kokuthi kuphele isikhathi saso sokuba sesikhundleni, isiKhulu Esengamele uKhetho lwesiFunda noma umuntu ogunyazwe nguye, ngemva kokubonisana naleso sigungu esilawula isikole esithintekayo, singanquma usuku okumele kubanjwe ngalo ukhetho yize kusenesikhathi esisasele sokuthi sibe sesikhundleni.
- (4) Wonke amalungu aqokwe ngokwebinza 2(2) no 3(3), ngaphandle kwabafundi abaqokwe emkhandlwini omele abafundi ngokwesigaba somthetho 2(2)(d) aqokelwa ukusebenza isikhathi esiyiminyaka emithathu.
- (5) Isikhathi sokuba sesikhundleni selungu lesigungu esilawula isikole elingumfundi eliqokwe ngokwesigaba somthetho 2(2)(d) siwunyaka owodwa.
- (6) Ngokwebinzana (3), ilungu lesigungu esilawula isikole liba kuleso sikhundla kuze kuphele isikhathi sokusebenza kwesigungu esilawula isikole noma ilungu liphuma esigungwini noma lingasafanelekile ukuba yilungu lesigungu esilawula isikole njengoba kulawula ibinza lesi-5.
- (7) Uma iNhloko yoMnyango inquma ngezizathu ezizwakalayo ukuthi isigungu esilawula isikole sesiyekile ukwenza umsebenzi ebesijutshelwe wona ngokoMthetho, ingayihoxisa imisebenzi yaso bese —
  - (a) iqoka abantu abanolwazi olwanele ukuba benze owodwa noma ngaphezulu waleyo misebenzi yesigungu esilawula isikole kuleso sikhathi esingeqile ezinyangeni ezintathu;
  - (b) ingelula isikhathi okukhulunywe ngaso ebinzaneni 7(a) isikhathi esingeqile ezinyangeni ezintathu isikhawu ngasinye kodwa leso sikhathi singeqi onyakeni owodwa uma sesihlanganisiwe; futhi
  - (c) kumele iqinisekise ukuthi isigungu esilawula isikole sikhethwa ungakapheli unyaka ngemuva kokuqokwa kwabantu abashiwo ebinzaneni 7(a). La bantu okukhulunywe ngabo ebinzaneni 7 (a) kufanele benze isiqiniseko sokuthi ngesikhathi bebambile bayabaqeqesha labo abebekade behlulekile ukwenza umsebenzi ababebejutshwelwe ukuwenza.
- (8) Ngaphambi kokuthi iNhloko yoMnyango ithathe izinyathelo kufanele ilandele yonke imigomo esemthethweni.
- (9) Kuncike ebinzaneni 5, ilungu lesigungu esilawula isikole lingaphinde liqokwe noma lengezwe ngokutonyulwa, kuncike ezimweni, uma sekuphele isikhathi salo sokuba sesikhundleni.

**Ubulungu Esigungwini Esilawula Isikole**

4. (1) Isigungu esilawula isikole sakhiwa yila malungu alandelayo —
- abazali babafundi abafunda esikoleni okuqokwa kusona isigungu esilawula isikole, esinomzali oyedwa ngaphezulu kwesibalo esiphelele samalungu anelungelo lokuvota esehlangene okukhulunywe ngawo ebinzaneni (1)(b), (c), (d), esimweni lapho kungenzeka khona;
  - uthisha noma othisha, kuye ngesibalo sabafundi abamukeliwe esikoleni njengalokhu kuchaziwe kuSheduli A olapha;
  - isisebenzi esisodwa esingeyena uthisha esiqashiwe esikoleni okukhethwa kusona isigungu esilawula isikole;
  - abafundi, esimweni lapho kunokwenzeka khona, abaqokwa amalungu omkhandlu omele abafundi, uma ukhona, esikoleni esinebanga lesishiyagalombili noma elingaphezulu, isibalo sabafundi abayoqokwa siyonqunywa ngokuhambisana neSheduli A;
  - uthishanhloko, omele iNhloko yoMnyango esikoleni ngokwesikhundla sakhe; kanye
  - namalungu omphakathi engeziwe, uma ekhona, kuncike ekutheni isibalo samalungu engeziwe ngeke eke kwamahlanu.
- (2) Isigungu esilawula isikole sikahulumeni esakhiwe endaweni okungeyona ekahulumeni singengeza, umnikazi waleyo ndawo esetshenziswa yisikole noma umuntu oqokwe yilowo mnikazi, ngaphandle kokuthi abe nelungelo lokuvota.

**5. Ukufaneleka ukuba yilungu lesigungu esilawula isikole**

- (1) Umuntu ngeke afaneleke ukuba yilungu lesigungu esilawula isikole uma —
- engaphilile ngokomqondo ngokusho kwenkantolo efanele noma udokotela wengqondo;
  - ecwile ezikweletini engasenakuhlengeka;
  - etholakale enecala futhi wagwetshwa yinkantolo ukuthi aboshwe ngokomthetho waseNingizimu Afrika noma wakwelinye izwe, ngaphandle kokunikwa ithuba lokuthi akhokhe inhlawulo, isikhathi esiyizinyanga eziyisithupha ngaphandle uma sekwaphele iminyaka emithathu adonsa lesi sigwebo sokuboshwa ngaphambi kokuthi aqokwe;
  - kwakhishwa umyalelo wokuthi ungumuntu ongafanelekile ukusebenza nezingane ngokoMthetho weziNgane, 2005 (uMthetho No. 38 ka 2005), njengoba uchitshiyelwe noma ngokoMthetho wamaCala aPhathelene nezocansi nokunye okuhambisana Nalokho, 2007 (uMthetho No. 32 ka 2007);
  - azise isikhulu soKhethe sesiKole ukuthi igama lakhe lisohlwini lweRejista yokuVikela iziNgane kaZwelonke njengoba kushiwo eMthethweni weziNgane, 2005 (uMthetho No. 38 ka 2005), njengoba uchitshiyelwe noma uma lokho kufike ezindlebeni zesiKhulu soKhethe sesiKole kwase kwaqinisekiswa;
  - engasangeni esigabeni samalungu abewamele ngesikhathi eqokwa;
  - kuwuthisha oqashwe ngokomthetho wokuqashwa kothisha (uMthetho No. 76 ka 1998) etholakale enecala lokungaziphathi ngendlela efanele wabe esethola isigwebo —
    - senhlawulo;
    - sokumiswa okwesikhashana emsebenzini engaholi;
    - sokwehliswa esikhundleni (uma eqashwe ngokoMthetho wokuqashwa koThisha, 1996 (uMthetho No.84 ka 1996);
  - kuyisisebenzi esingeyena uthisha, esitholakale sinecala lokungaziphathi ngendlela efanele sabe sesithola isigwebo —
    - senhlawulo;
    - sokumiswa okwesikhashana emsebenzini singaholi;
    - sokwehliswa esikhundleni (uma siqashwe ngokoMthetho weziSebenzi zikaHulumeni, 1994 (uMthetho No.103 ka 1994);
  - exoshwe yiNhloko yoMnyango njengelungu ngokwesigaba 18A soMthetho nanoma yimuphi omunye umthetho osebenzayo.

- (2) Umzali oqashwe esikoleni njengothisha noma njengesisebenzi esingeyena uthisha akakwazi ukumela abazali esigungwini esilawula isikole.
- (3) Uthishanhloko kumele —
  - (a) ngaso sonke isikhathi aqinisekise ukuthi isigungu esilawula isikole sibunjwe ngendlela efanele ngokwalesi saziso; kanye
  - (b) ezinsukwini ezinhlanu ethole ulwazi ukuthi ilungu alifanelekile, azise uMphathi weSekethe ngalelo lungu elingasafanelekile ukuba yilungu lesigungu esilawula isikole;
- (4) Ilungu lesigungu esilawula isikole kumele lazise uthishanhloko ngokungafaneleki kwalo ukuba yilungu ngokushesha uma selazi.
- (5) Uma ethola ulwazi ngokwebinzana 5(3) no 5(4) ngenhla, uMphathi weSekethe wesikole esithintekayo, kumele ngokubhalwe phansi ezinsukwini ezinhlanu ethole lolo lwazi, azise isiKhulu soKhethe sesiFunda mayelana nelungu elingasafanelekile ukuba yilungu lesigungu esilawula isikole.
- (6) IsiKhulu soKhethe sesiFunda kumele —
  - (a) ezinsukwini ezinhlanu sithole ulwazi olushiwo ebinzaneni 5 siqinisekise lolo lwazi;
  - (b) uma ulwazi seluqinisekisiwe, sazise ilungu ngokubhalwe phansi ukuthi alisafanelekile ukuba yilungu lesigungu esilawula isikole; futhi
  - (c) siqinisekise ukuthi ilungu liyaphuma esihlalweni.

#### **Ukuqokwa kwesikhulu esengamele uKhethe lwesiFundazwe**

6. (1) INhloko yoMnyango kumele iqoke isiKhulu esengamele uKhethe lwesiFundazwe neSekela lesiKhulu esengamele uKhethe lwesiFundazwe ngokubhalwe phansi.
- (2) IsiKhulu esengamele uKhethe lwesiFundazwe kumele —
  - (a) siqinisekise ukuthi iSaziso sesiFundazwe sishicilelwa ngesikhathi;
  - (b) siqinisekise ukuthi ukhetho lukhangiswa ngokwanele;
  - (c) siqoke isikhulu esisodwa noma ngaphezulu esisebenzela umnyango ukuze sisize ngokhetho njengomsizi noma njengabasizi besiKhulu esengamele uKhethe lwesiFundazwe;
  - (d) siqinisekise ukuthi iziKhulu ezengamele uKhethe eziFunderi, amaSekela eziKhulu ezengamele uKhethe, abaSizi beziKhulu ezengamele uKhethe nabo bonke ababandakanyekayo okhethweni basayina isifungo sokugcina wonke umsebenzi wokhetho uyimfihlo njengokuhlela kweNhloko yoMnyango ngaphambi kokuba lezi khulu ziqale ukwenza umsebenzi wokhetho eziwujutshelwe
  - (e) siqinisekise ukuthi kulandelwa umthetho nenqubo efanele maqondana nokhetho;
  - (f) sihlele izinsiza zokuqhuba ukhetho lezigungu ezilawula izikole ngempumelelo nangendlela enobulungiswa;
  - (g) siqinisekise ukuthi izinsiza kanye nenqubo yokuqeqeshwa kweziKhulu ezingamele uKhethe lweziFunda noma lwesiFundazwe nokuthi amathimba ami ngomumo futhi nezinhlelo zokuqeqeshwa ziqhutshwa njengoba kuhleliwe;
  - (h) sihlanganise futhi sihlinzeke yonke imibhalo edingekayo ngokhetho;
  - (i) sixazulule konke ukungaboni ngaso linye okuphathelene nokhetho okungaxazululeki ezingeni lesikole noma lesifunda;
  - (j) sihlanganise isheduli yokhetho yazo zonke izikole zesiFundazwe;
  - (k) siqaphe bese sihlele indlela ukhetho oluqhutshwe ngayo;
  - (l) sihlanganise uhlu lwezigungu ezilawula izikole esiFundazweni uma sezikhethiwe;
  - (m) senze uphenyo njengoba siyalelwe yiNhloko yoMnyango; futhi
  - (n) siqaphe ukuqeqeshwa kwamalungu amasha ezigungu ezilawula izikole.
- (3) ISekela lesiKhulu esengamele uKhethe lwesiFundazwe noMsizi wesikhulu esengamele uKhethe lwesiFundazwe basiza isiKhulu esengamele uKhethe lwesiFundazwe ekwenzeni imisebenzi yaso.

#### **Ukuqokwa kwesikhulu esengamele uKhethe lwesiFunda**

7. (1) INhloko yoMnyango kumele iqoke isiKhulu esengamele uKhethe lwesiFunda, iSekela lesiKhulu esengamele uKhethe lwesiFunda kanye noMsizi wesikhulu esengamele uKhethe lwesiFunda ngokubhalwe phansi.
- (2) IsiKhulu esengamele uKhethe lwesiFunda kumele —

- (a) siqoke isikhulu esisodwa noma ngaphezulu esisebenzela uMnyango ukuze sisize ngokhetho njengomsizi noma njengabasizi besiKhulu esengamele uKhetho lwesiFunda;
  - (b) sihlele konke okumaqondana nokhetho lwesiFunda;
  - (c) sengamele ukuqokwa kweziKhulu ezengamele uKhetho eziKoleni;
  - (d) siqinisekise ukuthi iziKhulu ezengamele uKhetho eziFundeni,amaSekela eziKhulu ezengamele uKhetho, abaSizi beziKhulu ezengamele uKhetho nabo bonke ababandakanyekayo okhethweni basayina isifungo sokugcina wonke umsebenzi wokhetho uyimfihlo njengokuhlela kweNhlolo yoMnyango ngaphambi kokuba lezi khulu ziqale ukwenza umsebenzi wokhetho eziwujutshelwe.
  - (e) siqinisekise ukulandelwa kwenqubo yokhetho;
  - (f) siluleke iziKhulu ezengamele uKhetho eziKoleni ngohlelo oluhlongozwayo kanye nokuqaliswa kokhetho esiFundeni futhi siqinisekise ukuthi uhlelo luqhutshwa ngendlela okuvunyelenwe ngayo;
  - (g) sakhe uhlelo lokusingatha ukusebenza kweSaziso sesiFundazwe;
  - (h) siqinisekise ukuthi isikole ngasinye sinesikhulu esengamele ukhetho ngokuhambisana neSaziso sesiFundazwe nokuthi amathimba okhetho ezikole ayasungulwa;
  - (i) siqinisekise ukuthi zonke izikhulu zokhetho ezisebenza ezikoleni ziqeqeshwe ngokwanele futhi ziyawuqonda umsebenzi wazo neqhaza okumele zilibambe;
  - (j) siqinisekise ukuthi zonke izikhulu zokhetho zithola isaziso sokhetho sesiFundazwe kanye neminye imibhalo ngesikhathi;
  - (k) siqinisekise ukuthi ukhetho lukhangiswa ngokwanele ;
  - (l) siqinisekise ukuthi ukuqhutshwa kokhetho kuqashiwe;
  - (m) siqinisekise ukuthi amagama kanye neminingwane yokuxhumana yabaqokelwe ezigungwini ezilawula izikole kugcwalisiwe emafomini afanele futhi athunyelwa ngothishanhloko ehhovisi lesiFunda zingakapheli izinsuku eziyisikhombisa kubanjwe ukhetho;
  - (n) siqinisekise ukuthi iFomu leMininingwane (data form) liyatholakala kuthishanhloko wesikole futhi lithunyelwa ehhovisi lesiFunda zingakapheli izinsuku eziyisikhombisa kubanjwe umhlangano wokuqala okukhethwa kuwona abasezikhundleni;
  - (o) sixazulule ukungaboni ngaso linye okuphathelene nezinqumo ezingaxazululwanga ezingeni lezikole;
  - (p) sihlanganise uhlu lwezigungu ezilawula izikole ezisanda kukhethwa futhi sithumele lolo luhlu esiKhulwini esengamele uKhetho lwesiFundazwe; kanye
  - (q) sihlanganise umbiko obhaliwe wesiFunda mayelana nokhetho bese siwuthumela esiKhulwini esengamele uKhetho lwesiFundazwe.
- (3) ISekela lesiKhulu esengamele uKhetho lwesiFunda kanye nomsizi wesiKhulu esengamele uKhetho lwesiFunda bayosiza isiKhulu esengamele uKhetho lwesiFunda ekwenzeni imisebenzi yaso.
  - (4) ISekela lesiKhulu soKhetho sesiFunda kanye nomsizi wesiKhulu soKhetho sesiFunda bangaluleka isiKhulu esengamele uKhetho lwesiFunda nganoma yiluphi udaba oluphathelene nokhetho.

#### **Ukuqokwa kwesiKhulu Esengamele uKhetho esiKoleni**

8. (1) INhloko yoMnyango kumele iqoke, ngokubhalwe phansi, isiKhulu esengamele uKhetho esiKoleni lapho kuzokhethwa, abazali, othisha, izisebenzi ezingebona othisha kanye nabafundi bomkhandlu omele abafundi, njengamalungu esigungu esilawula isikole sikahulumeni.
- (2) Uthishanhloko ngeke aqokwe njengesikhulu esengamele uKhetho esiKoleni aqashwe kuso.
- (3) Isikhulu esengamele uKhetho lwesiKole kumele siqoke ngokubhalwe phansi isikhulu esisodwa noma ngaphezulu noma othisha abasebenzela uMnyango noma abaqashwe yisigungu esilawula isikole ukuthi balekelele njengabasizi besiKhulu esengamele uKhetho esiKoleni.
- (4) Isikhulu esengamele uKhetho esiKoleni siyokwengamela yonke imihlangano kuhlenganisa nokhetho lokuchibiyela kanye nokhetho lwezikhundla, kuze kuphele isikhathi sokuba sesikhundleni kwesigungu esilawula isikole esiqokiwe. Uma kwenzeka, isiKhulu esengamele uKhetho esiKoleni singakwazi ukwengamela noma yimuphi umhlangano wokhetho, iNhloko yoMnyango iyoqoka ngokubhalwe phansi isiKhulu esengamele uKhetho esiKoleni ukuthi sengamele lowo mhlango.

- (5) IsiKhulu esengamele uKhethe esiKoleni kanye nomsizi wesiKhulu esengamele uKhethe esiKoleni ngeke bangenele ukhethe, noma baphakamise noma beseke ukuqokwa kwelungu.
- (6) Imisebenzi yesiKhulu esengamele uKhethe esiKoleni, phakathi kokunye —
- ukuxhumana nothishanhloko ukuze siqinisekise ukuthi isaziso esinikeza yonke iminingwane yosuku, isikhathi nendawo yomhlango wokuphakanyiswa kwabazongenela ukhethe kanye nomhlango omaqondana nokhethe silungiswa futhi sithunyelwa uthishanhloko wesikole;
  - ukuqinisekisa ukuthi kunendawo efanelekile yokubamba umhlango wokwenza iziphakamiso nokuhutshwa kokhethe;
  - ukuqinisekisa ukuthi ithimba lokhethe lesikole liyayazi inqubo yokhethe okumele ilandelwe futhi lihambisana nomthetho ofanele;
  - siqinisekise ukuthi iziKhulu ezengamele uKhethe eziFundeni, amaSekela eziKhulu ezengamele uKhethe, abaSizi beziKhulu ezengamele uKhethe nabo bonke ababandakanyekayo okhethweni basayina isifungo sokugcina wonke umsebenzi wokhethe uyimfihlo njengokuhlela kweNhloko yoMnyango ngaphambi kokuba lezi khulu ziqale ukwenza umsebenzi wokhethe eziwujutshelwe.
  - ukungenelela kanye nokuxazulula noma yikuphi ukungaboni ngaso linye ngosuku lokhethe; kanye
  - nokuthumela imiphumela yokhethe ehhovisi lesiFunda.

#### **Iqophelo Elamukelekile LokuziPhatha Kwezikhulu Ezengamele Ukhetho LwesiFundazwe, LweziFunda NolweZikole**

9. (1) Ngaphandle kokuphambuka emgomweni ojwayelekile wokuziphatha owamukelekile, amandla nemisebenzi okuhlizelwe eMthethweni kanjalo nakweminye imithetho esebenzayo kanye nenqubomgomo, iziKhulu ezengamele uKhethe lwesiFundazwe, lweziFunda kanye nolweziKole kumele –
- ziziphathe ngokwethembeka nangesithunzi;
  - zingachemi;
  - ziyazi inqubo yokhethe kanye nemigomo esebenzayo;
  - ziqhube ukhethe ngokwemithetho yesifundazwe;
  - zibambisane nabaphathi bezikole kanye nabanye abantu abasebenzisana nabo;
  - zilawule inkambiso yokuvota ngendlela enobulungiswa;
  - zibhekane nezinkinga ezingavela ngenhlonipho;
  - zibe nesizotha futhi zikhuthale;
  - zingenzi okungaphezu kwalokho ezijutshelwe kona; futhi
  - ziqinisekise ukuthi imigomo ye-*Protection of Personal Information Act, 2013* (uMthetho No. 4 ka 2013) iyalandelwa ngaso sonke isikhathi uma kuthathwa iminingwane noma kusatshalaliswa ulwazi.
- (2) Indlela yokuziphatha kwezisebenzi zoMnyango eziqokwe njengeziKhulu ezengamele uKhethe ilawulwa yimithetho kanye nenqubomgomo efanele yoMnyango.

#### **Uhlu Lwabavoti**

10. (1) Uthishanhloko kumele ahlele uhlu olwahlukene lwabavoti abangabazali; abangothisha; abayizisebenzi ezingebona othisha kanye nabangabafundi abasemkhandlwini omele abafundi.
- (2) Uhlu lwabavoti kumele lwenziwe kanje:
- uhlu lwabavoti lwabazali kumele lususelwe kwirejista yesikole yokwamukela abafundi. Abazali abafanelekile yilabo bazali abavela kwirejista yesikole yokwamukela abafundi noma yilabo abanobufakazi bokuthi bangabazali njengoba kuchaziwe eMthethweni noma labo abahlangabezana nemigomo esesigatshaneni sesithathu. Abazali ababili kuphela bomfundi ngamunye abafaneleke ukuvota;
  - uhlu lwabavoti lothisha kumele lube nabo bonke othisha abaqashwe kuleso sikole;
  - uhlu lwabavoti lwezisebenzi ezingebona othisha kumele lube nazo zonke izisebenzi ezingebona othisha eziqashwe kuleso sikole; kanye
  - uhlu lwabavoti lwabafundi kumele lube nawo wonke amalungu omkhandlu omele abafundi.

- (3) Le migomo elandelayo kumele uthishanhloko ayilandele ngesikhathi ecubungula ubufakazi bobuzali maqondana nomuntu owenza umsebenzi womzali noma womuntu okhulisa noma womuntu oqokwe ngokomthetho ukunakekela umfundi noma womuntu ngokomthetho onegunya lokukhulisa umfundi uma lowo muntu esaphila —
- izizathu zalowo muntu zokuzibophezela ukwenza imisebenzi yomzali njengoba echaziwe eMthethweni;
  - ukubheka ukuthi umfundi uhlala nobani;
  - ukwazi ukuthi likuphi ikhaya lomuntu owenza umsebenzi womzali noma lomuntu okhulisa noma lomuntu oqokwe ngokomthetho ukunakekela umfundi noma lomuntu ngokomthetho onegunya lokukhulisa umfundi;
  - ukusondelana kwamakhaya abantu ababalulwe ebinzaneni 10(3)(c), nesikole;
  - umsebenzi wokuzinikela njengomzali kumele ube ngaphezu kokunakekela izidingo zomfundi ngokwezimali kodwa kumele kuqikelelwe nokunakekelwa kwezidingo zomfundi zezemfundo kanye nokwesekwa kwakhe;
  - ukuzinikela kanye nokuzibophezela komuntu owenza umsebenzi wabantu abashiwo ebinzaneni 10(3)(c) wokunakekela lowo mfundi;
  - uma kungukuthi umfundi unezinye izingane zakwabo esikoleni kufanele kubhekwe ukuthi ubani owenza imisebenzi yobuzali kulezi ezinye izingane zakwabo. Imininingwane ehlinzekwe maqondana nalezi ezinye izingane zakwabo kumele iqhathaniswe nale enikeziwe emaqondana nalo mfundi othintekayo;
  - ubudlelwane phakathi komfundi nomuntu onakekela lowo mfundi;
  - uthishanhloko wesikole kumele enze uphenyo olufanele emphakathini uma kungenzeka, ukuqinisekisa ukuthi ubani umphakathi omazi njengomzali womfundi;
  - nanoma iyiphi incazelo ezwakalayo yokuthi kungani lowo muntu enza umsebenzi womzali oshiwo ngenhla; kanye
  - kufanele kubhekwane nodaba ngalunye ngokucophelela luze lube luyagculisa futhi uthishanhloko kumele aqinisekise ukuthi ukuthatha kwakhe izinqumo kuyefana uma emukela umuntu othile ngokuthi ungumzali.
- (4) Uthishanhloko wesikole kumele okungenani ezinsukwini eziyi-14 ngaphambi komhlangano wokhetho, aphathise abafundi izincwadi kanye namafomu eziya kubazali, ezibazisa ngomhlangano wokhetho nezibamema ukuthi bazohlola uhlu lwabavoti bese behlinzeka isikole ngemininingwane yabo esishintshile, uma kunesidingo.
- (5) Uthishanhloko wesikole kuphela ongagunyaza ukuchitshiyelwa kohlu lwabavoti.
- (6) Bonke labo abenza iziphakamiso noma abeseka iziphakamiso kanye nabaphakanyiswayo kumele kube abantu abasohlwini lwabavoti ezigabeni abazimele ngokwahlukana kwazo esigungwini esilawula isikole.
- (7) Noma yiluphi ushintsho noma imibuzo okuphathelene nohlu lwabavoti kumele kudluliselwe kuthishanhloko okungenani ezinsukwini eziyisikhombisa ngaphambi komhlangano wokhetho njengoba akukho mibuzo ephathelene nohlu lwabavoti eyophendulwa yisiKhulu esengamele uKhetho lwesiKole ngosuku lokhetho.

### **Isaziso Somhlangano Wokuphakamisa Abazongenela Ukhetho Nowokhetho**

- 11.(1) Uthishanhloko wesikole esizosingatha umhlangano omaqondana nokhetho kumele acabangele abavoti ngesikhathi ebhala izaziso lapho kunqunywa usuku, isikhathi kanye nendawo yomhlangano wokuphakanyiswa kwabazongenela ukhetho.
- Ukuqokwa nokukhethwa kohlaka lothisha, lwezisebenzi ezingebona othisha kanye nolomkhandlu omele abafundi kumele kwenzeke ngaphambi kokhetho lwabazali.
  - Uthishanhloko wesikole kumele akhiphe amakhophi esaziso somhlangano wokhetho kusasele okungenani izinsuku eziyi-14 ngaphambi komhlangano wokuqala omaqondana nokhetho.
  - Uthishanhloko kumele aqinisekise ukuthi —
    - uthumela ikhophi yesaziso somhlangano wokhetho wabazali babo bonke abafundi basesikoleni sakhe ngabantwana ukuthi banike abazali lesa saziso;
    - unikeza othisha ikhophi yesaziso somhlangano wokhetho lothisha;
    - unikeza izisebenzi ezingebona othisha ikhophi yesaziso somhlangano wokhetho lwezisebenzi ezingebona othisha;



- (d) unikeza umfundi ngamunye osemkhandlwini wabafundi ikhophi yesaziso somhlangano wokhetho womkhandlu omele abafundi;
  - (e) uqinisekisa ukuthi lawo makhophi ezaziso akhangiswa noma apanyekwa ezindaweni lapho ezobonwa khona yiwo wonke umuntu, esikoleni nasezindaweni zomphakathi; futhi
  - (f) usabalalisa isaziso somhlangano nganoma iyiphi indlela isikole esijwayele ukuyisebenzisa ukudlulisa izaziso okungabandakanya uWhatsApp, D6 Communicator noma D6 Connect uma kunesiqiniseko sokuthi abekho abazophazamiseka ngokusetshenziswa kwaleyo ndlela yokusabalalisa umyelezo.
- (5) Uthishanhloko kumele aqinisekise ukuthi —
- (a) izaziso zibhalwe ngolimi olusetshenziswa kuleso sikole futhi uma kunokwenzeka zibhalwe nangolimi olusetshenziswa emakhaya abafundi; futhi
  - (b) bonke abazali bayagquguzelwa ukubamba iqhaza okhethweni.
- (6) lapho kunokwenzeka kuba khona isikole esisha esivulwayo ngesikhati esimaphakathi kokubusa kwezigungu ezilawula izikole, umhlangano wokhetho lwesikole esisha kumele ubanjwe ezinsukwini ezingamashumi ayisithupha leso sikole sivuliwe.

### Ilungelo Lokuvota

12. (1) Umzali ngamunye ogama lakhe livela ohlwini lokuvota —
- (a) unelungelo lokuvotela abazali abazoba amalungu esigungu esilawulayo;
  - (b) angavotela kanye (1) kuphela lowo ophakanyisiwe ngokwesibalo esibekiwe samavoti esilingana nenani labazali okumele baqokwe.
- (2) Uthisha ngamunye, kuhlanganisa nothishanhloko, oqashwe esikoleni —
- (a) unelungelo lokuvotela amalungu awothisha;
  - (b) angavotela kanye (1) kuphela lowo ophakanyisiwe ngokwesibalo esibekiwe samavoti esilingana nenani lothisha okumele bakhethwe.
- (3) Isisebenzi sasesikoleni esingeyena uthisha —
- (a) sinelungelo lokuvotela ilungu eliyisebenzi esingeyena uthisha;
  - (b) sinevoti elilodwa.
- (4) Lapho isikole sinesisebenzi esisodwa kuphela leso sisebenzi sinelungelo lokukhethwa sibe yilungu lesigungu esilawula isikole.
- (5) Ilungu loMkhandlu oMele abafundi ngalinye —
- (a) linelungelo lokuvotela amalungu angabafundi;
  - (b) angavotela kanye kuphela lowo ophakanyisiwe ngokwesibalo esibekiwe samavoti esilingana nenani labafundi okumele bakhethwe.
- (6) Akuvumelekile ukuba omunye umuntu avote esikhundleni somunye.

### Ikhoramu Yomhlangano Wokuphakamisa Amagama Kanye Nowokuvota

13. (1) Ikhoramu engamaphesenti ayishumi nanhlanu (15%) yabavoti abasohlwini lwabavoti kumele ihlangane ngaphambi kokuba kuqale umhlangano wokuphakamisa amagama kanye nowokuvota.
- (2) Uma ikhoramu eshiwo ebinzaneni (1) ingahlangani —
- (a) umhlangano kumele uhlehliswe bese kuhlelwa kabusha umhlangano wesibili ozokuba ngolunye usuku sekwedlule izinsuku eziyisikhombisa futhi kungabi ngaphezulu kwezinsuku eziyi-14 lo mhlangano uchithiwe; futhi
  - (b) uthishanhloko wesikole kumele ahambisane nemigomo ebekwe ebinzani 11(4)(a)-(f).
- (3) Iziphakamiso ezibhaliwe ezamukelwe ngaphambi kokuchithwa komhlangano ziyobe sezihlanganiswa nanoma yiziphi ezinye ezibhaliwe eziyokwamukelwa emhlanganweni oyohlelwa kabusha.
- (4) Isaziso esimaqondana nomhlangano ohlelwe kabusha kumele sibalule ukuthi ngeke isadingeka ikhoramu kulo mhlangano okungwesibili.

**Ukuphakanyiswa Kwamagama eMhlanganweni Wokhetho**

14. (1) IsiKhulu esengamele uKhetho esiKoleni kumele siqoke ngokubhalwe phansi lowo ozoba umsizi wesiKhulu esengamele uKhetho esiKoleni ukuze abe unobhala emhlanganweni
- (2) Ngaphandle kwezinqopheli zokhetho kanye nabasizi besiKhulu esengamele uKhetho esiKoleni, isiKhulu esengamele uKhetho esiKoleni akumele sivumele noma yimuphi umuntu ongafanelekile ukuvota ukuthi athamele umhlangano noma ukuqokwa komuntu ongafanelekile ukukhethwa ngokwebinza 2.
- (3) IsiKhulu esengamele uKhetho esiKoleni kumele sicele abavoti ukuthi baveze ubufakazi bokuhlonzwa ngokuletha omazisi, amaphasiphothi asemthethweni noma ubufakazi bokuba yisakhamuzi esiwumsinsi noma sesikhashana noma imvume yokuhlala kuleli kulabo abangezona izakhamuzi zaseNingizimu Afrika.
- (4) Ngaphambi kokuqhubeka nokuqokwa kwamalungu esigungu esilawula isikole, isiKhulu esengamele uKhetho esiKoleni kumele sazise abavoti lokhu okulandelayo —
- (a) ukuthi isikhathi saleso sigungu esilawula isikole ngaleso sikhathi sesiphelile futhi amalungu asazisiwe ngokusemthethweni;
- (b) ukuthi umhlangano omaqondana nokhetho ungumhlangano ovalelekile;
- (c) izimiso zebinza lesihlanu (5) ziveza umuntu ongakufanele ubulungu besigungu esilawula isikole;
- (d) isibalo sabantu abazoqokwa;
- (e) ukuthi isiphakamiso ngasinye, kumele sisekwe umzali, uthisha, isisebenzi esingeyena uthisha noma umfundi osemkhandlwini omele abafundi, njengoba kungaba njalo, ongunya lokuvota;
- (f) ukuthi, ngesikhathi kwenziwa iziphakamiso abavoti kumele baqikelele ukumeleleka futhi baqinisekise ukuthi uma kwenziwa iziphakamiso kunokumeleleka ngokobulili, ngokubuhlanga uma kunokwenzeka futhi zibandakanye ukuphakanyiswa kwabantu abaphila nokukhubazeka;
- (g) ukuthi umvoti unelungelo elilodwa lokuvotela isikhundla ngasinye okumele sigcwaliswe;
- (h) ukuthi ukuvota kuyimfihlo; kanye
- (i) nokuthi kuvumelekile ukufakwa kwezikhalo njengalokhu kuchaziwe ebinzeni 28.
- (5) Ngesikhathi kwenziwa iziphakamiso isiKhulu esengamele uKhetho esiKoleni kumele —
- (a) siqume futhi sihlele isikhathi sokwenziwa kweziphakamiso;
- (b) sazise abavoti ngesikhathi esihleliwe;
- (c) sivumele ukuthi kube nesikhathi esanele sokwenziwa kweziphakamiso zalabo abazongenela ukhetho; futhi
- (d) sikhombise ukuthi isikhathi sokwenziwa kweziphakamiso sesivaliwe.
- (6) Umuntu angaphakanyiswa engekho, inqobo nje —
- (a) uma lowo omphakamisayo nowesekela isiphakamiso bekhona emhlanganweni futhi kumele agcwalise ifomu lokwenza isiphakamiso; futhi
- (b) uma ophakanyiswayo ethumelela uthishanhloko isiqiniseko esibhaliwe sokwamukela isiphakamiso.
- (7) Ifomu lokwenza isiphakamiso eligcwaliswe yilowo ophakamisa umuntu, osekelayo kanye nophakanyiswayo o kumele lamukelwe yisiKhulu esengamele uKhetho esiKoleni kungakapheli izinsuku eziyisikhombisa zomhlangano wokhetho.
- (8) Ngaphandle kokuphambuka ebinzaneni 7, lowo ongenela ukhetho angaphakanyiswa ngokubhalwe phansi emhlanganweni wokhetho —
- (a) ngumzali womfundi ofunda esikoleni maqondana nesikhala ngokuhambisana nebinza 4(a);
- (b) nguthisha oqashwe yisikole esithintekayo maqondana nesikhala ngokuhambisana nebinza 4(b);
- (c) yisisebenzi esingeyena uthisha esiqashwe yisikole esithintekayo maqondana nesikhala ngokuhambisana nebinza 4(c); kanye
- (d) ngumfundi osemkhandlwini omele abafundi ngokuhambisana nebinza 4(d), inqobo nje uma omunye umzali, uthisha, isisebenzi esingeyena uthisha noma umfundi osemkhandlwini wabafundi, lokho okunokwenzeka, esekela isiphakamiso. Futhi nomuntu ophakanyisiwe esho ngokubhaliwe, ukuthi ukulungele ukuba yilungu lesigungu esilawula isikole uma eqokwa.

- (9) IsiKhulu esengamele uKhetho esiKoleni kumele —
- sinike umuntu ophakamise ozongenela ukhetho ithuba lokumethula emhlanganweni bese ehlinzeka izizathu zokuphakamisa lowo muntu; noma
  - sivumele lowo ophakanyisiwe ukuthi azethule emhlanganweni.
- (10) Ngesikhathi kwenziwa iziphakamiso, isiKhulu esengamele uKhetho esiKoleni kumele sicubungule iziphakamiso futhi sichithe noma yisiphi isiphakamiso sanoma yimuphi umuntu —
- ongaphakanyiswanga ngokuhambisana naleli binza;
  - ongafanelekile ngokwebinza 5; noma
  - ongaligcwalisanga ifomu lokwenza isiphakamiso ngendlela, ngaphandle uma lowo omele ukhetho eletha ubufakazi obubhaliwe esiKhulwini Esengamele uKhetho esiKoleni obushoyo ukuthi lowo ophakanyisiwe uyazinikela ekubeni yilungu lesigungu esilawula isikole futhi uyahlangabezana nayo yonke imibandela ehambisana nokuba yilungu.
- (11) IsiKhulu esengamele uKhetho esiKoleni kumele simemezele amagama abantu abaphakanyisiwe ukuphakanyiswa kwabo okwamukeliwe bese siyabayalela ukuba bagcwalise ngendlela efanelekile amafomu okuphakanyiswa.
- (12) Uma isibalo sesisonke sabaphakanyisiwe, ukuphakanyiswa kwabo sekwamukelwe —
- singaphansi kwesibalo samalungu adingekayo maqondana nesigaba esithintekayo, kumele emva kwezinsuku eziyisikhombisa kodwa zingakapheli-14 kubizwe omunye umhlangano lapho kuzoqokwa abaphakanyiswayo bokwengeza;
  - silingana nesibalo samalungu adingekayo maqondana nesigaba esithintekayo, isiKhulu esengamele uKhetho kumele simemezele ngokusemthethweni ukuthi bonke abaphakanyisiwe sebefana nabakhethiwe; kanye
  - singaphezu kwesibalo sezikhala, isiKhulu esengamele uKhetho esiKoleni kumele, ngokushesha ngemva kokuvalwa kokwenziwa kweziphakamiso, sibhale phansi amagama abantu abazongenela ukhetho lapho ezokwazi ukubonwa yiwona wonke umuntu okhona emhlanganweni bese silungisa amaphepha okuvota.
- (13) Esikoleni lapho kunesisebenzi esisodwa esingeyena uthisha, isiKhulu esengamele uKhetho esiKoleni kumele sazise leso sisebenzi ukuthi sesiqokelwe esigungwini esilawula isikole futhi kumele siqinisekise ukuthi amafomu okhetho adingekayo ayagcwaliswa.

### Ukuvota Emhlanganweni Omaqondana Nokhetho

15. (1) Umvoti ngamunye uvotela isikhundla ngasinye okumele sigcwaliswe esigungwini esilawula isikole kanye kuphela.
- (2) IsiKhulu esengamele uKhetho esiKoleni kumele silungise amaphepha okuvota futhi kumele —
- siqinisekise ukuthi wonke amaphepha okuvota anesitembu sesikole noma okunye okuwuphawu oluyisibonakaliso oluvimbela ukuthi amaphepha okuvota kungenziwa okungafanele kuwona; kanye
  - sichaze inqubo yokuvota, isibalo esilinganisiwe sabantu abaphakanyisiwe abazovotelwa kanjalo nokuthi kuzovotwa kanjani, okungaba ukufaka uphawu oluyisiphambano (x), noma kusetshenziswe izinombolo noma ngokubhala amagama.
- (3) Umvoti okhona kumele akhombise igama lomuntu ongavotelwa amkhethayo noma amagama abantu abangavotelwa abakhethayo ephepheni lokuvota elihlinzekwe yisiKhulu esengamele uKhetho esiKoleni ngokwebinzana (2)(b).
- (4) Umuntu onelungelo lokuvota kumele abhale ngokuyimfihlo ivoti lakhe ephepheni lokuvota bese efaka lelo phepha lokuvota eligoqiwe ebhokisini noma kwesinye isiqukathi esivalekile esihlinzekelwe lokho.
- (5) Umuntu ongakwazi ukufaka uphawu ephepheni lokuvota njengoba kuchaziwe ebinzaneni (3), angacela ngomlomo esiKhulwini esengamele uKhetho esiKoleni noma kuMsizi wesikhulu esengamele uKhetho esiKoleni ukuba alekelwe ukuze afake uphawu eduze kwalowo amkhethayo ephepheni lokuvota

- (6) IsiKhulu esengamele uKhetho esiKoleni, phambi koMsizi waso, kumele sisize nanoma yimuphi umuntu ophila nokukhubazeka nanoma yimuphi omunye umuntu, ngenxa yanoma yisiphi isizathu ongakwazi ukufaka uphawu lwevoti lakhe.
- (7) Isicelo soziso kanye nokugcwaliswa kwephepha lokuvota okuchazwe ebinzaneni (5) kuyokwenziwa ngasese endaweni isiKhulu esengamele uKhetho esiKoleni esiyihlonzele lokho kodwa kumele ibe ndawonye nalapho kuvotelwa khona.
- (8) Uma iphepha lokuvota lonakala ngesikhathi umuntu evota, isiKhulu esengamele uKhetho kumele —
- sinike lowo muntu iphepha lokuvota elisha elinenombolo efanayo nalelo elonakele bese libhala igama elithi “*impindakabili*” (duplicate) ephepheni lokuvota elisha;
  - sigcine lelo phepha lokuvota elonakele bese sibhala ukuthi “*elonakele*” (spoilt) kulona;
  - sibhale phansi ephepheni eliqondene nalokho wonke amaphepha okuvota onakele lapho kushicilelwa khona; futhi
  - sigcine ubufakazi balawo maphepha okuvota onakele nobamaphepha okuvota nawo wonke amanye amaphepha anemininingwane emaqondana nokhetho
- (9) IsiKhulu esengamele uKhetho esiKoleni singangalamukeli iphepha lokuvota —
- elingenaso isitembu sesikole noma uphawu oluyisibonakaliso njengoba kuchaziwe ebinzaneni 2(a);
  - elinezimpawu eziyisiphambano ezingaphezu kwesibalo sezikhala ezisesigungwini esilawula isikole;
  - elinegama lomuntu ongaphakanyisiwe noma elinamagama abantu abangaphakanyisiwe; noma
  - eligcwaliswe ngendlela engacacisi ukuthi yimuphi umuntu ophakanyisiwe ovotelwayo noma abantu abaphakanyisiwe abavotelwayo.
- (10) Emva kokuthi bonke abavoti sebevotile, isiKhulu esengamele uKhetho esiKoleni kanye noMsizi waso kumele babale amavoti phambi kwezingqapheli zontathu eziqokwe yilabo abasemhlanganweni ukuba baqaphe ukubalwa kwamavoti.
- (11) Uma kunokulingana kwamavoti emva kwelinye ihlandla lokuvota, isiKhulu esengamele uKhetho esiKoleni kumele sixazulule leso simo ngokuphonsa uhlamvu lwemali phezulu-bese kuthi
- labo abangenele ukhetho bakhethiswe phakathi kwenhloko nomsila okuba semalini;
  - lowo okhethe kahle uyena oyonqoba ukhetho; kanye
  - le ndlela yokuxazulula ukulingana kwamavoti kufanele yenziwe obala nangokuvumelana kwabaqokelwe ukhetho.
- (12) IsiKhulu esengamele uKhetho esiKoleni kumele simemezele imiphumela ngesikhathi somhlangano wokhetho siphinde simemezele labo abathole amavoti amaningi abazoba amalungu esigungu esilawula isikole.
- (13) Isibalo samavoti umuntu awatholayo kulolu khetho asinqumi umphumela wokhetho lwezikhundla eziqokwe ngokwebinza 16.
- (14) isiKhulu esengamele uKhetho esiKoleni kumele siyalele abafundi ukuba bafunde okuqokethwe isigaba 32 soMthetho ochaza kabanzi ngesimo samalungu asemancane ngokweminyaka esigungu esilawula isikole.

#### Ukuqokwa Kamalungu Ngokwezikhundla

16. (1) IsiKhulu esengamele uKhetho esiKoleni singabiza umhlangano ngenhloso yokuqoka amalungu ngokwezikhundla uma —
- isaziso sezinsuku eziyi-(14) ngokwebinza 11(3) esathunyelelwa abazali, othisha, izisebenzi ezingebona othisha kanye nabafundi abasemkhandlwini omele abafundi sasinemininingwane yokuthi umhlangano wokhetho lweziphathimandla luyoba ngosuku lomhlangano wokhetho wabazali; futhi
  - imigomo yekhoramu kuhanjisenwe nayo.
- (2) Uma umhlangano wokuqoka amalungu ngokwezikhundla ungahlalanga ngokwebinzana (1), isiKhulu esengamele uKhetho esiKoleni kumele sibize umhlangano wokuqala wesigungu esilawula isikole ezinsukwini eziyisikhombisa kusukela osukwini okubanjwe ngalo umhlangano wokhetho wabazali.

- (3) IsiKhulu esengamele uKhetho esiKoleni kumele sengamele yonke imihlangano ebizelwe ukuqoka amalungu ngokwezikhundla.
- (4) Ngaphambi kokuqokwa kwamalungu ngokwezikhundla, isiKhulu esengamele uKhetho esiKoleni kumele sazise amalungu esigungu esilawula isikole –
  - (a) imisebenzi yamalungu ngokwezikhundla zawo; kanye
  - (b) nesidingo sokuqinisekisa ukuthi ukumeleleka kuyabhekiswa ekuqokweni kwamalungu.
- (5) Emhlanganweni wokuqala wesigungu esilawula isikole amalungu kumele aqoke ngokuvota–
  - (a) usihlalo;
  - (b) isekela likasihlalo;
  - (c) umgcinimafa; kanye
  - (d) nonobhala.
- (6) Yilungu eliwumzali kuphela elingaqashiwe yisikole elingakethwa ukuba usihlalo noma isekela sihlalo lesiGungu esiLawula isiKole.
- (7) Abashadile, yizelamani nezihlobo ezisondelene akufanele zibe nezikhundla esiGungwini esiLawula isiKole ngesikhathi esisodwa.
- (8) Isikhathi sokusebenza kwabasezikhundleni siwunyaka.
- (9) Uma sekuzophela isikhathi sokusebenza kwalabo abasezikhundleni isiKhulu esengamele uKhetho esiKoleni kumele sisingathe ukhetho lwamalungu azongena ezikhundleni zesigungu azosebenza ngonyaka olandelayo.
- (10) Ilungu elisesikhundleni lingabuye liqokwe futhi emva kokuba sekuphele isikhathi sokusebenza kwalo.
- (11) Uma uthishanhloko ecelwa isigungu esilawula isikole, angajuba omunye wezisebenzi ezingebona othisha ukuthi alekelele umgcinimafa nonobhala besigungu esilawula isikole.
- (12) Uma, ngenxa yanoma yisiphi isizathu, kuvuleka isikhala kwesinye sezikhundla, kumele isigungu esilawula isikole, emhlanganweni wokuqala emva kokuvuleka kwesikhala leso, siqoke omunye wamalungu aso ukuba avale leso sikhala sokusebenza esisasele kuze kungene esinye isigungu.
- (13) Uthishanhloko, ezinsukwini eziyi-14 emva kokhetho nangemvume yeziphathimandla, kumele ahambise eNhlokweni yoMnyango imininingwane yalabo abangene ezikhundleni kubandakanya amagama, izinombolo zomazisi, izinombolo zezingcingo noma zamaselula, izinombolo zefeksi, amakheli kanye namakheli e-imeyili. Imininingwane ehlinzekiwe kumele iphathwe ngokulandela imigomo ye-POPIA (Protection of Personal Information Act)

#### **Ukudluliselwa Kwemisebenzi Emalungwini Amasha**

17. (1) Ezinsukwini eziyishumi nane kuqokwe iziphathimandla, uthishanhloko wesikole njongomuntu omele iNhloko yoMnyango esigungwini esilawula isikole kumele engamele uhlelo lokudluliselwa kwemisebenzi emalungwini amasha.
- (2) Amalungu asephuma esigungwini esilawula isikole kumele adlulisele wonke amabhuku aphaathelene nesigungu esilawula isikole emalungwini amasha.
- (3) Isitifiketi esisemthethweni sokudluliselwa kwemisebenzi emalungwini amasha esikhombisa isibalo samabhuku okumele adluliselwe, kufanele sikhishwe futhi sisayinwe usihlalo ophumayo kanye nongenayo esikhundleni, uthishanhloko kanye noMphathi weSekethe.
- (4) UMphathi weSekethe kumele aqinisekise ukuthi zonke izikole ezingaphansi kwakhe ziyawudlulisela umsebenzi nokuthi zonke izitifiketi zokudluliselwa kwemisebenzi ezigcwaliswe ngendlela zithunyelwa esiKhulwini soKhetho sesiFunda ezinsukwini eziyi-14 kuqokwe amalungu asezikhundleni.

**Ukuphambuka Enqubweni Yokwenza Iziphakamiso Neyokhetho**

18. (1) Uma isigungu esilawula isikole, ngezizathu eziphoqayo siqoka ukungayilandeli inqubo yokwenza iziphakamiso neyokhetho, isigungu esilawula isikole kufanele sifake isicelo sokuphambuka enqubweni yokwenza iziphakamiso neyokhetho eNhllokweni yoMnyango futhi kufanele silandele imigomo ekulesi sazi.
- (2) Isigungu esilawula isikole singafaka isicelo sokuphambuka sokhetho losuku lonke noma sokhetho olusebenza ngobuchwepheshe
- (3) INhloko yoMnyango iyovumelana naleso sicelo uma sichaza kabanzi futhi igculisekile ukuthi iyona kuphela inqubo isikole esingasingatha ngayo ukhetho.
- (4) Isigungu esilawula isikole iNhloko yoMnyango esinike imvume yokuphambuka enqubweni ejwayelekile yokwenza iziphakamiso neyokhetho, asivinjwe ukuthi sibuyele enqubweni ejwayelekile yokwenza iziphakamiso neyokhetho uma kunokhetho lokuchibiyela.

**Ukhetho Olubanjwa Usuku Lonke**

19. (1) Isikole, uma kunezizathu eziphoqayo futhi ngokuvumelana kwesigungu esilawula isikole singanquma ukuba kubanjwe ukhetho usuku lonke uma —
- (a) ukuphambuka kuyosebenzela umphakathi wesikole nesikole sonkana futhi kuyovumela ukuthi iningi labavoti libambe iqhaza uma sekuvotwa;
- (b) ukuphambuka ngeke kubandlulule mvoti noma qembu labavoti; futhi
- (c) inqubo yokuqokwa kwamalungu ihlinzekelwe ngendlela efanele.
- (2) Uma isigungu esilawula isikole siqoka ukubamba ukhetho usuku lonke, uthishanhloko wesikole kumele —
- (a) kusasele okungenani izinsuku ezingama-21 ngaphambi kokuthumela isazi sokhetho acele ngokubhalwe phansi eNhllokweni yoMnyango imvume yokubamba ukhetho usuku lonke;
- (b) ahlinzeke izizathu eziphoqa ukuthi kubanjwe ukhetho usuku lonke esikhundleni somhlangano wokhetho;
- (c) ahlinzeke ubufakazi bokuthi kuzoba khona izingqapheli kanye nethimba elengamele ukhetho ngesikhathi kunokhetho;
- (d) ahlinzeke ubufakazi bokuthi zikhona izinsiza zokwenza iziphakamiso kanye nezokubanjwa kokhetho usuku lonke; kanye
- (e) ahlinzeke ubufakazi bokuthi ukufunda nokufundisa esikoleni ngeke kuphazamiseke ngenxa yokhetho oluyobanjwa usuku lonke;
- (3) Ngaphambi kokukhipha imvume yokhetho oluyobanjwa usuku lonke yanoma yisiphi isikole, iNhloko yoMnyango kumele ibheke lokho okubalulwe ebinzaneni (2) futhi sizigculise ngokuthi isikole sihlangebezene nokudingekayo.
- (4) Isikole kumele saziswe ngesinqumo seNhloko yoMnyango ezinsukwini eziyi-14 leso sikole sifake isicelo.
- (5) Isikhulu esengamele uKhetho esiKoleni kumele, ngaphambi kosuku lokhetho, siqinisekise ukuthi —
- (a) isikole sigunyaziwe ngokubhaliwe yiNhloko yoMnyango ukuba sibambe ukhetho usuku lonke;
- (b) lukhona uhlelo losuku lokhetho;
- (c) bonke abaphakanyisiwe bathumele imininingwane yabo esikoleni nokuthi ikulungele ukuphanyekwa ngaphandle kwesiteshi sokuvota;
- (d) isikhathi sokuvala sizozivumela izingqapheli kanjalo nethimba elengamele ukhetho isikhathi esanele sokuya lapho ziphikelele khona; nokuthi
- (e) ngesikhathi sokuvala, isikole sinomuntu oyoqinisekisa ukugcinwa kahle kwayo yonke imibhalo namabhuku asetshenzisiwe maqondana nokhetho.

**Ukwenziwa Kweziphakamiso Zokhetho Losuku Lonke**

20. (1) Uma isikole sesinikwe imvume yokubamba ukhetho usuku lonke yiNhloko yoMnyango, kumele kulandelwe le nqubo yokwenza iziphakamiso —
- (a) uthishanhloko kumele abhale isazi somhlangano wokwenza iziphakamiso futhi kumele abeke usuku, indawo kanye nesikhathi salowo mhlango; kanye

- (b) isaziso somhlangano wokwenza iziphakamiso wabazali kumele sisatshalaliswe futhi sikhangiswe ezindaweni ezigqamile esikoleni nasemphakathini okungenani kusasele izinsuku ezingama-21 ngaphambi kosuku lokhetho oluyobanjwa usuku lonke.
- (2) Uthishanhloko kumele azame ukusebenzisa izindlela ezahlukahlukene ukwazisa umphakathi ngomhlangano wokuphakanyiswa kwamagama alabo abazongenela ukhetho njengalezi ezilandelayo:
- (a) isaziso esiwumbhalo somhlangano wokwenza iziphakamiso kanye nefomu lokwenza iziphakamiso kunikezwa umfundi ngamunye okungenani kusasele izinsuku ezingama-21 ngaphambi kosuku lokhetho oluyobanjwa usuku lonke oluhlongozwayo aphinde agcizelele nangomlomo ukuthi leso saziso nalelo fomu kumele kunikezwe abazali;
- (b) ikhophi yesaziso sokwenza iziphakamiso kanye nefomu lokwenza iziphakamiso kumele kuthunyelwe kubazali babafundi ngeposi okungenani kusasele izinsuku ezingama-21 ngaphambi kokhetho oluyobanjwa usuku lonke; kanye
- (c) usabalalisa isaziso somhlangano nefomu lokwenza iziphakamiso nganoma iyiphi indlela isikole esijwayele ukuyisebenzisa ukudlulisa izaziso okungabandakanya uWhatsApp, D6 Communicator noma D6 Connect uma kunesiqiniseko sokuthi abekho abazophazamiseka ngokusetshenziswa kwaleyo ndlela yokusabalalisa umyalezo;
- (3) isaziso sokwenza iziphakamiso kanye nefomu lokwenza iziphakamiso, kumele, uma kunokwenzeka, kubhalwe ngolimi okufundiswa ngalo esikoleni nangolimi olukhulunywa emakhaya abafundi ukuqinisekisa ukuthi wonke umuntu ubamba iqhaza.
- (4) Isaziso kumele sazise abazali ukuthi ifomu lokwenza iziphakamiso kumele ligcwaliswe lisayinwe umuntu ophakanyiswayo, omphakamisayo kanye nomesekayo bese libuyiselwa esikoleni ezinsukwini eziyi-14 ngaphambi kosuku lomhlangano wokwenza iziphakamiso futhi kumele lihambisane nemininingwane eshiwo ebinzaneni (7).
- (5) Ngesikhathi kuqhubeka umhlangano wokwenza iziphakamiso, isiKhulu esengamele uKhetho esikoleni sihambisane nebinza elimaqondana nekhoramu kanye nohlelo lokwenziwa kweziphakamiso elichazwe ebinzeni 13 no14 silandele isigaba somthetho esiphathelene nekhoramu kanye nenqubo yokwenza iziphakamiso okushiwo ezigabeni zomthetho 13 no 14 ngokulandelana.
- (6) Ophakanyiswayo angaphakanyiswa futhi esekwe kuphela umuntu osohlakeni olufanayo nalolo alumele lowo omphakamisayo
- (7) IsiKhulu esengamele uKhetho esiKoleni kumele siqinisekise ukuthi noma yimuphi omunye umuntu ofaneleke ukuphakanyiswa futhi ofisa ukuphakanyiswa unelungelo lokuba yingxenye yenqubo yokwenza iziphakamiso futhi lowo muntu kumele athumele imininingwane yakhe ekhombisa —
- (a) igama lakhe nesibongo;
- (b) amagama namabanga ezingane zakhe ezifunda kuleso sikole;
- (c) umsebenzi awenzayo;
- (d) isipiliyoni namakhono anawo;
- (e) umbiko oshoyo ukuthi uyafaneleka ukuba yilungu lesigungu esilawula isikole njengalokhu kuchaziwe ebinzeni 4; kanye
- (f) nombiko wakhe obalula umthelela angaba nawo esikoleni.
- (8) Emhlanganweni wokwenziwa kweziphakamiso; isiKhulu esengamele uKhetho sesiKoleni kumele sicele ukuba sihlinzekwe ngemininingwane yabo bonke abaphakanyisiwe.
- (9) Emva kokwenziwa kweziphakamiso isiKhulu esengamele uKhetho esiKoleni kumele sicubungule iziphakamiso bese sichitha ukuphakanyiswa kwanoma yimuphi ophakanyisiwe —
- (a) isiphakamiso sakhe esingasekwanga;
- (b) ongefanelekile ukuqokelwa elinye ihlandla;
- (c) ongaligcwalisanga ifomu ngendlela efanele nongayilethanga imininingwane edingekayo; noma
- (d) ongakhombisanga intshisekelo yokuba yingxenye yesigungu esilawulayo.
- (10) Uma isibalo sabaphakanyisiwe singaphansi kwesibalo samalungu adingekayo esigungwini esilawula isikole kumele kuthunyelwe isaziso kubazali futhi kucelwe ukuba kuphakanyiswe amanye amagama.

- (11) Uma isibalo sabaphakanyisiwe silingana nesibalo samalungu adingekayo esigungwini esilawula isikole, isiKhulu esengamele uKhetho esiKoleni kumele simemezele ngokusemthethweni bonke abaphakanyisiwe njengamalungu aqokiwe futhi simemezele ukuthi usuku lokhetho alusenasingo.
- (12) Uthishanhloko kumele ezinsukwini eziyisikhombisa emva kokwenziwa kweziphakamiso, abhalele abazali abazise ngomphumela womhlangano wokuphakanyiswa kwamagama obalulwe ebinzaneni (10) futhi azise abazali ukuthi usuku lokhetho alusenasingo.
- (13) Uma isibalo sabaphakanyisiwe singaphezu kwesibalo samalungu adingekayo esigungwini esilawula isikole, uthishanhloko kumele azise abazali ngokubabhalele abazise amagama kanye neminingwane echaza abaphakanyisiwe.
- (14) Ukuvota okuyothatha usuku lonke kuyokwenziwa ngokuyimfihlo.
- (15) Uthishanhloko kumele akhangise iminingwane yabaphakanyisiwe endaweni okuyobanjelwa kuyona ukhetho losuku lonke.
- (16) Akekho umuntu oyoza ukuhlela inqubo yokwenza iziphakamiso ngendlela yokuthi kuphakanyiswe isibalo samalungu adingekayo kuphela ukuze kugwenywe ukhetho futhi nanoma yisiphi isenzo esinjalo siyothathwa njengokungalandelwa kwenqubo esemthethweni njengoba kuchaziwe ebinzani 28.

#### **Ukuvota Okhethweni Losuku Lonke**

21. (1) Isaziso sokhetho oluyobanjwa usuku lonke kumele sithunyelwe abazali ezinsukwini eziyi-14 emva komhlangano wokwenziwa kweziphakamiso.
- (2) Kuyovotwa ngokuyimfihlo futhi kumele kusetshenziswe lenqubo yokuvota elandelayo —
  - (a) bonke abantu abafaneleke ukuvota amagama abo avela ohlwini lwabavoti ayabhekwa bese eyaphawulwa ngokuwadwebela ohlwini lolo;
  - (b) abavoti abadinga usizo kuhlenganisa kodwa kungagcini nje ngabantu abadala, abantu abaphila nokukhubazeka noma omama abakhulelwe kumele basizwe ngaphandle kokubandlulula abanye abavoti;
  - (c) abavoti amagama abo angaveli ohlwini lwabavoti lwaleso sikole ngeke bavunyelwe ukuvota;
  - (d) ukuqinisekisa ukulandelwa kwenqubo yokuvota kwenziwa kubo bonke abavoti abafanelekile abafike endaweni okuvotelwa kuyona;
  - (e) abavoti abangakwazi ukufeza zonke izidingo zokhetho ngeke bavunyelwe ukuvota;
  - (f) bonke abavoti banikezwa amaphepha okuvota afanele;
  - (g) izicelo zosizo ezenziwe abavoti abangakwazi ukuzifakela uphawu lokuvota ephepheni lokuvota ngenxa yanoma yisiphi isizathu kumele kubhekwane nazo ngokushesha;
  - (h) uhlelo lokuvotisa kanye nezisebenzi ezivotisayo kuqashwe ngendlela yokuthi kuhlinzekwa iminingwane eyanele neyiqiniso ukuze kugcinwe kahle konke okuqhubekayo futhi ukuze kube lula ukungenelela ngesikhathi uma kunesidingo futhi ehlinzeka ukugcinwa kwemingwane kanye nokuvumela ukungenelela ngokushesha uma kunesidingo;
  - (i) ukuphikisa kwabavoti kubhalwa phansi bese kuthathwa isinqumo ngakho ngokulandela uhlelo lokuxazulula ukushayisana kwemibono;
  - (j) ukuxhumana ngendlela efanele phakathi kwabavoti, izisebenzi nanoma yibaphi abanye ababambe iqhaza, abangeyona ingxenye yokhetho, ukuze kuhlonishwe isithunzi somuntu kanye nokuqhakambisa ukubekezelelana;
  - (k) izinkinga ezikhona nezingaba khona kumele zihlonzwe futhi zicutshungulwe ngokuthi zingaba namuphi umthelela okhethweni kanye nasezisombululweni;
  - (l) indlela yokuxazulula izinkinga ayikhuthaze ukusebenza kahle kwesiteshi sokuvota, kufezekise umgomo wokhetho olukhululekile nolungachemile futhi akumele nangaphansi kwanoma yisiphi isimo kuphucwe ilungelo lokuvota umvoti onelungelo lokuvota; futhi
  - (m) uhlelo nenqubo yokuvota kuvulelekile ezingqaphelini zokhetho eziqokwe ngokusemthethweni ngabazali ezizosebenza ngaphandle kokugxambukela enqubweni yokhetho;
- (3) IsiKhulu esengamele uKhetho esiKoleni singakha elinye isu uma lingekho ibhokisi lamavoti elisemthethweni. Ibhokisi lokufaka amavoti kumele livalwe ngemva kokuthi abaqaphi sebeqinisekisile ukuthi alinalutho.



**Ikhoramu Yokhetho Losuku Lonke**

22. (1) IsiKhulu esengamele uKhetho esiKoleni kumele sinqume isikhathi sokuqala nesokuvala kokuvota futhi kumele sazise abazali ngalezo zikhathi.
- (2) IsiKhulu esengamele uKhetho esiKoleni kumele siqinisekise ukuthi amaphepha okuvota okuvotiwe kuwona alingana namaphesenti ayishumi nanhlanu-(15) ekhoramu adingekayo ukuze kuqalwe ukubalwa kwamavoti.
- (3) Uma ukhetho lungawahlanganisanga amaphesenti ayishumi nanhlanu-(15) ekhoramu adingekayo ukubalwa kwamaphepha okuvota akumele kuqale futhi —
- (a) uthishanhloko wesikole kumele anqume olunye usuku lokhetho oluyothatha usuku lonke; futhi
- (b) lolo suku kumele lwaziswe umgwamanda wabazali zingakapheli izinsuku eziyisikhombisa kusuka osukwini lokuvota oluthathe usuku lonke.
- (4) Iziphakamiso ezibhalwe phansi ezamukelwa ngaphambi kokuchithwa kwalolo khetho losuku lonke zizofakwa nazo zihlanganiswe nanoma yiziphi ezinye ezintsha ezibhaliwe eziyokwamukelwa ngesikhathi kuhlelwa kabusha olunye usuku lokuvota oluyothatha usuku lonke.
- (5) Ukhetho olulandelayo oluyothatha usuku lonke kumele lubanjwe ezinsukwini eziyi-14 kusukela ngosuku okuhleliswe ngalo ukhetho.
- (6) Ngosuku lokhetho lwesibili, kumele ukubalwa kwamaphepha okuvota kuqhubeke emva kokubalwa kokuvota noma ngabe ikhoramu ihlangene noma ayihlangananga.

**Ukubalwa Kwamaphepha Okuvota**

23. (1) Emva kokhetho kumele isiKhulu esengamele uKhetho esiKoleni siqinisekise ukuthi —
- (a) ukubalwa kwamavoti kuvulelekile nasezingqaphelini nakulabo abebengenele ukhetho;
- (b) konke ukungavumelani mayelana nokubalwa kwamavoti kubhalwa phansi ngendlela efanele;
- (c) igama lalowo nalowo obengenele ukhetho kanye nenani lamavoti awatholile kumenyezela kakhulu ukuze kuzwe izingqapheli;
- (d) ifomu elibhalwe izibalo zamaphepha okuvota liyagcwaliswa; futhi
- (e) nepheshana lemiphumela lisayiniwe.
- (2) IsiKhulu esengamele uKhetho esiKoleni kumele silinqabe iphepha lokuvota —
- (a) elingenaso isitembu sesikole noma uphawu oluhlonza isikole;
- (b) elineziphambano (x) eziningi eziqoshiwe ezingaphezu kwezikhala ezisesigungwini esilawula isikole;
- (c) elinegama lomuntu kumbe abantu abangaphakanyisiwe; noma
- (d) eligcwaliswe ngendlela engacacisi kahle ukuthi kuvotelwa bani ophakanyisiwe kumbe obani abaphakanyisiwe
- (3) Uma isibalo samavoti abantu abaphakanyisiwe ababili noma ngaphezulu elingana futhi sithikameza imiphumela yokhetho, isiKhulu esengamele uKhetho esiKoleni siyoxazulula leso simo ngokuphonsa uhlamvu lwemali —
- (a) labo abangenele ukhetho bakhethiswe phakathi kwenhloko nomsila okuba semalini;
- (b) lowo okhetho kahle uyena oyonqoba ukhetho;
- (c) le ndlela yokuxazulula ukulingana kwamavoti kufanele yenziwe obala nangokuvumelana kwabaqokelwe ukhetho.
- (4) Uma isiKhulu esengamele uKhetho esiKoleni sesinqabe iphepha lokuvota njengoba kushiwo ebinzeni (2), isiKhulu esengamele uKhetho esiKoleni kumele sichazele bonke abangenele ukhetho abakhona futhi kumele sibanike ithuba lokuhlola iphepha lokuvota elinqatshiwe uma befisa.
- (5) Noma yimuphi ongenele ukhetho angasiphikisa isinqumo sesiKhulu esengamele uKhetho esiKoleni sokubalwa kwamavoti noma sokunqaba iphepha lokuvota, yize kunjalo, isiKhulu esengamele uKhetho esiKoleni esiyothatha isinqumo esiwujuqu.
- (6) Imininingwane emaqondana nalokho kuphikisa kumele ibhalwe ngemuva kwephepha lokuvota okuphikiswana ngalo futhi kuvele nasembikweni emaqondana nokhetho oyobhalwa yisiKhulu esengamele uKhetho esiKoleni.

- (7) Uma kwenzeka kuba nokungeneliseki ngokuthi iSikhulu esengamele uKhetho esiKoleni siyehluleka ukuxazulula okuthile, kumele kulandelwe inqubo yokuxazulula ukushayisana kwemibono okuchazwe ebinzeni 28.
- (8) Isikhulu esengamele uKhetho esiKoleni kumele:
- sazise abangenele ukhetho kanye nezingqapheli imiphumela;
  - simemezele labo abathole amavoti amaningi abaqokelwe ukuba amalungu esigungu esilawula isikole; futhi
  - sazise ngokusemthethweni ngendlela efanele labo abadle umhlanganiso.
- (9) Wonke amaphepha aphaathelene nokhetho kumele isikhulu esengamele uKhetho esiKoleni siwabhale ngo kuacile futhi kumele —
- sibhale usuku lokhetho; nakho konke okuqukethwe kulawo maphepha futhi
  - lawo maphepha kumele agcinwe ephaphile esikoleni okungenenani kuze kuphele ihlandla lokusebenza kwaleso sigungu esilawula isikole.

### **Ukuvota Kusetshenziswa Ubuxhakaxhaka Bezobuchwepheshe**

#### **24. Ukhetho Olwenziwa Ngobuxhakaxhaka Bezobuchwepheshe**

- Uthishanhloko kumele okungenani kusasele izinsuku ezingama-21 afake isicelo sokubamba ukhetho olwenziwa ngobuxhakaxhaka bezobuchwepheshe eNhlokeni yoMnyango.
- Kumele kuthunyelwe isicelo eNhlokeni yoMnyango kufakwe nemibhalo ewubufakazi neyeseke isicelo ngokugcwele.
- Isicelo siyocutshungulwa yiNhlolo yoMnyango kuphela uma igculisekile ukuthi —
  - kwenziwe ucwaningo lwesikole futhi iningi labavoti abasohlwini lwabavoti livumelana nohlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe;
  - isikole sinengqalasisinda yokusiza abazali abangakwazi ukuba yingxenywe yohlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe;
  - kwenziwe inhlinzeko yokusiza abazali abadinga usizo ngohlelo;
  - akukho mzali isikole esimncisha ithuba lokuvota ngokukhetha ukuvotisa ngobuxhakaxhaka bezobuchwepheshe;
  - ithimba lokhetho lesikole liyakwazi ukuvotisa ngobuxhakaxhaka bezobuchwepheshe;
  - isikole sisebenzisa uhlelo oluzogcina ngokuphephile yonke imininingwane uma umuntu eqeda ukuvota; futhi
  - imigomo ye POPIA iyolandelwa yibo bonke abantu abathintekayo kulolu hlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe.

#### **25. Ukuvota Kusetshenziswa Ubuxhakaxhaka Bezobuchwepheshe – Okuyodingeka Uma Kuvotwa**

- Ukuphakanyiswa kwamalungu kumele kwenzeke ngokuhambisana nenqubo ebekwe kulesi sazi ephathelene nokhetho oluyobanjwa usuku lonke.
- Isikhulu esengamele uKhetho esiKoleni kumele sisungule isiteshi sokuvota ngobuxhakaxhaka bezobuchwepheshe lapho kuyovotwa khona ngobuxhakaxhaka bezobuchwepheshe.
- Ukuvota ngobuxhakaxhaka bezobuchwepheshe nokuvota ngobuxhakaxhaka bezobuchwepheshe ukude kumele kwenziwe ngosuku, ngesikhathi nasendaweni eyonqunywa yisiKhulu esengamele uKhetho esiKoleni.
- Uthishanhloko kumele okungenani kusasele izinsuku eziyi-14 ngaphambi kosuku lokhetho lobuchwepheshe —
  - azise abavoti, ngolimi oluzwakalayo nolucacile, ngendlela ukhetho oluzoqhutshwa ngayo, kanye nanoma yiziphi izinyathelo umvoti angazithatha ukuze abambe iqhaza futhi avote; futhi
  - ahlinzeke ngohlu olusemthethweni lwe software ezosetshenziswa okhethweni lobuchwepheshe.
- Ukuvota ngobuxhakaxhaka bezobuchwepheshe ukude ngeke kuqale ngaphambi kwesikhathi sokuvula kwesiteshi sokuvota ngobuxhakaxhaka bezobuchwepheshe. Ukuvota ngobuxhakaxhaka bezobuchwepheshe ukude ngeke kuqhubeka ngemva kokuphela kwesikhathi sokuvota esiteshini sokuvota ngobuxhakaxhaka bezobuchwepheshe.

- (6) Ngaphambi kokuqala kokuvota esiteshini sokuvota ngobuxhakaxhaka bezobuchwepheshe, isiKhulu esengamele uKhetho esiKoleni siyozigculisa ukuthi uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe lusebenza ngendlela efanele nokuthi ezokuphepha ezishiwo kulesi saziso zimi ngomumo.
- (7) Enkundleni yokuvota ngobuxhakaxhaka bezobuchwepheshe ngayinye, izinhlelo zokwesekwa nosizo ngenqubo yokuvota, kuyohlelelwa abavoti futhi kutholakale kubavoti. Uma kuvotwa ngobuxhakaxhaka bezobuchwepheshe ukude, lezo zinhlelo ziyotholakala nangenye inkundla ehlukile edumile yezokuxhumana.
- (8) IsiKhulu esengamele uKhetho esiKoleni siyoqinisekisa ukuthi —
- i-software* efanele kanye nezinsiza kungasetshenziswa yibo bonke abavoti; kanye
  - abavoti bahlinzekwa, ngezinye izinsiza, njengezinye izindlela zokuxhumana noma ngokuhlinzekwa ngosizo oluqondene ngqo nomuntu ngamunye.
- (9) Kumele kube nokulingana ngendlela okubekwa ngayo izindlela ezahlukene zokuvota kulowo mshini osetshenziselwa ukuvota ngobuxhakaxhaka bezobuchwepheshe.
- (10) Uhlu lwabaphakanyisiwe kumele luveze —
- igama lophakanyisiwe;
  - igama nebanga lengane;
  - umsebenzi owenziwa ophakanyisiwe, isipiliyoni anaso namakhono anawo; kanye
  - umbono wesikole.
- (11) IsiKhulu esengamele uKhetho esiKoleni kumele siqinisekise ukuthi uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe lunephepha lokuvota oluyilona elizosetshenziswa umvoti. Uma evota ngobuxhakaxhaka bezobuchwepheshe ekude, umvoti uyokwaziswa ngendlela eqinisekisa ukuxhumana neseva esemthethweni nokuthi iphepha lokuvota oluyilona selethuliwe.

## 26. Imicikilisho Edingekayo Yohlelo Lokuvota Ngobuxhakaxhaka Bezobuchwepheshe

- Lowo onikwe umsebenzi wokuqhuba ukuvotisa ngobuxhakaxhaka bezobuchwepheshe kufanele ahlinzeke ngbuchwepheshe obugcinwa emafwini.
- Ukuze kuqinisekise ukhetho lwentandoyeningi, izinhlelo zokuvota ngobuxhakaxhaka bezobuchwepheshe kumele kube lula kubavoti ukuzisebenzisa nokuziqonda.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe kumele luqinisekise ukufaneleka komvoti ngaphambi kokuthi avote.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe luyiqinisekisa umvoti futhi luyiqinisekisa ukuthi umvoti uvota kangaki nokuthi lawo mavoti agcinwa ebhokisini lamavoti.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe kumele luqinisekise ukuthi okukhethwe umvoti kuyikho nokuthi ivoti elivaliwe lingena ebhokisi lokuvota.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe kumele —

  - luqinisekise ukutholakala nobuqotho bamavoti.
  - lucine amavoti eyimfihlo; futhi
  - liwagcine evaliwe kuze kube yisikhathi sokubala.

- Emva kokuphela kwesikhathi sokuvota, akekho umvoti oyovunyelwa ukungena ohlelweni lokuvota ngobuxhakaxhaka bezobuchwepheshe.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe lunezindlela zokugcina ukusebenza kwalo ngezi khathi kuvotwa ngobuxhakaxhaka bezobuchwepheshe.
- Uhlelo lokuvota ngobuxhakaxhaka bezobuchwepheshe kufanele lukwazi ukusebenza ezinkundleni ezahl ukene kanti futhi kufanele lukwazi ukusebenzisa izinsizakusebenza ezahlukene njengekhompyutha epha thwayo, ismart-phone kanye ne tablet.

- (10) IsiKhulu esengamele uKhetho esiKoleni siyoqoka okungenani umuntu oyedwa, onobungoti —
- oyokwazi ukungena engqalasizindeneni equkethe uhlelo neminingwane yokhetho.
  - Imicikilisho yemisebenzi esemqoka iyokwenziwa yilowo muntu. Lowo muntu uyoqinisekisa ngakho konke okusemandleni ukuthi leyo misebenzi yenziwa ngemva kwesikhathi sokhetho.
- (11) Uhlelo lokubala kufanele —
- Lushaye emhloeni, lungafuniseli;
  - Lukwazi ukubala lukhiphe imiphumela emva nje kokuphela kokuvota;
  - Luhlinzeke indlela yokuthi kuphinde kuhlolwe futhi kuqinisekiwe ukusebenza ngendlela efanele kohlalo lokuvota ngobuxhakaxhaka bezobuchwepheshe, neyokuqinisekisa ubuqiniso bemiphumela;
  - Luqinisekise ukutholakala nobuqotho bebhokisi lamavoti kanye nemiphumela yohlelo lokubala isikhathi esilingana nesokuba sesikhundleni kwesigungu esilawula isikole; futhi
  - Lunikeze isiqiniseko sokuthi ukhetho luhambisene nemithetho ngenhloso yokuqinisekisa ukuthi imiphumela iyisithombe sokwenzekile ngesikhathi kuvotwa.

### Ukusebenza Kwalesi Saziso

27. Ngaphandle uma kuhlinzekelwe ngenye indlela kulesi saziso konke okunye okuhlinzekelwe kulesi saziso okuphathelene nomhlangano wokhetho wezigungu ezilawula izikole kuyosebenza ezikoleni ezinquma ukuba nokhetho oluyobanjwa usuku lonke.

### Ukuxazululwa Kokungaboni Ngaso Linye

28. (1) IsiKhulu esengamele uKhetho esiKoleni siyothatha isinqumo ngazo zonke izindaba eziphathelene nokuphakanyiswa kwamagama nokhetho kuzo zonke izigaba.
- (2) Konke ukungaboni ngaso linye okuphathelene nohlelo lokhetho kumele kubikwe esiKhulwini esengamele uKhetho esiKoleni.
- (3) IsiKhulu esengamele uKhetho esiKoleni siyozama ukuxazulula konke ukungaboni ngaso linye ngendlela enokungenzeleli nenobulungiswa.
- (4) Isinqumo esithathiwe ngesikhathi sokhetho siyoba ujuqu.
- (5) Umvoti noma umuntu obengenele ukhetho lwesigungu esilawula isikole ongagculisekile ngesinqumo sesiKhulu esengamele uKhetho esiKoleni angafaka isikhalo ngokubhalwe phansi esiKhulwini soKhetho sesiFunda ezinsukwini eziyisikhombisa ngemva komhlangano wokhetho.
- (6) (a) Uma umvoti noma umuntu obengenele ukhetho lwesigungu esilawula isikole enolwazi mayelana nanoma yimuphi umkhonyovu ophathelene nokhetho ezinsukwini eziyisikhombisa (7) ngemva kokhetho, angazisa isiKhulu esengamele uKhetho esiFundeni ngokubhalwe phansi.
- (b) Uma kulethwe isikhalo sekudlule izinsuku eziyisikhombisa kodwa zingakapheli izinsuku ezingama-(90) kubanjwe ukhetho, isiKhulu esengamele uKhetho esiFundeni kumele siphanye ngaleso sikhalo bese sithatha izinyathelo ezifanele.
- (c) Noma yisiphi isikhalo esifike sekudlule isikhathi esiyizinsuku ezingama-(90) siyophenywa futhi sicutshungulwe uMqondisi wesiFunda uma eyalelwe yiNhloko yoMnyango.
- (7) Uma sithola isikhalo noma ulwazi oluphathelene nomkhonyovu, isiKhulu esengamele uKhetho esiFundeni kumele siqoke isekela noma umsizi wesiKhulu esengamele uKhetho esiFundeni ukuthi enze uphenyo ezinsukwini eziyi-14 bese enza izincomo.
- (8) IsiKhulu esengamele uKhetho esiFundeni, ngemva kophenyo singamemezela ukuthi ukhetho aluhambanga ngendlela esemthethweni singabe sesinquma ukuthi ukhetho lubanjwe kabusha uma sigculisekile ukuthi —
- inqubo ebeyibekiwe ayilandelwanga;
  - kube nomkhonyovu ngesikhathi sokhetho; kanye
  - umphumela wokhetho ubuzohluka ukuba akubanga namkhonyovu noma ukuba kulandelwe inqubo ebeyinqunyiwe.

- (9) Uma noma yimuphi umvoti noma lowo obengenele ukhetho lwesigungu esilawula isikole engagculisekile ngesinqumo sesikhulu esengamele uKhetho esiFundeni, angadlulisela isikhalo mayelana naleso sinqumo eNhlokweni yoMnyango ezinsukwini eziyi-14 ethole lesa sinqumo esiKhulwini soKhetho esiFundeni.
- (10) INhloko yoMnyango kumele —
- ezinsukwini eziyisikhombisa ithole isikhalo esidluliselwe kuyona, idlulisele lesa sikhalo esiKhulwini soKhetho sesiFundazwe;
  - icele isikhulu soKhetho sesiFundazwe ukuthi siphanye futhi sibhale umbiko onezincomo ezinsukwini eziyi-14 lesa sikhalo esidluliselwe esiKhulwini soKhetho sesiFundazwe; kanye
  - sicubungule izincomo ezisembikweni oshiwo ebinzaneni (9)(b); no (d) sithathe isinqumo bese sazisa umuntu ofake isikhalo nesiKhulu soKhetho sesiFunda ngesinqumo saso ezinsukwini eziyi-14 sithole umbiko esiKhulwini esengamele uKhetho esiFundazweni.
- (11) Isinqumo seNhloko yoMnyango kufanele sithathwe njengojuqu.

### Inqubo Ngemva KoKhetho

29. (1) Ngemva kokukhethwa kwamalungu esigungu esilawula isikole, uthishanhloko kumele-

- ezinsukwini eziyisikhombisa kubanjwe umhlangano wokhetho, azise ngokubhalwe phansi, ilungu ngalinye eliqokiwe ngokuqokwa kwalo futhi lesa saziso kumele sithunyelwe ngo WhatsApp, ngesikhahlamezi(fax) ngeposi, nge-imeyli noma sihanjiswe ngesandla;
  - sazise isikhulu soKhetho sesiFundazwe ngefomu elinqunyiwe ngokubhalwe phansi imininingwane yokhetho, kuhlanganisa nosuku lokhetho, amagama, izinombolo zomazisi, izinombolo zocingo, izinombolo zezikhahlamezi kanye namakheli awo wonke amalungu aqokiwe. Imvume yokuthumela leyo mininingwane kuwo wonke amalungu aqokiwe kumele itholakale ngaphambi kokuthi ithunyelwe;
  - afake yonke imibhalo kuhlanganisa namaphepha okuvota asetshenziswe kulolo khetho ezimvilophini bese evala lezo zimvilophi;
  - aqinisekise ukuthi yonke imibhalo ephathelene nokhetho igcinwa iyimfihlo endaweni ephiphile okungenani kuze kuphele isikhathi sokuba sesikhundleni sesigungu esilawula isikole;
  - athumele kuMqondisi wesiFunda amakhophi emibhalo yokhetho ukuze awagcine kuze kuphele isikhathi sokuba sesikhundleni sesigungu esilawula isikole;
  - athumele kuMqondisi wesiFunda isimemezelo sokhetho esingaphikiswanga noma esichaza kabanzi ngokungaboni ngaso linye eFomini lokuMemezela uKhetho elinqunyiwe; futhi
  - azise uMqondisi wesiFunda nganoma yiziphi izinguquko ezimayelana nobulungu esigungwini esilawula isikole ezinsukwini eziyi-14kwenziwe lezo zinguquko ukuqinisekisa ukuthi isizindalwazi (database) sinemininingwane okuyiyonayona.
- (2) (a) Uthishanhloko kanye noMqondisi wesiFunda bayoqinisekisa ukuthi yonke imininingwane yabantu equkethwe emibhalweni yokhetho nakweminye imibhalo ephathelene namalungu esigungu esilawula isikole igcinwe iphephile futhi iyimfihlo ukuze kuvikelwe imininingwane yabantu equkethwe kuleyo mibhalo.
- Isizindalwazi semininingwane kumele sigcinwe lesa sikhathi ilungu liseyinxenye yesigungu esilawula isikole futhi akumele sisetshenziselwe okunye ngaphandle kwemvume yalabo bantu.
  - Yonke imininingwane kumele igcinwe emakhabetheni akhiywayo futhi iphathwe ngokulandela umthetho wePOPIA.

### Ukhetho Lokuchibiyela

30. (1) Isikhala esigungwini esilawula isikole sivela uma ilungu —

- lisula;
- lidlula emhlabeni;
- lingasafanelekile njengoba kushiwo ebinzeni 5;

- (d) liphutha emihlanganweni emibili noma ngaphezulu elandelanayo yesigungu esilawula isikole ngaphandle kokuxolisa ngokubhalwe phansi, kuncike ekutheni isimemo somhlangano sasithunyelwe ngendlela efanele nangesikhathi yini kulelo lungu;
  - (e) lisuswa esikhundleni ngokuhambisana nomgomo wokuziphatha oqukethwe ebinzeni 18A; futhi
  - (f) lingasangeni ngaphansi kwesigaba samalungu elaliwamele ngesikhathi sokhetho.
- (2) Isikhala kumele simenyezelwe uma isibalo sabafundi abathathiwe senyuke ngamaphesenti ayishumi noma ngaphezulu njengoba kushiwo ebinzeni 2(4)(a).
  - (3) Ukhetho lokuchibiyela kumele lubanjwe noma yinini uma —
    - (a) isibalo samalungu angabazali esigungu esilawula isikole sincishiswa siba ngesilingana noma esingaphansi kwesibalo esihlanganisiwe samalungu esigungu esilawula isikole, uma kunokwenzeka;
    - (b) isibalo samalungu esigungu esilawula isikole sincishiswa siba ngaphansi kwesibalo sekhoramun eshiwo ebinzeni 13(1); noma
    - (c) ilungu elisesigabeni samalungu esigungwini esilawula isikole esishiwo ebinzeni 24 lingasamelelekile esigungwini esilawula isikole.
  - (4) Isikhulu esengamele uKhetho esiKoleni kumele sibambe ukhetho lokuchibiyela ezinyangeni eziyisithupha kuvele isikhala.
  - (5) Uma isibalo sabazali noma yingasiphi isikhathi singaphansi kwesibalo esihlanganisiwe samanye amalungu anelungelo lokuvota, isigungu esilawula isikole, kusalindwe ukhetho lokuchibiyela, singangeza okwesikhashana amalungu angabazali.
  - (6) Uma kuvela isikhala ezinyangeni eziyisithupha ngaphambi kokuphela kwesikhathi sokuba sesikhundleni kwesigungu esilawula isikole, isikhulu esengamele uKhetho esiKoleni kumele sibambe ukhetho lokuchibiyela silandela inqubo ebekwe kulesi saziso.
  - (7) Uma kuvela isikhala sekusele izinyanga eziyisithupha ngaphambi kokuphela kwesikhathi sokuba sesikhundleni kwesigungu esilawula isikole ngenxa yokuphuma kwelungu eliwumzali esigungwini esilawula isikole, amalungu asele esigungu esilawula isikole kumele engeze umuntu ukugcwalisa isikhala okwesikhashana leso esisasalele isigungu esilawula isikole.
  - (8) Ilungu elengeziwe elimele abazali elishiwo ebinzaneni (7) ngenhla lithatha amalungelo okuvota elungu eliphumile.
  - (9) Ilungu eliqokwe ngokwale ndima liba sesikhundleni isikhathi esisele sokuba sesikhundleni sophume esikhundleni kuncike ekutheni lisafanelekile yini.

### **Isigungu Esilawula Izikole Ezimbili Noma Ngaphezulu**

31. (1) iLungu Lesigungu Esiphezulu linganquma ukuthi ukulawulwa kwezikole zikahulumeni kumele kube sezandleni zesigungu esilawula isikole esisodwa uma lokho kulungele ukufunda esikoleni esithintekayo.
- (2) iLungu Lesigungu Esiphezulu ngeke lenze okushiwo ebinzaneni (1) ngenhla ngaphandle uma –
  - (a) selikhiphe isaziso kwiGazethi yesiFundazwe ngenhloso yalo yokwenze njalo;
  - (b) selinike izinhlangothi ezinentshisekelo ithuba lokwenza izethulo ezibhalwe phansi esikhathini esingangaphansi kwezinsuku ezingama- (30);
  - (c) selicubungule zonke iziphakamiso; futhi
  - (d) selazise bonke abenze izethulo ezibhalwe phansi ngesinqumo.

### **Ukungafaneleki Nokukhishwa Esikhundleni kweLungu lesiGungu esiLawula Isikole**

32. (1) Ilungu lesigungu esilawula isikole, ngemva kokulandela inqubo efanele elitholakale linecala lokungaziphathi ngendlela efanele njengoba kushiwo eMgomweni wokuziphatha wesiFundazwe wamalungu ezigungu ezilawula izikole ngokwebinza 18A kumele lithathwe njengelingasafanekile noma likhishwe esigungwini esilawula isikole.
- (2) Ukuze kufinyelelwe esinqumweni sokuthi ilungu alisafanekile, noma likhishwe esikhundleni kumele kulandelwe inqubo efanele eshiwo ebinzaneni (1).

**Ukuhlakazwa KwesiGungu esiLawula Isikole**

33. (1) iNhloko yoMnyango ingahlakaza isigungu esilawula isikole uma —
- isikole singasebenzi ngendlela, sivaliwe, singahlelekile, sinobungozi ngokwezempilo noma singabeka engcupheni ukuphepha kwanoma yimuphi umuntu okuleso sikole;
  - kuhlanganiswa, kuvalwa, kuhlukaniswa isikole nanoma yikuphi okunye ukuhlelwa kabusha kwesikole;
  - ngemva kokucubungula konke okubekiwe, ibona ukuthi isigungu esilawula isikole asisamele umphakathi isikole esisungulelwe wona; noma
  - ngenxa yokungalawulwa ngendlela efanele, isikole singasebenzi ngendlela futhi nokufunda nokufundisa kungeke kusaqhubeka kuleso sikole.
- (2) iNhloko yoMnyango ingahlakaza isigungu esilawula isikole esihluleke ukuqinisekisa ukuthi isikole siyalawuleka, sisebenza ngendlela efanele, noma ngenxa yanoma yisiphi isizathu esibona sifanele sicabangela ezemfundo esiFundazweni.
- (3) iNhloko yoMnyango ngeke isihlakaze isigungu esilawula isikole ngaphandle uma —
- seyazise isigungu esilawula isikole esithintekayo ngenhloso yayo yokusihlakaza;
  - seyinike isigungu esilawula isikole ithuba lokubeka izizathu zokuthi kungani kungamele ukuthi sihlakazwe;
  - seyicubungulise lezo zizathu; futhi
  - seyazise isiGungu esiLawula isiKole ngesinqumo sayo ngokubhalwe phansi
- (4) Noma imuphi umuntu ongagculisekile ngesinqumo seNhloko yoMnyango angedlulisela udaba lwakhe eLu ngwini Lesigungu Esiphezulu Elengamele Ezemfundo eSifundazweni saKwaZulu Natali bese iLungu Lesigungu Esiphezulu kumele li —
- cubungule udaba oludluliselwe kulona zingakapheli izinsuku eziyi-14 silutholile udaba;
  - sinikeze izizathu ezibhalwe phansi ngesinqumo saso; futhi
  - sidlulise isinqumo kulowo olette isikhalazo zingakedluli izinsuku eziyi-14 okukhulunywe ngazo ebinza neni (4) (a) ngenhla

**Ukunikezelwa Kwamandla**

34. INhloko yoMnyango inganikezela, ngokubhalwe phansi, imisebenzi kanye namandla enikezwe wona ngokwalesi sazi kunoma yisiphi isisebenzi esiqashwe uMnyango.

**Ukuchithwa Kwesaziso**

35. Lapha kuchithwa iSaziso sesiFundazwe No. 3 esashicilelwa kwiGazethi yesiFundazwe saKwaZulu-Natal No. 2251 mhla ziyi-18 ku Nhlolanja ngonyaka wezi-2021.

**MBALI C. FRAZER**

iLungu Lesigungu Esiphezulu Elengamele Ezemfundo eSifundazweni saKwaZulu-Natali

## UHLELO A

**UKUBUNJWA KWESIGUNGU ESILAWULA IZIKOLE ZIKAHULUMENI ZABAFUNDI  
ABANEZIDINGO EZIKHETHEKILE NGOHLOBO LWESIKOLE NESIBALO SABAFUNDI  
ABATHATHIWE**

Isibalo samalungu aqokiwe akumele sibe ngaphezu kwamalungu amahlanu. Lokhu kuyonqunywa yisikole kuncike esimweni saleso sikole.

UHLOBO LWESIKOLE	ISIBALO SABAFUNDI ABATHATHIWE ESIKOLENI	UTHISHA-NHLOKO	ISIBALO SAMALUNGU ANGOTHI-SHA	ISIBALO SAMALUNGU ANGABAFUNDI	ISIBALO SABA-SEBENZI ABANGEBONA OTHISHA	ISIBALO SAMALUNGU ANGABAZALI	AMALUNGU AQOKWE-NGOKWE-SIGABA ESIKHONA NGASINYE NJENGOBA KUBEKWE ESIGABENI 24	ISIBALO SAMALUNGU ESEHLANGENE
Isikole Samabanga Aphansi	Kusuka ku-1 kuya ku-149	1	2	0	1	5	5	14
Isikole Samabanga Aphansi	Kusuka e-150 kuya phezulu	1	3	0	1	6	5	16
Isikole Samabanga Aphezulu	Kusuka ku-1 kuya ku e-149	1	2	1	1	6	5	16
Isikole Samabanga Aphezulu	Kusuka e-150 kuya phezulu	1	3	2	1	8	5	20
Isikole esiyinhlangani sela yamabanga	Kusuka ku-1 kuya e-149	1	2	2	1	7	5	18
Isikole esiyinhlangani sela yamabanga	Kusuka e-150 nangaphezulu	1	3	2	1	8	5	20