

NORTHERN CAPE PROVINCE

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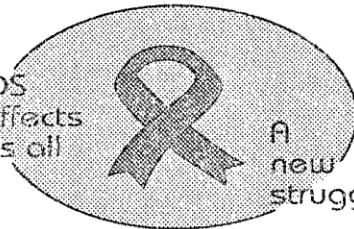
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No. 760

We all have the power to prevent AIDS

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A
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OFFICIAL NOTICES

OFFICIAL NOTICE 10 OF 2003

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

**GUIDELINES FOR THE ESTABLISHMENT, ELECTION AND
FUNCTIONING OF REPRESENTATIVE COUNCILS OF
LEARNERS IN PUBLIC SCHOOLS IN THE NORTHERN CAPE**

I, Tina Monica Joemat-Pettersson, Member of the Executive Council responsible for education in the Province of the Northern Cape, acting in terms of the powers vested in me under section 11 of the South African Schools Act, 1996 (the Act), hereby publish the guidelines contained in the Schedule hereto for the establishment, election and functions of representative councils of learners in public schools.

TINA MONICA JOEMAT-PETTERSSON
MEC: EDUCATION

SCHEDULE

1. DEFINITIONS

In these guidelines any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it, unless the context indicates otherwise –

“Council” means a representative council of learners referred to in Section 11 of the South African Schools Act, 1996;

“District Manager” means a director of any of the districts of the Northern Cape Department of Education;

“District electoral officer” means any employee of the department designated by the District Manager to be the District Electoral Officer;

“Teacher liaison officer” means any teacher in any school designated as such by the District Manager of the district in which the school resorts.

2. Composition

- (1) A representative council of learners of a public school shall comprise learners who are enrolled in the school in the eighth grade and higher, and who are nominated and elected by the learners of such school in accordance with guidelines 11 and 12.
- (2) Each class in a grade referred to in paragraph (1) shall elect at least one learner in the class as its representative on the council: Provided that no class may elect more than two representatives to the council.

3. Eligibility

A learner shall be eligible to be a member of a council if he or she-

- (1) is a bona fide learner enrolled in that school; and
- (2) does not have any disciplinary record that resulted in his or her suspension or expulsion in the preceding six months.

4. Term of office

- (1) The term of office of a member of a council may not exceed one year.
- (2) A member of a council may be re-elected after the expiry of his or her term of office.

5. Election of members

- (1) The election of a council must take place annually during the first four weeks of the first term: Provided that any representative council of learners that was constituted at the commencement of these guidelines shall be deemed to be constituted in terms of these guidelines.
- (2) An educator who has been designated by the school as the teacher liaison officer shall, after consultation with the District Manager of the district concerned, determine the date on which the newly elected council shall assume its duties.

6. By-elections

Whenever a vacancy occurs in regard to one of the categories of members contemplated in paragraph 2, a by-election in accordance with paragraph 12 must be held on a date and time agreed upon in a meeting of the council.

7. Franchise

Any learner who belongs to a specific category of learners referred to in paragraph 2, shall have one vote in respect of each candidate in such category with a maximum number of votes equal to the number of members to be elected under guideline 2.

8. Electoral Officer

- (1) The teacher liaison officer referred to in paragraph 5 or any other educator of the school, who is nominated by the District Manager, must-
 - (a) act as electoral officer;
 - (b) preside at any meeting held for the purpose of an election of members of a council in the school.

- (2) More than one electoral officer may be nominated in accordance with paragraph 8(1) to conduct the electoral processes in different grades or classes.

9. Date, time and place of nomination meeting

The electoral officer shall determine the date, time and place of a nomination meeting and election for each of the categories of members referred to in paragraph 2.

10. Notice of nomination meeting and poll

The electoral officer shall at least seven days prior to the nomination meeting and election referred to in paragraph 9, give written notice of such nomination and election and display such notice in a prominent place on the premises of the school, as well as in each classroom.

11. Nominations

- (1) A candidate for election to the council may be nominated and such nomination supported in writing in prescribed form by learners who are enrolled in the same grade in which the candidate is enrolled.
- (2) The electoral officer shall ascertain whether or not the nominated candidate consents to the nomination.
- (3) The electoral officer shall announce the names of the candidates whose nominations have been accepted.
- (4) If the total number of candidates whose nominations have been accepted -
- (a) is less than the number of classes referred to in paragraph 2 (2), a new meeting must be convened in accordance with the provisions of these guidelines;
 - (b) is equal to the number of members determined in terms of paragraph 2 (2) in respect of the category concerned, the electoral officer shall declare every nominated candidate to be a duly elected member of the council; or

15. Election of office-bearers

- (1) The teacher liaison officer shall convene the first meeting of the council within seven school days after the announcement referred to in paragraph 14 (4)
- (2) At the first meeting of the council such body shall from among its members elect office-bearers, who must include at least a chairperson, treasurer and secretary.
- (3) When for any reason the office of any office-bearer becomes vacant, the council shall subject to the provisions of subparagraph (2), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired term of his or her predecessor.
- (4) The teacher liaison officer shall preside at an election referred to in subparagraph (3) if both the offices of chairperson and vice chairperson are vacant.
- (5) The teacher liaison officer, shall at a meeting at which any office-bearer has been elected in accordance with this measure, notify all stakeholders at the school of the date of the meeting as well as the names, grade or class and office of the learners elected.
- (6) No members of a council may hold more than one office at the same time.

16. Casual vacancies

- (1) A casual vacancy shall occur in a council if a member -
 - (a) resigns;

- (b) dies;
 - (c) when he/she is de-registered
 - (d) absents himself or herself from three consecutive meetings of the council without reasonable explanation
- (2) Whenever a casual vacancy occurs, a by-election must be held in accordance with paragraph 6.
- (3) A member, elected in accordance with subparagraph (2), shall remain in office for the unexpired term of office of his or her predecessor.

17. Functions and responsibilities

Subject to the provisions of these Guidelines, a council of a public school must -

- (1) in collaboration with the governing body of the school, adopt a constitution which provides for-
 - (a) the frequency and procedures of meetings
 - (b) at least one meeting per term of the council with the learners
 - (c) the recording and the keeping of the minutes of the council's meetings
 - (d) rendering a report on its activities to the school governing body and learners at least once per school term, and
 - (e) the submission of a copy of the constitution to the school governing body within 30 school days of its election.
- (2) promote a culture of learning, teaching and service at the school to achieve academic excellence and devotion to duty

(c) is more than the number of members determined in terms of paragraph 2 (2) in respect of the category concerned, an election shall be held in accordance with paragraph 12.

12. Elections

- (1) The elections referred to in paragraph 11 (3)(c) shall be held on a date, time and place determined in accordance with paragraph 10.
- (2) The electoral officer shall issue to every learner with a right to vote a ballot paper on which an official mark or stamp appears.
- (3) Each learner in the grade or class concerned -
 - (a) shall in secrecy record his or her vote on the ballot paper, and
 - (b) shall have one vote in respect of each candidate with a maximum number of votes equal to the number of representatives to be elected to the council.
- (4) The electoral officer shall reject a ballot paper-
 - (a) on which more votes are recorded than the number of members to be elected in accordance with paragraph 2 (2);
 - (b) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which candidate or candidates a vote was recorded; or
 - (c) on which the official mark or stamp does not appear.
- (5) After the rejection of the ballot papers referred to in sub-paragraph (4), the electoral officer must -
 - (a) in the presence of every candidate who wishes to be present, count the votes recorded for every candidate, and

- (b) declare the number of learners determined in terms of paragraph 2 (2) in respect of the council, for whom the greatest number of votes have been recorded, to be duly elected members of the council and state the number of votes recorded for each candidate.
- (6) Where the number of votes recorded for two or more candidates is equal and it affects the result of the election, the electoral officer shall ascertain the result with regard to the said candidate by lot.

13 Decision of electoral officer

The electoral officer shall refer all disputes concerning the nomination and election of candidates to the District Electoral Officer whose decision shall be final.

14. Procedure after election

After the election of a council the teacher liaison officer must-

- (1) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- (2) keep those envelopes in safe custody for a period of at least one month from the date of the election of the council;
- (3) notify each elected member or each member contemplated in paragraph 11 (3)(b), in writing of his or her election, and
- (4) announce the names of the members of the council to all relevant stakeholders at school.

- (3) promote the best interests of the school;
- (4) promote a spirit of loyalty towards educators, the school and the Education Department
- (5) promote a spirit of mutual respect, good manners and a high standard of morality amongst learners.
- (6) Encourage learners to uphold and respect the code of conduct of learners as adopted by the school governing body;
- (7) promote participation in school activities
- (8) encourage learners to render voluntary services to the school;
- (9) as the representatives of the learners of the school foster the well-being of the learners as its primary task, and
- (10) promote good relations between all persons concerned at the school.

16. Committees

(1) A council may-

- (a) establish committees, including an executive committee, and
 - (b) co-opt learners who are not members of the council to such committees on grounds of their expertise: Provided that only an elected member of the council may chair the committee
- (2) The executive committee shall meet at least once per month;
 - (3) The decisions of the executive committee will have to be ratified by the council.

19. Voting in council meetings

(1) A member of a council must recuse himself or herself from a meeting for the duration of the decision making on any issue in which the member has a personal interest

(2) Co-opted members shall not have voting rights.

20. Guardianship

(1) The teacher liaison officer shall be entrusted with the guardianship of the council of the school.

(2) The responsibilities of such guardianship shall be to -

- (a) create a sincere and trusting relationship with the council
- (b) promote spontaneous communication between him or her, the staff members of the school and the council
- (c) support and guide the council
- (d) cultivate a sense of democratic leadership amongst the members of the council and
- (e) assist the council in all relevant matters

ANNEXURE 1

NOMINATION FORM FOR ELECTION INTO AN RCL

Name of school : _____

Identification of class & grade nominating: _____

Date of nomination : _____

Name of nominee : _____

Name of Proposer : _____

Name of seconder : _____

Acceptance by nominee : I (name of nominee) _____
hereby accept my nomination to serve as a representative of the class
_____ in the representative council of learners, and fully understand
the responsibilities that are attached to my possible election.

Signature of nominee : _____

Verified as eligible by electoral officer : (Name) _____

Signature of electoral officer : _____

This form shall be kept in a safe place by the principal until after at least seven of the
actual election day