

**Notice No. 48, 2002**  
**Gazette No. 6085**

## **REGULATIONS RELATING TO THE ESTABLISHMENT AND FUNCTIONING OF REGIONAL EDUCATION COUNCILS AND DISTRICT FORUMS**

THE Minister of Education and Culture for KwaZulu-Natal has under section 72(1)(d) of the KwaZulu-Natal School Education Act, 1996 (Act No. 31 of 1996) made the Regulations in the schedule.

### **SCHEDULE**

#### **1. Definitions**

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-

"**circuit**" means a circuit referred to in Regulation 2(2);

"**council**" means a regional education council;

"**district**" means a district referred to in Regulation 2;

"**district forum**" means a district forum referred to in Regulation 3;

"**governing body**" means a governing body established under the South African Schools Act, 1996 (Act No. 84 of 1996);

"**regional education council**" means a regional council referred to in section 42 of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996);

"**school**" means a public school;

"**scribe**" means a person who performs the functions of a secretary to a district forum or regional education council; and

"**term**" means a school term.

#### **2. Districts and Circuits**

(1) The Secretary shall divide a region into as many districts as he or she deems necessary.

(2) The Secretary shall divide each district into as many circuits as he or she deems necessary.

### **3. Composition of District forums**

A district forum consists of-

- (a) two representatives from each circuit forming part of a district, elected by the governing bodies of schools within the circuit; and
- (b) the chief superintendent of education management representing the district; and
- (c) a superintendent of education management representing each circuit in the district.

### **4. Qualification for membership of a district forum or regional education council members**

(1) No person may be elected as a district forum member or a regional education council member if he or she-

- (a) 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 the 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;
- (b) is of unsound mind and has been declared so by a competent court;  
or
- (c) is in the employ of the Department.

(2) An elected member vacates his or her office if he or she-

- (a) no longer meets the requirements set out in Regulation 4(1);
- (b) resigns as a member of a district forum or regional education council as the case may be; or
- (c) has been absent without leave from two consecutive ordinary meetings of the district forum or council meetings.

### **5. Election of District Forum Members**

(1) The Secretary shall determine a date for the submission of nominations for district forum members and he or she shall inform all governing bodies accordingly.

(2) Nominations are on a form approved by the Secretary.

(3) A nominated person need not be a member of a governing body.

(4) A nominated person shall indicate in writing on the nomination form his or her willingness to serve as a district forum member and that he or she is eligible to serve as a member in terms of these Regulations.

(5) Nominations are required to be submitted to the regional chief director by the date referred to in Regulation 5(1).

(6) The regional chief director shall prepare separate nomination rolls of candidates, one for each of the circuits constituting a district.

(7) The regional chief director shall send an appropriate nomination roll to the secretary of each governing body of each public school in his or her region, requesting each secretary of a governing body to advise him or her by a stipulated date of the vote agreed on by members of the governing body concerned.

(8) If two or more candidates receive the same number of votes, election among those shall be determined by lot.

(9) The regional chief director shall inform the Secretary of the outcome of the election, giving the names, addresses, telephone and fax numbers, if available, of those elected.

(10) Should a vacancy arise on the forum, the regional chief director shall inform the Secretary of the name and address of the person in the category concerned who received the second highest number of votes or equal number of votes where the appointed candidate was determined by lot and this person will then become a member of the forum.

## **6. Term of office of elected members of district forums**

(1) For the first district forum established, a member of a district forum who attracted the most votes holds office for a term of three years, and the other member holds office for a term of two years from a date determined by the Secretary as the date of assumption of duty.

(2) For district forums established after the first district forum, all members hold office for a term of three years, except as provided for in Regulation 6(3).

(3) A member of a district forum remains in office after the expiry of his or her term of office until the establishment of a new district forum.

## **7. Co-option of Members to a District Forum**

- (1) A district forum may co-opt members.
- (2) The number of members co-opted may not exceed the number of circuits comprising the district.

## **8. Office bearers of a district forum**

- (1) At its first meeting, a district forum elects a chairperson and a vice-chairperson from its elected members.
- (2) Whenever the office of chairperson or vice-chairperson falls vacant, a district forum elects a new chairperson or vice-chairperson, as the case may be, for the unexpired term of office.
- (3) The regional chief director shall designate a departmental employee under his or her control to act as scribe to the district forum and to attend to its administrative functions.
- (4) The scribe referred to in Regulation 9(3) presides at elections referred to in Regulations 8(1) and 8(2).

## **9. Meetings of a district forum**

- (1) The regional chief director shall call the first meeting of a district forum.
- (2) A district forum decides on its own constitution and procedures at meetings in terms of the Act and these Regulations.
- (3) The scribe keeps minutes of meetings.
- (4) The majority of the members of a district forum constitute a quorum for any meeting of the district forum.

## **10. Functions and duties of district forums**

A district forum shall-

- (a) advise the regional chief director with regard to- (i) schools and the preferred placing of new schools within the district; (ii) matters referred to it by him or her for consideration; and - (iii) matters relating to education in general;
- (b) bring matters to the attention of the regional chief director; and

- (c) represent the interests of schools, learners and parents of the district in the regional education council.

## **11. Composition of regional education councils**

- (1) A regional education council consists of-
  - (a) the chairperson and vice-chairperson of each district forum within the region;
  - (b) the regional chief director;
  - (c) directors of administration and support and provision services appointed to the region concerned;
  - (d) the chief superintendent of education management representing each district; and
  - (e) the superintendent of education management responsible for schoolgovernance, appointed to each region.
- (2) A regional education council may co-opt members. The number of co-opted members may not exceed the number of districts in a region.

## **12. Terms of Office of Regional Education Council Members**

- (1) For the first council established, the chairperson of a district forum holds office for a period of three years and the vice-chairperson of a district forum holds office for a period of two years from a date determined by the regional chief director as the date of assumption of duty.
- (2) For regional education councils established after the first regional education council, all members hold office for a period of three years.
- (3) The regional chief director may fill incidental vacancies by the appointment of another person for the unexpired terms of office from the relevant district forum.
- (4) A member of a regional education council remains in office after the expiry of his or her term of office until the establishment of a new council.

## **13. Meetings of a regional education council**

- (1) The regional chief director shall call the first meeting of a regional council.
- (2) A regional education council holds at least one ordinary meeting a term.
- (3) The chairman of the regional education council shall determine the date, time and

place of an ordinary meeting.

(4) The scribe shall give each member of the regional education council at least fourteen days' written notice to each member of every such meeting together and the business to be transacted thereat.

(5) The scribe shall keep minutes of the proceedings of every meeting of a regional education council or a committee thereof, as the case may be.

(6) The scribe shall provide each member of a regional council with a copy of the minutes before the next meeting of a regional education council or committee as the case may.

(7) The scribe shall submit the minutes of the proceedings of a previous meeting of a regional education council or committee at the ensuing meeting of a regional education council or committee as the case may, for approval.

(8) The scribe shall keep the original approved minutes-

(a) in a minute book; and

(b) open for inspection at all reasonable times by members, the Secretary and the regional chief director.

#### **14. Office bearers**

(1) At its first meeting, a regional education council elects a chairperson and a vice-chairperson from among its members.

(2) Whenever the office of chairperson or vice-chairperson falls vacant, a regional council elects a new chairperson or vice-chairperson, as the case may be, for the unexpired term of office.

(3) The regional chief director shall designate a departmental employee under his or her control to act as scribe to the regional council and to attend to its administrative functions.

(4) The scribe referred to in Regulation 3(3) presides at elections referred to in Regulations 14(1) and 14(2).

#### **15. Functions and duties of regional education councils**

A regional education council shall-

(a) advise the regional chief director with regard to-

(i) schools within the region;

- (ii) matters referred to it by him or her for consideration; and
  - (iii) matters relating to education in general;
- (b) draw matters to the attention of the regional chief director;
- (c) represent the interest of schools, learners and parents within the region; and
- (d) exercise such other powers or perform such other duties as the Act or the Minister may confer or impose upon it.

## **16. Designation of staff**

The regional chief director shall 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 a regional education council.

## **17. Observers**

(1) A district forum and a regional education council may invite any number of observers to attend district forum or regional education council meetings, as the case may be.

(2) Observers do not have voting powers.

## **18. Allowances to members**

A member of a regional education council or district forum is paid travelling and subsistence expenses for attending meetings according to a rate approved by the Treasury.

## **19. Delegation of powers**

The Secretary and the regional chief director may delegate the powers bestowed on him or her in terms of these regulations.

## **20. Repeal of regulations**

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

### **SCHEDULE**

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Regulation	Number	Date Repeal	Extent of
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Regulations relating to the  
establishment and  
functioning of regional  
councils and district forums PN 283 1997-08-21 the whole