

# REGULATIONS IN TERMS OF ACT NO. 84 OF 1996

## NOTICE OF DETERMINATION OF GUIDELINES FOR ESTABLISHMENT, ELECTION AND FUNCTIONS OF REPRESENTATIVE COUNCIL OF LEARNERS

[GENERAL NOTICE NO. 140 OF 2000]

[DATED: 19 MAY, 2000]

**as amended by**

General Notice No. 79 of 2003

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### REGULATIONS

I, Charlie Edgar Mushwana, Member of Executive Council for Education, hereby gives notice in terms of section 11 (2) of the South African Schools Act, 1996 (Act No. 84 of 1996), that I have determined guidelines for the establishment, election and functions of Representative Council of Learners including minimum requirements with which Representative Council of Learners in public schools within the Northern Province must comply in their Constitution and Standing Orders, as set out in the Schedule hereto.

### SCHEDULE

**1. Definitions.**—Unless the context indicates otherwise, the definitions set out in section 1 of the South African Schools Act, Act No. 84 of 1996, and as stipulated in Education Laws Amendment Act, 1999, shall apply throughout this Schedule.

#### GUIDELINES FOR ESTABLISHMENT OF REPRESENTATIVE COUNCILS OF LEARNERS (RCL) [Heading amended by General Notice No. 79 of 2003.]

**2. Minimum requirements of Constitution and Standing Orders of a Representative Council of Learners.**—  
(1) The Constitution of the SGBs shall indicate clearly the name of the institution/school in which the Representative Council of Learners is established.

[Sub-r. (1) amended by General Notice No. 79 of 2003.]

(2) The Constitution will set out clearly such information as is necessary to ensure effective communication with the Representative Council of Learners.

(3) The Constitution will set out such aims and objectives of the RCL as are feasible and which fall within the framework established by law.

(4) The Constitution will indicate which activities the Representative Council of Learners shall perform in the furtherance of its aims and the achievement of its objectives and which fall within the framework established by the South African Schools Act and the Regulations.

(5) The Constitution will set out procedures for meetings of the Representative Council of Learners and its Executive Committee.

(6) The Constitution will stipulate that members of the Representative Council of Learners may hold office for a period not exceeding one year.

(7) The Constitution will stipulate that a decision to amend the Constitution shall require a two-thirds majority of the total membership of the Representative Council of Learners after all members have been informed to such proposed amendments in writing, at least two months in advance.

(8) The Constitution will stipulate that if fewer members are present at the meeting contemplated in paragraph (7) above, a second meeting shall be called exclusively for this purpose at least two weeks after the first meeting. The Constitution will stipulate that if two-thirds of the members are not present at this second meeting, the proposed amendments may be affected by two-thirds of the members present.

(9) The election of Representative Councils of Learners in all Public Ordinary Schools offering Grade 8 and higher, in the Limpopo Province, will be conducted between January and February every year.

[Sub-r. (9) added by General Notice No. 79 of 2003.]

**3. Elections of members of the Representative Council of Learners.**—(1) Each class of learners in a school shall elect at least two representatives (male and female) to a Representative Council of Learners, which shall be composed of all such elected representatives, unless if the class is composed of single sex learners where at least one representative shall be elected.

(2) The election officer for such elections shall be the educator appointed by the Head of Department and shall be known as the Teacher Liaison Officer.

(3) The Election Officer shall appoint class educators as Electoral Assistants.

(4) An officially enrolled learner, in a level not lower than the eighth grade, may be a member of a Representative Council of Learners (RCL).

(5) A learner who has been expelled from a particular school for serious misconduct, may not serve as a member of its RCL while his/her judgment is pending.

[Sub-r. (5) amended by General Notice No. 79 of 2003.]

**4. Nomination of candidates.**—(1) Prior to the election of learner representatives referred to in paragraph 3 (1) above, a seven working days notice shall be given in writing and prominently displayed in the classroom by the classroom officer.

(2) Each candidate shall be nominated and seconded in writing by class members, and consent of the candidates shall be obtained in writing.

[Sub-r. (2) amended by General Notice No. 79 of 2003.]

(3) The total number of nomination shall not be more than four times the number of vacancies.

(4) Nominations made at the meeting must be recorded in the appropriate nomination forms and be checked by the Electoral Assistant against the appropriate register for eligibility.

(5) At the close of the nominations the Electoral Assistant will draw up a list of all candidates and display this on the Class Notice Board.

[Sub-r. (5) amended by General Notice No. 79 of 2003.]

**5. Election of Learner Representatives.**—(1) Every learner in a level not lower than the eighth grade, is entitled to vote and to be voted to the RCL.

(2) When the Electoral Assistant has prominently displayed a list of candidates, one ballot paper may be issued to each eligible candidate.

(3) Voters will be checked against the appropriate register which will serve as a voters' roll.

(4) The election of learner representatives shall be by secret ballot.

(5) Every learner shall have one vote in respect of each candidate in the election.

**6. Election of RCL Executive Committee.**—(1) The Election Officer shall call and preside at the first meeting of the duly elected class representatives, to elect office bearers of Representative Council of Learners, who shall constitute the Executive Committee of Representative Council of Learners composing of—

(a) President;

(b) Deputy President;

(c) Secretary;

(d) Deputy Secretary;

(e) Treasurer.

(2) No member of the Representative Council of Learners, in any given term of office, shall hold more than one portfolio in the Executive Committee of the Representative Council of Learners.

[Sub-r. (2) substituted by General Notice No. 79 of 2003.]

(3) The following must also be elected:

- Education Officer.
- Media Officer.

- Sport and Culture Officer, and any other subcommittee as may be deemed necessary.

**7. Functions of Representative Council of Learners.**—The functions of a Representative Council of Learners shall be—

- (a) to build unity among learners in the school;  
[Para. (a) amended by General Notice No. 79 of 2003.]
- (b) to address the needs of all learners in the school;
- (c) to keep learners informed about events in the school and the school community;
- (d) to encourage good relationships within the school between educators and parents of learners; and learners and non-teaching members of staff;
- (e) to encourage good relationships within the school between educators and parents of learners;
- (f) to establish for the benefit of learners in the school, fruitful links with Representative Council of Learners in the other schools, and with student/learner organisations;
- (g) to encourage learners to render voluntary services for the benefit of the school;
- (h) to encourage and maintain due observance of the code of conduct adopted for the school by the SGB.

**8. Election of Learner Representative into School Governing Body.**—(1) A learner who is a member of the Representative Council of Learners and duly elected by the RCL may serve on the School Governing Body of that school.

(2) The Election Officer shall assist the RCL to conduct election of a learner representatives into the School Governing Body during the meeting referred to in paragraph 6 (1) above, soon after the inauguration of the RCL.

(3) The election in paragraph 8 (1) above shall be by secret ballot.

(4) Only elected members of the RCL executive committee are legible for election to the SGB of the school; i.e. President, Secretary or any other member of the executive of the RCL.

(5) The RCL may duly substitute an elected members on the SGB in the event of his/her early removal or disqualification on the SGB.

[Sub-r. (5) amended by General Notice No. 79 of 2003.]

NOTICE CALLING FOR THE NOMINATION AND ELECTION OF CLASS REPRESENTATIVES TO THE RCL

NAME OR NUMBER OF CLASS

A nomination and election meeting for your representative on the RCL shall be held in this classroom on (day) the (date) at (time)

This class may elect one/two (delete which is not applicable) representative to the RCL. The election will be by secret ballot and each learner shall have one vote for each representative from this class.

Nominations for representatives shall be in writing at the meeting, and must be seconded. The person so nominated must agree to be on the RCL.

NAME OF ELECTORAL OFFICER (CLASS TEACHER)

NAME OF SCHOOL

SIGNATURE

DATE

SCHOOL STAMP

DATE

[Proforma substituted by General Notice No. 79 of 2003.]

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