

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate who is not present at the nomination meeting to complete the nomination form, will, if elected, be willing to serve as a member of the governing body.

.....
Signature of electoral officer

.....
Date

* Delete which is not applicable

MEASURES RELATING TO REPRESENTATIVE COUNCIL OF LEARNERS (RCL)

[PROVINCIAL NOTICE NO. 144 OF 1997]

[DATED: 31 JULY, 1997]

REGULATIONS

Under section 11 of the South African Schools Act, 1996 (Act No. 84 of 1996), I, M.A. Dukwana, Member of the Executive Council of the Province responsible for Education, hereby promulgate the Measures contained in the Schedule hereto.

SCHEDULE

1. Definitions.—In these Measures any word or expression to which a meaning has been assigned in this Act, shall have the meaning so assigned to it, unless the context indicates otherwise—

“**RCL**” means a Representative Council of Learners.

2. Composition.—(1) An RCL of a public school shall comprise learners who are enrolled in the eighth grade and higher, and who are nominated and elected by the learners of such school in accordance with measures 11 and 12.

(2) Each grade referred to in submeasure (1) or each class of such grade shall elect at least one learner from such grade or class as representative on the RCL.

3. Disqualification of members.—A learner shall be ineligible to be a member of an RCL if he or she—

- (1) has been suspended or expelled from the school concerned as a result of misconduct; or
- (2) leaves the school.

4. Term of office.—(1) The term of office of a member of an RCL may not exceed one year.

- (2) A member of an RCL may be re-elected after the expiry of his or her term of office.

5. Election of members.—(1) The election of an RCL must take place annually during the first two weeks of the first term, at the end of the third term or at the beginning of the fourth term.

(2) The principal shall, with the assent of the governing body of the school, determine the date on which the newly elected RCL shall assume its duties.

6. By-elections.—Whenever a vacancy occurs in regard to one of the categories of members contemplated in measure 2, a by-election in accordance with measure 12 must be held prior to the next meeting of the RCL to fill the vacancy.

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

8. Electoral Officer.—(1) The principal or any other educator of the school, who is nominated by the district manager, must—

- (a) act as electoral officer;
- (b) conduct the electoral process of members of an RCL; and
- (c) preside at any meeting held for the purpose of an election of members of an RCL of the school.

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

9. Date, time and place of nomination meeting.—The electoral officer shall determine a date, time and place of a nomination meeting and possible poll for each of the categories of members referred to in measure 2.

10. Notice of nomination meeting and possible poll.—The electoral officer shall at least seven days prior to the nomination meeting and possible poll referred to in measure 9, display the notices on notice boards at the school, as well as in each classroom.

11. Nominations.—(1) Candidates for an RCL may be nominated and seconded verbally or in writing by learners who are enrolled in the same grade in which the candidate is enrolled and the consent of candidates must be obtained.

(2) The electoral officer must announce the names of the candidates whose nominations have been accepted.

(3) If the total number of candidates whose nominations have been accepted—

- (a) is less than the number of members determined in terms of measure 2 (2) in respect of the category concerned, a new meeting must be convened in accordance with the provisions of these Measures;
- (b) is equal to the number of members determined in terms of measure 2 (2) in respect of the category concerned, the electoral officer shall declare every accepted candidate to be a duly elected member of the RCL; or

- (c) is more than the number of members determined in terms of measure 2 (2) in respect of the category concerned, a poll shall be held in accordance with measure 12.

12. Poll.—(1) The poll referred to in measure 11 (3) (c) shall be held on a date, time and place determined in accordance with measure 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 in his or her grade or class.

(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 measure 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 submeasure (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 measure 2 (2) in respect of the RCL, for whom the greatest number of votes have been recorded, to be duly elected members of the RCL 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 poll, the electoral officer shall ascertain the result with regard to the said candidates by lot.

13. Decision of electoral officer.—The electoral officer shall decide all matters concerning the nomination of candidates and the poll referred to in measures 11 and 12, and his or her decision is final.

14. Procedure after election.—After the election of an RCL the electoral 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 RCL;

(3) notify each elected member or each member contemplated in measure 11 (3) (b), in writing of his or her election; and

(4) announce the names of the members of the RCL to the principal, all staff members and learners of the school.

15. Election of office-bearers.—(1) The principal shall convene the first meeting of the RCL within seven school days after the announcement referred to in measure 14 (4).

(2) At the first meeting of the RCL such body shall from among its members elect office-bearers, who must include at least a chairperson, vice-chairperson, treasurer and secretary.

(3) When for any reason the office of any office-bearer becomes vacant, the RCL shall, subject to the provisions of submeasure (2), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired term of office of his or her predecessor.

(4) The principal shall preside at an election referred to in submeasure (3) if both the offices of chairperson and vice-chairperson are vacant.

(5) The principal must, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the staff members and the learners of the school of the date of the meeting as well as the names, grade or class and office of the learners elected.

(6) No member of an RCL may hold more than one office.

16. Casual vacancies.—(1) A casual vacancy shall occur in an RCL if a member—

- (a) resigns;
- (b) dies;
- (c) becomes ineligible as contemplated in measure 3; or
- (d) absents himself or herself from three consecutive meetings of the RCL without the permission of the RCL.

(2) Whenever a casual vacancy occurs, a by-election must be held in accordance with measure 6.

(3) A member, elected in accordance with submeasure (2), shall remain in office for the unexpired term of his or her predecessor.

17. Functions and responsibilities.—Subject to the provisions of these Measures, an RCL 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 RCL with the learners;
- (c) the recording and the keeping of minutes of RCL meetings;
- (d) rendering a report on its activities to the principal and learners at least once per school term; and
- (e) the submission of a copy thereof or a copy of any adapted version of an existing constitution to the principal 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;

(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) assist the principal, educators and other staff members of the school to establish and maintain the general discipline of the school;

(7) promote participation in school activities;

(8) encourage learners to render voluntary services to the school;

(9) as the representative 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.

18. Committees.—(1) An RCL may—

(a) establish committees, including an executive committee; and

(b) co-opt persons who are not members of the RCL to such committees on grounds of their expertise, but a member of the RCL must chair the committee.

(2) The executive committee referred to in submeasure (1) (a) may make decisions in accordance with the constitution of the RCL on behalf of the RCL.

19. Voting on RCL-meetings.—(1) A member of a RCL must withdraw from a meeting for the duration of the discussion and decision-making on any issue in which the member has a personal interest.

(2) Co-opted members do not have voting rights on the RCL.

20. Guardianship.—(1) The principal or another educator, elected by the educators of the school, shall be entrusted with the guardianship of the RCL of the school.

(2) The responsibilities of such guardian shall be to—

(a) create a sincere and trusting relationship with the RCL;

(b) promote spontaneous communication between him- or herself, the staff members of the school and the RCL;

(c) support and guide the RCL;

(d) cultivate a sense of leadership amongst the members of the RCL; and

(e) assist the RCL in all relevant matters.
