

**Notice No. 114,1998**

**Gazette No. 5266**

## **REGULATIONS RELATING TO THE ESTABLISHMENT AND FUNCTIONING OF AN EDUCATION COUNCIL**

THE Minister of Education and Culture for KwaZulu-Natal has under section 48 of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996), made the regulations in the Schedule.

### **SCHEDULE**

#### **Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the same meaning unless the context otherwise indicates:

**"independent school"** means an independent school registered with the department;

**"organisation"** means an organisation referred to in section 3 of the Regulations.

#### **Composition of the education council**

2. An education council consisting of the following persons is hereby established:

- (a) the Secretary;
- (b) two persons designated by the Minister from his or her staff, one being employed as an educator and one being employed as an administrator in the department;
- (c) one person nominated by and representing universities, technicons and colleges of education respectively;
- (d) six persons nominated by and representing the organised teaching profession in the province;
- (e) three persons nominated by and representing the organised parent communities in the province;
- (f) one person nominated by and representing independent schools;
- (g) one person nominated by and representing governing bodies of schools for specialised education;
- (h) one person nominated by and representing councils of technical

colleges;

- (i) three persons nominated by and representing organised trade and industry in the province;
- (j) four persons nominated by and representing registered trade unions in the province;
- (k) one person nominated by and representing training boards based in KwaZulu-Natal accredited by the registrar of manpower under section 12B of the Manpower Training Act, 1981 (Act No. 56 of 1981);
- (l) six persons nominated by and representing student bodies;
- (m) four persons nominated by and representing non-government organisations;
- (n) four persons nominated by and representing community-based organisations;
- (o) eight persons nominated by and representing organisations representing rural communities;
- (p) one person nominated by each of the eight regional councils;
- (q) not more than nine persons designated by the Minister.

### **Recognition of organisations**

3. (1) The Minister must publish a notice in the Gazette calling on interested parties to submit applications for the recognition of organisations for the purpose of nominating persons to serve on the council.

(2) Each application for recognition in terms of the above subregulation (1) must be accompanied by the following documents:

- (a) an application for recognition in the form set out in Schedule A;
- (b) a copy of the constitution of the applicant together with the minutes of the meeting of its adoption, certified as correct by an officer of the organisation empowered to do so in terms of its constitution;
- (c) a certified copy of a resolution authorising the submission of an application for recognition by the Minister for the purpose of representation on the council;

(d) if the applicant is a trade union, a certified copy of its certificate of registration as such issued by the registrar of trade unions;

(e) if the applicant is a training board, a certified copy of its certificate of accreditation issued in terms of section 1 2B, subsection 4 of the Manpower Training Act, 1981 (Act No. 56 of 1981).

(3) The Minister must recognise an organisation for the purpose of representation on the council if he or she is satisfied that the applicant-

- (a) complied with the requirements laid down in subregulation (2) above;
- (b) is an organisation referred to in regulation 2(e), (i), (j) or (k) above.

(4) The Minister may recognise an organisation for the purpose of representation on the council if he or she is satisfied that the applicant-

- (a) complied with the requirements laid down in subregulation (2) above;
- (b) is an organisation referred to in regulation 2(1), (m), (n) or (o) above.

(5) The Minister must inform an organisation in writing of his or her decision in terms of subregulations (3) or (4) above.

### **Nominations for appointment to the council**

4. (l) The Minister must invite all institutions referred to in regulation 2(c), (d), (f), (g) and (h) and organisations recognised in terms of regulation 3(3) and (4) to submit nominations for appointment as members of the council by a specified date.

(2) Each nomination must be in the form set out in Schedule B hereto.

(3) If more persons than the number of vacancies are nominated for appointment in a particular category, the Minister must refer the names of all nominees in such a category to all institutions and organisations to be represented in that category with a request to each to indicate the preferred candidate or candidates according to the number of vacancies by a specified date.

(4) The Minister must appoint the persons identified for appointment as set out in subregulations (1), (2) and (3) above.

### **Qualifications for appointment as council member**

5. (1) No person may be appointed as a council member if he or she-

- (a) is not a South African citizen;
- (b) is an unrehabilitated insolvent;
- (c) has been convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting such offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired: provided that a disqualification under this paragraph ends five years after the sentence has been completed;
- (d) is of unsound mind and has been declared so by a competent court;  
or
- (e) is in the service of the department unless he or she holds an appointment under regulation 2(a), (b) or (d) of these Regulations.

(2) A member vacates his or her office i-f he or she-

- (a) no longer meets the requirements set out in the above subregulation;
- (b) resigns; or
- (c) has been absent from two consecutive ordinary meetings of the council without the council's leave.

### **Term of office**

6. (1) The Minister must initially appoint one half of the members for two years and the remainder for three years. The members who will be required to serve an initial period of two years must be determined by lot but always ensuring as far as it is possible that each constituency will be represented by members both serving two years and three years.

(2) After the expiry of the initial terms of appointment, all members are appointed for three years.

(3) If a position falls vacant before the expiry of the term of office of a member, the Minister may appoint another person for the remaining period in accordance with procedures set out in these Regulations.

(4) Persons whose term office for appointment has expired are eligible for reappointment.

(5) After the expiry of members' term of office, they remain in office until the appointment of new members.

### **Office-bearers**

7. (1) The council elects its office-bearers at its first meeting and thereafter at the first meeting after a vacancy has occurred.

(2) The Secretary must preside at the election of office-bearers.

### **Administrative assistance**

8. (1) The Secretary must designate such persons in the service of the department as he or she may deem necessary to perform the work relating to the performance of the functions of the council.

(2) The Secretary must designate one of the persons designated in terms of the above subregulation as scribe of the council.

### **Meetings**

9. (1) The council meets at least twice a year and at a time and place determined by the Secretary.

(2) The Secretary must convene a meeting within sixty days of receiving a written request signed by twenty-five per cent of council members setting out the matters to be discussed.

(3) The scribe must give all members at least fourteen days' written notice of meetings and the matters to be dealt with at such meetings.

(4) The council must, within sixty days of its inception formulate a constitution setting out the procedures to be followed at meetings.

### **Minutes of proceedings of meetings**

10. (1) The scribe must keep minutes of the proceedings of council and committee meetings.

(2) The scribe must provide each member with a copy of the minutes of each meeting.

(3) The scribe must submit minutes of the proceedings of every meeting for approval at the next meeting of the council or committee.

(4) The scribe, at all reasonable times, must keep minutes of meetings available for inspection by members and the Secretary.

## **Executive committee**

11. (1) The executive committee of the council consists of-

- (a) the Secretary;
- (b) the chairperson;
- (c) the vice-chairperson; and
- (d) eight persons elected by the council from its members.

(2) The executive committee must report to council at its next meeting on all matters determined by the executive committee in the intervening period.

(3) All decisions taken by the executive committee are subject to confirmation by the council at its next meeting.

(4) The person appointed as scribe to the council must act as secretary to the executive committee.

## **Subcommittees**

12. (1) The council may establish

- (a) standing subcommittees to investigate, consider or report on specific matters entrusted to it by council, and
- (b) temporary subcommittees to investigate, consider or report on a specific matter referred to it.

(2) A subcommittee must consist of the number of members determined by council.

(3) The council must appoint a convener to each subcommittee.

## **Repeal of regulations**

13. The regulations set out in the schedule below are hereby repealed.

### **SCHEDULE**

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Act	Regulation	Date	Extent of repeal
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#### SCHEDULE A

1. Name of applicant:
2. Permanent address of applicant:
3. Telephone number:
4. Names and addresses of office-bearers:
  - 4.1 President/chairperson :
  - 4.2 Secretary/chief executive officer:
5. Motivation for recognition:

#### SCHEDULE B

#### NOMINATION OF PERSONS FOR APPOINTMENT TO THE EDUCATION COUNCIL IN TERMS OF SECTION 41(1) OF THE KWAZULU-NATAL SCHOOL EDUCATION ACT, 1996 (ACT NO. 3 OF 1996)

1. PROPOSER:
  - 1.1 Name:
  - 1.2 Address:
  - 1.3 Business telephone number:
  - 1.4 Telefax number:
  - 1.5 Name of organisation represented by proposer:
  - 1.6 Address of above organisation:
  - 1.7 Authority in terms of which the proposal is made:

The proposer hereby proposes the nominee referred to below for appointment to the education council in terms of section 41(1) of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996).

Dated at..... on.....199..

.....  
Proposer

2. NOMINEE

2.1 Name:

2.2 Address:

2.3 Business telephone number:

2.4 Telefax number:

I hereby accept my nomination to serve as a member of the education council.

I confirm that I am not disqualified from membership.

Dated at..... on .....199..

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Nominee