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PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(\*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

#### PROVINCIAL NOTICE

The following Draft Regulations are published for comment:

Procedures for the Election and Establishment of Governing Bodies at Public Schools Draft Regulations, 2023

P.N. 114/2023 22 November 2023

Any person or organisation wishing to comment on the Draft Regulations is requested to submit the comments in writing on or before 6 December 2023—

- (a) by posting the comments to:  
Mr DD Louw  
Western Cape Education Department  
Private Bag X9114  
Cape Town 8000;
- (b) by delivering the comments to:  
Mr DD Louw  
Western Cape Education Department  
Room 6–32  
6th Floor  
1 North Wharf Square  
2 Lower Loop Street  
Foreshore  
Cape Town 8001; or

(c) by e-mailing the comments to:  
Deon.Louw@westerncape.gov.za.

Queries can be made with Ms CE Davids at tel 021 467 2654 or by e-mail to:  
Estelle.Davids@westerncape.gov.za.

### INHOUD

(\*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

#### PROVINSIALE KENNISGEWING

Die volgende Konsepregulasies word vir kommentaar gepubliseer:

Konsepregulasies op Prosedures vir die Verkiesing en Instelling van Beheerliggame by Openbare Skole, 2023

P.K. 114/2023 22 November 2023

Enige persoon of organisasie wat op die Konsepregulasies kommentaar wil lewer, word versoek om die kommentaar voor of op 6 Desember 2023 skriftelik in te dien—

- (a) deur die kommentaar te pos aan:  
Mnr DD Louw  
Wes-Kaapse Onderwysdepartement  
Privaat Sak X9114  
Kaapstad 8000;
- (b) deur die kommentaar per hand af te lewer by:  
Mnr DD Louw  
Wes-Kaapse Onderwysdepartement  
Kamer 6–32  
6de Verdieping  
Wharfplein-noord 1  
Laer Loopstraat 2  
Strandgebied  
Kaapstad 8001; of

(c) deur die kommentaar per e-pos te stuur aan:  
Deon.Louw@westerncape.gov.za.

Navrae kan gerig word aan me CE Davids by tel 021 467 2654 of per e-pos aan:  
Estelle.Davids@westerncape.gov.za.

### IZIQUATHO

(\*Iikopi zifumaneka kwiGumbi M21, iSakhiwo seNdlu yoWiso-mthetho yePhondo, 7 Wale Street, eKapa 8001.)

#### ISAZISO SEPHONDO

Le Migaqo yoQulunqo ilandelayo ipapashelwa ukufumana izimvo zoluntu:

IMigaqo yoQulunqo lweeNkqubo zoNyulo noku-Sekwa kwamaBhunga oLawulo kwiZikolo zika-Rhulumente, 2023

I.S. 114/2023 22 kweyeNkanga 2023

Nabani na okanye nawuphi na umbutho onqwenela ukuvakalisa izimvo ngale Migaqo yoQulunqo uya-celwa ukuba angenise izimvo zakhe ezibhaliweyo phambi okanye ngomhla we6 kweyeMnga 2023—

- (a) ngokuzithumela ngeposi izimvo ku-:  
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Cape Town 8000;
- (b) ngokuzizisa ngesandla izimvo ku-:  
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**PROVINCIAL NOTICE**

The following Provincial Notice is published for comment.

DR HC MALILA,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR HC MALILA,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,  
Waalstraat,  
Kaapstad.

**ISAZISO SEPHONDO**

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR HC MALILA,  
MLAWULI-JIKELELE

ISakhiwo sePhondo,  
Wale Street,  
eKapa.

**PROVINCIAL NOTICE**

P.N. 114/2023

22 November 2023

**DEPARTMENT OF EDUCATION****PROCEDURES FOR THE ELECTION AND ESTABLISHMENT OF GOVERNING BODIES AT PUBLIC SCHOOLS DRAFT REGULATIONS, 2023**

The Provincial Minister of Education in the Western Cape, under section 24, read with section 63, of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends making the regulations set out in the Schedule.

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## Definitions

1. In these regulations, unless stated otherwise, any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it and, unless the context indicates otherwise—

“**day**” means any day, excluding a public holiday and a day falling in a school holiday: Provided that Saturdays and Sundays are excluded when the number of days is calculated for disciplinary matters relating to learners;

“**Department of Education**” means the provincial department responsible for education in the province;

“**district electoral officer**” means the head of management and governance at an education district office;

“**e-election**” means a governing body election in which electronic means are used in one or more stages;

“**enfranchised member**” means a member of a governing body who has a right to vote;

“**e-voting**” means casting a vote in an e-election;

“**e-voting station**” means a voting station for an e-voting;

“**Immigration Act**” means the Immigration Act, 2002 (Act 13 of 2002);

“**last day of the school year for educators**” means the Friday of the second week in December of each year;

“**last day of the school year for learners**” means the Wednesday of the second week in December of each year;

“**major disruptive event**” means an event that disturbs normal school functions, operations or processes, whether anticipated or unanticipated, and that results in displacement or discontinuity of the normal business of a school;

“**member**” means a member of a governing body;

“**nomination validation meeting**” means a meeting contemplated in regulation 16(1)(a)(i);

**“non-educator”** means a person, other than an educator, appointed at a school in a contract, temporary or permanent capacity in accordance with the Public Service Act, 1994 (Proclamation 103 of 1994), or by the public school in accordance with section 21A(5) of the Act, and includes a person who receives a stipend from the school for at least 12 months;

**“ordinary school”** means a school other than a school for learners with special education needs;

**“parent”** means—

(a) the parent or guardian of a learner;

(b) the person legally entitled to custody of a learner; or

(c) the person who undertakes to fulfil the obligations of a person contemplated in paragraphs (a) and (b) towards the learner’s education at school;

**“Protection of Personal Information Act”** means the Protection of Personal Information Act, 2013 (Act 4 of 2013);

**“provincial electoral officer”** means the senior official of the Department of Education who is responsible for the management of the election of governing bodies in the province in terms of the organogram for the Department of Education signed by the Provincial Minister;

**“quorum of the meeting”**, in relation to a meeting of a governing body, means a quorum as contemplated in regulation 34(20);

**“school”** means an ordinary public school or a public school for learners with special education needs;

**“school electoral officer”** means an electoral officer appointed in terms of regulation 11(2);

**“school electoral team”** means the school electoral officer together with the persons appointed to assist the school electoral officer in terms of regulation 11(6);

**“school holiday”** means a school holiday contemplated in the National Policy for Determining School Calendars for Public Schools in South Africa, made under Government Notice 57 in *Government Gazette* 38330 dated 30 January 2015;

**“second in charge”** means a deputy principal or the second most senior educator at a school;

**“sponsoring body”** means a body that provides financial support to a school for learners with special education needs;

**“system”**, in relation to an e-election, means the electronic system used for that election;

**“the Act”** means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

### Composition of governing body

2. (1) Subject to subregulation (21), the governing body of an ordinary secondary school, intermediate school or combined school must consist of—

(a) seven parents;

(b) two educators at the school;

(c) one non-educator at the school;

(d) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks; and

(e) the principal.

(2) Subject to subregulation (21), the governing body of an ordinary primary school with a staff establishment of the principal, two or more educators and one or more non-educators must consist of—

(a) five parents;

(b) two educators at the school;

- (c) one non-educator at the school; and
  - (d) the principal.
- (3) Subject to subregulation (21), the governing body of an ordinary primary school with a staff establishment of the principal, one educator and one non-educator must consist of—
- (a) four parents;
  - (b) the educator at the school who is not the principal;
  - (c) the non-educator at the school; and
  - (d) the principal.
- (4) Subject to subregulation (21), the governing body of a school for learners with special education needs must consist of—
- (a) seven parents;
  - (b) two educators at the school;
  - (c) one non-educator at the school;
  - (d) two learners in the eighth grade or higher, elected by the representative council of learners from its own ranks, if reasonably practicable;
  - (e) the principal;
  - (f) one representative of sponsoring bodies, if applicable;
  - (g) one representative of organisations of parents of learners with special education needs, if applicable;
  - (h) one representative of organisations of disabled persons, if applicable;
  - (i) one disabled person, if applicable; and
  - (j) one expert in appropriate fields of special education needs.
- (5) The governance of an ordinary school with a staff establishment of a principal, and—
- (a) one educator;
  - (b) one non-educator; or
  - (c) neither an educator nor a non-educator,  
must be incorporated into a governing body of the nearest school and must be subject to shared governance.
- (6) A governing body contemplated in regulations 2(1), (2), (3) and (4) that does not have at least—
- (a) one parent;
  - (b) one educator;
  - (c) one non-educator;
  - (d) one learner, if applicable; or
  - (e) in the case of a school for learners with special education needs, one expert in appropriate fields of special education needs,  
is improperly constituted and is inoperative.
- (7) In the circumstances contemplated in subregulation (6), the principal must within five days of becoming aware that the governing body is improperly constituted and inoperative, notify the district electoral officer who must instruct the school electoral officer to within 10 days conduct elections for those categories in accordance with these regulations.
- (8) No decision taken by a governing body or action taken on the authority of a governing body is invalid merely because a vacancy existed on that governing body or because a person who was not entitled to sit as a member of that governing body sat on that governing body as such a member at the time when the decision was taken or the action authorised, if the decision was taken or the action was authorised by a

quorum of the meeting of the governing body, provided that the governing body was properly constituted and the motion that led to the decision was proposed by an enfranchised member and seconded by another enfranchised member.

(9) A governing body of a school contemplated in subregulations (1), (2) and (3) may co-opt no more than five members of the community to capacitate the governing body to discharge the functions for which they were co-opted.

(10) A co-option contemplated in subregulation (9) must be in writing and provide for the reason for the co-option and the period of the co-option.

(11) A member of the community may not be co-opted in terms of subregulation (9) for more than three terms of 12 months each: Provided that the period of co-option may not extend beyond the tenure of the governing body.

(12) Subject to regulation 3(4) and (5) and regulations 7(11) and 32(4), co-opted members do not have voting rights on the governing body and may not—

- (a) propose a motion at a meeting of the governing body;
- (b) second a motion at a meeting of the governing body; or
- (c) chair a meeting of the governing body.

(13) Parents of learners at the school must nominate and elect the parent members contemplated in subregulations (1)(a), (2)(a), (3)(a), and (4)(a).

(14) Educators employed at the school must nominate and elect the educator members contemplated in subregulations (1)(b), (2)(b), (3)(b) and (4)(b): Provided that in the circumstances contemplated in subregulations (1)(b), (2)(b) and (4)(b) if the school has only two educators, those members are automatically elected.

(15) If an educator member contemplated in subregulation (1)(b), (2)(b), (3)(b) or (4)(b) is appointed to act as head of the school, the governing body must co-opt another educator with voting rights on recommendation of the educator staff of the same school onto the governing body for the duration of the period that the elected educator member acts as the head of the school.

(16) Non-educator staff employed at the school must nominate and elect the non-educator member contemplated in subregulations (1)(c), (2)(c) and (4)(c): Provided that if the school has only one non-educator, that member is automatically elected.

(17) In the circumstances contemplated in subregulation (3)(c), the non-educator member is automatically elected.

(18) The representative council of learners at the school must nominate and elect the learner members contemplated in subregulations (1)(d) and (4)(d).

(19) The governing body of a school for learners with special education needs must establish a committee on special education needs as contemplated in section 30(2) of the South African Schools Act.

(20) The committee contemplated in subregulation (19) must—

- (a) convene at least once a school term; and
- (b) consist of—
  - (i) the principal;
  - (ii) two parent members of the governing body;
  - (iii) one educator; and
  - (iv) if reasonably practicable, at least one and not more than five of the following persons:
    - (aa) a representative of sponsoring bodies;
    - (bb) a representative of organisations of parents of learners with special education needs;
    - (cc) a representative of organisations of disabled persons;

(*dd*) a disabled person; and

(*ee*) an expert in appropriate fields of special education needs.

(21) The Head of Department may approve the composition and term of office of a governing body at a school that differs from the composition contemplated in subregulations (1), (2), (3) and (4) if—

(*a*) the governing body of the school has applied in writing for such different composition and provided reasons therefor; or

(*b*) a governing body needs to be established to perform the functions of a governing body in the interim, to facilitate the establishment of a new school,

and the Head of Department is satisfied that such composition is in the interest of education at the school.

(22) Except for a school referred to in section 12(1)(g) of the Act, in the circumstances contemplated in subregulation (21)(*a*) the number of parent members serving on a governing body of a school contemplated in subregulations (1), (2) and (3) must comprise one more than the combined total of other members who have voting rights.

(23) The Head of Department may at any time in his or her discretion, withdraw the approval contemplated in subregulation (21)(*b*) and dissolve the interim governing body concerned, whereupon a new governing body must be composed in accordance with subregulation (1), (2), (3) or (4), as the case may be.

(24) An interim governing body as contemplated in subregulation (21)(*b*), and regulations 3(8)(*a*) and 8(4) must consist of the—

(*a*) district electoral officer as chairperson;

(*b*) circuit manager responsible for the school;

(*c*) school finance and records officer responsible for the school as treasurer;

(*d*) assistant director who manages the school finance and records officers contemplated in paragraph (*c*) responsible for that education district as secretary;

(*e*) deputy chief education specialist for management and governance responsible for that education district as deputy chairperson; and

(*f*) principal.

(25) The provincial electoral officer must submit the names and particulars contemplated in subregulation (24) to the Head of Department.

### **Co-option of parent members**

3. (1) If there is a vacancy in the number of parent members in the governing body, the principal must within five days of becoming aware of the vacancy notify all parents of the learners at the school of the vacancy, by handing a letter to each learner of the school with the oral instruction to hand it to his or her parents or by any other appropriate method as determined by the principal, and request the parents to indicate in writing to the principal within a period of two school days from the date of the notification whether the parent is willing to serve as a co-opted enfranchised member on the governing body.

(2) In the notification to the parents contemplated in subregulation (1) the principal must request a parent who is willing to be co-opted as an enfranchised member on the governing body to submit a short motivation why he or she wants to serve on the governing body.

(3) After the two school days contemplated in subregulation (1), the chairperson of the governing body must convene a special meeting of the governing body after giving at least 48 hours' notice to the governing body members, to temporarily co-opt an enfranchised parent member, provided that the meeting to co-opt a parent member is quorate.

(4) If the number of parents who are willing to be co-opted as enfranchised members is equal to or less than the number of vacancies, then those parents will be deemed to be co-opted enfranchised members of the governing body, provided that they are eligible to serve as members on the governing body.

(5) If the number of parents who are willing to be co-opted as enfranchised members is more than the number of vacancies, then the enfranchised governing body members who form a quorate meeting must consider the motivation contemplated in subregulation (2) and co-opt parent members from these parents through a transparent, fair and democratic process, which may include voting.

(6) The chairperson of a governing body may not convene a general meeting or special meeting of the governing body until an enfranchised parent member has been co-opted as contemplated in subregulations (4) and (5).

(7) If the number of governing body members is insufficient to establish a quorum the principal must without delay notify the provincial electoral officer that the governing body is inquorate.

(8) In the circumstances contemplated in subregulation (7)—

- (a) the Head of Department must within three days of becoming aware that there is no quorum establish an interim governing body for a period not exceeding 90 days;
- (b) the school electoral officer must send out a notice contemplated in regulation 17(1) within 14 days of the Head of Department establishing the interim governing body; and
- (c) a new governing body must be elected in terms of these regulations within the 90 days contemplated in paragraph (a).

(9) If a parent is co-opted with voting rights as contemplated in subregulation (4) or (5), the co-option ceases when the vacancy has been filled through a by-election, which must be held within 90 days after the vacancy has occurred, in accordance with the same procedures as those for the election of parent members as detailed in these regulations.

(10) Subject to subregulation (11), a parent co-opted in terms of subregulation (4) or (5) may not serve for more than 90 days as a co-opted member during the tenure of the governing body.

(11) If the by-election contemplated in subregulation (9) is not held within 90 days after the vacancy has occurred as a result of a major disruptive event, the co-opted parent member continues to serve on the governing body until the major disruptive event ceases.

(12) In the circumstances contemplated in subregulation (11) the by-election must be held within 30 days of the date of the cessation of the major disruptive event.

(13) The secretary of the governing body must ensure that minutes are taken of the proceedings of a special meeting to co-opt a parent member as contemplated in subregulation (3).

(14) The principal must retain in a file the minutes contemplated in regulation (13) and the following documents:

- (a) The notification contemplated in subregulations (1) and (2) informing parents of the vacancy;
- (b) the written response from those parents who indicated their willingness to serve as a co-opted enfranchised member of the governing body;
- (c) the notice contemplated in subregulation (3) convening the special meeting;
- (d) the agenda of the special meeting;
- (e) proof that the notice and agenda were sent to the enfranchised governing body members;
- (f) the signed minutes of the special meeting; and
- (g) the signed attendance register of the special meeting.

(15) The nomination validation meeting and the by-election contemplated in subregulations (9) and (12) must be held in terms of these regulations.



### **Ineligibility to serve as members on governing body and disqualification of members of governing body**

4. A person may not be nominated for, appointed as or co-opted as an enfranchised member of a governing body or continue to be an enfranchised member of a governing body if he or she—

- (a) has at any time been convicted by a court of law of an offence for which he or she received a suspended prison sentence without the option of a fine, or was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon, or the period of suspension or imprisonment has expired at least three years before the date of his or her nomination or appointment as a member of the governing body;
- (b) has a child, including an adopted child, spouse, life partner, parent, sibling, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, or sister-in-law who—
  - (i) is a member of the governing body concerned; or
  - (ii) works at the school concerned;
- (c) in the case of a parent, works at or for the school;
- (d) has a financial, economic or personal interest in the school or works for a sole proprietor or juristic person that has a financial or economic interest in the school;
- (e) has been declared unsuitable to work with children in terms of the Children's Act, 2005 (Act 38 of 2005), or the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
- (f) is mentally ill and has been declared as such by a court of law;
- (g) is an unrehabilitated insolvent;
- (h) is not listed on a voters' roll of the school concerned;
- (i) with the exception of the principal, in the case of an educator appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998), has been found guilty of misconduct and has—
  - (i) received a fine;
  - (ii) been suspended without pay;
  - (iii) been demoted; or
  - (iv) received a combination of the sanctions contemplated in subparagraphs (i) to (iii), unless the period of his or her sanction has expired at least three years before the date of his or her nomination or appointment as a member of the governing body;
- (j) in the case of a non-educator has been found guilty of misconduct and has—
  - (i) been suspended without pay;
  - (ii) been demoted; or
  - (iii) received a combination of the sanctions contemplated in subparagraphs (i) and (ii), unless the period of his or her sanction has expired at least three years before the date of his or her nomination or appointment as a member of the governing body;
- (k) in the case of a parent candidate, does not have a child enrolled as a learner at the school concerned;
- (l) in the case of a learner, has—
  - (i) at any time been expelled from any school by the Head of Department;
  - (ii) at any time been suspended by a governing body; or
  - (iii) not progressed a grade in the preceding two years at any school;

- (m) has been removed from a governing body by the Head of Department in terms of regulation 6(8) during the previous three years.
- (n) is a principal at any other school; or
- (o) is an official of the Department of Education who has direct supervisory responsibilities at the school concerned.

## Vetting

5. (1) A person nominated to serve on the governing body as contemplated in regulations 18, 22, 25 and 27 must consent in writing to being vetted by an accredited vetting agency to determine compliance with regulation 4, where necessary.

(2) For the purposes of these regulations, an accredited vetting agency may only vet—

- (a) a person serving on the governing body as an enfranchised member;
- (b) a person assisting on the governing body who is not an enfranchised member; and
- (c) a person appointed for his or her expertise to a committee of the governing body.

(3) If the vetting process determines that a person elected to serve on the governing body may not serve on the governing body, the membership of the governing body must be determined in terms of these regulations.

(4) If an allegation is made by any person to a governing body against a member of the governing body that he or she does not comply with regulation 4, the chairperson of the governing body, or if the allegation has been made against the chairperson, the district electoral officer, must notify the member concerned in writing of the allegation and afford him or her an opportunity to make a written representation to the governing body within 14 days of receipt of the notification.

(5) The member against whom an allegation has been made as contemplated in subregulation (4) must withdraw from the meeting of the governing body for the duration of the discussion and decision-making on the allegation.

(6) If the governing body decides to vet the member contemplated in subregulation (4) to determine compliance with regulation 4, the chairperson or the district electoral officer, as the case may be, must inform the member in writing of the decision within five days of the decision being taken.

(7) In the circumstances contemplated in subregulation (6), the governing body must without delay approach an accredited vetting agency to vet the member within 14 days of the decision being taken to determine compliance with regulation 4.

(8) If the vetting agency finds that the member does not comply with regulation 4, it must report in writing to the chairperson or district electoral officer, as the case may be, who must then, within 30 days of receiving the report—

- (a) provide a copy of the report to the provincial electoral officer who must forward the report to the Head of Department with a recommendation that he or she terminates the membership of the member as contemplated in regulation 6(8); and
- (b) notify the member concerned of the report and the recommendation contemplated in paragraph (a).

(9) The Head of Department must consider the report and in writing notify the governing body and member concerned of his or her decision within 21 days of receipt of the report.

(10) A person whose membership is terminated may appeal to the Provincial Minister within 14 days of receiving the notification contemplated in subregulation (9).

(11) The Provincial Minister must consider the appeal and decide the matter in writing within 21 days of receipt of the appeal.

(12) The school is responsible for any costs incurred by any vetting undertaken in terms of this regulation.

### **Term of office of members of governing body**

6. (1) Subject to subregulations (8) and (10) and regulations 7, 8, 30(3) and 32(16), the term of office of a member of a governing body who is not a learner is three years and is effective from the date when the school electoral officer declares the governing body freely and fairly elected.

(2) If the last day of employment at a school of an educator member on the governing body is 31 December then his or her last day to serve on the governing body is the last day of the school year for educators or the day on which his or her employment is terminated at the school either by the educator or by the employer, whichever date comes first.

(3) If the last day of employment at a school of a non-educator on the governing body is 31 December then his or her last day to serve on the governing body is 31 December or the day on which his or her employment is terminated at the school either by the non-educator or the employer.

(4) If the last day of enrolment at a school of a child of a parent member is the last day of the school year for learners, then the last day for the parent to serve on the governing body is the last day of the school year for learners or the date on which the enrolment of the child at the school is terminated either by the parent or the Head of Department, whichever date comes first.

(5) The learner members on the governing body must be elected by 28 February each year.

(6) The term of office of a learner member is one year.

(7) A learner member must serve on the governing body until—

(a) a new learner member is elected to the governing body as contemplated in subregulation (5);

(b) he or she leaves the school; or

(c) the last day of the school year for learners if the learner is in grade 12.

(8) The Head of Department may—

(a) at any time suspend or terminate the membership of a governing body member for a breach of the code of conduct as contemplated in section 26A of the Act; or

(b) terminate the membership of a governing body member—

(i) for not complying with regulation 4; or

(ii) in terms of regulation 7(3).

(9) A member of the governing body whose membership has been suspended or terminated in terms of subregulation (8)(a) may appeal to the Provincial Minister as contemplated in section 21 of the Code of Conduct for Members of School Governing Bodies of Public Schools made under Provincial Notice 101/2012 published in *Provincial Gazette* 6982 dated 13 April 2012.

(10) Subject to subregulation (11), if a person elected as a member of a governing body as contemplated in regulation 2(1), (2), (3) and (4) ceases to fall within the category contemplated in that regulation in respect of which he or she was elected as a member, he or she ceases to be a member of the governing body.

(11) If the term of office of a parent member is due to cease because the only child he or she has at the school is leaving the school and the parent member has already received written confirmation of acceptance from the school in respect of the enrolment of a second child at the same school in the next school year, the parent may remain a member of the governing body on condition that the first child leaves

the school on the last day of the preceding term and the second child starts at that school on the first day of the new term.

(12) If a combined school or intermediate school is restructured as a—

- (a) primary school, the composition of the governing body contemplated in regulation 2(1) remains unchanged, subject to subregulations (13) and (15), until the term of office of the members of the governing body expires; or
- (b) secondary school, the composition of the governing body contemplated in regulation 2(1) remains unchanged, subject to subregulation (14) and (15), until the term of office of the members of the governing body expires.

(13) In the circumstances contemplated in subregulation (12)(a), if there are more parents on the governing body than provided for in regulation 2(2) or (3), as the case may be, an election of parent members as contemplated in regulation 19 must be held within 90 days of the restructuring.

(14) In the circumstances contemplated in subregulation (12)(b), if the number of the parents on the governing body is less than the number of parents provided for in regulation 2(1), an election of parent members as contemplated in regulation 19 must be held within 90 days of the restructuring.

(15) In the circumstances contemplated in subregulation (12), in order to continue as a member of the governing body, the member must remain eligible in terms of these regulations to serve on the governing body of the primary school or the secondary school.

(16) A member of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office if he or she is eligible to be a member in terms of these regulations.

### **Vacancies in governing body**

7. (1) A vacancy occurs in a governing body if a member—

- (a) tenders his or her written resignation and does not withdraw the resignation before it is formally noted by the governing body in a meeting;
- (b) dies;
- (c) is absent from three consecutive meetings of the governing body without valid reason, after having been duly notified of the meetings;
- (d) becomes ineligible as contemplated in regulation 4 or 6(10); or
- (e) has been removed from office in terms of regulation 6(8).

(2) In the circumstances contemplated in subregulation (1)(c)—

- (a) the governing body must minute the absences;
- (b) after the second absence, the secretary of the governing body must notify the absent member that the governing body will request the Head of Department to terminate his or her membership if he or she is absent a third time;
- (c) after the third absence, the governing body must request the Head of Department to terminate the membership of the absent member; and
- (d) the secretary must notify the absent member in writing that the governing body has requested the Head of Department to terminate his or her membership.

(3) If the Head of Department is satisfied that the member was absent from three consecutive meetings of the governing body without valid reason, the Head of Department must terminate the membership of the member and notify the member of the termination within 21 days of receiving the request contemplated in subregulation (2)(c).

(4) A person whose membership is terminated as contemplated in subregulations (2) and (3) may appeal to the Provincial Minister within 14 days of receiving the notification contemplated in subregulation (3).

(5) The Provincial Minister must consider the appeal and decide the matter in writing within 21 days of receipt of the appeal.

(6) When a vacancy occurs—

(a) in a governing body composed in terms of regulation 2(20)(b), the Head of Department must appoint a member in the vacancy;

(b) in a governing body composed in terms of regulation 2(1), (2), (3), (4), or (23)(a), the vacancy must be filled through a by-election in accordance with the election procedures set out in these regulations—

(i) in the case of a parent member, within 90 days after the occurrence of the vacancy; and

(ii) in the case of an educator vacancy, a non-educator vacancy or learner vacancy, within 14 days after the occurrence of the vacancy.

(7) A member appointed in accordance with subregulation (6)(a) or elected to fill a vacancy by means of a by-election in accordance with subregulation (6)(b) obtains membership for the unexpired period of the term of office of his or her predecessor, with voting rights, subject to regulation 6.

(8) If a vacancy has been filled—

(a) in accordance with subregulation (6)(a), the Head of Department must; or

(b) in accordance with subregulation (6)(b), the secretary of the governing body must,

notify the principal in writing of the name of the person who is no longer a member of the governing body and of the name and address of that person's successor.

(9) A temporary vacancy occurs in a governing body if a member is absent from three consecutive meetings of the governing body with a valid reason.

(10) In the circumstances contemplated in subregulation (9) the member must notify the governing body that he or she will not be able to perform his or her functions on the governing body for three consecutive meetings and provide a reason for the absence.

(11) If the governing body accepts the reason contemplated in subregulation (10) and consents to the absence, it must co-opt a person from the same category of members as the absent member to perform the functions of the absent member, including exercising voting rights, until such time as the absent member is able to resume his or her functions on the governing body.

(12) If the governing body rejects the reason contemplated in subregulation (10) and does not consent to the absence, the member must tender his or her written resignation and the vacancy must be dealt with as contemplated in subregulation (6).

(13) In the circumstances contemplated in subregulation (11) the secretary of the governing body must notify the principal in writing of the name of the member who is temporarily absent and the name and address of the person who is temporarily performing the functions of the absent member.

### **Dissolution and recomposition of governing body**

8. (1) The Head of Department may dissolve a governing body if—

(a) he or she is of the opinion that, owing to the merger of schools or the division of a school or other re-organisation of school facilities, it is necessary to afford parents of the schools or school concerned an opportunity to elect members of a new governing body that will be properly

representative of the parents of learners attending the schools or school after such merger, division or re-organisation;

(b) the governing body has failed to perform its functions satisfactorily or has acted in a manner that is not in the best interest of the school; or

(c) at least 60 per cent of all parents entitled to vote under regulation 9(1) vote, at a parents' meeting convened for this purpose, in favour of a motion of no confidence in the governing body.

(2)(a) The chairperson of a governing body must, within 14 days after he or she has been requested to do so in writing by not less than 30 per cent of the parents entitled to vote in terms of regulation 9(1), convene a parents' meeting referred to in subregulation (1)(c).

(b) If the chairperson does not respond to the request contemplated in paragraph (a), the parents may approach the district electoral officer, who must convene a mediation meeting between the governing body and a delegation of the parents within five days of being approached by the parents.

(c) If the governing body and parents do not reach agreement at the mediation meeting contemplated in paragraph (b), the district electoral officer must within five days of the mediation meeting appoint from the relevant education district office—

(i) the circuit manager; or

(ii) the head of management and governance,

as chairperson for the parents' meeting contemplated in subregulation (1)(c) and request that chairperson to convene that meeting.

(d) The chairperson contemplated in paragraph (c) must—

(i) without delay convene a parents' meeting contemplated in subregulation (1)(c), which meeting must be held within 14 days of the chairperson being appointed in terms of paragraph (c); and

(ii) within five days of being requested to do so by the district electoral officer, ensure that written notice of the meeting is given, either by handing the notice to each learner of the school with the oral instruction to hand it to his or her parents or by any other appropriate method as determined by the chairperson in consultation with the principal.

(3) Where a governing body has been dissolved under subregulation (1), it becomes inoperative on a date fixed by the Head of Department.

(4) The Head of Department may establish an interim governing body as contemplated in regulation 2(23) for a period not exceeding 90 days from the date contemplated in subregulation (3).

(5) A governing body must be elected under these regulations within 90 days after the establishment of the interim governing body contemplated in subregulation (4).

(6) When the Provincial Minister closes a school in terms of section 18 of the Act, the governing body of that school dissolves on the last day of the school term preceding the date of the closure of the school.

## Franchise

9. (1) Every parent who has one or more children enrolled as learners at a school is entitled to vote for parent members of the governing body at that school, and may vote only once for a particular nominee, with a maximum number of votes equal to the number of parent members to be elected.

(2) A head of an orphanage or his or her delegate who has one or more children enrolled as learners at a school is entitled to vote for parent members of the governing body at that school, and may vote only once for a particular nominee, with a maximum number of votes equal to the number of parent members to be elected.

(3) In the circumstances contemplated in subregulation (1) no more than two parents per learner are permitted to vote.

(4) Every educator employed at a school, including the principal, is entitled to vote for educator members of the governing body at that school, and may vote only once for a particular nominee, with a maximum number of votes equal to the number of educator members to be elected.

(5) Every member of a representative council of learners at a school is entitled to vote for learner members of the governing body at that school and may vote only once for a particular nominee, with a maximum number of votes equal to the number of learner members from the representative council to be elected.

(6) Every member of the non-educator staff at a school is entitled to vote for the non-educator member of the governing body and has one vote: Provided that if the school has only one non-educator, that member is automatically elected.

### **Modes of election**

10. (1) The election of a governing body must take place by means of—

- (a) a manual election;
- (b) an e-election; or
- (c) both a manual election and an e-election.

(2) A voting station for the election of a governing body must—

- (a) open no earlier than 7:00 and close no later than 20:00; and
- (b) during the time contemplated in paragraph (a) be open for at least five hours in total.

(3) When considering the mode of election contemplated in subregulation (1), the principal must consider whether—

- (a) the mode of election will promote the best interests of the school community and the school and will allow for maximum participation of voters in the voting process;
- (b) the mode of election will not discriminate unfairly against any potential voter or group of voters;
- (c) sufficient provision is made for the nomination process; and
- (d) sufficient resources are available for the preferred mode of election.

(4) The principal must not less than 30 days before the date of the election of the governing body—

- (a) notify the school electoral officer which mode of election contemplated in subregulation (1) will be used; and
- (b) confirm that the school is able to conduct the mode of election contemplated in paragraph (a).

(5) The school electoral officer must—

- (a) inform the district electoral officer of the mode of the election within two days of being informed of the mode of election by the principal as contemplated in subregulation (4)(a); and
- (b) submit a management plan for the election to the district electoral officer at least 25 days before the date of the election.

(6) The management plan contemplated in subregulation (5)(b) must contain at least the following:

- (a) the proposed date, time and venue for the election;
- (b) the time slot when the votes will be counted, and the results announced; and
- (c) a schedule for the processes of the school electoral team members monitoring the nomination validation meeting and the polling and counting of votes.

### School electoral officer

11. (1) The circuit manager must recommend to the district electoral officer the school from which the principal or failing him or her the second in charge contemplated in subregulation (2) must be appointed from as school electoral officer.

(2) The district electoral officer must appoint a principal or second in charge, if needed, of another school in writing as the school electoral officer to conduct the nomination and election, as the case may be, of parent, educator and non-educator members contemplated in regulation 2(1), (2), (3) and (4) to a governing body.

(3) The district electoral officer may not appoint the principal or second in charge contemplated in subregulation (2) from outside the education district where the school conducting the nomination and election is located.

(4) If the principal or second in charge as contemplated in subregulation (2) is temporarily not available to fulfil the duties contemplated in subregulation (7), the district electoral officer must, subject to subregulations (3) and (5), appoint a school electoral officer from another school to fulfil these duties.

(5) The principal or second in charge contemplated in subregulation (2) may not be appointed as school electoral officer at a school—

- (a) if he or she has a child enrolled at that school;
- (b) if he or she has not been trained and certified as a school electoral officer;
- (c) if he or she is employed at the school where the election is taking place; or
- (d) where the school electoral officer of his or her school is employed as a principal or second in charge.

(6) The school electoral officer may appoint one or more educators or non-educators to assist at a nomination validation meeting and election.

(7) The school electoral officer must—

- (a) ensure that the school electoral team understands the electoral process to be followed and complies with these regulations;
- (b) preside over the election of members of a governing body, excluding the election of learner members and office-bearers;
- (c) ensure that the school where the elections take place establishes an electoral office by providing a room with a telephone, cell phone with data as well as a computer and printer for the use of the school electoral officer and the school electoral team for the duration of the nomination validation meeting and for the polling and counting-of-votes processes;
- (d) ensure that there is a suitable venue for the nomination validation meeting, the poll and the counting of votes;
- (e) in the case of e-voting, ensure that one or more e-voting stations have been established;
- (f) intervene in and resolve any disputes on the day of the nomination validation meeting, the poll and the counting of the votes;
- (g) if so satisfied, declare the elections to be free and fair; and
- (h) submit the results of the election to the district electoral officer.

(8) A principal who has been appointed as a school electoral officer may not delegate the duties contemplated in subregulation (7) to the second in charge without the consent of the district electoral officer.

(9) The principal must support and assist the school electoral officer in the execution of his or her duties.



(10) The school electoral team must use the school stamp from the school where the school electoral officer is employed when stamping the nomination forms and ballot papers.

### **Duties of district electoral officer**

**12.** A district electoral officer must—

- (a) co-ordinate the governing body election processes in the education district;
- (b) advise the education district office on the proposed strategy and implementation of the governing body elections in the education district and ensure that the process is conducted as agreed with the provincial electoral officer;
- (c) compile a management plan to implement the governing body elections;
- (d) ensure that each school has an electoral officer and that the school electoral team is established;
- (e) appoint the school electoral officers contemplated in paragraph (d);
- (f) ensure that all school electoral officers are properly trained and certified;
- (g) ensure that the school electoral officers have the forms contemplated in the annexures and all necessary documents for the election process;
- (h) ensure that all school electoral teams are adequately trained and are aware of what their role entails;
- (i) ensure that school electoral team members receive these regulations and other documents relevant to the elections timeously;
- (j) ensure that election advocacy is conducted as planned;
- (k) ensure that the education district officials monitor the election process;
- (l) ensure that the names and contact details of the persons elected to the governing bodies are submitted to the provincial electoral officer within seven days of the elections taking place;
- (m) ensure that the names of the office-bearers are submitted to the provincial election co-ordinator within seven days of the receipt thereof from the principal;
- (n) ensure that the names of members who have been—
  - (i) co-opted to the governing body as contemplated in regulation 2(8) and regulation 3; or
  - (ii) appointed or elected to the governing body to fill a vacancy as contemplated in regulation 7(6),are submitted to the provincial election co-ordinator within 14 days of the receipt of these names from the principal;
- (o) develop and maintain a database of newly elected members of governing bodies in the education district and submit it to the provincial election co-ordinator; and
- (p) compile a written report on the governing body elections and submit it to the provincial election co-ordinator.

### **Duties of provincial electoral officer**

**13.** The provincial electoral officer must—

- (a) compile a provincial implementation management plan for the governing body elections;
- (b) ensure that there is adequate advocacy regarding the election dates;
- (c) co-ordinate all resources to conduct efficient and fair governing body elections;
- (d) ensure that all district electoral officers are properly trained;
- (e) monitor and evaluate the election process in the province; and
- (f) consolidate a database of elected governing body members in the province.

### **Code of conduct for electoral officials**

**14.** A school electoral officer, district electoral officer, provincial election co-ordinator and school electoral team member must—

- (a) act honestly and courteously;
- (b) act in a fair and unbiased manner;
- (c) be familiar with the election process and applicable legislation pertaining to governing body elections;
- (d) conduct the election according to these regulations;
- (e) co-operate with the principal;
- (f) manage the election process in a fair and just manner; and
- (g) not exceed his or her powers.

### **Voters' rolls**

**15.** (1) The principal must make a voters' roll for each of the following categories of voters, containing the names of all parents, educators and non-educators at the school who are entitled to vote as contemplated in regulation 9, as follows:

- (a) the voters' roll for parents must be based on the school admission register and must consist of those persons whose names are recorded in the admissions register as parents, or who can show proof that they are parents of learners enrolled in the school;
- (b) the voters' roll for educators must consist of all educators employed at the school; and
- (c) the voters' roll for non-educators must consist of all non-educators employed at the school.

(2) The principal must ensure that there are no duplicate names on the voters' rolls and ensure that there is a maximum number of two parents per learner reflected on the voters' roll for parents contemplated in subregulation (1)(a).

(3) The voters' roll for parents must be made available to parents for scrutiny at least 10 days before the notice contemplated in regulation 17 is sent to the parents.

(4) The parents may check the voters' roll for parents to determine whether their names appear on it and raise a dispute within five days of the voters' roll being made available as contemplated in subregulation (3).

(5) The principal must consider a dispute contemplated in subregulation (4) and, where necessary, amend the voters' roll within five days of receiving notice of the dispute.

(6) The principal must finalise the voters' roll for parents, educators and non-educators at least two days before the notice contemplated in regulation 17 is sent to the parents, and no names may be added subsequent to finalisation.

(7) The principal must when compiling the voters' roll follow the principle of inclusion and ensure compliance with the Protection of Personal Information Act;

(8) The school electoral officer must verify the voters' rolls within two days after the principal has finalised them in terms of subregulation (6).

### **Date, time and venue of nomination validation meeting and election of parent members**

**16.** (1) The school electoral officer after consultation with the principal must—

- (a) determine a date, time slots and venue for—
  - (i) a meeting to validate the nominations from parents, which meeting must be held at least 13 days before the election;

- (ii) an election of parent members; and
  - (iii) the counting of votes; and
  - (b) inform the principal in writing thereof.
- (2) The nomination and election of parent members must be preceded by the election of the other categories of members of the governing body as contemplated in regulations 25, 26, 27 and 28.
- (3) In the case of a new school, the meeting to validate the nominations from parents and the election of parent members must be held not later than 90 days after the opening of the school to learners.
- (4) The Head of Department may, if it is reasonably required in the circumstances, allow an extension in writing of the period contemplated in subregulation (3), but such extension may not exceed six months after the establishment of the school.

### **Notice of nomination validation meeting and election of parent members**

17. (1) The school electoral officer must prepare a notice, in the form of Annexure A, of the nomination validation meeting and election contemplated in regulation 16 and a nomination form, in the form of Annexure B, and must, at least 21 days before the election, provide the principal with a copy of the notice and nomination form in order that the provisions of subregulation (4) may be implemented.

- (2) The notice to the parents must—
- (a) state the date of the election;
  - (b) state the mode of election as contemplated in regulation 10(1);
  - (c) in the case of a manual election, state the time and venue of the nomination validation meeting;
  - (d) state that parent candidates may attend the nomination validation meeting of a manual election;
  - (e) state the date, time slots and venue of the poll;
  - (f) include a reminder that parents must bring a form of identification to be allowed to vote;
  - (g) inform parents that they may lodge with the school electoral officer an objection in writing to any nomination not more than two days after the nomination validation meeting;
  - (h) encourage parents to take the following factors into account when nominating and voting for parent candidates:
    - (i) the principle of equity;
    - (ii) the need to redress past injustices; and
    - (iii) the need for representivity;
  - (i) inform parents that information about nominated candidates may only be requested and made available in terms of the Protection of Personal Information Act;
  - (j) inform parents who are nominated that they must give their permission for their information to be shared with the voters; and
  - (k) indicate the date, time slots and venue of a follow-up poll, to be held not less than five days and not more than seven days after the first poll, should a quorum not be achieved at the first poll as contemplated in regulation 20(6).

(3) The identification contemplated in subregulation (2)(f) must be a South African identity card, a green barcoded identity document, a temporary identity document issued by the Department of Home Affairs or, in the case of a foreigner, a permit issued in terms of the Immigration Act: Provided that in the event of such identification not being available an alternative form of identification may be accepted by a member of the school electoral team.

- (4) The principal must at least 21 days before the date of the election for parent members—
- (a) ensure that the educators hand copies of the notice and nomination form to every learner of the school concerned with the oral instruction to hand it to his or her parents;
  - (b) ensure that copies of the notice and nomination form are sent to the parents of every learner at the school by post, if he or she deems it expedient;
  - (c) use a combination of the two notification methods contemplated in paragraphs (a) and (b); or
  - (d) use any other appropriate method as he or she may determine to notify the parents of every learner at the school of the nomination validation meeting and election of parent members, as long as the method of notification does not place any parents at a disadvantage or impede their participation in the election process.

(5) The school electoral officer must ensure that the notice contemplated in subregulation (1) is displayed in the school at least 11 days before the date of the nomination validation meeting contemplated in subregulation (2)(c).

### **Nomination process in manual election**

**18.** (1) To nominate a parent candidate in a manual election, the parent of a learner at the school must lodge with the school electoral officer, by not later than 13:00 on the fourteenth day before the election, a nomination form in the form of Annexure B, duly completed by the proposer, seconder and parent candidate.

(2) A nomination contemplated in subregulation (1) must be seconded by another parent.

(3) A parent may not nominate himself or herself.

(4) The nominations must be placed in a sealed ballot box at the school concerned and must not be removed from the school.

(5) The school electoral officer must ensure that—

(a) for each nominee there is a proposer and seconder;

(b) the nominee, proposer and seconder are listed in the voters' roll; and

(c) the nomination validation meeting is informed of the nominations received by the date and time contemplated in subregulation (1).

(6) At the nomination validation meeting the school electoral team must consider the nominations and reject the nomination of any parent who—

(a) has not been nominated in accordance with subregulation (1);

(b) is ineligible as contemplated in regulation 4; or

(c) nominated himself or herself,

and thereafter the school electoral officer must compile a nomination list and notify the principal and the parents of the names of the parents whose nomination have been accepted.

(7) The principal, at least two days before the date of the election for parent members—

(a) must ensure that the educators hand copies of the nomination list contemplated in subregulation (6) to every learner of the school concerned with the oral instruction to hand it to his or her parents; or

(b) may use any other appropriate method as he or she may determine to notify the parents of every learner at the school of that nomination list, as long as the method of notification does not place any parents at a disadvantage or impede their participation in the election process.

(8) If the total number of parent candidates whose nominations have been accepted as contemplated in subregulation (6) is less than the number of members required in terms of regulation 2(1)(a), (2)(a), (3)(a)

and (4) in respect of the governing body concerned, the school electoral officer must within two days of the nomination validation meeting—

- (a) inform the principal in writing thereof;
  - (b) inform the parents and request that additional parent candidates are nominated not more than four days after the nomination validation meeting; and
  - (c) convene a second nomination validation meeting to be held not more than five days after the date of the first nomination validation meeting.
- (9) In the circumstances contemplated in subregulation (8)(c)—
- (a) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulation (6), is more than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned—
    - (i) the school electoral officer must inform the principal and the parents at least five days before the election of the names of the parents whose nominations have been accepted; and
    - (ii) a poll must be held in accordance with regulation 19;
  - (b) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulation (6), is less than or equal to the number of the members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, the process contemplated in subregulation (11) must be followed; or
  - (c) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulation (6), is less than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4) in respect of the governing body concerned, the school electoral officer must within two days of the second nomination validation meeting—
    - (i) inform the principal in writing thereof;
    - (ii) inform the parents and request that additional parent candidates are nominated not more than four days after the date of the second nomination validation meeting contemplated in subregulation (8)(c); and
    - (iii) convene a third nomination validation meeting to be held not more than five days after the date of the second nomination validation meeting contemplated in subregulation (8)(c).
- (10) In the circumstances contemplated in subregulation (9)(c)(iii)—
- (a) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulations (6) and (9), is more than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, the process contemplated in subregulation (9)(a) must be followed;
  - (b) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulations (6) and (9), is less than or equal to the number of the members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, the process contemplated in subregulation (11) must be followed; or
  - (c) if the total number of parent candidates whose nominations have been accepted, including the nominations accepted in terms of subregulations (6) and (9), is less than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, the process contemplated in regulation 16(1) must be followed.

(11) If the total number of parent candidates whose nominations have been accepted as contemplated in subregulation (6) is less than or equal to the number of the members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, the school electoral officer must declare every accepted parent candidate to be a duly elected member of the governing body.

(12) If the total number of parent candidates whose nominations have been accepted as contemplated in subregulation (6) is more than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a) and (4)(a) in respect of the governing body concerned, a poll must be held in accordance with regulation 19.

### **Poll at election of parent members in manual election**

**19.** (1) The poll contemplated in regulation 18(9)(a)(ii), (10)(a) or (12) must be held on the date and at the time and venue determined in accordance with the nomination and election process.

(2) The school electoral officer must—

- (a) request the parents who have accepted their nominations to provide a photograph of themselves that has been taken within the preceding three months and which is similar in style to a photograph reflected in a South African identity card or green barcoded identity document;
- (b) with the permission of the parents who have accepted their nomination, list the names of the nominees in alphabetical order, together with their photographs, in the voting venue together with a clear written instruction to voters to only vote for the required number of candidates;
- (c) prepare ballot papers containing the names of all nominated candidates in alphabetical order together with a clear written instruction to voters to vote only for the required number of candidates; and
- (d) issue every parent who is entitled to and wishes to vote with a ballot paper contemplated in paragraph (c) on which the school stamp contemplated in regulation 11(10) appears.

(3) A parent must record his or her vote confidentially on the ballot paper contemplated in subregulation (2): Provided that if a parent is on account of illiteracy, blindness or any other physical defect unable to record his or her vote, the school electoral officer may, at the request of that parent and in the presence of a witness chosen by the parent, record the vote for the parent candidate or parent candidates indicated by that parent.

(4) The parent must place the ballot paper recording his or her vote in a ballot box provided for that purpose.

### **Counting of votes**

**20.** (1) The school electoral officer must open the ballot box in the presence of the school electoral team and parent candidates who wish to be present.

(2) The school electoral officer must scrutinise every ballot paper and reject a ballot paper—

- (a) on which the school stamp contemplated in regulation 19(2)(c) does not appear;
- (b) on which more votes are recorded than the number of members to be elected in accordance with regulation 2; or
- (c) which is completed in such a way that it is in the opinion of the school electoral officer unclear for which parent candidate or parent candidates a vote was recorded.

(3) After the school electoral officer has rejected any spoiled ballot papers as contemplated in subregulation (2), he or she must—

- (a) in the presence of every parent candidate who wishes to be present, ensure that the votes recorded for every parent candidate are counted by the school electoral team; and
- (b) declare the determined number of parents in terms of regulation 2(1)(a), (2)(a), (3)(a) or (4)(a) in respect of the governing body concerned for whom the greatest number of votes were recorded to be duly elected members of the governing body and state the number of votes recorded for every parent candidate.

(4) If the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the school electoral officer must, in the presence of the school electoral team and every parent candidate who wishes to be present, draw lots to determine which of the parents is successfully elected.

(5) No proxy votes are accepted for governing body elections.

(6) A quorum of parents—

- (a) consists of 10 per cent of the total number of parents on the voters' roll having voted; and
- (b) must be determined by the school electoral officer at the end of the poll.

(7) If a quorum contemplated in subregulation (6) was not achieved at the poll, the school electoral officer must—

- (a) inform the principal and the parents; and
- (b) inform the parents of the date of the follow-up poll as contemplated in regulation 17(2)(k).

(8) At the follow-up poll no quorum of parents is required.

### **Role of school in selecting e-election**

**21.** In selecting the e-election mode of election, the principal must—

- (a) inform parents about the e-election;
- (b) before the election provide guidance to the parents by means of a manual on how to use the e-election mode;
- (c) ensure that a person who has thorough knowledge of the operation of an e-election is available to provide technical support before and on the day of the election;
- (d) set up at least one e-voting station at the school for the duration of the election to make provision for those who wish to vote at the school;
- (e) ensure that there is a generator available in the case of no electricity supply;
- (f) allocate and provide staff members who will be available to assist the school electoral team for the duration of the nomination, polling and counting process; and
- (g) ensure that parents register to vote with a selection of security questions at least five days before the election.

### **Nomination process for e-election**

**22.** (1) The nomination process contemplated in regulation 18 applies, unless the system provides for the nomination process for an e-election to be undertaken online electronically, in which case the nomination process contemplated in regulation 18 applies with the necessary changes.

(2) Where the nomination process is to be undertaken online electronically, the system must be programmed to—

- (a) provide a parent with log-on details with a unique one-time personal identification number to enable him or her to nominate parent candidates;
  - (b) verify the identification of the parent when he or she logs on through the personal identification number contemplated in paragraph (a), based on the voters' roll for parents; and
  - (c) provide an online nomination form to the parent to enable him or her to nominate parent candidates.
- (3) A parent must log off after making nominations.
- (4) The staff members contemplated in regulation 20(f) must assist parents to upload documents when required to do so.

### **Polling during e-election**

- 23.** (1) The system must be programmed to—
- (a) provide a parent with log-on details with a unique one-time personal identification number to enable him or her to vote in the poll;
  - (b) verify the identification of the parent when he or she logs on through the personal identification number contemplated in paragraph (a), based on the voters' roll for parents; and
  - (c) provide an online ballot paper to the parent to enable him or her to vote for the required number of parent candidates.
- (2) A parent must log off after voting.

### **Counting of votes during e-election**

- 24.** (1) The system must be programmed to be able to calculate and provide results as soon as the election time has lapsed.
- (2) The school electoral officer must verify the results of the poll contemplated in regulation 23.
- (3) If the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the school electoral officer must, in the presence of the school electoral team and every parent candidate who wishes to be present, draw lots to determine which of the parents are successfully elected.

### **Nomination and election meeting of educator members**

- 25.** (1) The school electoral officer must, in a notice in the form of Annexure C, indicate a date, time and venue for a meeting for the nomination and election of educator members of the governing body, which must be held at least 13 days before the election of parent members.
- (2) To nominate an educator, an educator on the establishment of the same school must—
- (a) lodge with the school electoral officer, not more than eight days before the date of the nomination and election meeting, a nomination form in the form of Annexure D, duly completed by the proposer, seconder and educator candidate; or
  - (b) propose an educator as a member of the governing body during the nomination and election meeting.
- (3) A nomination contemplated in subregulation (2)(b) must be seconded by another educator, and a nomination form in the form of Annexure D must be duly completed by the proposer, the seconder and, if present, the educator nominee and must be lodged with the school electoral officer within the time contemplated in subregulation (4).



(4) If a quorum as contemplated in regulation 26(2) is reached, the school electoral officer must determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting and must inform the meeting thereof.

(5) An educator may not nominate himself or herself.

(6) After expiry of the time contemplated in subregulation (4) the school electoral officer must consider the nominations and reject the nomination of any educator who—

(a) has not been nominated in accordance with subregulation (2)(a) or (3);

(b) is ineligible as contemplated in regulation 4;

(c) in the case of a nomination contemplated in subregulation (2)(b), has not completed the nomination form, unless written proof to the satisfaction of the school electoral officer is submitted before the expiry of the time contemplated in subregulation (4) that the educator candidate is willing to serve as a member of the governing body; or

(d) has nominated himself or herself,

and thereafter the school electoral officer must announce the names of the educator candidates whose nominations have been accepted.

(7) If the total number of educator candidates whose nominations have been accepted as contemplated in subregulation (6)—

(a) is less than the number of members determined in terms of regulation 2(1)(b), (2)(b), (3)(b) or (4)(b) in respect of the governing body concerned, a new meeting at which new educator candidates must be nominated must be convened, which meeting is to be held within seven days of the first meeting in accordance with the procedures as set out in these regulations;

(b) is equal to the number of members determined in terms of regulation 2(1)(b), (2)(b), (3)(b) or (4)(b) in respect of the governing body concerned, the school electoral officer must declare every accepted educator candidate to be a duly elected member of the governing body; or

(c) is more than the number of members determined in terms of regulation 2(1)(b), (2)(b), (3)(b) or (4)(b) in respect of the governing body concerned, a poll must be held in accordance with regulation 26.

(8) If there are ten or fewer educators on the establishment of a school, the procedure for the nomination of educator members is not followed, but the procedure for the poll contemplated in regulation 26 must be followed.

### **Poll at election of educator members**

**26.** (1) The school electoral officer must prepare a notice of the nomination and election meeting and must distribute a copy of the notice to every educator on the establishment of the school at least eight days before the poll.

(2) The principal must give the school electoral officer a list of all educators who are employed at the school, which constitutes the voters' roll for the educators.

(3) A quorum at the poll consists of the presence of one more than half of the total number of educators on the establishment of the school.

(4) The school electoral officer must issue each educator who wishes to cast his or her vote with an approved ballot paper on which the school stamp contemplated in regulation 11(10) appears.

(5) An educator contemplated in subregulation (1) who wishes to vote must cast his or her vote by writing the names of not more than two educator candidates on the ballot paper.

(6) The school electoral officer must reject a ballot paper—

(a) on which the school stamp contemplated in subregulation (4) does not appear;

(b) on which the names of more than two educator candidates appear; or

(c) that is completed in such a way that it is, in the opinion of the school electoral officer, unclear for which educator candidate or educator candidates a vote was recorded.

(7) The two educator candidates for whom the greatest number of votes have been recorded must be declared by the school electoral officer as duly elected.

(8) If no educator candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with these regulations.

(9) The procedure contemplated in subregulation (8) must be repeated until there are two educator candidates, who must be declared by the school electoral officer as duly elected.

(10) When applying subregulation (8), if two or more educator candidates each have the lowest number of votes, a separate vote must be taken on those candidates and repeated as often as may be necessary to determine which candidate is to be eliminated.

### **Nomination and election of non-educator member**

27. (1) The procedure for the nomination and election of educator members applies, with the necessary changes, to the nomination and election of a non-educator member.

(2) If there are only two non-educators employed at the school, the school electoral officer must draw lots to determine which non-educator is successfully elected.

### **Nomination and election of learner members**

28. The two learner members contemplated in regulation 2(1)(d) and (4)(d) must be elected by the representative council of learners from its own ranks as contemplated in the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools made by the Provincial Minister under Provincial Notice 272/2014 in *Provincial Gazette* 7317 dated 13 October 2014.

### **Decisions of school electoral officer**

29. (1) The school electoral officer must decide and settle all matters connected with the nomination of candidates and election of members.

(2) Subject to regulation 30(1), all disputes about the nomination and election process must be reported to the school electoral officer.

(3) The school electoral officer must endeavour to resolve all disputes in order to declare the elections undisputed.

(4) A decision of the school electoral officer during the nomination and election process is final.

(5) The school electoral officer must decide and settle an objection to a nomination contemplated in regulation 17(2)(g) after the election.

(6) Should there be a dispute that the school electoral officer is unable to resolve, the nominations and elections must be finalised.

### **Decisions of district electoral officer**

**30.** (1) Any person who wishes to lodge an objection against a decision of a school electoral officer must, within seven days after the election of members in the category concerned, lodge the objection in writing with the district electoral officer concerned.

(2) Any person may, within seven days after the election of members in the category concerned, refer an unresolved dispute contemplated in regulation 29(6) to the district electoral officer.

(3) The district electoral officer must consider the objection contemplated in subregulation (1) or the referral contemplated in subregulation (2) or (4) and respond in writing to the person who lodged the objection or referred the dispute or alleged irregularity within seven days of receipt of the objection or referral informing that person of his or her decision and the reasons for the decision.

(4) Any person who becomes aware of an alleged irregularity in the election process after the election may refer the alleged irregularity to the district electoral officer within seven days after the announcement of the governing body members.

### **Procedure after election of governing body**

**31.** (1) After the election of a governing body the school electoral officer must—

(a) make a scanned copy of all documents used in the nomination and election of the members, including all completed ballot papers used in the election and all nomination forms received and—

- (i) forward a scanned copy to the school principal; and
- (ii) retain a scanned copy;

(b) place the original documents contemplated in paragraph (a) in envelopes, seal the envelopes and give them to the district electoral officer, who must keep them in safe custody for a period of at least three years from the date of the election of the governing body;

(c) if so satisfied, declare the election to be free and fair;

(d) notify each elected member in writing of his or her election;

(e) notify the principal and the district electoral officer within three days of the date of the election of the governing body in writing of the names and addresses of the persons elected as members; and

(f) submit an undisputed election declaration, where this was the case, or a declaration detailing any disputes to the district electoral officer.

(2) The principal must ensure that the governing body election data is completed on the Department of Education's online management information system within 14 days of the date of the election.

(3) The outgoing governing body ceases to exist when the school electoral officer announces the newly elected parent members and declares the election to be free and fair.

### **First meeting of governing body**

**32.** (1) The first meeting of a newly elected governing body must—

(a) be convened by the principal within five days after he or she received the notice contemplated in regulation 31(1)(e);

(b) be held within 10 days after the election;

(c) be chaired by the principal;

- (d) elect the office-bearers of the governing body; and
  - (e) determine the signatories for financial matters.
- (2) The signatories contemplated in subregulation (1)(e) must be given signing powers within seven days of the meeting contemplated in subregulation (1).
- (3) The principal must—
- (a) convene and chair a meeting between the outgoing governing body and the newly elected governing body to be held within seven days of the first meeting contemplated in subregulation (1) to enable the orientation process to take place;
  - (b) manage the orientation process by—
    - (i) ensuring that the chairperson of the outgoing governing body and the chairperson of the newly elected governing body sign off on a list of the documentation to be transferred; and
    - (ii) answering any questions that the members of the newly elected governing body might have; and
  - (c) make the enfranchised members of the incoming governing body aware of their duties, including the need to ensure that office-bearers are as representative as possible of the gender and racial diversity of the school concerned.
- (4) At the first meeting of a governing body of a school for learners with special education needs, the members contemplated in regulation 2(4)(a), (b), (c), (d) and (e) must co-opt the members contemplated in regulation 2(4)(f), (g), (h), (i) and (j) with voting rights.
- (5) At the first meeting of the governing body contemplated in subregulation (1), the body must from among its enfranchised members elect officer-bearers, who must comprise at least a chairperson, a deputy chairperson, a treasurer and a secretary.
- (6) No member may hold more than one office of the governing body simultaneously unless the governing body consists of fewer than five members.
- (7) In the circumstances contemplated in regulation 2(1), (2) and (3), only a parent member of a governing body with voting rights may serve as chairperson or deputy chairperson of the governing body.
- (8) In the circumstances contemplated in regulation 2(4), any member of the governing body may serve as chairperson or deputy chairperson, except the principal of the school, an educator at the school, a non-educator at the school or a learner.
- (9) Subject to subregulations (7) and (8), any enfranchised member of the governing body, excluding the principal, may serve as an office-bearer.
- (10) Subject to subregulation (11), the term of office of an office-bearer may not exceed one year from his or her election.
- (11) Subject to subregulation (1), the principal must by the end of February each year convene a meeting of the governing body to elect from among its enfranchised members the office-bearers contemplated in subregulation (5).
- (12) An office-bearer of a governing body may be re-elected as an office-bearer after the expiry of his or her term of office, provided that he or she still qualifies to be a member of the governing body.
- (13) If for any reason the office of an office-bearer becomes vacant, the governing body must at the first meeting after the vacancy has occurred, elect one of its members to fill the vacancy for the unexpired term of office of his or her predecessor.
- (14) The principal must preside at an election contemplated in subregulations (5) and (12).
- (15) The principal must, after a meeting at which any office-bearer has been elected in accordance with this regulation, notify the Head of Department by means of the Department of Education's online

management information system of the date of the meeting, the name and address of the person elected and the office into which he or she has been elected.

(16) Subject to regulations 8 and 31(2), at the expiry of his or her term of office, an outgoing office-bearer must perform his or her functions until the election of the new office-bearer who is to replace him or her has taken place, provided that the new office-bearer qualifies to be a member of the governing body.

## Committees

**33.** (1) The governing body—

(a) must establish a finance committee and a disposal committee;

(b) may establish as many other committees as it deems necessary; and

(c) may appoint persons who are not enfranchised members of the governing body to a committee contemplated in paragraph (a) or (b) on the grounds of expertise to capacitate the committee to discharge the function for which they were appointed.

(2) Only an enfranchised member may serve as chairperson of a committee of the governing body.

(3) A person contemplated in subregulation (1)(c)—

(a) may—

(i) propose a motion at a committee meeting;

(ii) second a motion at a committee meeting;

(iii) vote on a proposal at a committee meeting; and

(b) may not chair a meeting of the committee.

(4) The number of enfranchised governing body members on a committee contemplated in subregulation (1)(a) and (b) must comprise at least one more than the persons contemplated in subregulation (1)(c).

(5) The treasurer or, failing him or her, the deputy chairperson of the governing body must serve as the chairperson of the finance committee and any delegation of the governing body dealing with finance matters.

(6) A finance committee must meet at least once a month.

(7) A disposal committee must meet at least once a year.

(8) A committee contemplated in subregulation (1)(b) must meet as the need to do so arises.

(9) The chairperson of a committee must—

(a) determine the date, time and venue of a committee meeting; and

(b) notify each of the committee members in writing of the meeting contemplated in paragraph (a) at least five days before the committee meeting.

(10) The chairperson of a committee may not convene a meeting contemplated in subregulations (6), (7) and (8) on a public holiday or school holiday.

(11) The principal or the person acting as the head of a school must attend and participate in all committee meetings.

(12) A committee contemplated in subregulation (1)(a) may make decisions as stipulated in the duly approved constitution or finance policy of the governing body.

(13) A committee contemplated in subregulation (1)(b) may only make recommendations to the governing body.

(14) A quorum for a committee meeting consists of the presence of one more than half the total number of members of the committee.

(15) The tenure of a committee may not exceed the tenure of the governing body that established it.

### Meetings of governing body

34.(1) The governing body must meet at least once every school term.

(2) The meeting contemplated in subregulations (1), (5), (10) and (13) may not be convened on a public holiday or school holiday.

(3) The chairperson of a governing body must after consultation with the principal and the secretary of the governing body—

- (a) determine the date, time and venue of a meeting contemplated in subregulation (1); and
- (b) ensure that a schedule of planned meetings for the year or part thereof compiled by the principal and chairperson be given to all governing body members within two months after the first meeting of the governing body contemplated in regulation 32 or before the start of the new school year, whichever comes first.

(4) The secretary must after consultation with the chairperson and principal—

- (a) notify each member in writing of the meeting contemplated in subregulation (1) at least 14 days before the meeting;
- (b) provide an agenda and any other relevant documents for the meeting to each member of the governing body; and
- (c) ensure that the agenda contemplated in paragraph (b) is in the form of Annexure E.

(5) If the chairperson of the governing body is of the opinion that a matter requires urgent attention at a special meeting of the governing body, the secretary of the governing body must give each member at least 48 hours' notice of the special meeting.

(6) No more than three matters for which the meeting was convened may be discussed at a special meeting contemplated in subregulation (5).

(7) If the principal is of the opinion that a matter requires immediate attention that cannot be addressed in a meeting of the governing body contemplated in subregulation (1) or a special meeting of the governing body contemplated in subregulation (5) he or she may request the chairperson to convene an emergency meeting.

(8) In the circumstances contemplated in subregulation (7) the secretary of the governing body must ensure that each member is given at least four hours' notice of the emergency meeting to discuss only the matter for which the meeting has been convened.

(9) An emergency meeting contemplated in subregulation (7) may be convened on any day.

(10) The chairperson of a governing body must after consultation with the principal and the secretary of the governing body determine the date, time and venue of the general meeting of parents where the annual budget of the school must be presented to the parents for consideration and approval.

(11) The general meeting of parents may not be attended by an educator or a non-educator unless he or she is a member of the governing body, or he or she is a parent of a child enrolled at the school.

(12) The principal, after consultation with the chairperson and secretary of the governing body, must ensure that parents and governing body members are notified in writing of the general meeting of parents contemplated in subregulation (10) at least 30 days before the meeting.

(13) The principal must after consultation with the chairperson and secretary—

- (a) determine the date, time and venue of the meetings contemplated in section 18(2)(b) of the South African Schools Act; and
- (b) ensure that parents, educators, non-educators and learners are notified in writing of the meeting contemplated in paragraph (a) at least 14 days before the meeting.

(14) The governing body must meet with parents, educators, non-educators and learners at the school, respectively as contemplated in subregulation (13), at least once a year.

(15) In the circumstances contemplated in subregulation (13) the governing body may meet with the parents, educators, non-educators and learners in a single meeting or with each category in separate meetings.

(16) The meetings contemplated in subregulations (5), (7), (10) and (13) do not stand in the stead of a meeting contemplated in subregulation (1).

(17) Any person may on the written invitation of a governing body be present at a meeting of the body and take part in the discussion but may not—

- (a) propose a motion at a meeting of the governing body;
- (b) second a motion at a meeting of the governing body; or
- (c) vote on a proposal at a meeting of the governing body,

and must leave the meeting when the governing body makes a decision.

(18) A governing body may require any educator or non-educator of the school concerned to attend a meeting of the body in connection with any matter relating to the functions of the governing body.

(19) An educator and non-educator contemplated in subregulation (18) may take part in the discussion but may not—

- (a) propose a motion at a meeting of the governing body;
- (b) second a motion at a meeting of a governing body; or
- (c) vote on a proposal at a meeting of the governing body,

and must leave the meeting when the governing body makes a decision.

(20) A quorum for any meeting of the governing body consists of one more than half of the number of all the enfranchised members of the governing body.

(21) The principal or the person acting as the head of a school must attend and participate in all meetings of the governing body.

(22) A member of a governing body who is a learner may not vote on resolutions that impose liabilities on the school or third parties.

(23) Learner members of a governing body must remain present throughout governing body meetings.

(24) No proxy votes are accepted at governing body meetings.

(25) A quorum of the meeting and the attendance of the principal at a meeting are prerequisites for a valid governing body meeting to start or to continue, as the case may be.

(26) The last governing body meeting for the year must be held before or on the last day of the school year for educators unless an extraordinary event necessitates a meeting during the remainder of the year.

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

**35.** (1) The secretary of a governing body must ensure that—

- (a) minutes are taken of the proceedings of every meeting of the governing body; and
- (b) each member of the governing body is provided with a copy of the minutes at least 14 days before the next meeting.

(2) The secretary of a governing body must provide the principal with a copy of the minutes, and the principal must retain the minutes and other documents of the governing body in a file.

(3) The principal must provide, on reasonable request and for a specific purpose, the Head of Department, or any person duly designated by the Head of Department, with a copy of the minutes.

(4) The principal must provide, on reasonable request, a parent of a learner at the school or an educator or a non-educator at the school with a copy of those parts of the minutes relevant to the protection of the rights or interests of the parent or his or her child or the educator or non-educator, as the case may be.

(5) In the circumstances contemplated in subregulations (3) and (4) there must be no violation of the rights of any other persons, or breach of confidentiality.

(6) The minutes of a meeting of a governing body or a committee thereof must at the next meeting of the governing body or committee thereof, as the case may be, be submitted for approval and signing.

(7) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of the governing body and any committee thereof must be handed to the principal of the school.

(8) At the closure of a school, the principal must hand all minutes and other documents of the governing body or any committee thereof to the relevant district electoral officer for safekeeping.

(9) The governing body must render a report on its activities to parents, educators, non-educators and learners at the school at least once a year.

### **Transitional provisions**

**36.** A governing body at a public school which, at the commencement of these regulations, was validly constituted in terms of the Procedures for the Establishment and Election of Governing Bodies at Public Schools Regulations, 2021, published under Provincial Notice 23/2021 in *Provincial Gazette* 8398 of 12 March 2021, is regarded as being constituted in terms of these regulations.

### **Repeal**

**37.** The Procedures for the Establishment and Election of Governing Bodies at Public Schools Regulations, 2021, published under Provincial Notice 23/2021 in *Provincial Gazette* 8398 of 12 March 2021, are repealed.

### **Short title**

**38.** These regulations are called the Procedures for the Election and Establishment of Governing Bodies at Public Schools Regulations, 2023.



**ANNEXURE A**

Notice of Nomination Validation Meeting and Election

Election of Parents of Learners to Governing Body

*(Regulations 18, 19, 22 and 23 of the Procedures for the Election and Establishment of Governing Bodies at Public Schools Regulations, 2023)*

NAME OF SCHOOL: \_\_\_\_\_ EMIS NUMBER: \_\_\_\_\_

Notice is hereby given that:

1. a parent of a learner who attends the above-mentioned school whose name is on the voters’ roll of the school may nominate any other parent of a learner who attends the school whose name is on the voters’ roll of the school, or second the nomination of such a parent, by delivering a completed nomination form to the school by latest on \_\_\_\_\_ (date).
2. various nomination validation meetings, which may be attended by parent candidates, will be held on:
  - (a) Date: \_\_\_\_\_ Venue: \_\_\_\_\_ Time: \_\_\_\_\_
  - (b) Date: \_\_\_\_\_ Venue: \_\_\_\_\_ Time: \_\_\_\_\_
  - (c) Date: \_\_\_\_\_ Venue: \_\_\_\_\_ Time: \_\_\_\_\_
 to transact the following business:
  - (i) consider all nominations;
  - (ii) to reject all nominations that are ineligible or not completed properly; and
  - (iii) to compile a list of parent candidates who are eligible to be nominees.
3. The voters’ roll of parents, which is based on the school admission register, will be available for scrutiny at the school as from \_\_\_\_\_ (date) at \_\_\_\_\_ (time), and a parent has the right to lodge a dispute until \_\_\_\_\_ (date) at \_\_\_\_\_ (time) with the school principal. The principal will consider all disputes before publishing the voters’ roll for parents by \_\_\_\_\_ (date). No names will be added after \_\_\_\_\_ (date).
4. Any person may lodge an objection to any nomination with the school electoral officer \_\_\_\_\_ (name and surname) in writing by 16:00 on \_\_\_\_\_ (date).
5. An election will be held on \_\_\_\_\_ (date), at \_\_\_\_\_ (venue), and the voting station will open at \_\_\_\_\_ (time) and close at \_\_\_\_\_ (time) and will be open for the following slots (if a manual election):
  - \_\_\_\_\_
  - \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This election will only be held if more parent candidates are nominated than the number of members to be elected.

- 6. A follow-up election may be held on \_\_\_\_\_ (date), at \_\_\_\_\_ (venue), and the voting station will open at \_\_\_\_\_ (time) and close at \_\_\_\_\_ (time) and will be open for the following slots (if a manual election):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This follow-up election will only be held if more parent candidates are nominated than the number of members to be elected and a quorum was not reached at the previous election. At the follow-up election no quorum is required.

- 7. Counting of ballots, after a quorum was established, will be held on \_\_\_\_\_ (date), at \_\_\_\_\_ (venue), after polling at the election has closed and nominees may attend the session.

- 8. Counting of ballots will be held on \_\_\_\_\_ (date), at \_\_\_\_\_ (venue), after polling at the follow-up election has closed, and nominees may attend the session.

- 9. You are hereby reminded to—
  - (a) bring a form of identification to be allowed to vote. The form of identification must be a South African identity card or green barcoded identity document, a temporary identity document issued by the Department of Home Affairs or, in the case of a foreigner, a permit issued in terms of the Immigration Act, 2002 (Act 13 of 2002); and
  - (b) take the following factors into account when nominating and voting for parent candidates:
    - (i) the principle of equity;
    - (ii) the need to redress past injustices; and
    - (iii) the need for representivity.

- 10. If the number of parent candidates nominated equals the number of members to be elected, the parent candidates will be deemed to be elected governing body members.

- 11. If the number of parent candidates nominated is less than the number of members to be elected, the school electoral officer will call for more nominations of parent candidates.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SCHOOL ELECTORAL OFFICER

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please affix the school stamp of the office of the school electoral officer:

STAMP

**ANNEXURE B**

## NOMINATION FORM

Election of Parents of Learners as Members of Governing Body

*(Regulations 18, 19, 22 and 23 of the Procedures for the Election and Establishment of Governing Bodies at Public Schools Regulations, 2023)*

NAME OF SCHOOL: \_\_\_\_\_

PROPOSER:

I, \_\_\_\_\_,  
(Full name)

of \_\_\_\_\_ (residential address)

being a parent of a learner of the above-mentioned school, hereby nominate

\_\_\_\_\_  
(Full name of candidate)

as a member of the governing body of the above-mentioned school.

\_\_\_\_\_  
SIGNATURE OF PROPOSER

SECONDER:

I, \_\_\_\_\_,  
(Full name)

of \_\_\_\_\_ (residential address)

being a parent of a learner of the above-mentioned school, hereby second the nomination of

\_\_\_\_\_  
(Full name of candidate)

as a member of the governing body of the above-mentioned school.

---

SIGNATURE OF SECONDER

CANDIDATE:

I, \_\_\_\_\_  
(Full name)

with PERSAL/EMPLOYMENT/IDENTITY number \_\_\_\_\_,

of \_\_\_\_\_  
(Residential address)

hereby declare that I am fully aware that—

1. I may not be nominated for, appointed as or co-opted as a member of a governing body or I cease to be a member of a governing body if I—
  - (a) have at any time been convicted by a court of law of an offence for which I received a suspended prison sentence without the option of a fine, or was sentenced to imprisonment without the option of a fine, unless I have received a free pardon, or the period of suspension or imprisonment has expired at least three years before the date of my nomination or appointment as a member of the governing body;
  - (b) have a child, including an adopted child, spouse, life partner, parent, sibling, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, or sister-in-law who—
    - (i) is a member of the governing body concerned; or
    - (ii) works at the school concerned;
  - (c) work at or for the school;
  - (d) have a financial, economic or personal interest in the school or work for a sole proprietor or juristic person that has a financial or economic interest in the school;
  - (e) have been declared unsuitable to work with children in terms of the Children's Act, 2005 (Act 38 of 2005), or the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
  - (f) am mentally ill and have been declared as such by a court of law;
  - (g) am an unrehabilitated insolvent;
  - (h) am not listed on the voters' roll of the school concerned;
  - (i) do not have a child enrolled as a learner at the school concerned;
  - (j) *(in the case of an educator, in the employ of the Department of Education, appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) or by the school), have been found guilty of misconduct and have—*
    - (i) received a fine;
    - (ii) been suspended without pay;
    - (iii) been demoted; or

- (iv) received a combination of the sanctions contemplated in subparagraphs (i) to (iii), unless the period of my sanction has expired at least three years before the date of my nomination or appointment as a member of the governing body;
- (k) *(in the case of a non-educator, in the employ of the Department of Education, appointed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994), or by the school)* have been found guilty of misconduct and have—
- (i) been suspended without pay;
  - (ii) been demoted; or
  - (iii) received a combination of the sanctions contemplated in subparagraphs (i) and (ii), unless the period of my sanction has expired at least three years before the date of my nomination or appointment as a member of the governing body;
- (l) have been removed from the governing body by the Head of Department in terms of regulation 6(8) during the previous three years;
- (m) am a principal at any other school; or
- (n) am an official of the Department of Education who has direct supervisory responsibilities at the school concerned.
2. I further declare, based on the points listed in (1) above, that I am not ineligible to be nominated or to serve on the governing body of a school under the auspices of the Department of Education.
3. I further declare that I consent to being vetted by an accredited vetting agency to determine compliance with point (1) above if I am elected to the governing body and an allegation based on point (1) is made against me.
4. I further declare that, after having considered points (1), (2) and (3) above, I duly accept the above-mentioned nomination.

---

SIGNATURE OF CANDIDATE

I, \_\_\_\_\_,  
(Full name)

the school electoral officer, hereby declare that this nomination is accepted / rejected.

(Delete which is not applicable)

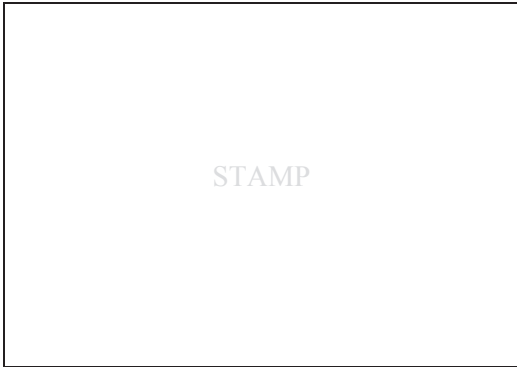
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DATE

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SIGNATURE OF SCHOOL ELECTORAL OFFICER

Please affix the school stamp of the office of the school electoral officer:



**ANNEXURE C**

Notice of Nomination and Election Meeting

Election of Educators / Non-Educators to Governing Body

*(Regulations 25, 26 and 27 of the Procedures for the Election and Establishment of Governing Bodies at Public Schools Regulations, 2023)*

NAME OF SCHOOL: \_\_\_\_\_ EMIS NUMBER: \_\_\_\_\_

Notice is hereby given that a meeting for the nomination and election of candidates for the election of \_\_\_\_\_ (educators / non-educators) as members of the governing body for the above-mentioned school will be held on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) in \_\_\_\_\_ (venue). Should a quorum not be reached, a follow-up meeting will be held on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

It will be determined at \_\_\_\_\_ (time) on the day of the nomination and election meeting whether enough educators / non-educators entitled to vote are present for the meeting to go ahead. Educators / non-educators are therefore encouraged to attend the meeting.

Please arrive at the meeting before \_\_\_\_\_ (time).

An educator / non-educator may be nominated at the meeting or by lodging with the school electoral officer not more than seven days before the above meeting, a nomination form duly completed by a proposer, a seconder and the nominee. For this purpose, nominations will be accepted at the school from \_\_\_\_\_ (date) until \_\_\_\_\_ (time) on \_\_\_\_\_ (date).

If the number of candidates nominated equals the number of members to be elected, the candidates will be deemed to be elected governing body members.

If more candidates are nominated than the number of members to be elected, a poll will be conducted after the nominations have been submitted.

\_\_\_\_\_  
DATE

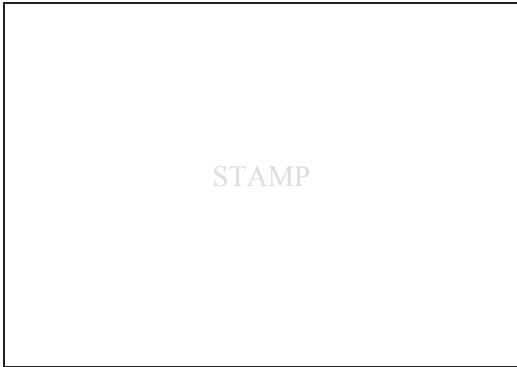
\_\_\_\_\_  
SIGNATURE OF SCHOOL ELECTORAL OFFICER

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Please affix the school stamp of the office of the school electoral officer:



**ANNEXURE D****NOMINATION FORM**

Election of Educators / Non-Educator as Members of Governing Body

*(Regulations 25, 26 and 27 of the Procedures for the Election and Establishment of Governing Bodies at Public Schools Regulations, 2023)*

NAME OF SCHOOL: \_\_\_\_\_

PROPOSER:

I, \_\_\_\_\_,  
(Full name)

of \_\_\_\_\_ (residential address)

being an educator / non-educator of the above-mentioned school, hereby nominate

\_\_\_\_\_  
(Full name of candidate)

as a member of the governing body of the above-mentioned school.

\_\_\_\_\_  
SIGNATURE OF PROPOSER

SECONDER:

I, \_\_\_\_\_,  
(Full name)

of \_\_\_\_\_ (residential address)

being an educator / non-educator of the above-mentioned school, hereby second the nomination of

\_\_\_\_\_  
(Full name of candidate)

as a member of the governing body of the above-mentioned school.

\_\_\_\_\_  
SIGNATURE OF SECONDER

NOMINEE:

I, \_\_\_\_\_  
(Full name)

with PERSAL/EMPLOYMENT number \_\_\_\_\_,

of \_\_\_\_\_  
(Residential address)

hereby declare that I am fully aware that—

1. I may not be nominated for, appointed as or co-opted as a member of a governing body or I cease to be a member of a governing body if I—
  - (a) have at any time been convicted by a court of law of an offence for which I received a suspended prison sentence without the option of a fine, or was sentenced to imprisonment without the option of a fine, unless I have received a free pardon, or the period of suspension or imprisonment has expired at least three years before the date of my nomination or appointment as a member of the governing body;
  - (b) have a child, including an adopted child, spouse, life partner, parent, sibling, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, or sister-in-law who—
    - (i) is a member of the governing body concerned; or
    - (ii) works at the school concerned;
  - (c) work at or for the school;
  - (d) have a financial, economic or personal interest in the school or work for a sole proprietor or juristic person that has a financial or economic interest in the school;
  - (e) have been declared unsuitable to work with children in terms of the Children's Act, 2005 (Act 38 of 2005), or the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
  - (f) am mentally ill and have been declared as such by a court of law;
  - (g) am an unrehabilitated insolvent;
  - (h) am not listed on the voters' roll of the school concerned;
  - (i) (*in the case of an educator, excluding the principal, appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) or by the school*), have been found guilty of misconduct and have—
    - (i) received a fine;
    - (ii) been suspended without pay;
    - (iii) been demoted; or
    - (iv) received a combination of the sanctions contemplated in subparagraphs (i) to (iii), unless the period of my sanction has expired at least three years before the date of my nomination or appointment as a member of the governing body;

- (j) *(in the case of a non-educator appointed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994), or by the governing body)* have been found guilty of misconduct and have—
- (i) been suspended without pay;
  - (ii) been demoted; or
  - (iii) received a combination of the sanctions contemplated in subparagraphs (i) and (ii), unless the period of my sanction has expired at least three years before the date of my nomination or appointment as a member of the governing body
- (k) have been removed from the governing body by the Head of Department in terms of regulation 6(8) during the previous three years;
- (l) am a principal at any other school; or
- (m) am an official of the Department of Education who has direct supervisory responsibilities at the school concerned.
2. I further declare, based on the points listed in (1) above, that I am not ineligible to be nominated or to serve on the governing body of a school under the auspices of the Department of Education.
3. I further declare that, after having considered points (1) and (2) above, I duly accept the above-mentioned nomination.

---

SIGNATURE OF NOMINEE

OR

(IF PROPOSED AT NOMINATION AND ELECTION MEETING AND NOT PRESENT TO COMPLETE THE NOMINATION FORM)

I, \_\_\_\_\_,  
(Full name)

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

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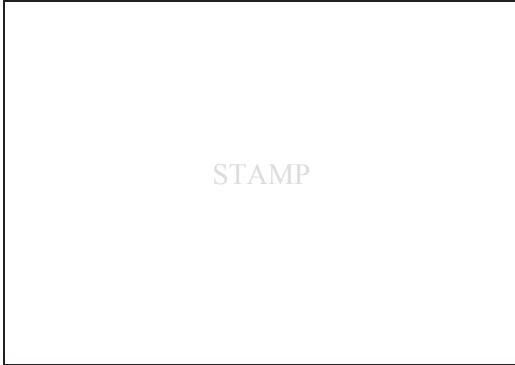
SIGNATURE OF SCHOOL ELECTORAL OFFICER

This nomination is accepted / rejected.  
(Delete which is not applicable)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SCHOOL ELECTORAL OFFICER

Please affix the school stamp of the office of the school electoral officer:



## ANNEXURE E

## AGENDA

NAME OF SCHOOL: \_\_\_\_\_

DATE OF MEETING: \_\_\_\_\_

CHAIRPERSON: \_\_\_\_\_

ITEM NO.	DISCUSSION TOPIC	RESPONSIBILITY
<b>SECTION A: PROCEDURAL MATTERS</b>		
A.1	Opening and welcome	Chairperson
A.2	Attendance and apologies	All
A.3	Adoption of agenda	All
A.4	Approval of minutes of	All
<b>SECTION B: MATTERS ARISING</b>		
Issues from previous meeting that must be reported on		
B.1		
B.2		
<b>SECTION C: STANDING ITEMS</b>		
C.1	Principal's Report	Principal
C.2	Finance	Treasurer
C.3	Staff issues	Chairperson
C.4	Safety and security	Chairperson
C.5	Parent issues	Chairperson
C.6	Governing body issues	Chairperson
C.7	Property and maintenance	Chairperson
C.8	Approval of departmental documents	Chairperson
C.9	Policies (Name the policy)	Chairperson
<b>SECTION D: NEW ITEMS FOR THE DEPARTMENT OF EDUCATION / DEPARTMENT OF BASIC EDUCATION</b>		
Circulars/Minutes/Directives/Legislation/Policies, etc.		
D.1		Chairperson
D.2		Chairperson
<b>SECTION E: CORRESPONDENCE</b>		
Letters/Emails/Correspondence to the governing body (Not from Department of Education or Department of Basic Education)		
E.1		Chairperson
E.2		Chairperson
<b>SECTION F: NEW ITEMS</b>		
Any other item that does not fit into any of the above categories		
F.1		Chairperson
F.2		Chairperson
<b>SECTION G: CLOSURE</b>		
G.1	Announcements – not personal (No discussions)	Chairperson
G.2	Next scheduled meeting	Chairperson
G.3	Summary and closure	Chairperson

**POSSIBLE AGENDA ITEMS FOR DISCUSSION UNDER SECTION C****C.1 PRINCIPAL'S REPORT****C.1.1 Educational Support Programmes**

- C.1.1.1 National School Nutrition Programme
- C.1.1.2 Remedial support
- C.1.1.3 Extra classes

**C.1.2 Learner Issues**

- C.1.2.1 Discipline, attitude and school uniform
- C.1.2.2 Attendance
- C.1.2.3 Additional support for struggling learners
- C.1.2.4 Performance
- C.1.2.5 Class sizes
- C.1.2.6 Learner / educator ratios
- C.1.2.7 Learner assessments
- C.1.2.8 Admissions
- C.1.2.9 Extracurricular and extramural activities
- C.1.2.10 Representative Council of Learners (if applicable)
- C.1.2.11 Homework submission
- C.1.2.12 Expulsions and / or suspensions

**C.1.3 Curriculum Issues**

- C.1.3.1 Content coverage
- C.1.3.2 Assessment
- C.1.3.3 Drop-out rates
- C.1.3.4 Academic results
- C.1.3.5 Subject choices
- C.1.3.6 Book choices
- C.1.3.7 Also see paragraph 6.7 of Circular 0043/2021

**C.2 FINANCE**

- C.2.1 Budget and financial statements
- C.2.2 School fees (payments and non-payments)
- C.2.3 Exemptions
- C.2.4 Debt collections
- C.2.5 Investments
- C.2.6 Liabilities (loans and overdrafts)
- C.2.7 Purchases
- C.2.8 Procurement Plan
- C.2.9 Contracts
- C.2.10 Fundraising
- C.2.11 Disposals, inventories and asset register

**C.3 STAFF ISSUES**

- C.3.1 Discipline
- C.3.2 Attendance
- C.3.3 Additional support for struggling staff members
- C.3.4 Performance
- C.3.5 Remuneration / compensation
- C.3.6 Bonuses
- C.3.7 Staff assessment
- C.3.8 Section 51A of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)
- C.3.9 Appointment, composition and vacancies
- C.3.10 Retirements, dismissals and resignations
- C.3.11 Secondments
- C.3.12 Transfers
- C.3.13 Promotions
- C.3.14 Staff development

**C.4 SAFETY AND SECURITY**

- C.4.1 Access control and visits to school
- C.4.2 Guarding
- C.4.3 Screening
- C.4.4 Business continuity
- C.4.5 Safeguarding of vital documents
- C.4.6 Evacuation, drills and testing
- C.4.7 Alarm, siren and intercom
- C.4.8 Creation of conducive learning environment
- C.4.9 School patrol during periods, breaks and after school

**C.5 PARENT ISSUES**

- C.5.1 Involvement
- C.5.2 Communication

**C.6 GOVERNING BODY ISSUES**

- C.6.1 Training
- C.6.2 Vacancies
- C.6.3 Commitment of members
- C.6.4 Discipline of members

**C.7 PROPERTY AND MAINTENANCE**

- C.7.1 Building maintenance
- C.7.2 Cleaning of building and premises
- C.7.3 Expansions, enhancements and renovations
- C.7.4 Renting / leasing of building or premises



**C.8 APPROVAL OF ANNUAL MANAGEMENT PROCESS DOCUMENTS**

- C.8.1 Annual Academic Performance Report (AAPR)
- C.8.2 Academic Performance Improvement Plan (APIP)
- C.8.3 School Development Plan (SDP)
- C.8.4 School Improvement Plan (SIP)
- C.8.5 School Self Evaluation (SSE)
- C.8.6 School Governing Body Functionality Tool
- C.8.7 Building Blocks for Effective School Management (Availability of Management Documents)

**C.9 POLICIES (Name the Policy)**

- C.9.1 Consultation
- C.9.2 Review
- C.9.3 Update
- C.9.4 Approve

**PROVINSIALE KENNISGEWING**

P.K. 114/2023

22 November 2023

**DEPARTEMENT VAN ONDERWYS****KONSEPREGULASIES OP PROSEDURES VIR DIE VERKIESING EN INSTELLING VAN  
BEHEERLIGGAME BY OPENBARE SKOLE, 2023**

Die Provinsiale Minister van Onderwys in die Wes-Kaap is van voorneme om, kragtens artikel 24, saamgelees met artikel 63 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies uiteengesit in die Bylae te maak.

**BYLAE****INDELING VAN REGULASIES***Regulasies*

1. Woordomskrywings
2. Samestelling van beheerliggaam
3. Koöptering van ouerlede
4. Onverkiesbaarheid om as lede in beheerliggaam te dien en diskwalifikasie van lede van beheerliggaam
5. Keuring
6. Ampstermyn van lede van beheerliggaam
7. Vakatures in beheerliggaam
8. Ontbinding en hersamestelling van beheerliggaam
9. Stemreg
10. Verkiesingsmetodes
11. Skoolkiesbeampte
12. Pligte van distrikskiesbeampte
13. Pligte van provinsiale verkiesingskoördineerder
14. Gedragskode vir kiesbeamptes
15. Kieserslyste
16. Datum, tyd en plek van benoemingsbevestigingsvergadering en verkiesing van ouerlede
17. Kennisgewing van benoemingsbevestigingsvergadering en verkiesing van ouerlede
18. Benoemingsproses in verkiesing-per-hand
19. Stemming by verkiesing van ouerlede in verkiesing-per-hand
20. Tel van stemme
21. Rol van skool in besluit op e-verkiesing
22. Benoemingsproses vir e-verkiesing
23. Stemming tydens e-verkiesing
24. Tel van stemme tydens e-verkiesing
25. Benoemings- en verkiesingsvergadering van opvoederlede
26. Stemming by verkiesing van opvoederlede
27. Benoeming en verkiesing van nie-opvoederlid
28. Benoeming en verkiesing van leerderlede

29. Besluite van skoolkiesbeampte
30. Besluite van distrikskiesbeampte
31. Prosedure ná verkiesing van beheerliggaam
32. Eerste vergadering van beheerliggaam
33. Komitees
34. Vergaderings van beheerliggaam
35. Notule van verrigtinge van vergaderings
36. Oorgangsbepalings
37. Herroeping
38. Kort titel

### Woordomskrywings

1. In hierdie regulasies, tensy anders vermeld, het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, die betekenis wat daaraan geheg is en, tensy dit uit die samehang anders blyk, beteken—

“**benoemingsbevestigingsvergadering**” ’n vergadering beoog in regulasie 16(1)(a)(i);

“**borgliggaam**” ’n liggaam wat finansiële steun aan ’n skool vir leerders met spesiale onderwysbehoefte verleen;

“**dag**” enige dag, uitgesonderd ’n openbare vakansiedag en ’n dag wat in ’n skoolvakansie val: Met dien verstande dat Saterdag en Sondag uitgesonderd word wanneer die getal dae bereken word vir dissiplinêre aangeleenthede wat met leerders in verband staan;

“**Department van Onderwys**” die provinsiale departement wat verantwoordelik is vir onderwys in die provinsie;

“**die Wet**” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997);

“**distrikskiesbeampte**” die hoof van bestuur en bestuurstoesig by ’n onderwysdistrikskantoor;

“**e-stemming**” ’n stem wat in ’n e-verkiesing uitgebring is;

“**e-stemstasie**” ’n stemstasie vir e-stemming;

“**e-verkiesing**” ’n verkiesing van ’n beheerliggaam waar elektroniese middele in een of meer stadiums gebruik word;

“**gewone skool**” ’n skool wat nie ’n skool vir leerders met spesiale onderwysbehoefte is nie;

“**hoogs ontwrigtende gebeurtenis**” ’n gebeurtenis, hetsy verwags of onverwags, wat die normale werksaamhede, bedrywighede of prosesse van ’n skool ontwrig en wat tot die ontworteling of onderbreking van die normale besigheid van ’n skool aanleiding gee;

“**Immigration Act**” die “Immigration Act, 2002” (Wet 13 van 2002);

“**kworum van die vergadering**”, met betrekking tot ’n vergadering van die beheerliggaam, ’n kworum soos beoog in regulasie 34(20);

“**laaste dag van die skooljaar vir leerders**” die Woensdag van die tweede week in Desember van elke jaar;

“**laaste dag van die skooljaar vir opvoeders**” die Vrydag van die tweede week in Desember van elke jaar;

“**lid**” ’n lid van ’n beheerliggaam;

“**nie-opvoeder**” ’n persoon, uitgesonderd ’n opvoeder, wat in ’n kontrak-, tydelike of permanente hoedanigheid ooreenkomstig die Staatsdienswet, 1994 (Proklamasie 103 van 1994) by ’n skool, of ooreenkomstig artikel 21A(5) van die Wet deur die openbare skool

aangestel is, met inbegrip van ’n persoon wat vir minstens 12 maande ’n toelae van die skool ontvang;

“**onderbevelhebber**” ’n adjunkprinsipaal of die opvoeder by ’n skool met die tweede hoogste rang;

“**ouer**”—

(a) die ouer of voog van ’n leerder;

(b) die persoon wat wettiglik geregtig is op toesig oor ’n kind; of

(c) die persoon wat onderneem om die verpligtinge van ’n persoon beoog in paragrawe (a) en (b) ná te kom ten opsigte van die kind se opvoeding by die skool;

“**provinsiale verkiesingskoördineerder**” die senior amptenaar van die Departement van Onderwys wat verantwoordelik is vir die bestuur van die verkiesing van beheerliggame in die provinsie ingevolge die organogram vir die Departement van Onderwys wat deur die Provinsiale Minister onderteken is;

“**skool**” ’n gewone openbare skool of ’n openbare skool vir leerders met spesiale onderwysbehoefte;

“**skoolkiesbeampte**” ’n kiesbeampte aangestel ingevolge regulasie 11(2);

“**skoolkiesspan**” die skoolkiesbeampte tesame met die persone wat ingevolge regulasie 11(6) aangestel is om die skoolkiesbeampte by te staan;

“**skoolvakansie**” ’n skoolvakansie beoog in die “National Policy for Determining School Calendars for Public Schools in South Africa”, gemaak onder Goewermentskennisgewing 57 in *Staatskoerant* 38330 van 30 Januarie 2015;

“**stelsel**”, met betrekking tot ’n e-verkiesing, die elektroniese stelsel wat vir daardie verkiesing gebruik word;

“**stemgeregtigde lid**” ’n lid van ’n beheerliggaam wat stemreg het;

“**Wet op Beskerming van Persoonlike Inligting**” die Wet op Beskerming van Persoonlike Inligting, 2013 (Wet 4 van 2013).

### Samestelling van beheerliggaam

2. (1) Behoudens subregulasie (21), moet die beheerliggaam van ’n gewone sekondêre skool, middelbare skool of gekombineerde skool bestaan uit—

(a) sewe ouers;

(b) twee opvoeders by die skool;

(c) een nie-opvoeder by die skool;

(d) twee leerders in die agste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy geledere; en

(e) die prinsipaal.

(2) Behoudens subregulasie (21), moet die beheerliggaam van ’n gewone primêre skool met ’n personeeldiensstaat van die prinsipaal, twee of meer opvoeders en een of meer nie-opvoeders bestaan uit—

(a) vyf ouers;

(b) twee opvoeders by die skool;

(c) een nie-opvoeder by die skool; en

(d) die prinsipaal.

(3) Behoudens subregulasie (21), moet die beheerliggaam van ’n gewone primêre skool met ’n personeeldiensstaat van die prinsipaal, een opvoeder en een nie-opvoeder bestaan uit—

(a) vier ouers;

(b) die opvoeder by die skool wat nie die prinsipaal is nie;

- (c) die nie-opvoeder by die skool; en
- (d) die prinsipaal.

(4) Behoudens subregulasie (21), moet die beheerliggaam van 'n skool vir leerders met spesiale onderwysbehoefte bestaan uit—

- (a) sewe ouers;
- (b) twee opvoeders by die skool;
- (c) een nie-opvoeder by die skool;
- (d) twee leerders in die agste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy eie geledere, indien redelikerwys doenlik;
- (e) die prinsipaal;
- (f) een verteenwoordiger van borgliggame, indien van toepassing;
- (g) een verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte, indien van toepassing;
- (h) een verteenwoordiger van organisasies vir persone met gestremdhede, indien van toepassing;
- (i) een persoon met 'n gestremdheid, indien van toepassing; en
- (j) een deskundige op gepaste terreine van spesiale onderwysbehoefte.

(5) Die bestuurstoets van 'n gewone skool met 'n personeeldiensstaat van 'n prinsipaal en—

- (a) een opvoeder;
- (b) een nie-opvoeder; of
- (c) nie 'n opvoeder of 'n nie-opvoeder nie, moet by die beheerliggaam van die naaste skool ingelyf word en moet aan gedeelde bestuur onderworpe wees.

(6) 'n Beheerliggaam beoog in regulasies 2(1), (2), (3) en (4) wat nie bestaan uit minstens—

- (a) een ouer;
- (b) een opvoeder;
- (c) een nie-opvoeder;
- (d) een leerder, indien van toepassing; of
- (e) in die geval van 'n skool vir leerders met spesiale onderwysbehoefte, een deskundige op gepaste terreine van spesiale onderwysbehoefte,

is onbehoorlik saamgestel en is buite werking.

(7) In die omstandighede beoog in subregulasie (6), moet die prinsipaal binne vyf dae nadat hy of sy bewus word dat die beheerliggaam onbehoorlik saamgestel en buite werking is, die distrikskiesbeampte in kennis stel wat die skoolkiesbeampte opdrag moet gee om binne 10 dae verkiesings te hou vir daardie kategorieë ooreenkomstig hierdie regulasies.

(8) Geen besluit geneem deur 'n beheerliggaam of stap gedoen op gesag van 'n beheerliggaam is ongeldig bloot omdat 'n vakature in daardie beheerliggaam bestaan het of omdat iemand wat nie daarop geregtig was om as 'n lid van daardie beheerliggaam sitting te neem nie in daardie beheerliggaam as sodanige lid sitting geneem het toe die besluit geneem is of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur 'n kworum by die vergadering van die beheerliggaam, met dien verstande dat die beheerliggaam behoorlik saamgestel is en die voorstel wat tot die besluit gelei het deur 'n stemgeregtigde lid gedoen is en deur 'n ander stemgeregtigde lid gesekondeer is.

(9) 'n Beheerliggaam van 'n skool beoog in subregulasies (1), (2) en (3) kan hoogstens vyf lede van die gemeenskap koöpteer om die beheerliggaam in staat te stel om die werksaamhede te verrig waarvoor hulle gekoöpteer is.

(10) 'n Koöptering beoog in subregulasie (9) moet skriftelik wees en die rede verstrek vir die koöptering en die tydperk van die koöptering.

(11) 'n Lid van die gemeenskap mag ingevolge subregulasie (9) nie gekoöpteer word vir meer as drie termyne van 12 maande elk nie: Met dien verstande dat die tydperk van die koöptering nie langer as die ampstermyn van die beheerliggaam is nie.

(12) Behoudens regulasie 3(4) en (5) en regulasies 7(11) en 32(4), het gekoöpteerde lede nie stemreg in die beheerliggaam nie en mag nie—

- (a) 'n voorstel doen by 'n vergadering van die beheerliggaam nie;
- (b) 'n voorstel sekondeer by 'n vergadering van die beheerliggaam nie; of
- (c) as voorsitter optree van 'n vergadering van die beheerliggaam nie.

(13) Ouers van leerders by die skool moet die ouerlede beoog in subregulasies (1)(a), (2)(a), (3)(a) en (4)(a) benoem en verkies.

(14) Opvoeders wat by die skool in diens is, moet die opvoederlede beoog in subregulasies (1)(b), (2)(b), 3(b) en (4)(b) benoem en verkies: Met dien verstande dat in die omstandighede beoog in subregulasies (1)(b), (2)(b) en (4)(b), indien die skool slegs twee opvoeders het, daardie lede outomaties verkies word.

(15) Indien 'n opvoederlid beoog in subregulasie (1)(b), (2)(b), (3)(b) of (4)(b) aangestel is om as hoof van die skool op te tree, moet die beheerliggaam 'n ander opvoeder met stemreg koöpteer op aanbeveling van die opvoederpersoneel van dieselfde skool om in die beheerliggaam te dien vir die duur van die tydperk waartydens die verkose opvoederlid as die hoof van die skool optree.

(16) Nie-opvoederpersoneel wat by die skool in diens is moet die nie-opvoederlede beoog in subregulasies (1)(c), (2)(c) en (4)(c) benoem en verkies: Met dien verstande dat indien die skool slegs een nie-opvoeder het, daardie lid outomaties verkies word.

(17) In die omstandighede beoog in subregulasie (3)(c), word die nie-opvoederlid outomaties verkies.

(18) Die verteenwoordigende raad van leerders by die skool moet die leerderlede beoog in subregulasies (1)(d) en (4)(d) benoem en verkies.

(19) Die beheerliggaam van 'n gewone skool vir leerders met spesiale onderwysbehoefte moet soos beoog in artikel 30(2) van die Suid-Afrikaanse Skolewet 'n komitee oor spesiale onderwysbehoefte instel.

(20) Die komitee beoog in subregulasie (19) moet—

- (a) minstens een maal per skoolkwartaal vergader; en
- (b) bestaan uit—
  - (i) die prinsipaal;
  - (ii) twee ouerlede van die beheerliggaam;
  - (iii) een opvoeder; en
  - (iv) indien redelikerwys doenlik, minstens een en hoogstens vyf van die volgende persone:
    - (aa) 'n verteenwoordiger van borgliggame;
    - (bb) 'n verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte;
    - (cc) 'n verteenwoordiger van organisasies vir persone met gestremdhede;
    - (dd) 'n persoon met 'n gestremdheid; en
    - (ee) 'n kundige op gepaste terreine van spesiale onderwysbehoefte.

(21) Die Departementshoof kan die samestelling en ampstermyn van 'n beheerliggaam by 'n skool wat verskil van die samestelling beoog in subregulasies (1), (2), (3) en (4) goedkeur indien—

- (a) die beheerliggaam van die skool skriftelik om sodanige verskillende samestelling aansoek gedoen het en redes daarvoor verstrek het; of
- (b) 'n beheerliggaam ingestel moet word om die werksaamhede van 'n beheerliggaam in die tussentyd te verrig om die instelling van 'n nuwe skool te vergemaklik,

en die Departementshoof oortuig is dat sodanige samestelling in belang van onderwys by die skool is.

(22) Behalwe vir 'n skool bedoel in artikel 12(1)(g) van die Wet, in die omstandighede beoog in subregulasie (21)(a), moet die getal ouerlede wat dien in die beheerliggaam van 'n skool beoog in subregulasies (1), (2) en (3) een meer wees as die gesamentlike totaal van ander stemgeregtigde lede van die beheerliggaam.

(23) Die Departementshoof kan te eniger tyd na sy of haar goëddunke die goedkeuring beoog in subregulasie (21)(b) terugtrek en die betrokke tussentydse beheerliggaam ontbind, waarna 'n nuwe beheerliggaam saamgestel moet word ooreenkomstig subregulasie (1), (2), (3) of (4), na gelang van die geval.

(24) 'n Tussentydse beheerliggaam soos beoog in subregulasie (21)(b), en regulasies 3(8)(a) en 8(4) moet bestaan uit die—

- (a) distrikskiesbeampte, as voorsitter;
- (b) kringbestuurder, verantwoordelik vir die skool;
- (c) skoolfinansies- en rekordbeampte verantwoordelik vir die skool, as tesourier;
- (d) assistent-direkteur, wat die skoolfinansies en rekordbeamptes beoog in paragraaf (c) bestuur, verantwoordelik vir daardie onderwysdistrik, as sekretaris;
- (e) adjunkhoof- onderwysspesialis, vir bestuur en bestuurstoesig verantwoordelik vir daardie onderwysdistrik, as adjunkvoorsitter; en
- (f) prinsipaal.

(25) Die provinsiale kiesbeampte moet die name en besonderhede beoog in subregulasie (24) aan die Departementshoof voorlê.

### **Koöptering van ouerlede**

3. (1) Indien daar 'n vakature in die getal ouerlede in 'n beheerliggaam is, moet die prinsipaal binne vyf dae nadat hy van die vakature bewus word alle ouers van die leerders by die skool in kennis stel van die vakature, deur 'n brief aan elke leerder van die skool te oorhandig met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig of deur enige ander toepaslike metode soos deur die prinsipaal bepaal, en die ouers versoek om binne 'n tydperk van twee skooldae ná die datum van die kennisgewing skriftelik by die prinsipaal aan te dui of die ouer bereid sal wees om as 'n gekoöpteerde stemgeregtigde lid in die beheerliggaam te dien.

(2) In die kennisgewing aan die ouers beoog in subregulasie (1) moet die prinsipaal 'n ouer wat bereid is om gekoöpteer te word as 'n stemgeregtigde lid in die beheerliggaam versoek om 'n kort motivering in te dien hoekom hy of sy in die beheerliggaam wil dien.

(3) Ná die twee skooldae beoog in subregulasie (1), moet die voorsitter van die beheerliggaam 'n spesiale vergadering van die beheerliggaam belê nadat die beheerliggaamlede minstens 48 uur kennis gegee is, om 'n stemgeregtigde ouerlid tydelik te koöpteer, met dien verstande dat die vergadering om 'n ouer te koöpteer 'n kworum bereik.

(4) Indien die getal ouers wat bereid is om as stemgeregtigde lede gekoöpteer te word gelyk is aan of minder is as die getal vakatures, sal daardie ouers as gekoöpteerde stemgeregtigde lede van die beheerliggaam geag word, met dien verstande dat hulle kwalifiseer om as lede in die beheerliggaam te dien.

(5) Indien the getal ouers wat bereid is om as stemgeregtigde lede gekoöpteer te word meer as die getal vakatures is, moet die stemgeregtigde beheerliggaamlede wat 'n kworum op die vergadering vorm die motivering beoog in subregulasie (2) oorweeg en ouerlede vanuit hierdie ouergeleedere koöpteer deur 'n deursigtige, regverdigte en demokratiese proses, wat stemming kan insluit.

(6) Die voorsitter van 'n beheerliggaam mag nie 'n algemene vergadering of spesiale vergadering van die beheerliggaam belê nie totdat 'n stemgeregtigde ouerlid gekoöpteer is soos beoog in subregulasies (4) en (5).

(7) Indien die getal beheerliggaamlede nie genoeg is om 'n kworum te vorm nie moet die prinsipaal sonder enige vertraging die provinsiale kiesbeampte in kennis stel dat die beheerliggaam nie 'n kworum bereik het nie.

(8) In die omstandighede beoog in subregulasie (7)—

- (a) moet die Departementshoof binne drie dae nadat hy bewus word dat daar geen kworum is nie 'n tussentydse beheerliggaam instel vir 'n tydperk van hoogstens 90 dae;
- (b) moet die skoolkiesbeampte binne 14 dae 'n kennisgewing beoog in regulasie 17(1) uitreik van die Departementshoof wat die tussentydse beheerliggaam instel; en
- (c) moet die nuwe beheerliggaam ingevolge hierdie regulasies binne die 90 dae beoog in paragraaf (a) verkies word.

(9) Indien 'n ouer met stemreg gekoöpteer word soos beoog in subregulasie (4) of (5), staak die koöptering wanneer die vakature gevul is by wyse van 'n tussenverkiesing, wat binne 90 dae nadat die vakature ontstaan het gehou moet word, ooreenkomstig dieselfde prosedure as dié vir die verkiesing van ouerlede soos in hierdie regulasies uiteengesit.

(10) Behoudens subregulasie (11), mag 'n ouer gekoöpteer ingevolge subregulasie (4) of (5) hoogstens 90 dae as 'n gekoöpteerde lid dien gedurende die ampstermyn van die beheerliggaam.

(11) Indien die tussenverkiesing beoog in subregulasie (9) weens 'n hoogs ontwrigtende gebeurtenis nie binne 90 dae gehou word nadat die vakature ontstaan het nie, gaan die gekoöpteerde lid voort om in die beheerliggaam te dien totdat die hoogs ontwrigtende gebeurtenis ten einde loop.

(12) In die omstandighede beoog in subregulasie (11) moet die tussenverkiesing binne 30 dae vanaf die datum van die staking van die hoogs ontwrigtende gebeurtenis gehou word.

(13) Die sekretaris van die beheerliggaam moet toesien dat 'n notule geneem word van die verrigtinge van 'n spesiale vergadering om 'n ouerlid te koöpteer soos beoog in subregulasie (3).

(14) Die prinsipaal moet die notule beoog in regulasie (13) op lêer hou en die volgende dokumente:

- (a) Die kennisgewing beoog in subregulasies (1) en (2) wat ouers van die vakature in kennis stel;
- (b) die skriftelike antwoord van daardie ouers wat hul bereidwilligheid aangedui het om as 'n gekoöpteerde stemgeregtigde lid van die beheerliggaam te dien;
- (c) die kennisgewing beoog in subregulasie (3) wat die spesiale vergadering belê;
- (d) die agenda van die spesiale vergadering;
- (e) bewyse dat die kennisgewing en agenda aan die stemgeregtigde beheerliggaam-lede gestuur is;
- (f) die ondertekende notule van die spesiale vergadering; en
- (g) die ondertekende bywoningsregister van die spesiale vergadering.

(15) Die benoemingsbevestigingsvergadering en die tussenverkiesing beoog in subregulasies (9) en (12) moet ingevolge hierdie regulasies gehou word.



#### **Onverkiesbaarheid om as lede in beheerliggaam te dien en diskwalifikasie van lede van beheerliggaam**

4. 'n Persoon mag nie as 'n stemgeregtigde lid van 'n beheerliggaam benoem, aangestel of gekoöpteer word of voortgaan om 'n stemgeregtigde lid van 'n beheerliggaam te wees nie indien hy of sy—

- (a) te eniger tyd deur 'n geregshof skuldig bevind is aan 'n misdryf waarvoor hy of sy opgeskorte gevangenisstraf sonder die keuse van 'n boete opgelê is of tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is, tensy hy of sy kwytskelding ontvang het of die tydperk van opskorting of gevangenisstraf minstens drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (b) 'n kind het, met inbegrip van 'n aangenome kind, gade, lewensmaat, ouer, broer of suster, oupa, ouma, skoonpa, skoonma, swaer, of skoonsuster wat—
  - (i) 'n lid van die betrokke beheerliggaam is; of
  - (ii) by die betrokke skool werk;
- (c) in die geval van 'n ouer, by of vir die skool werk;
- (d) 'n finansiële, ekonomiese of persoonlike belang in die skool het of vir 'n alleeneenaar of regspersoon werk wat 'n finansiële of ekonomiese belang in die skool het;
- (e) ongeskik verklaar is om met kinders te werk ingevolge die “Children’s Act, 2005” (Wet 38 van 2005), of die Wysigingswet op die Strafbreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet 32 van 2007);
- (f) geestesongesteld is en as sodanig verklaar is deur 'n geregshof;
- (g) 'n ongerehabiliteerde insolvent is;
- (h) nie op 'n kieserslys van die betrokke skool gelys is nie;
- (i) met die uitsondering van die prinsipaal, in die geval van 'n opvoeder wat aangestel is ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), skuldig bevind is aan wangedrag en—
  - (i) beboet is;
  - (ii) sonder betaling geskors is;
  - (iii) gedemoveer is; of
  - (iv) 'n kombinasie van die strawwe beoog in subparagrafe (i) tot (iii) opgelê is, tensy die tydperk van sy of haar straf minstens drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (j) in die geval van 'n nie-opvoeder, skuldig bevind is aan wangedrag en—
  - (i) sonder betaling geskors is;
  - (ii) gedemoveer is; of
  - (iii) 'n kombinasie van die strawwe beoog in subparagrafe (i) en (ii) opgelê is, tensy die tydperk van sy of haar straf minstens drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (k) in die geval van 'n ouerkandidaat, nie 'n kind het wat as 'n leerder by die betrokke skool ingeskryf is nie;
- (l) in die geval van 'n leerder—
  - (i) te eniger tyd deur die Departementshoof uit enige skool gesit is;
  - (ii) te eniger tyd deur 'n beheerliggaam geskors is; of
  - (iii) in die voorafgaande twee jaar nie by enige skool 'n graad gevorder het nie;
- (m) gedurende die voorafgaande drie jaar deur die Departementshoof ingevolge regulasie 6(8) uit 'n beheerliggaam verwyder is;
- (n) 'n prinsipaal by enige ander skool is; of
- (o) 'n beampte van die Departement van Onderwys is wat direkte toesighoudende verantwoordelikhede by die betrokke skool het.

## Keuring

5. (1) 'n Persoon wat soos beoog in regulasies 18, 22, 25 en 27 benoem is om in die beheerliggaam te dien, moet skriftelik instem tot keuring deur 'n geakkrediteerde keuringsagentskap om, waar nodig, voldoening aan regulasie 4 te bepaal.

(2) Vir die doel van hierdie regulasies, mag 'n geakkrediteerde keuringsagentskap slegs 'n persoon keur wat—

(a) as stemgeregtigde lid in die beheerliggaam dien;

(b) nie 'n stemgeregtigde lid is nie wat die beheerliggaam bystaan; en

(c) aangestel is vir sy of haar kundigheid in 'n komitee van die beheerliggaam.

(3) Indien die keuringsproses bepaal dat 'n persoon wat verkies is om in die beheerliggaam te dien nie in die beheerliggaam mag dien nie, moet die lidmaatskap van die beheerliggaam ooreenkomstig hierdie regulasies bepaal word.

(4) Indien 'n aantying deur enige persoon by die beheerliggaam gemaak word teen 'n lid van die beheerliggaam dat daardie lid nie aan regulasie 4 voldoen nie, moet die voorsitter van die beheerliggaam of, indien die aantying teen die voorsitter gemaak is, die distrikskiesbeampte die betrokke lid skriftelik van die aantying in kennis stel en hom of haar die geleentheid bied om binne 14 dae ná ontvangs van die kennisgewing skriftelike vertoë tot die beheerliggaam te rig.

(5) Die lid teen wie 'n aantying gemaak is soos beoog in subregulasie (4) moet hom of haar aan die vergadering van die beheerliggaam onttrek vir die duur van die bespreking van en besluitneming oor die aantying.

(6) Indien die beheerliggaam besluit om die lid beoog in subregulasie (4) te keur om voldoening aan regulasie 4 te bepaal, moet die voorsitter of die distrikskiesbeampte, na gelang van die geval, die lid binne vyf dae nadat die besluit geneem is skriftelik van die besluit in kennis stel.

(7) In die omstandighede beoog in subregulasie (6) moet die beheerliggaam sonder versuim 'n geakkrediteerde keuringsagentskap nader om die lid binne 14 dae nadat die besluit geneem is, te keur om voldoening aan regulasie 4 te bepaal.

(8) Indien die keuringsagentskap bevind dat die lid nie aan regulasie 4 voldoen nie, moet hy skriftelik aan die voorsitter of distrikskiesbeampte, na gelang van die geval, verslag doen, wat dan binne 30 dae van ontvangs van die verslag—

(a) 'n afskrif van die verslag aan die provinsiale kiesbeampte moet verskaf wat die verslag aan die Departementshoof moet stuur met 'n aanbeveling dat hy of sy die lidmaatskap van die lid soos beoog in regulasie 6(8) moet beëindig; en

(b) die betrokke lid oor die verslag en aanbeveling beoog in paragraaf (a) in kennis moet stel.

(9) Die Departementshoof moet die verslag oorweeg en die beheerliggaam en betrokke lid binne 21 dae van ontvangs van die verslag skriftelik van sy of haar besluit in kennis stel.

(10) 'n Persoon wie se lidmaatskap beëindig is kan binne 14 dae nadat die kennisgewing beoog in subregulasie (9) ontvang is by die Provinsiale Minister appèl aanteken.

(11) Die Provinsiale Minister moet die appèl oorweeg en binne 21 dae ná ontvangs van die appèl skriftelik 'n besluit oor die aangeleentheid aanteken.

(12) Die skool is verantwoordelik vir enige onkoste wat aangegaan is vir enige keuring wat ingevolge hierdie regulasie onderneem is.

### Ampstermyn van lede van beheerliggaam

6. (1) Behoudens subregulasies (8) en (10) en regulasies 7, 8, 30(3) en 32(16), is die ampstermyn van 'n lid van 'n beheerliggaam wat nie 'n leerder is nie drie jaar en is dit van krag vanaf die datum waarop die skoolkiesbeampte verklaar dat die beheerliggaam vry en regverdig verkies is.

(2) Indien 'n opvoederlid in die beheerliggaam se laaste dag van indiensneming by 'n skool 31 Desember is, dan is sy of haar laaste dag om in die beheerliggaam te dien die laaste dag van die skooljaar vir opvoeders of die dag waarop sy of haar indiensneming by die skool deur òf die opvoeder òf die werkgewer beëindig word, watter datum ook al eerste voorkom.

(3) Indien 'n nie-opvoeder in die beheerliggaam se laaste dag van indiensneming by 'n skool 31 Desember is, dan is sy of haar laaste dag om in die beheerliggaam te dien 31 Desember of die dag waarop sy of haar indiensneming by die skool òf deur die nie-opvoeder òf die werkgewer beëindig word.

(4) Indien 'n kind van 'n ouerlid se laaste dag van inskrywing by 'n skool die laaste dag van die skooljaar vir leerders is, dan is die laaste dag vir die ouer om in die beheerliggaam te dien die laaste dag van die skooljaar vir leerders of die datum waarop die inskrywing van die kind by die skool deur òf die ouer òf die Departementshoof beëindig word, watter datum ook al eerste voorkom.

(5) Die leerderlede in die beheerliggaam moet elke jaar teen 28 Februarie verkies word.

(6) Die ampstermyn van 'n leerderlid is een jaar.

(7) 'n Leerderlid moet in die beheerliggaam dien totdat—

(a) 'n nuwe leerderlid tot die beheerliggaam verkies is soos beoog in subregulasie (5);

(b) hy of sy die skool verlaat; of

(c) dit die laaste dag van die skooljaar vir leerders is indien die leerder in graad 12 is.

(8) Die Departementshoof kan—

(a) te eniger tyd die lidmaatskap van 'n beheerliggaamlid opskort of beëindig as gevolg van 'n skending van die gedragskode soos beoog in artikel 26A van die Wet; of

(b) die lidmaatskap van 'n beheerliggaamlid beëindig—

(i) vir die nie-voldoening aan regulasie 4; of

(ii) ingevolge regulasie 7(3).

(9) 'n Lid van die beheerliggaam wie se lidmaatskap ingevolge subregulasie (8)(a) opgeskort of beëindig is kan by die Provinsiale Minister appèl aanteken soos beoog in artikel 21 van die Gedragskode vir Lede van Skoolbeheerliggame van Openbare Skole gemaak onder Provinsiale Kennisgewing 101/2012 gepubliseer in *Provinsiale Koerant* 6982 van 13 April 2012.

(10) Behoudens subregulasie (11), indien 'n persoon wat as 'n lid van 'n beheerliggaam verkies is soos beoog in regulasie 2(1), (2), (3) en (4) ophou om in die kategorie beoog in daardie regulasie te val ten opsigte waarvan hy of sy as 'n lid verkies is, hou hy of sy op om 'n lid van die beheerliggaam te wees.

(11) Indien die ampstermyn van 'n ouerlid op die punt is om te verstryk omdat die enigste kind wat hy of sy by die skool het die skool gaan verlaat en die ouerlid reeds skriftelike bevestiging van aanvaarding vanaf die skool ontvang het ten opsigte van die inskrywing van 'n tweede kind by dieselfde skool in die volgende skooljaar, kan die ouer 'n lid van die beheerliggaam bly op voorwaarde dat die eerste kind die skool op die laaste dag van die voorafgaande termyn verlaat en die tweede kind by daardie skool begin op die eerste dag van die nuwe kwartaal.

(12) Indien 'n gekombineerde skool of intermediêre skool herstruktureer word as 'n—

(a) primêre skool, bly die samestelling van die beheerliggaam beoog in regulasie 2(1) onveranderd, behoudens subregulasies (13) en (15), totdat die ampstermyn van die lede van die beheerliggaam verstryk; of

(b) sekondêre skool, bly die samestelling van die beheerliggaam beoog in regulasie 2(1) onveranderd, behoudens subregulasies (14) en (15), totdat die ampstermyn van die lede van die beheerliggaam verstryk.

(13) In die omstandighede beoog in subregulasie (12)(a), indien daar meer ouers in die beheerliggaam dien as waarvoor daar in regulasie 2(2) of (3), na gelang van die geval, voorsiening gemaak is, moet 'n verkiesing van ouerlede soos beoog in regulasie 19 binne 90 dae ná die herstrukturering gehou word.

(14) In die omstandighede beoog in subregulasie (12)(b), indien die getal ouers op die beheerliggaam minder is as die getal ouers waarvoor daar in regulasie 2(1) voorsiening gemaak is, moet 'n verkiesing van ouerlede soos beoog in regulasie 19 binne 90 dae ná die herstrukturering gehou word.

(15) In die omstandighede beoog in subregulasie (12), om aan te bly as 'n lid van die beheerliggaam, moet die lid steeds ingevolge hierdie regulasies kwalifiseer om in die beheerliggaam van die primêre of sekondêre skool te dien.

(16) 'n Lid van 'n beheerliggaam kan ná verstryking van sy of haar ampstermyn weer verkies of gekoöpteer word, na gelang van die geval, indien hy of sy ingevolge hierdie regulasies kwalifiseer om 'n lid te wees.

### **Vakatures in beheerliggaam**

7. (1) 'n Vakature ontstaan in 'n beheerliggaam indien 'n lid—

(a) sy of haar skriftelike bedanking indien en nie die bedanking terugtrek voordat dit formeel in 'n vergadering deur die beheerliggaam genotuleer word nie;

(b) sterf;

(c) sonder 'n geldige rede van drie opeenvolgende vergaderings van die beheerliggaam afwesig is nadat hy of sy behoorlik van die vergaderings in kennis gestel is;

(d) nie meer verkiesbaar is soos beoog in regulasie 4 of 6(10) nie; of

(e) ingevolge regulasie 6(8) uit die amp verwyder is.

(2) In die omstandighede beoog in subregulasie (1)(c)—

(a) moet die beheerliggaam die afwesighede notuleer;

(b) ná die tweede afwesigheid, moet die sekretaris van die beheerliggaam die afwesige lid kennis gee dat die beheerliggaam die Departementshoof sal versoek om sy of haar lidmaatskap te beëindig indien hy of sy 'n derde maal afwesig is;

(c) ná die derde afwesigheid, moet die beheerliggaam die Departementshoof versoek om die lidmaatskap van die afwesige lid te beëindig; en

(d) moet die sekretaris die afwesige lid skriftelik in kennis stel dat die beheerliggaam die Departementshoof versoek het om sy of haar lidmaatskap te beëindig.

(3) Indien die Departementshoof tevrede is dat die lid sonder 'n geldige rede van drie opeenvolgende vergaderings van die beheerliggaam afwesig was, moet die Departementshoof binne 21 dae nadat die versoek beoog in subregulasie (2)(c) ontvang is die lidmaatskap van die lid beëindig en die lid van die beëindiging in kennis stel.

(4) 'n Persoon wie se lidmaatskap beëindig is soos beoog in subregulasies (2) en (3) kan binne 14 dae nadat die kennisgewing beoog in subregulasie (3) ontvang is by die Provinsiale Minister appèl aanteken.

(5) Die Provinsiale Minister moet die appèl oorweeg en binne 21 dae ná ontvangs van die appèl skriftelik 'n besluit oor die aangeleentheid neem.

(6) Wanneer 'n vakature ontstaan—

(a) in 'n beheerliggaam wat ingevolge regulasie 2(20)(b) saamgestel is, moet die Departementshoof 'n lid in die vakature aanstel;

(b) in 'n beheerliggaam wat ingevolge regulasie 2(1), (2), (3), (4) of (23)(a) saamgestel is, moet die vakature gevul word deur 'n tussenverkiesing ooreenkomstig die verkiesingsprosedures uiteengesit in hierdie regulasies—

- (i) in die geval van 'n ouerlid, binne 90 dae nadat die vakature ontstaan het; en
- (ii) in die geval van 'n opvoedervakature, 'n nie-opvoedervakature of leerdervakature, binne 14 dae nadat die vakature ontstaan het.

(7) 'n Lid wat ooreenkomstig subregulasie (6)(a) aangestel is, of verkies is om 'n vakature te vul deur middel van 'n tussenverkiesing ooreenkomstig subregulasie (6)(b), verkry lidmaatskap vir die onverstreke tydperk van die ampstermyn van sy of haar voorganger, met stemreg, behoudens regulasie 6.

(8) Indien 'n vakature gevul is—

- (a) ooreenkomstig subregulasie (6)(a), moet die Departementshoof; of
- (b) ooreenkomstig subregulasie (6)(b), moet die sekretaris van die beheerliggaam, die prinsipaal skriftelik in kennis stel van die naam van die persoon wat nie meer 'n lid van die beheerliggaam is nie en van die naam en adres van daardie persoon se opvolger.

(9) 'n Tydelike vakature ontstaan in 'n beheerliggaam indien 'n lid met 'n geldige rede afwesig is van drie opeenvolgende vergaderings van die beheerliggaam.

(10) In die omstandighede beoog in subregulasie (9) moet die lid die beheerliggaam in kennis stel dat hy of sy nie in staat sal wees om sy of haar werksaamhede in die beheerliggaam vir drie opeenvolgende vergaderings te verrig nie en 'n rede vir die afwesigheid verstrek.

(11) Indien die beheerliggaam die rede beoog in subregulasie (10) aanvaar en instem tot die afwesigheid, moet dit 'n persoon uit dieselfde kategorie lede koöpteer as die afwesige lid om die werksaamhede van die afwesige lid te verrig, met inbegrip van die uitoefening van stemreg, totdat die afwesige lid sy of haar werksaamhede in die beheerliggaam kan hervat.

(12) Indien die beheerliggaam die rede beoog in subregulasie (10) verwerp en nie tot die afwesigheid instem nie, moet die lid sy of haar skriftelike bedanking indien en moet daar soos beoog in subregulasie (6) met die vakature gehandel word.

(13) In die omstandighede beoog in subregulasie (11) moet die sekretaris van die beheerliggaam die prinsipaal skriftelik in kennis stel van die naam van die lid wat tydelik afwesig is en die naam en adres van die persoon wat tydelik die werksaamhede van die afwesige lid verrig.

### **Ontbinding en hersamestelling van beheerliggaam**

8. (1) Die Departementshoof kan 'n beheerliggaam ontbind indien—

- (a) hy of sy van mening is dat, as gevolg van die samesmelting van skole of die verdeling van 'n skool of 'n ander herorganisering van skoolfasiliteite, dit nodig is om vir ouers van die betrokke skole of skool 'n geleentheid te bied om lede van 'n nuwe beheerliggaam te verkies wat behoorlik verteenwoordigend sal wees van die ouers van leerders wat die skole of skool ná sodanige samesmelting, verdeling of herorganisering bywoon;
- (b) die beheerliggaam versuim het om sy werksaamhede bevredigend te verrig of op 'n wyse opgetree het wat nie in die beste belang van die skool is nie; of
- (c) minstens 60 persent van alle ouers wat kragtens regulasie 9(1) stemgeregtig is, op 'n ouervergadering wat vir hierdie doel belê is, ten gunste van 'n voorstel van wantroue in die beheerliggaam stem.

(2)(a) Die voorsitter van 'n beheerliggaam moet, binne 14 dae nadat hy of sy skriftelik deur minstens 30 persent van die ouers wat ingevolge regulasie 9(1) stemgeregtig is, versoek is om dit te doen, 'n ouervergadering bedoel in subregulasie (1)(c) belê.

(b) Indien die voorsitter nie op die versoek beoog in paragraaf (a) reageer nie, kan die ouers die distrikskiesbeampte nader, wat binne vyf dae nadat hy of sy deur die ouers genader is 'n bemiddelingsvergadering tussen die beheerliggaam en 'n afvaardiging van die ouers moet belê.

(c) Indien die beheerliggaam en ouers nie by die bemiddelingsvergadering beoog in paragraaf (b) 'n ooreenkoms bereik nie, moet die distrikskiesbeampte binne vyf dae ná die bemiddelingsvergadering vanuit die betrokke onderwysdistrikskantoor—

- (i) die kringbestuurder; of
- (ii) die hoof van bestuur en bestuurstoestig,

aanstel as voorsitter vir die ouervergadering beoog in subregulasie (1)(c) en daardie voorsitter versoek om daardie vergadering te belê.

(d) Die voorsitter beoog in paragraaf (c) moet—

- (i) sonder versuim 'n ouervergadering beoog in subregulasie (1)(c) belê, welke vergadering moet plaasvind binne 14 dae nadat die voorsitter ingevolge paragraaf (c) aangestel is; en
- (ii) binne vyf dae nadat sodanige versoek deur die distrikskiesbeampte ontvang is, toesien dat skriftelike kennis van die vergadering gegee word, òf deur die kennisgewing aan elke leerder van die skool te oorhandig met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig òf deur middel van enige ander toepaslike metode soos deur die voorsitter bepaal in oorleg met die prinsipaal.

(3) Waar 'n beheerliggaam kragtens subregulasie (1) ontbind is, word dit buite werking op 'n datum bepaal deur die Departementshoof.

(4) Die Departementshoof moet 'n tussentydse beheerliggaam instel soos beoog in regulasie 2(23) vir 'n tydperk van hoogstens 90 dae vanaf die datum beoog in subregulasie (3).

(5) 'n Beheerliggaam moet binne 90 dae na die instelling van die tussentydse beheerliggaam beoog in subregulasie (4) kragtens hierdie regulasies verkies word.

(6) Wanneer die Provinsiale Minister 'n skool ingevolge artikel 18 van die Wet sluit, ontbind die beheerliggaam van daardie skool op die laaste dag van die skoolkwartaal wat die datum van die sluiting van die skool voorafgaan.

### Stemreg

9. (1) Elke ouer wat een kind of meer kinders het wat as 'n leerder of leerders by 'n skool ingeskryf is, is daarop geregtig om vir ouerlede van die beheerliggaam by daardie skool te stem, en mag slegs een maal vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word.

(2) 'n Hoof van 'n kinderhuis of sy of haar afgevaardigde wat een kind of meer kinders het wat as 'n leerder of leerders by 'n skool ingeskryf is, is daarop geregtig om vir ouerlede van die beheerliggaam by daardie skool te stem, en mag slegs een maal vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word.

(3) In die omstandighede beoog in subregulasie (1) word hoogstens twee ouers per leerder toegelaat om te stem.

(4) Elke opvoeder in diens by 'n skool, met inbegrip van die prinsipaal, is daarop geregtig om vir opvoederlede van die beheerliggaam by daardie skool te stem, en mag slegs een maal vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal opvoederlede wat verkies moet word.

(5) Elke lid van 'n verteenwoordigende raad van leerders by 'n skool is daarop geregtig om vir leerderlede van die beheerliggaam by daardie skool te stem, en mag slegs een maal vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal leerderlede van die verteenwoordigende raad wat verkies moet word.

(6) Elke lid van die nie-opvoederpersoneel by 'n skool is daarop geregtig om vir die nie-opvoederlid van die beheerliggaam te stem en het een stem: Met dien verstande dat indien die skool net een nie-opvoeder het, daardie lid outomaties verkies word.

### Wyses van verkiesing

10. (1) Die verkiesing van 'n beheerliggaam moet plaasvind by wyse van—

- (a) 'n verkiesing-per-hand;
- (b) 'n e-verkiesing; of
- (c) beide 'n verkiesing-per-hand en 'n e-verkiesing.

(2) 'n Stemstasie vir die verkiesing van 'n beheerliggaam moet—

- (a) nie vroeër as 7:00 open nie en nie later as 20:00 sluit nie; en
- (b) gedurende die tyd beoog in paragraaf (a) vir minstens vyf ure in totaal oop wees.

- (3) Wanneer die wyse van verkiesing beoog in subregulasie (1) oorweeg word, moet die prinsipaal oorweeg of—
- (a) die wyse van verkiesing die beste belange van die skoolgemeenskap en die skool sal bevorder en die maksimum deelname deur stemgeregtigdes in die stemproses moontlik sal maak;
  - (b) die wyse van verskiesing nie onbillik teen enige potensiële kieser of groep kiesers sal diskrimineer nie;
  - (c) voldoende voorsiening gemaak is vir die benoemingsproses; en
  - (d) voldoende hulpbronne vir die voorkeurwyse van verkiesing beskikbaar is.
- (4) Die prinsipaal moet minstens 30 dae voor die datum van die verkiesing van die beheerliggaam—
- (a) die skoolkiesbeampte in kennis stel van watter wyse van verkiesing beoog in subregulasie (1) gevolg sal word; en
  - (b) bevestig dat die skool in staat is om die wyse van verkiesing beoog in paragraaf (a) uit te voer.
- (5) Die skoolkiesbeampte moet—
- (a) die distrikskiesbeampte in kennis stel van die wyse van verkiesing binne twee dae nadat hy of sy deur die prinsipaal in kennis gestel is van die wyse van verkiesing wat gevolg gaan word soos beoog in subregulasie (4)(a); en
  - (b) minstens 25 dae voor die verkiesing 'n bestuursplan vir die verkiesing by die distrikskiesbeampte indien.
- (6) Die bestuursplan beoog in subregulasie (5)(b) moet minstens die volgende bevat:
- (a) die voorgestelde datum, tyd en plek vir die verkiesing;
  - (b) die tydgleuf waartydens stemme getel sal word, en die resultate aangekondig sal word; en
  - (c) 'n skedule vir die prosesse gevolg deur lede van die skoolkiesspan by die monitering van die benoemingsbevestigingsvergadering, die stemming en die tel van stemme.

### Skoolkiesbeampte

11. (1) Die kringbestuurder moet aan die distrikskiesbeampte 'n aanbeveling doen oor die skool waaruit die prinsipaal, of indien hy of sy nie beskikbaar is nie, die onderbevelhebber beoog in subregulasie (2) as skoolkiesbeampte aangestel moet word.

(2) Die distrikskiesbeampte moet 'n prinsipaal of onderbevelhebber, indien nodig, van 'n ander skool skriftelik as die skoolkiesbeampte aanstel om die benoeming en verkiesing, na gelang van die geval, van die ouer-, opvoeder- en nie-opvoederlede beoog in regulasie 2(1), (2), (3) en (4) tot 'n beheerliggaam te behartig.

(3) Die distrikskiesbeampte mag nie die prinsipaal of onderbevelhebber beoog in subregulasie (2) aanstel van buite die onderwysdistrik waar die skool geleë is wat die benoeming en verkiesing behartig nie.

(4) Indien die prinsipaal of onderbevelhebber soos beoog in subregulasie (2) tydelik nie beskikbaar is om die pligte beoog in subregulasie (7) na te kom nie, moet die distrikskiesbeampte, behoudens subregulasies (3) en (5), 'n skoolkiesbeampte van 'n ander skool aanstel om hierdie pligte na te kom.

(5) Die prinsipaal of onderbevelhebber beoog in subregulasie (2) mag nie as skoolkiesbeampte by 'n skool aangestel word nie—

- (a) indien hy of sy 'n kind het wat by daardie skool ingeskryf is;
- (b) indien hy of sy nie as 'n skoolkiesbeampte opgelei en gesertifiseer is nie;
- (c) indien hy of sy in diens is by die skool waar die verkiesing plaasvind; of
- (d) waar die skoolkiesbeampte as die prinsipaal of onderbevelhebber van sy of haar skool in diens is.

(6) Die skoolkiesbeampte kan een of meer opvoeders of nie-opvoeders aanstel om by 'n benoemingsbevestigingsvergadering en verkiesing bystand te verleen.

(7) Die skoolkiesbeampte moet—

- (a) toesien dat die skoolkiesspan die verkiesingsproses wat gevolg moet word verstaan en aan hierdie regulasies voldoen;
- (b) as voorsitter optree tydens die verkiesing van lede van 'n beheerliggaam, uitgesonderd die verkiesing van leerderlede en ampsdraers;
- (c) toesien dat die skool waar die verkiesing plaasvind 'n verkiesingskantoor inrig deur 'n vertrek te verskaf met 'n telefoon, selfoon met data asook 'n rekenaar en drukker tot die beskikking van die skoolkiesbeampte en die skoolkiesspan vir die duur van die benoemingsbevestigingsvergadering en vir die stemmings- en stemtelprosesse;
- (d) toesien dat daar 'n geskikte plek vir die benoemingsbevestigingsvergadering, die stemming en die tel van stemme is;
- (e) in die geval van e-stemming, toesien dat een of meer e-stemstasies ingerig is;
- (f) ingryp in enige geskille op die dag van die benoemingsbevestigingsvergadering, die stemming of die tel van stemme, en daardie geskille oplos;
- (g) indien daarvan oortuig, die verkiesing as vry en regverdig verklaar; en
- (h) die resultate van die verkiesing by die distrikskiesbeampte indien.

(8) 'n Prinsipaal wat as 'n skoolkiesbeampte aangestel is mag nie die pligte beoog in subregulasie (7) aan die onderbevelhebber delegeer sonder die instemming van die distrikskiesbeampte nie.

(9) Die prinsipaal moet die skoolkiesbeampte met die uitvoer van sy of haar pligte ondersteun en bystaan.

(10) Die skoolkiesspan moet die skoolstempel van die skool waar die skoolkiesbeampte in diens is gebruik wanneer hulle die benoemingsvorme en stembriewe stempel.

### **Pligte van distrikskiesbeampte**

**12.** 'n Distrikskiesbeampte moet—

- (a) die beheerliggaamverkiesingsprosesse in die onderwysdistrik koördineer;
- (b) die onderwysdistrikskantoor adviseer oor die voorgestelde strategie vir en implementering van beheerliggaamverkiesings in die onderwysdistrik en toesien dat die proses ooreengekom met die provinsiale verkiesingsbeampte gevolg word;
- (c) 'n bestuursplan opstel vir die implementering van die beheerliggaamverkiesing;
- (d) toesien dat elke skool 'n kiesbeampte het en dat die skoolkiesspan ingestel is;
- (e) die skoolkiesbeamptes beoog in paragraaf (d) aanstel;
- (f) toesien dat alle skoolkiesbeamptes behoorlik opgelei en gesertifiseer is;
- (g) toesien dat die skoolkiesbeamptes beskik oor die vorms beoog in die aanhangsels asook alle nodige dokumentasie vir die verkiesingsproses;
- (h) toesien dat alle skoolkiesspanne voldoende opgelei is en bewus is van wat hul rolle behels;
- (i) toesien dat lede van die skoolkiesspan hierdie regulasies en ander dokumentasie tersaaklik tot die verkiesing tydig ontvang;
- (j) toesien dat voorspraak vir die verkiesing soos beplan uitgevoer word;
- (k) toesien dat die onderwysdistriksampnare die verkiesingsproses monitor;
- (l) toesien dat die name en kontakbesonderhede van die persone wat tot die beheerliggame verkies is binne sewe dae nadat die verkiesing plaasgevind het by die provinsiale verkiesingsbeampte ingedien word;



- (m) toesien dat die name van die ampsdraers binne sewe dae nadat dit van die prinsipaal ontvang is by die provinsiale verkiesingskoördineerder ingedien word;
- (n) toesien dat die name van lede wat—
  - (i) tot die beheerliggaam gekoöpteer is soos beoog in regulasie 2(8) en regulasie 3; of
  - (ii) aangestel is in of verkies is tot die beheerliggaam om 'n vakature soos beoog in regulasie 7(6) te vul,
 by die provinsiale verkiesingskoördineerder ingedien word binne 14 dae nadat hierdie name van die prinsipaal ontvang is;
- (m) 'n databasis van nuutverkose lede van beheerliggame in die onderwysdistrik ontwikkel en byhou en dit by die provinsiale verkiesingskoördineerder indien; en
- (n) 'n skriftelike verslag van die verkiesing van die beheerliggame opstel en dit by die provinsiale verkiesingskoördineerder indien.

### **Pligte van provinsiale kiesbeampte**

**13.** Die provinsiale kiesbeampte moet—

- (a) 'n provinsiale implementeringbestuursplan vir die verkiesing van die beheerliggame opstel;
- (b) toesien dat daar voldoende voorspraak gemaak word rakende die verkiesingsdatums;
- (c) alle hulpbronne koördineer om doeltreffende en regverdige beheerliggaamverkiesings te hou;
- (d) toesien dat alle distrikskiesbeamptes behoorlik opgelei is;
- (e) die verkiesingsproses in die provinsie moniteer en evalueer; en
- (f) 'n databasis van beheerliggaamlede konsolideer wat in die provinsie verkies is.

### **Gedragkode van kiesbeamptes**

**14.** 'n Skoolkiesbeampte, distrikskiesbeampte, provinsiale verkiesingskoördineerder en 'n lid van die skoolkiesspan moet—

- (a) eerlik en hofflik optree;
- (b) op 'n regverdige en onpartydige wyse optree;
- (c) vertrouwd wees met die verkiesingsproses en toepaslike wetgewing wat op die verkiesing van beheerliggame betrekking het;
- (d) die verkiesing volgens hierdie regulasies uitvoer;
- (e) met die prinsipaal saamwerk;
- (f) die verkiesingsproses op 'n regverdige en regmatige wyse behartig; en
- (g) nie sy of haar bevoegdhede oorskry nie.

### **Kieserslyste**

**15.** (1) Die prinsipaal moet vir elk van die volgende kategorieë kiesers 'n kieserslys soos volg opstel wat die name bevat van alle ouers, opvoeders en nie-opvoeders by die skool wat soos beoog in regulasie 9 stemgeregtig is:

- (a) die kieserslys vir ouers moet gegrond word op die skool se toelatingsregister en moet bestaan uit daardie persone wie se name as ouers in die toelatingsregister opgeteken is of wat kan bewys dat hulle ouers is van leerders wat by die skool ingeskryf is;
- (b) die kieserslys vir opvoeders moet bestaan uit alle opvoeders wat by die skool in diens is; en
- (c) die kieserslys vir nie-opvoeders moet bestaan uit alle nie-opvoeders wat by die skool in diens is.

(2) Die prinsipaal moet toesien dat daar geen gedupliseerde name op die kieserslyste is nie en toesien dat 'n maksimum van twee ouers per leerder op die kieserslys vir ouers beoog in subregulasie (1)(a) weerspieël word.

(3) Die kieserslys vir ouers moet vir noukeurige ondersoek aan ouers beskikbaar gestel word minstens 10 dae voor die kennisgewing beoog in regulasie 17 aan ouers gestuur word.

(4) Die ouers kan die kieserslys vir ouers nagaan om vas te stel of hul name daarop verskyn en enige geskil aanhangig maak binne vyf dae nadat die kieserslys soos beoog in subregulasie (3) beskikbaar gestel is.

(5) Die prinsipaal moet 'n geskil beoog in subregulasie (4) oorweeg en, waar nodig, binne vyf dae nadat kennisgewing van 'n geskil ontvang is, die kieserslys wysig.

(6) Die prinsipaal moet minstens twee dae voor die kennisgewing beoog in regulasie 17 aan ouers gestuur word die kieserslys vir ouers, opvoeders en nie-opvoeder finaliseer, en geen name mag ná finalisering by die lys gevoeg word nie.

(7) Die prinsipaal moet die beginsel van insluiting volg wanneer hy of sy die kieserslys saamstel en toesien dat die Wet op Beskerming van Persoonlike Inligting nagekom word.

(8) Die skoolkiesbeampte moet die kieserslyste binne twee dae verifieer nadat die prinsipaal dit ingevolge subregulasie (6) gefinaliseer het.

### **Datum, tyd en plek van benoemingsbevestigingsvergadering en verkiesing van ouerlede**

16. (1) Die skoolkiesbeampte moet ná oorlegpleging met die prinsipaal—

(a) 'n datum, tydgleuwe en 'n plek bepaal vir—

(i) 'n vergadering om die benoeming van ouers te bevestig, welke vergadering minstens 13 dae voor die verkiesing gehou moet word;

(ii) 'n verkiesing van ouerlede; en

(iii) die tel van stemme; en

(b) die prinsipaal skriftelik daarvan in kennis stel.

(2) Die benoeming en verkiesing van ouerlede moet voorafgegaan word deur die verkiesing van die ander kategorieë lede van die beheerliggaam soos beoog in regulasies 25, 26, 27 en 28.

(3) In die geval van 'n nuwe skool, moet die vergadering om die benoeming en verkiesing van ouerlede te bevestig nie later nie as 90 dae ná die opening van die skool vir leerders gehou word.

(4) Die Departementshoof kan, indien dit redelikerwys nodig is in die omstandighede, skriftelik 'n verlenging van die tydperk beoog in subregulasie (3) toelaat, maar sodanige verlenging mag nie langer as ses maande ná die instelling van die skool wees nie.

### **Kennisgewing van benoemingsbevestigingsvergadering en verkiesing van ouerlede**

17. (1) Die skoolkiesbeampte moet 'n kennisgewing opstel, in die vorm van Aanhangsel A, van die benoemingsbevestigingsvergadering en verkiesing beoog in regulasie 16 en 'n benoemingsvorm, in die vorm van Aanhangsel B, en moet minstens 21 dae voor die verkiesing 'n afskrif van die kennisgewing en benoemingsvorm aan die prinsipaal verskaf sodat uitvoering gegee kan word aan die bepaling van subregulasie (4).

(2) Die kennisgewing aan die ouers moet—

(a) die datum van die verkiesing vermeld;

(b) die wyse van verkiesing soos beoog in regulasie 10(1) vermeld;

(c) in die geval van 'n verkiesing-per-hand, die tyd en plek van die benoemingsbevestigingsvergadering vermeld;

(d) vermeld dat ouerkandidate die benoemingsbevestigingsvergadering van 'n verkiesing-per-hand kan bywoon;

- (e) die datum, tydgleuwe en plek van die stemming vermeld;
- (f) ouers daaraan herinner om 'n vorm van identifikasie saam te bring sodat hulle toegelaat kan word om te stem;
- (g) ouers inlig dat hulle hoogstens twee dae ná die benoemingsbevestigingsvergadering skriftelik by die skoolkiesbeampte teen enige benoeming beswaar kan aanteken;
- (h) ouers aanmoedig om die volgende faktore in aanmerking te neem wanneer ouerkandidate benoem en verkies word:
  - (i) die beginsel van billikheid;
  - (ii) die noodsaaklikheid om onregte van die verlede reg te stel; en
  - (iii) die noodsaaklikheid van verteenwoordiging;
- (i) ouers inlig dat inligting rakende benoemde kandidate slegs ingevolge die Wet op Beskerming van Persoonlike Inligting versoek en bekend gemaak mag word;
- (j) benoemde ouers inlig dat hulle toestemming moet gee dat hul inligting aan die kiesers bekend gemaak kan word; en
- (k) die datum, tydgleuwe en plek van 'n opvolgstemming aandui wat minstens vyf dae en hoogstens sewe dae ná die eerste stemming gehou moet word indien 'n kworum nie by die eerste stemming bereik word nie, soos beoog in regulasie 20(6).

(3) Die identifikasie beoog in subregulasie (2)(f) moet 'n Suid-Afrikaanse identiteitskaart, 'n groen staaftkode-identiteitsdokument, 'n tydelike identiteitsdokument uitgereik deur die Departement van Binnelandse Sake of, in die geval van 'n buitelandse, 'n permit uitgereik ingevolge die "Immigration Act" wees: Met dien verstande dat indien sodanige identifikasie nie beskikbaar is nie, 'n alternatiewe vorm van identifikasie deur 'n lid van die skoolkiesspan aanvaar kan word.

(4) Die prinsipaal moet minstens 21 dae voor die datum van die verkiesing van ouerlede—

- (a) toesien dat die opvoeders afskrifte van die kennisgewing en benoemingsvorm aan elke leerder van die betrokke skool oorhandig met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig;
- (b) toesien dat afskrifte van die kennisgewing en benoemingsvorm per pos aan die ouers van elke leerder by die skool gestuur word, indien hy of sy dit dienstig ag;
- (c) 'n kombinasie van die twee kennisgewingsmetodes beoog in paragrawe (a) en (b) gebruik; of
- (d) enige ander toepaslike metode gebruik wat hy of sy mag bepaal om die ouers van elke leerder by die skool in kennis te stel van die benoemingsbevestigingsvergadering en verkiesing van ouerlede, met dien verstande dat die kennisgewingsmetode nie enige ouers benadeel of hul deelname aan die verkiesingsproses belemmer nie.

(5) Die skoolkiesbeampte moet toesien dat die kennisgewing beoog in subregulasie (1) minstens 11 dae voor die datum van die benoemingsbevestigingsvergadering beoog in subregulasie (2)(c) by die skool vertoon word.

### **Benoemingsproses in verkiesing-per-hand**

**18.** (1) Om 'n ouerkandidaat in 'n verkiesing-per-hand te benoem, moet die ouer van 'n leerling by die skool teen nie later nie as 13:00 op die veertiende dag voor die verkiesing 'n benoemingsvorm in die vorm van Aanhangsel B wat behoorlik deur die voorsteller, sekondant en ouerkandidaat ingevul is, by die skoolkiesbeampte indien.

(2) 'n Benoeming beoog in subregulasie (1) moet deur 'n ander ouer gesekondeer word.

(3) 'n Ouerkandidaat mag nie homself of haarself benoem nie.

(4) Die benoemings moet by die betrokke skool in 'n verseëelde stembus gesit word en moet nie van die skool verwyder word nie.

- (5) Die skoolkiesbeampte moet toesien dat—
- (a) vir elke benoemde daar 'n voorsteller en sekondant is;
  - (b) die benoemde, voorsteller en sekondant op die kiesersrol gelys is; en
  - (c) die benoemingsbevestigingsvergadering in kennis gestel word van die benoemings wat teen die datum en tyd beoog in subregulasie (1) ontvang is.
- (6) By die benoemingsbevestigingsvergadering moet die skoolkiesspan die benoemings oorweeg en die benoeming van enige ouer verwerp wat—
- (a) nie ooreenkomstig subregulasie (1) benoem is nie;
  - (b) onverkiesbaar is soos in regulasie 3 beoog; of
  - (c) homself of haarself benoem het,
- en daarna moet die skoolkiesbeampte 'n benoemingslys saamstel en die prinsipaal en die ouers in kennis stel van die name van die ouers wie se benoeming aanvaar is.
- (7) Die prinsipaal, minstens twee dae voor die datum van die verkiesing van ouerlede—
- (a) moet toesien dat die opvoeders afskrifte van die benoemingslys beoog in subregulasie (6) aan elke leerder van die betrokke skool oorhandig met 'n mondelinge opdrag om dit aan sy of haar ouers te oorhandig; of
  - (b) kan enige ander toepaslike metode gebruik soos hy of sy bepaal om die ouers van elke leerder by die skool in kennis te stel van daardie benoemingslys, mits die kennisgewingsmetode nie enige ouers benadeel en hul deelname aan die verkiesingsproses belemmer nie.
- (8) Indien die totale getal ouerkandidate wie se benoemings aanvaar is soos beoog in subregulasie (6) minder is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4) vereis word ten opsigte van die betrokke beheerliggaam, moet die skoolkiesbeampte binne twee dae ná die benoemingsbevestigingsvergadering—
- (a) die prinsipaal skriftelik daarvan in kennis stel;
  - (b) die ouers in kennis stel en versoek dat bykomende ouerkandidate benoem word binne hoogstens vier dae ná die datum van die benoemingsbevestigingsvergadering; en
  - (c) 'n tweede benoemingsbevestigingsvergadering belê wat binne hoogstens vyf dae ná die datum van die eerste benoemingsbevestigingsvergadering gehou moet word.
- (9) In die omstandighede beoog in subregulasie (8)(c)—
- (a) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasie (6) aanvaar is, meer is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is—
    - (i) moet die skoolkiesbeampte minstens vyf dae voor die verkiesing die prinsipaal en ouers in kennis stel van die name van die ouers wie se benoemings aanvaar is; en
    - (ii) moet 'n stemming ingevolge regulasie 19 gehou word;
  - (b) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasie (6) aanvaar is, minder is as of gelyk is aan die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die proses beoog in subregulasie (11) gevolg word; of
  - (c) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasie (6) aanvaar is, minder is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die skoolkiesbeampte binne twee dae ná die tweede benoemingsbevestigingsvergadering—
    - (i) die prinsipaal skriftelik daarvan in kennis stel;
    - (ii) die ouers in kennis stel en versoek dat bykomende ouerkandidate hoogstens vier dae ná die datum van die tweede benoemingsbevestigingsvergadering beoog in subregulasie (8)(c) benoem word; en

- (iii) 'n derde benoemingsbevestigingsvergadering belê wat binne hoogstens vyf dae ná die tweede benoemingsbevestigingsvergadering beoog in subregulasie (8)(c) gehou moet word.
- (10) In die omstandighede beoog in subregulasie (9)(c)(iii)—
- (a) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasies (6) en (9) aanvaar is, meer is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die proses beoog in subregulasie (9)(a) gevolg word;
  - (b) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasies (6) en (9) aanvaar is, minder is as of gelyk is aan die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die proses beoog in subregulasie (11) gevolg word; of
  - (c) indien die totale getal ouerkandidate wie se benoemings aanvaar is, met inbegrip van die benoemings wat ingevolge subregulasies (6) en (9) aanvaar is, minder is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die proses beoog in regulasie 16(1) gevolg word.
- (11) Indien die totale getal ouerkandidate wie se benoemings soos beoog in subregulasie (6) aanvaar is, minder is as of gelyk is aan die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die skoolkiesbeampte elke aanvaarde ouerkandidaat as 'n behoorlik verkose lid van die beheerliggaam verklaar.
- (12) Indien die totale getal ouerkandidate wie se benoemings soos beoog in subregulasie (6) aanvaar is, meer is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) en (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n stemming ooreenkomstig regulasie 19 gehou word.

### **Stemming by verkiesing van ouerlede in verkiesing-per-hand**

- 19.** (1) Die stemming beoog in regulasie 18(9)(a)(ii), (10)(a) of (12) moet gehou word op die datum en die tyd en plek ooreenkomstig die benoemings- en verkiesingsproses bepaal.
- (2) Die skoolkiesbeampte moet—
- (a) die ouers wat hul benoemings aanvaar het versoek om 'n foto van homself of haarself te verskaf wat binne die afgelope drie maande geneem is en gelyksoortig in styl is aan 'n foto wat op 'n Suid-Afrikaanse identiteitskaart of in 'n groen staafkode-identiteitsdokument verskyn;
  - (b) met die toestemming van die ouers wat hul benoeming aanvaar het, die name van die benoemdes in alfabetiese volgorde lys, tesame met hul foto's, by die plek van stemming tesame met 'n duidelike skriftelike opdrag aan diegene wat gaan stem om slegs vir die vereiste getal kandidate te stem;
  - (c) stembriewe voorberei wat die name van al die benoemde kandidate in alfabetiese volgorde bevat tesame met 'n duidelike skriftelike opdrag aan diegene wat gaan stem om slegs vir die vereiste getal kandidate te stem; en
  - (d) aan elke ouer wat daarop geregtig is en wil stem 'n stembrief beoog in paragraaf (c) uitreik waarop die skool se stempel beoog in regulasie 11(10) verskyn.
- (3) 'n Ouer moet sy of haar stem vertroulik op die stembrief beoog in subregulasie (2) uitbring: Met dien verstande dat indien 'n ouer weens ongeletterdheid, blindheid of 'n ander liggaamsgebrek nie in staat is om sy of haar stem uit te bring nie, die skoolkiesbeampte, op versoek van daardie ouer en in die teenwoordigheid van 'n getuie van die ouer se keuse, die stem van die ouer kan uitbring vir die ouerkandidaat of ouerkandidate wat daardie ouer aandui.
- (4) Die ouer moet sy of haar stembrief wat sy of haar stem uitbring in 'n stembus plaas wat vir daardie doel verskaf is.

## Tel van stemme

20. (1) Die skoolkiesbeampte moet die stembus oopmaak in die teenwoordigheid van die skoolkiesspan en ouerkandidate wat teenwoordig wil wees.

(2) Die skoolkiesbeampte moet elke stembrief noukeurig deurgaans en 'n stembrief verwerp—

- (a) waarop die skoolstempel beoog in regulasie 19(2)(c) nie verskyn nie;
- (b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig regulasie 2 verkies moet word; of
- (c) wat op so 'n wyse voltooi is dat dit na die mening van die skoolkiesbeampte onduidelik is vir watter ouerkandidaat of ouerkandidate 'n stem uitgebring is.

(3) Nadat die skoolkiesbeampte enige bedorwe stembriewe soos beoog in subregulasie (2) verwerp het, moet hy of sy—

- (a) in die teenwoordigheid van elke ouerkandidaat wat teenwoordig wil wees, toesien dat die stemme wat vir elke ouerkandidaat uitgebring is, deur die skoolkiesspan getel word; en
- (b) die getal ouers wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a) of (4)(a) ten opsigte van die betrokke beheerliggaam bepaal is vir wie die meeste stemme uitgebring is tot behoorlik verkose lede van die beheerliggaam verklaar en die getal stemme vermeld wat vir elke ouerkandidaat uitgebring is.

(4) Indien die getal stemme wat vir twee of meer ouerkandidate uitgebring is gelyk is en dit die uitslag van die stemme beïnvloed, moet die skoolkiesbeampte, in die teenwoordigheid van die skoolkiesspan en elke ouerkandidaat wat teenwoordig wil wees, lootjies trek om te bepaal watter van die ouers suksesvol verkies is.

(5) Geen volmagstemme word by beheerliggaamverkiesings aanvaar nie.

(6) 'n Kworum van ouers—

- (a) bestaan uit 10 persent van die totale getal ouers op die kieserslys wat gestem het; en
- (b) moet deur die skoolkiesbeampte aan die einde van die stemming bepaal word.

(7) Indien 'n kworum soos beoog in subregulasie (6) nie by die stemming behaal is nie, moet die skoolkiesbeampte—

- (a) die prinsipaal en die ouers daarvan in kennis stel; en
- (b) die ouers in kennis stel van die datum van die opvolgstemming soos beoog in regulasie 17(2)(k).

(8) By die opvolgstemming word 'n kworum van ouers nie vereis nie.

## Rol van skool in besluit op e-verkiesing

21. Wanneer e-verkiesing as die wyse van verkiesing gekies word, moet die prinsipaal—

- (a) die ouers van die e-verkiesing in kennis stel;
- (b) voor die verkiesing leiding aan die ouers bied by wyse van 'n handleiding oor hoe om die e-verkiesingsmetode te gebruik;
- (c) toesien dat 'n persoon met deeglike kennis van die werking van 'n e-verkiesing beskikbaar is om tegniese ondersteuning voor en op die dag van die verkiesing te verskaf;
- (d) minstens een e-stemstasie by die skool oprig vir die duur van die verkiesing om voorsiening te maak vir diegene wat by die skool wil stem;
- (e) toesien dat daar 'n kragopwekker beskikbaar is in die geval van geen elektrisiteitstoevoer;
- (f) personeellede aanwys en voorsien wat beskikbaar sal wees om die skoolkiesspan by te staan vir die duur van die benoemings-, stemmings-, en telproses; en
- (g) toesien dat ouers minstens vyf dae voor die verkiesing registreer om te stem deur middel van 'n verskeidenheid sekuriteitsvrae.

### **Benoemingsproses vir e-verkiesing**

22. (1) Die benoemingsproses beoog in regulasie 18 is van toepassing, tensy die stelsel voorsiening maak dat die benoemingsproses vir 'n e-verkiesing elektronies aanlyn onderneem word, in welke geval die benoemingsproses beoog in regulasie 18 van toepassing is, met die nodige veranderinge.

(2) Waar die benoemingsproses elektronies aanlyn onderneem gaan word, moet die stelsel geprogrammeer word om—

- (a) aan 'n ouer aanmeldbesonderhede met 'n unieke eenmalige identifikasienommer te verskaf om hom of haar in staat te stel om ouerkandidate te benoem;
- (b) die identifikasie van die ouer te verifieer, gegrond op die kieserslys vir ouers, wanneer hy of sy aanmeld deur middel van die persoonlike identifikasienommer beoog in paragraaf (a); en
- (c) 'n aanlyn benoemingsvorm tot die ouer se beskikking stel sodat hy of sy ouerkandidate kan benoem.

(3) 'n Ouer moet afmeld nadat hy of sy benoemings gemaak het.

(4) Die personeellede beoog in regulasie 20(f) moet ouers wanneer nodig help om dokumente op te laai.

### **Stemming tydens e-verkiesing**

23. (1) Die stelsel moet geprogrammeer word om—

- (a) aan 'n ouer aanmeldbesonderhede met 'n unieke eenmalige persoonlike identifikasienommer te verskaf sodat hy of sy in die stemming kan stem;
- (b) die identifikasie van die ouer te verifieer, gegrond op die kieserslys vir ouers, wanneer hy of sy aanmeld deur middel van die persoonlike identifikasienommer beoog in paragraaf (a); en
- (c) 'n aanlyn stembrief tot die ouer se beskikking stel sodat hy of sy vir die vereiste getal ouerkandidate kan stem.

(2) 'n Ouer moet afmeld nadat hy of sy gestem het.

### **Tel van stemme gedurende e-verkiesing**

24. (1) Die stelsel moet geprogrammeer word sodat dit die resultate kan bereken en beskikbaar stel sodra die verkiesingstyd verstryk het.

(2) Die skoolkiesbeampte moet die resultate van die stemming beoog in regulasie 23 verifieer.

(3) Indien die getal stemme wat uitgebring is vir twee of meer ouerkandidate gelykop is en dit die uitslag van die stemming raak, moet die skoolkiesbeampte in die teenwoordigheid van die skoolkiesspan en elke ouerkandidaat wat teenwoordig wil wees, lootjies trek om te bepaal wie van die ouers suksesvol verkies is.

### **Benoemings- en verkiesingsvergadering van opvoederlede**

25. (1) Die skoolkiesbeampte moet in 'n kennisgewing in die vorm van Aanhangsel C 'n datum, tyd en plek vir 'n vergadering vir die benoeming en verkiesing van opvoederlede van die beheerliggaam vermeld, wat minstens 13 dae voor die verkiesing van ouerlede gehou moet word.

(2) Om 'n opvoeder te benoem, moet die opvoeder op die diensstaat van dieselfde skool—

- (a) hoogstens agt dae voor die benoemings- en verkiesingsvergadering by die skoolkiesbeampte 'n benoemingsvorm in die vorm van Aanhangsel D, behoorlik voltooi deur die voorsteller, sekondant en opvoederkandidaat indien; of

(b) 'n opvoeder as 'n lid van die beheerliggaam voorstel tydens die benoemings- en verkiesingsvergadering.

(3) 'n Benoeming beoog in subregulasie (2)(b) moet deur 'n ander opvoeder gesekondeer word, en 'n benoemingsvorm in die vorm van Aanhangsel D moet behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die benoemde opvoeder voltooi word, en binne die tyd beoog in subregulasie (4) by die skoolkiesbeampte ingedien word.

(4) Indien 'n kworum soos beoog in regulasie 26(2) bereik word, moet die skoolkiesbeampte die tyd bepaal wat tydens die benoemings- en verkiesingsvergadering vir die benoeming van opvoederkandidate toegelaat sal word, en die vergadering daarvan in kennis stel.

(5) 'n Opvoeder mag nie homself of haarself benoem nie.

(6) Ná die verstryking van die tyd beoog in subregulasie (4) moet die skoolkiesbeampte die benoemings oorweeg en die benoeming van enige opvoeder verwerp wat—

(a) nie ooreenkomstig subregulasie (2)(a) of (3) benoem is nie;

(b) onverkiesbaar is soos beoog in regulasie 4;

(c) in die geval van 'n benoeming beoog in subregulasie (2)(b), nie die benoemingsvorm voltooi het nie, tensy skriftelike bewys ter bevrediging van die skoolkiesbeampte voor die verstryking van die tyd beoog in subregulasie (4) ingedien is dat die opvoederkandidaat bereid is om as 'n lid van die beheerliggaam te dien; of

(d) homself of haarself benoem het,

en daarna moet die skoolkiesbeampte die name van die opvoederkandidate wie se benoemings aanvaar is, bekendmaak.

(7) Indien die totale getal opvoederkandidate wie se benoemings soos beoog in subregulasie (6) aanvaar is—

(a) minder is as die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (3)(b) of (4)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering belê word waar bykomende opvoederkandidate benoem moet word, welke vergadering binne sewe dae vanaf die eerste vergadering ooreenkomstig die prosedures soos uiteengesit in hierdie regulasies gehou moet word;

(b) gelyk is aan die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (3)(b) of (4)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet die skoolkiesbeampte elke aanvaarde opvoederkandidaat as 'n behoorlik verkose lid van die beheerliggaam verklaar; of

(c) meer is as die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (3)(b) of (4)(b) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n stemming ooreenkomstig regulasie 26 gehou word.

(8) Indien daar 10 of minder opvoeders op die diensstaat van 'n skool is, word die prosedure vir die benoeming van opvoederlede nie gevolg nie maar word die prosedure vir die stemming beoog in regulasie 26 gevolg.

### **Stemming by verkiesing van opvoederlede**

**26.** (1) Die skoolkiesbeampte moet 'n kennisgewing van die benoemings- en verkiesingsvergadering opstel en minstens agt dae voor die vergadering 'n afskrif van die kennisgewing aan elke opvoeder op die dienstaat van die skool verskaf.

(2) Die prinsipaal moet die skoolkiesbeampte 'n lys gee van al die opvoeders wat in diens van die skool is, wat die kieserlys vir die opvoeders vorm.

(3) 'n Kworum by die stemming bestaan uit die teenwoordigheid van een meer as die helfte van die getal opvoeders op die diensstaat van die skool.



(4) Die skoolkiesbeampte moet aan elke opvoeder wat sy of haar stem wil uitbring, 'n goedgekeurde stembrief uitreik waarop die skoolstempel beoog in regulasie 11(10) verskyn.

(5) 'n Opvoeder beoog in subregulasie (1) wat wil stem, moet sy of haar stem uitbring deur die name van hoogstens twee opvoederkandidate op die stembrief te skryf.

(6) Die skoolkiesbeampte moet 'n stembrief verwerp—

(a) waarop die skoolstempel beoog in subregulasie (4) nie verskyn nie;

(b) waarop die name van meer as twee opvoederkandidate verskyn; of

(c) wat op so 'n wyse voltooi is dat, na die mening van die skoolkiesbeampte, dit onduidelik is vir watter opvoederkandidaat of opvoederkandidate 'n stem uitgebring is.

(7) Die twee opvoederkandidate vir wie die meeste stemme uitgebring is moet deur die skoolkiesbeampte as behoorlik verkose verklaar word.

(8) Indien geen opvoederkandidaat 'n meerderheid van die stemme behaal nie, moet die kandidaat wat die laagste getal stemme ontvang het uitgeskakel word en word ooreenkomstig hierdie regulasies 'n verdere stemming oor die oorblywende kandidate gehou.

(9) Die prosedure beoog in subregulasie (8) moet herhaal word totdat daar twee opvoederkandidate is wat deur die skoolkiesbeampte as behoorlik verkose verklaar moet word.

(10) By die toepassing van subregulasie (8), indien twee of meer opvoederkandidate elk die laagste getal stemme het, moet daar afsonderlik gestem word oor hierdie kandidate en so dikwels as wat nodig is herhaal word om te bepaal watter kandidaat uitgeskakel word.

### **Benoeming en verkiesing van nie-opvoederlid**

27. (1) Die prosedure vir die benoeming en verkiesing van opvoederlede is, met die nodige veranderinge, van toepassing op die benoeming en verkiesing van 'n nie-opvoederlid.

(2) Indien daar slegs twee nie-opvoederlede in diens van die skool is, moet die skoolkiesbeampte lootjies trek om te bepaal watter nie-opvoeder suksesvol verkies is.

### **Benoeming en verkiesing van leederlede**

28. Die twee leederlede beoog in regulasie 2(1)(d) en (4)(d) moet deur die verteenwoordigende raad van leerders uit eie geledere verkies word soos beoog in die Bepaling van die Werkzaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole gemaak deur die Provinsiale Minister onder Provinsiale Kennisgewing 272/2014 in *Provinsiale Koerant* 7317 van 13 Oktober 2014.

### **Besluite van skoolkiesbeampte**

29. (1) Die skoolkiesbeampte moet oor alle aangeleenthede in verband met die benoeming en verkiesing van lede beslis en dit oplos.

(2) Behoudens regulasie 30(1) moet alle geskille oor die benoemings- en verkiesingsproses by die skoolkiesbeampte aangemeld word.

(3) Die skoolkiesbeampte moet probeer om alle geskille op te los ten einde verkiesings onbetwis te verklaar.

(4) 'n Besluit van die skoolkiesbeampte tydens die benoemings- en verkiesingsproses is finaal.

(5) Die skoolkiesbeampte moet ná die verkiesing beslis oor 'n beswaar teen 'n benoeming beoog in regulasie 17(2)(g) en dit oplos.

(6) Indien daar 'n geskil is wat die skoolkiesbeampte nie kan oplos nie, moet die benoemings en verkiesing afgehandel word.

### Besluite van distrikskiesbeampte

30. (1) Enige persoon wat 'n beswaar teen 'n besluit van 'n skoolkiesbeampte wil aanteken, moet die beswaar binne sewe dae ná die verkiesing van lede in die betrokke kategorie skriftelik by die tersaaklike distrikskiesbeampte aanteken.

(2) Enige persoon kan, binne sewe dae ná die verkiesing in die betrokke kategorie, 'n onopgeloste geskil beoog in regulasie 29(6) na die distrikskiesbeampte verwys.

(3) Die distrikskiesbeampte moet die beswaar beoog in subregulasie (1) of die verwysing beoog in subregulasie (2) of (4) oorweeg en binne sewe dae van ontvangs van die beswaar of verwysing skriftelik reageer op die persoon wat die beswaar of verwysing aangeteken het en daardie persoon inlig van sy of haar besluit en die redes vir die besluit.

(4) Enige persoon wat ná die verkiesing bewus word van 'n beweerde onreëlmatigheid in die verkiesingsproses kan die beweerde onreëlmatigheid binne sewe dae ná die afkondiging van die beheerliggaamlede na die distrikskiesbeampte verwys.

### Prosedure ná verkiesing van beheerliggaam

31. (1) Ná die verkiesing van 'n beheerliggaam moet die skoolkiesbeampte—

(a) 'n geskandeerde afdruk maak van alle dokumente wat by die benoeming en verkiesing van die lede gebruik is, met inbegrip van alle voltooide stembriewe wat in die verkiesing gebruik is en alle benoemingsvorme wat ontvang is en—

- (i) 'n geskandeerde afdruk aan die skool se prinsipaal stuur; en
- (ii) 'n geskandeerde afdruk behou;

(b) die oorspronklike dokumente beoog in paragraaf (a) in koeverte plaas, die koeverte verseël en aan die distrikskiesbeampte oorhandig, wat dit in veilige bewaring moet hou vir 'n tydperk van minstens drie jaar ná die datum van die verkiesing van die beheerliggaam;

(c) indien daarvan oortuig, die verkiesing as vry en regverdig verklaar;

(d) elke verkose lid skriftelik in kennis stel van sy of haar verkiesing;

(e) die prinsipaal en die distrikskiesbeampte binne drie dae ná die verkiesing van die beheerliggaam skriftelik in kennis stel van die name en adresse van die persone wat tot lede verkies is; en

(f) 'n onbetwiste verkiesingsverklaring uitreik, waar dit die geval was, of 'n verklaring met besonderhede van enige geskille by die distrikskiesbeampte indien.

(2) Die prinsipaal moet toesien dat die verkiesingsdata van die beheerliggaam binne 14 dae ná die datum van die verkiesing in die Departement van Onderwys se aanlyn bestuursinligtingsprogram voltooi word.

(3) Die uitredende beheerliggaam hou op om te bestaan wanneer die skoolkiesbeampte die nuutverkose ouerlede afkondig en die verkiesing as vry en regverdig verklaar.

### Eerste vergadering van beheerliggaam

32. (1) Die eerste vergadering van die nuutverkose beheerliggaam moet—

(a) deur die prinsipaal belê word binne vyf dae nadat hy of sy die kennisgewing beoog in regulasie 31(1)(e) ontvang het;

(b) binne 10 dae ná die verkiesing gehou word;

(c) die prinsipaal as voorsitter hê;

(d) die beheerliggaam se ampsdraers verkies; en

(e) die ondertekenaars vir finansiële aangeleenthede bepaal.

(2) Die ondertekenaars beoog in subregulasie (1)(e) moet binne sewe dae ná die vergadering beoog in subregulasie (1) tekenregte gegee word.

(3) Die prinsipaal moet—

(a) 'n vergadering tussen die uittredende beheerliggaam en die nuutverkose beheerliggaam belê en as voorsitter daarvan optree binne sewe dae van die eerste vergadering beoog in subregulasie (1) sodat die oorhandigingsproses kan plaasvind;

(b) die oorhandigingsproses bestuur deur—

(i) toe te sien dat die voorsitter van die uittredende beheerliggaam en die voorsitter van die nuutverkose beheerliggaam 'n lys van die dokumentasie afteken wat oorhandig moet word; en

(ii) enige vrae te beantwoord wat die lede van die nuutverkose beheerliggaam mag hê; en

(c) stemgeregtigde lede van die nuutverkose beheerliggaam bewus maak van hul pligte, met inbegrip van die noodsaaklikheid om toe te sien dat ampsdraers so verteenwoordigend moontlik is van die gender- en rassediversiteit van die betrokke skool.

(4) By die eerste vergadering van 'n beheerliggaam van 'n skool vir leerders met spesiale onderwysbehoefte, moet die lede beoog in regulasie 2(4)(a), (b), (c), (d) en (e) stemgeregtigde lede beoog in regulasie 2(4)(f), (g), (h), (i) en (j) koöpteer.

(5) Op die eerste vergadering van die beheerliggaam beoog in subregulasie (1), moet die liggaam vanuit sy stemgeregtigde geleedere ampsdraers verkies, wat minstens 'n voorsitter, 'n ondervoorsitter, 'n tesourier en 'n sekretaris moet insluit.

(6) Geen lid mag meer as een amp van die beheerliggaam gelyktydig beklee nie, tensy die beheerliggaam uit minder as vyf lede bestaan.

(7) In die omstandighede beoog in regulasie 2(1), (2) en (3) mag slegs 'n stemgeregtigde ouerlid van 'n beheerliggaam as voorsitter of ondervoorsitter van die beheerliggaam dien.

(8) In die omstandighede beoog in regulasie 2(4) kan enige lid van die beheerliggaam as voorsitter of ondervoorsitter van die beheerliggaam dien, uitgesonderd die prinsipaal van die skool, 'n opvoeder by die skool, 'n nie-opvoeder by die skool of 'n leerder.

(9) Behoudens subregulasies (7) en (8) kan enige stemgeregtigde lid van die beheerliggaam, uitgesonderd die prinsipaal, as ampsdraer dien.

(10) Behoudens subregulasie (11) mag die ampstermyn van 'n ampsdraer nie een jaar sedert sy of haar verkiesing oorskry nie.

(11) Behoudens subregulasie (1) moet die prinsipaal teen die einde van Februarie elke jaar 'n vergadering van die beheerliggaam belê om vanuit sy stemgeregtigde geleedere die ampsdraers beoog in subregulasie (5) te verkies.

(12) 'n Ampsdraer van 'n beheerliggaam kan herverkies word as 'n ampsdraer ná die verstryking van sy of haar ampstermyn, met dien verstande dat hy of sy steeds kwalifiseer om 'n lid van die beheerliggaam te wees.

(13) Indien die amp van 'n ampsdraer om enige rede vakant raak, moet die beheerliggaam op die eerste vergadering nadat die vakature ontstaan het een van sy lede verkies om die vakature vir die onverstreke ampstermyn van sy of haar voorganger te vul.

(14) Die prinsipaal moet by 'n verkiesingsvergadering beoog in subregulasies (5) en (12) die voorsitter wees.

(15) Die prinsipaal moet, ná 'n vergadering waar enige ampsdraer ooreenkomstig hierdie regulasie verkies is, die Departementshoof deur middel van die Departement van Onderwys se aanlyn bestuursinligtingstelsel in kennis stel van die datum van die vergadering, die naam en adres van die persoon wat verkies is en die amp waartoe hy of sy verkies is.

(16) Behoudens regulasies 8 en 31(2), by verstryking van sy of haar ampstermyn, moet 'n uittredende ampsdraer sy of haar werksaamhede verrig totdat die verkiesing van die nuwe ampsdraer

wat hom of haar sal vervang, plaasgevind het, met dien verstande dat die nuwe ampsdraer kwalifiseer om 'n lid van die beheerliggaam te wees.

### **Komitees**

33. (1) Die beheerliggaam—
- (a) moet 'n finansiële komitee en 'n beskikkingskomitee instel;
  - (b) kan soveel ander komitees instel as wat hy nodig mag ag; en
  - (c) kan persone wat nie stemgeregtigde lede van die beheerliggaam is nie aanstel in 'n komitee beoog in paragraaf (a) of (b) op grond van kundigheid om aan die komitee die kapasiteit te verleen om die werksaamheid waarvoor hy aangestel is, uit te voer.
- (2) Slegs 'n stemgeregtigde lid mag as die voorsitter van die beheerliggaam dien.
- (3) 'n Persoon beoog in subregulasie (1)(c)—
- (a) kan—
    - (i) 'n voorstel doen by 'n komiteevergadering;
    - (ii) 'n voorstel sekondeer by 'n komiteevergadering;
    - (iii) stem oor 'n voorstel by 'n komiteevergadering; en
  - (b) mag nie as voorsitter van die komitee optree nie.
- (4) Die getal stemgeregtigde beheerliggaamlede in 'n komitee beoog in subregulasie (1)(a) en (b) moet ten minste een meer wees as die persone beoog in subregulasie (1)(c).
- (5) Die tesourier of, indien nie hy of sy nie, die ondervoorsitter van die beheerliggaam moet as die voorsitter van die finansiële komitee dien en enige afvaardiging van die beheerliggaam wat finansiële aangeleenthede hanteer.
- (6) 'n Finansiële komitee moet ten minste een maal per maand vergader.
- (7) 'n Beskikkingskomitee moet ten minste een maal per jaar vergader.
- (8) 'n Komitee beoog in subregulasie (1)(b) moet vergader wanneer die behoefte daaraan ontstaan.
- (9) Die voorsitter van 'n komitee moet—
- (a) die dag, tyd en plek van 'n komiteevergadering bepaal; en
  - (b) elk van die komiteeledes ten minste vyf dae voor die vergadering skriftelik van die vergadering beoog in paragraaf (a) in kennis stel.
- (10) Die voorsitter van 'n komitee mag nie 'n vergadering beoog in subregulasies (6), (7) en (8) belê op 'n openbare vakansiedag of 'n dag wat in 'n skoolvakansie val nie.
- (11) Die prinsipaal of die persoon wat waarneem as hoof van 'n skool moet alle komiteevergaderings bywoon en daaraan deelneem.
- (12) 'n Komitee beoog in subregulasie (1)(a) kan besluite neem soos in die behoorlik goedgekeurde grondwet of finansiële beleid van die beheerliggaam bepaal.
- (13) 'n Komitee beoog in subregulasie (1)(b) mag slegs aanbevelings aan die beheerliggaam doen.
- (14) 'n Kworum vir 'n komiteevergadering bestaan uit die teenwoordigheid van een meer as die helfte van die totale getal lede van die komitee.
- (15) Die ampstermyn van 'n komitee mag nie die ampstermyn van die beheerliggaam wat dit tot stand gebring het oorskry nie.

### **Vergaderings van beheerliggaam**

34. (1) Die beheerliggaam moet minstens een maal per skooltermyn vergader.
- (2) Die vergadering beoog in subregulasies (1), (5), (10) en (13) mag nie op 'n openbare vakansiedag of 'n dag wees wat in 'n skoolvakansie val nie.

- (3) Die voorsitter van 'n beheerliggaam moet ná oorleg met die prinsipaal en die sekretaris van 'n beheerliggaam—
- (a) die dag, tyd en plek van 'n vergadering beoog in subregulasie (1) bepaal; en
  - (b) toesien dat 'n skedule van beplande vergaderings vir die jaar of gedeelte van die jaar wat deur die prinsipaal en voorsitter opgestel is aan al die beheerliggaamlede gegee word binne twee maande ná die eerste vergadering van die beheerliggaam beoog in regulasie 32 of voor die begin van die nuwe skooljaar, watter ook al eerste voorkom.
- (4) Die sekretaris moet ná oorleg met die voorsitter en die prinsipaal—
- (a) elke lid minstens 14 dae voor die vergadering skriftelik in kennis stel van die vergadering beoog in subregulasie (1);
  - (b) 'n agenda en ander betrokke dokumente vir die vergadering aan elke lid van die beheerliggaam verskaf; en
  - (c) toesien dat die agenda beoog in paragraaf (b) in die vorm van Aanhangsel E is.
- (5) Indien die voorsitter van die beheerliggaam van mening is dat 'n aangeleentheid dringende aandag vereis op 'n spesiale vergadering van die beheerliggaam, moet die sekretaris van die beheerliggaam elke lid ten minste 48 uur kennis gee van die spesiale vergadering.
- (6) Hoogstens drie aangeleenthede waarvoor die vergadering belê is mag by 'n spesiale vergadering beoog in subregulasie (5) bespreek word.
- (7) Indien die prinsipaal van mening is dat 'n aangeleentheid onmiddellik aandag vereis en nie hanteer kan word by 'n vergadering van die beheerliggaam beoog in subregulasie (1) of 'n spesiale vergadering van die beheerliggaam beoog in subregulasie (5) nie, mag hy of sy die voorsitter versoek om 'n noodvergadering te belê.
- (8) In die omstandighede beoog in subregulasie (7) moet die sekretaris van die beheerliggaam toesien dat elke lid minstens vier ure kennis gegee word van die noodvergadering om slegs die aangeleentheid te bespreek waarvoor die vergadering belê is.
- (9) 'n Noodvergadering beoog in subregulasie (7) kan op enige dag belê word.
- (10) Die voorsitter van 'n beheerliggaam moet ná oorleg met die prinsipaal en die sekretaris van die beheerliggaam die dag, tyd en plek van die algemene vergadering van ouers bepaal waar die jaarlikse begroting van die skool aan die ouers voorgelê moet word vir oorweging en goedkeuring.
- (11) Die algemene vergadering van ouers mag nie deur 'n opvoeder of nie-opvoeder bygewoon word nie tensy hy of sy 'n lid van die beheerliggaam is, of hy of sy 'n ouer is van 'n kind wat by die skool ingeskryf is.
- (12) Die prinsipaal, ná oorleg met die voorsitter en sekretaris van die beheerliggaam, moet toesien dat ouers en die lede van die beheerliggaam minstens 30 dae voor die vergadering skriftelik van die algemene vergadering van ouers beoog in subregulasie (10) in kennis gestel word.
- (13) Die prinsipaal moet ná oorleg met die voorsitter en die sekretaris—
- (a) die dag, tyd en plek van die vergaderings beoog in artikel 18(2)(b) van die Suid-Afrikaanse Skolewet bepaal; en
  - (b) toesien dat ouers, opvoeders, nie-opvoeders en leerders minstens 14 dae voor die vergadering skriftelik van die vergadering beoog in paragraaf (a) in kennis gestel word.
- (14) Die beheerliggaam moet minstens een maal per jaar onderskeidelik met ouers, opvoeders, nie-opvoeders en leerders by die skool vergader soos beoog in subregulasie (13).
- (15) In die omstandighede beoog in subregulasie (13) kan die beheerliggaam in 'n enkele vergadering met die ouers, opvoeders, nie-opvoeders en leerders vergader of met elke kategorie in aparte vergaderings.
- (16) Die vergaderings beoog in subregulasies (5), (7), (10) en (13) vervang nie 'n vergadering beoog in subregulasie (1) nie.

(17) Enige persoon mag, op die skriftelike uitnodiging van 'n beheerliggaam, by 'n vergadering van die liggaam teenwoordig wees en aan die bespreking deelneem maar mag nie—

- (a) 'n voorstel doen by 'n vergadering van die beheerliggaam nie;
- (b) 'n voorstel sekondeer by 'n vergadering van die beheerliggaam nie; of
- (c) stem oor 'n voorstel by 'n vergadering van die beheerliggaam nie,

en moet die vergadering verlaat wanneer die beheerliggaam 'n besluit neem.

(18) 'n Beheerliggaam kan van enige opvoeder of nie-opvoeder van die betrokke skool vereis om 'n vergadering van die liggaam by te woon ten opsigte van enige aangeleentheid wat met die werksaamhede van die beheerliggaam in verband staan.

(19) 'n Opvoeder en nie-opvoeder beoog in subregulasie (18) mag deelneem aan die bespreking maar mag nie—

- (a) 'n voorstel doen by 'n vergadering van die beheerliggaam nie;
- (b) 'n voorstel sekondeer by 'n vergadering van die beheerliggaam nie; of
- (c) stem oor 'n voorstel by 'n vergadering van die beheerliggaam nie,

en moet die vergadering verlaat wanneer die beheerliggaam 'n besluit neem.

(20) 'n Kworum vir enige vergadering van die beheerliggaam bestaan uit een meer as die helfte van al die stemgeregtigde lede van die beheerliggaam.

(21) Die prinsipaal of die persoon wat waarneem as die hoof van 'n skool moet al die vergaderings van die beheerliggaam bywoon en daaraan deelneem.

(22) 'n Lid van 'n beheerliggaam wat 'n leerder is mag nie stem oor beslissings wat verpligtinge op die skool of derdepartye opleë nie.

(23) Leerderlede van 'n beheerliggaam moet vir die hele duur van vergaderings van die beheerliggaam teenwoordig wees.

(24) Geen volmagstemme word by vergaderings van beheerliggame aanvaar nie.

(25) 'n Kworum van die vergadering en die bywoning van die prinsipaal van 'n vergadering is voorvereistes vir 'n geldige vergadering van 'n beheerliggaam om 'n aanvang te neem of om voort te gaan, na gelang van die geval.

(26) Die laaste vergadering van die beheerliggaam vir die jaar moet voor of op die laaste dag van die skooljaar vir opvoeders plaasvind tensy 'n buitengewone voorval 'n vergadering gedurende die res van die jaar noodsaak.

### **Notule van verrigtinge van vergaderings**

**35.** (1) Die sekretaris van die beheerliggaam moet toesien dat—

- (a) 'n notule geneem word van die verrigtinge van elke vergadering van die beheerliggaam; en
- (b) elke lid van die beheerliggaam ten minste 14 dae voor die volgende vergadering van 'n afskrif van die notule voorsien word.

(2) Die sekretaris van 'n beheerliggaam moet die prinsipaal met 'n afskrif van die notule voorsien, en die prinsipaal moet die notule en ander dokumente van die beheerliggaam op lêer hou.

(3) Die prinsipaal moet, op 'n redelike versoek en vir 'n spesifieke doel, die Departementshoof, of enige persoon behoorlik aangewys deur die Departementshoof, van 'n afskrif van die notule voorsien.

(4) Die prinsipaal moet, op 'n redelike versoek en vir 'n spesifieke doel, 'n ouer van 'n leerder by die skool of opvoeder of 'n nie-opvoeder by die skool voorsien van 'n afskrif van daardie gedeeltes van die notule wat betrekking het op die belange van die ouer of sy of haar kind of die opvoeder of nie-opvoeder, na gelang van die geval.

(5) In die omstandighede beoog in subregulasies (3) en (4) moet daar geen skending van die regte van enige ander persone, of enige skending van vertroulikheid wees nie.

(6) Die notule van 'n vergadering van 'n beheerliggaam of 'n komitee daarvan moet by die volgende vergadering van die beheerliggaam of komitee daarvan, na gelang van die geval, vir goedkeuring en ondertekening voorgelê word.

(7) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn, moet al die notules en ander dokumente van die beheerliggaam en enige komitee daarvan aan die prinsipaal van die skool oorhandig word.

(8) By die sluiting van 'n skool, moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan vir veilige bewaring aan die betrokke distrikskiesbeampte oorhandig.

(9) Die beheerliggaam moet minstens een maal per jaar 'n verslag oor sy aktiwiteite aan ouers, opvoeders, nie-opvoeders en leerders voorlê.

### **Oorgangsbepalings**

36. 'n Beheerliggaam by 'n openbare skool wat by die inwerkingtrede van hierdie regulasies behoorlik saamgestel is ooreenkomstig die Regulasies op Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole, 2021, gepubliseer onder Provinsiale Kennisgewing 23/2021 in *Provinsiale Koerant* 8398 van 12 Maart 2021, word geag saamgestel te wees ingevolge hierdie regulasies.

### **Herroeping**

37. Die Regulasies op Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole, 2021, gepubliseer onder Provinsiale Kennisgewing 23/2021 in *Provinsiale Koerant* 8398 van 12 Maart 2021, word herroep.

### **Kort titel**

38. Hierdie regulasies heet die Regulasies op Prosedures vir die Verkiesing en Instelling van Beheerliggame by Openbare Skole, 2023.

## AANHANGSEL A

### Kennisgewing van Benoemingbevestigingsvergadering en Verkiesing

#### Verkiesing van Ouers van Leerders tot Beheerliggaam

*(Regulasies 18, 19, 22 en 23 van die Regulasies op Prosedures vir die Verkiesing en Instelling van Beheerliggame by Openbare Skole, 2023)*

NAAM VAN SKOOL: \_\_\_\_\_ EMIS-NOMMER: \_\_\_\_\_

Kennis geskied hiermee soos volg:

1. 'n ouer van 'n leerder wat die bogenoemde skool bywoon, wie se naam op die kieserslys van die skool is kan enige ander ouer van 'n leerder wat die skool bywoon wie se naam op die keiserslys van die skool is benoem of so 'n ouer se benoeming sekondeer, deur 'n voltooide benoemingsvorm teen nie later nie as \_\_\_\_\_ (datum) by die skool te besorg.
2. verskeie benoemingbevestigingsvergaderings, wat deur ouerkandidate bygewoon mag word, sal gehou word op:
  - (a) Datum: \_\_\_\_\_ Plek: \_\_\_\_\_ Tyd: \_\_\_\_\_
  - (b) Datum: \_\_\_\_\_ Plek: \_\_\_\_\_ Tyd: \_\_\_\_\_
  - (c) Datum: \_\_\_\_\_ Plek: \_\_\_\_\_ Tyd: \_\_\_\_\_

om die volgende sake af te handel:

- (i) alle benoemings te oorweeg;
  - (ii) alle benoemings wat nie verkiesbaar is nie of nie behoorlik ingevul is nie, te verwerp; en
  - (iii) 'n lys van ouerkandidate op te stel wat as benoemdes verkiesbaar is.
3. Die kieserslys van ouers, wat gegrond is op die skool se toelatingsregister, sal by die skool vir insae beskikbaar wees vanaf \_\_\_\_\_ (datum) \_\_\_\_\_ (tyd), en 'n ouer het die reg om tot \_\_\_\_\_ (datum) \_\_\_\_\_ (tyd) 'n geskil by die skoolprinsipaal aanhangig te maak. Die prinsipaal sal alle geskille voor die bekendmaking van die kieserslys vir ouers teen \_\_\_\_\_ (datum) oorweeg. Geen name sal ná \_\_\_\_\_ (datum) bygevoeg word nie.
  4. Enige persoon kan 'n beswaar teen enige benoeming skriftelik by die skoolkiesbeampte \_\_\_\_\_ (naam en van) aanteken teen 16:00 op \_\_\_\_\_ (datum).
  5. 'n Verkiesing sal gehou word op \_\_\_\_\_ (datum), by \_\_\_\_\_ (plek), en die stemstasie sal om \_\_\_\_\_ (tyd) open en om \_\_\_\_\_ (tyd) sluit en sal vir die volgende tydgleuwe (in die geval van 'n verkiesing-per-hand) oop wees:  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Hierdie verkiesing sal slegs plaasvind indien meer ouerkandidate benoem word as die getal lede wat verkies moet word.

6. 'n Opvolgverkiesing kan gehou word op \_\_\_\_\_ (datum), by \_\_\_\_\_ (plek), en die stemstasie sal om \_\_\_\_\_ (tyd) open en om \_\_\_\_\_ (tyd) sluit en sal vir die volgende tydgleuwe (in die geval van 'n verkiesing-per-hand) oop wees:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Hierdie opvolgverkiesing sal slegs plaasvind indien meer ouerkandidate benoem word as die getal lede wat verkies moet word en 'n kworum nie by die vorige vergadering bereik is nie. By die opvolgverkiesing word geen kworum vereis nie.

7. Die tel van stembriewe, nadat 'n kworum bereik is, sal gehou word op \_\_\_\_\_ (datum), by \_\_\_\_\_ (plek), kort nadat die stemming by die verkiesing gesluit het, en benoemdes kan hierdie sessie bywoon.
8. Die tel van stembriewe sal gehou word op \_\_\_\_\_ (datum), by \_\_\_\_\_ (plek), kort nadat die stemming by die opvolgverkiesing gesluit het, en benoemdes kan hierdie sessie bywoon.
9. U word hiermee daaraan herinner om—
- (a) 'n vorm van identifikasie saam te bring om u toe te laat om te stem. Die vorm van identifikasie moet 'n Suid-Afrikaanse identiteitskaart of groen staafkode-identiteitsdokument, 'n tydelike identiteitsdokument uitgereik deur die Departement van Binnelandse Sake of 'n permit in die geval van 'n buitelandse uitgereik ingevolge die "Immigration Act, 2002" (Wet 13 van 2002), wees; en
- (b) die volgende faktore in aanmerking te neem wanneer ouerkandidate benoem en verkies word:
- (i) die noodsaaklikheid van billikheid;
- (ii) die noodsaaklikheid daarvan om die onregte van die verlede reg te stel; en
- (iii) die noodsaaklikheid van verteenwoordiging.
10. Indien die getal benoemde kandidate gelyk is aan die getal lede wat verkies moet word, sal die ouerkandidate geag word as verkose lede van die beheerliggaam.
11. Indien die getal ouerkandidate wat benoem is, minder is as die getal lede wat verkies moet word, sal die skoolkiesbewmpte nog benoemings van ouerkandidate aanvra.

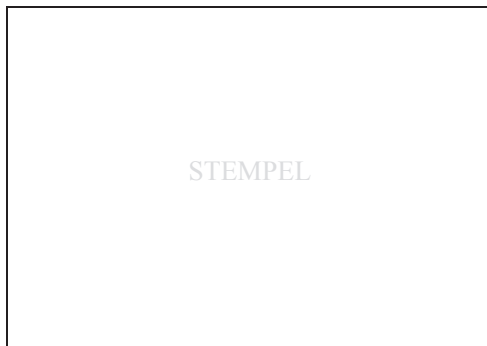
\_\_\_\_\_  
DATUM

\_\_\_\_\_  
HANDTEKENING VAN SKOOLKIESBEAMPTE

ADRES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bring asseblief die stempel van die kantoor van die skoolkiesbeampste aan:



**AANHANGSEL B****BENOEMINGSVORM**

Verkiesing van Ouers van Leerders as Lede van Beheerliggaam

*(Regulasies 18, 19, 22 en 23 van die Regulasies op Prosedures vir die Verkiesing en Instelling van Skoolbeheerliggame by Openbare Skole, 2023)*

NAAM VAN SKOOL: \_\_\_\_\_

VOORSTELLER:

Ek, \_\_\_\_\_,  
(Volle naam)

van \_\_\_\_\_ (woonadres)

as 'n ouer van 'n leerder van bogenoemde skool, benoem hiermee

\_\_\_\_\_  
(Volle naam van kandidaat)

as 'n lid van die beheerliggaam van bogenoemde skool.

---

**HANDTEKENING VAN VOORSTELLER**

SEKONDANT:

Ek, \_\_\_\_\_,  
(Volle naam)

van \_\_\_\_\_ (woonadres)

as 'n ouer van 'n leerder van bogenoemde skool, sekondeer hiermee die benoeming van

\_\_\_\_\_  
(Volle naam van kandidaat)

as 'n lid van die beheerliggaam van bogenoemde skool.

---

**HANDTEKENING VAN SEKONDANT**

KANDIDAAT:

Ek, \_\_\_\_\_  
(Volle naam)

met PERSAL- /INDIENSNEMINGS/IDENTITEITSNOMMER \_\_\_\_\_,

van \_\_\_\_\_  
(Woonadres)

verklaar hiermee dat ek ten volle bewus is dat—

1. ek nie as 'n lid van 'n beheerliggaam benoem of aangestel mag word nie of dat my lidmaatskap beëindig sal word indien ek—
  - (a) te eniger tyd deur 'n geregshof skuldig bevind is aan 'n misdryf waarvoor ek 'n opgeskorte vonnis sonder die keuse van 'n boete ontvang het of tot gevangenisstraf sonder die keuse van 'n boete gevonniss is, tensy ek kwytskelding gekry het of die tydperk van opskorting of gevangenisstraf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
  - (b) 'n kind, met inbegrip van 'n aangenome kind, gade, lewensmaat, ouer, broer of suster, grootvader, grootmoeder, skoonvader, skoonmoeder, swaer of skoonsuster het wat—
    - (i) 'n lid is van die betrokke beheerliggaam; of
    - (ii) by die betrokke skool werk;
  - (c) by of vir die skool werk;
  - (d) 'n finansiële, ekonomiese of persoonlike belang het in die skool of werk vir 'n alleeneienaar of 'n regs persoon wat 'n finansiële of ekonomiese belang in die skool het;
  - (e) as ongeskik verklaar is om met kinders te werk ingevolge die “Children’s Act, 2005” (Wet 38 van 2005), of die Wysigingswet op die Stafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet 32 van 2007);
  - (f) geestesongesteld is en as sodanig verklaar is deur 'n geregshof;
  - (g) 'n ongerehabiliteerde insolvent is;
  - (h) nie op die kieserslys van die betrokke skool gelys is nie;
  - (i) nie 'n kind het was as leerder by die betrokke skool ingeskryf is nie;
  - (j) (*in die geval van 'n opvoeder, in diens van die Departement van Onderwys, wat ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998) of deur die skool aangestel is*), skuldig bevind is aan wangedrag en—
    - (i) beboet is;
    - (ii) sonder betaling geskors is;
    - (iii) gedemoveer is; of
    - (iv) 'n kombinasie van die strawwe beoog in subparagrafe (i) tot (iii) ontvang het, tensy die tydperk van my straf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
  - (k) (*in die geval van 'n nie-opvoeder, in diens van die Departement van Onderwys, wat ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of deur die beheerliggaam aangestel is*), skuldig bevind is aan wangedrag en—
    - (i) sonder betaling geskors is;
    - (ii) gedemoveer is; of

- (iii) 'n kombinasie van die strawwe beoog in subparagrafe (i) en (ii) ontvang het, tensy die tydperk van my straf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (l) deur die Departementshoof ingevolge regulasie 6(8) gedurende die voorafgaande drie jaar van die beheerliggaam verwyder is;
- (n) 'n skoolhoof is by enige ander skool; of
- (o) 'n beampte is van die Departement van Onderwys wat direkte toesighoudende verantwoordelikhede by die betrokke skool het.
2. Ek verklaar voorts, gegrond op die punte gelys in (1) hierbo, dat ek nie onverkiesbaar is om benoem te word tot of te dien in die beheerliggaam van 'n skool onder die toesig van die Departement van Onderwys nie.
3. Ek verklaar voorts dat ek daartoe instem om deur 'n geakkrediteerde keuringsagentskap gekeur te word om voldoening aan punt (1) hierbo te bepaal, indien ek tot die beheerliggaam verkies word en 'n aantyging gegrond op punt (1) teen my gemaak word.
4. Ek verklaar voorts dat, nadat punte (1), (2) en (3) hierbo oorweeg is, ek die bogenoemde benoeming na behore aanvaar.

---

HANDTEKENING VAN KANDIDAAT

Ek, \_\_\_\_\_,  
(Volle naam)

die skoolkiesbeampte, verklaar hiermee dat hierdie benoeming aanvaar / verwerp word.

(Skrap wat nie van toepassing is nie)

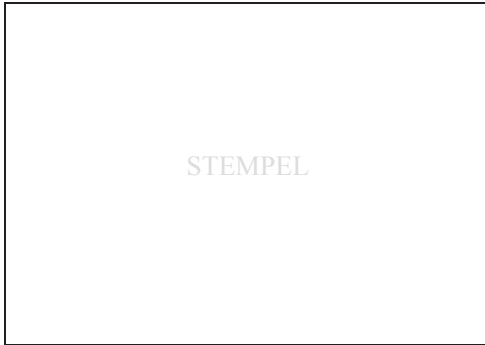
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DATUM

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HANDTEKENING VAN SKOOLKIESBEAMPTE

Bring die stempel van die kantoor van die skoolkiesbeampste aan:



## AANHANGSEL C

Kennisgewing van Benoemings- en Verkiesingsvergadering

Verkiesing van Opvoeders / Nie-opvoeders tot Beheerliggaam

*(Regulasies 25, 26 en 27 van die Regulasies op Prosedures vir die Verkiesing en Instelling van Beheerliggame by Openbare Skole, 2023)*

NAAM VAN SKOOL: \_\_\_\_\_ EMIS-NOMMER: \_\_\_\_\_

Kennisgewing geskied hiermee dat 'n vergadering vir die benoeming en verkiesing van kandidate vir die verkiesing van \_\_\_\_\_ (opvoeders / nie-opvoeders) as lede van die beheerliggaam vir die bogenoemde skool gehou sal word op \_\_\_\_\_ (datum) om \_\_\_\_\_ (tyd) in \_\_\_\_\_ (plek). Indien 'n kworum nie bereik word nie, sal 'n opvolgvergadering gehou word op \_\_\_\_\_ (datum) om \_\_\_\_\_ (tyd).

Daar sal om \_\_\_\_\_ (tyd) op die dag van die benoemings- en verkiesingsvergadering bepaal word of genoeg opvoeders / nie-opvoeders wat stemgeregtig is teenwoordig is sodat die vergadering kan voortgaan. Opvoeders / nie-opvoeders word daarom aangemoedig om die vergadering by te woon.

Daag asseblief voor \_\_\_\_\_ (tyd) vir die vergadering op.

'n Opvoeder / nie-opvoeder kan benoem word by die vergadering of deur hoogstens sewe dae voor die bogenoemde vergadering 'n benoemingsvorm wat behoorlik deur 'n voorsitter, 'n sekondant en die kandidaat voltooi is, by die skoolkiesbeampte in te dien. Vir hierdie doel sal benoemings by die skool aanvaar word vanaf \_\_\_\_\_ (datum) tot \_\_\_\_\_ (tyd) op \_\_\_\_\_ (datum).

Indien die getal benoemde kandidate gelyk is aan die getal lede wat verkies moet word, sal die kandidate as verkose beheerliggaamlede geag word.

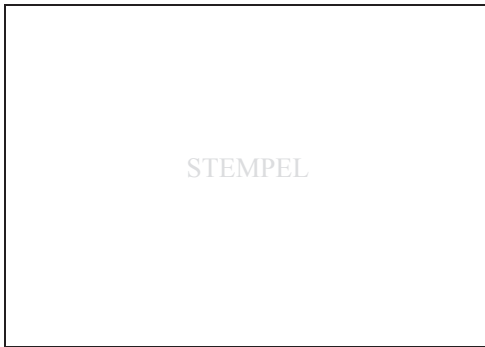
Indien meer kandidate benoem word as die getal lede wat verkies moet word, sal 'n stemming gehou word nadat die benoemings ingedien is.

\_\_\_\_\_  
DATUM

\_\_\_\_\_  
HANDTEKENING VAN SKOOLKIESBEAMPTE

ADRES:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bring asseblief die stempel van die kantoor van die skoolkiesbeampte aan:





**AANHANGSEL D****BENOEMINGSVORM**

Verkiesing van Opvoeders / Nie-opvoeder as Lede van die Beheerliggaam

*(Regulasies 25, 26 en 27 van die Regulasies op Prosedures vir die Verkiesing en Instelling van Beheerliggame by Openbare Skole, 2023)*

NAAM VAN SKOOL: \_\_\_\_\_

VOORSTELLER:

Ek, \_\_\_\_\_,  
(Volle naam)

van \_\_\_\_\_ (woonadres)

as 'n opvoeder / nie-opvoeder van die bogenoemde skool, benoem hiermee

\_\_\_\_\_  
(Volle naam van kandidaat)

as 'n lid van die beheerliggaam van die bogenoemde skool.

\_\_\_\_\_  
**HANDTEKENING VAN VOORSTELLER**

SEKONDANT:

Ek, \_\_\_\_\_,  
(Volle naam)

van \_\_\_\_\_ (woonadres)

as 'n opvoeder / nie-opvoeder van die bogenoemde skool, sekondeer hiermee die benoeming van

\_\_\_\_\_  
(Volle naam van kandidaat)

as 'n lid van die beheerliggaam van die bogenoemde skool.

\_\_\_\_\_  
**HANDTEKENING VAN SEKONDANT**

BENOEMDE:

Ek, \_\_\_\_\_  
(Volle naam)

met PERSAL-/PERSONEELNOMMER \_\_\_\_\_,

van \_\_\_\_\_  
(Woonadres)

verklaar hiermee dat ek ten volle daarvan bewus is dat—

1. ek nie as 'n lid van 'n beheerliggaam benoem of aangestel mag word nie of dat my lidmaatskap beëindig sal word indien ek—
  - (a) te eniger tyd deur 'n geregshof skuldig bevind is aan 'n misdryf waarvoor ek 'n opgeskorte vonnis sonder die keuse van 'n boete ontvang het of tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is, tensy ek kwytskelding ontvang het of die tydperk van opskorting of gevangenisstraf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
  - (b) 'n kind het, met inbegrip van 'n aangenome kind, gade, lewensmaat, ouer, broer of suster, grootvader, grootmoeder, skoonvader, skoonmoeder, swaer of skoonsuster wat—
    - (i) 'n lid is van die betrokke beheerliggaam; of
    - (ii) by die betrokke skool werk;
  - (c) by of vir die skool werk;
  - (d) 'n finansiële, ekonomiese of persoonlike belang het in die skool of werk vir 'n alleeneienaar of 'n regspersoon wat 'n finansiële of ekonomiese belang in die skool het;
  - (e) as ongeskik verklaar is om met kinders te werk ingevolge die “Children’s Act, 2005” (Wet 38 van 2005), of die Wysigingswet op die Stafreg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet 32 van 2007);
  - (f) geestesongesteld is en as sodanig verklaar is deur 'n geregshof;
  - (g) 'n ongerehabiliteerde insolvent is;
  - (h) nie op die kieserslys van die betrokke skool gelys is nie;
  - (i) *(in die geval van 'n opvoeder, uitgesonderd die prinsipaal, wat ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998) of deur die skool aangestel is)*, skuldig bevind is aan wangedrag en—
    - (i) beboet is;
    - (ii) sonder betaling geskors is;
    - (iii) gedemoveer is; of
    - (iv) 'n kombinasie van die strawwe beoog in subparagrafe (i) tot (iii) opgelê is, tensy die tydperk van my straf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
  - (j) *(in die geval van 'n nie-opvoeder wat ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of deur die beheerliggaam aangestel is)*, skuldig bevind is aan wangedrag en—
    - (i) sonder betaling geskors is;
    - (ii) gedemoveer is; of
    - (iii) 'n kombinasie van die strawwe beoog in subparagrafe (i) en (ii) opgelê is,

tensy die tydperk van my straf minstens drie jaar voor die datum van my benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;

- (k) deur die Departementshoof ingevolge regulasie 6(8) gedurende die voorafgaande drie jaar van die beheerliggaam verwyder is;
  - (l) 'n skoolhoof is by enige ander skool; of
  - (m) 'n beampte is van die Departement van Onderwys wat direkte toesighoudende verantwoordelikhede by die betrokke skool het.
2. Ek verklaar voorts, gegrond op die punte gelys in (1) hierbo, dat ek nie onverkiesbaar is om benoem te word tot of te dien in die beheerliggaam van 'n skool onder die toesig van die Departement van Onderwys nie.
  3. Ek verklaar voorts dat ek daartoe instem om deur 'n geakkrediteerde keuringsagentskap gekeur te word om voldoening aan punt (1) hierbo te bepaal indien ek tot die beheerliggaam verkies word en 'n aantyging gegrond op punt (1) teen my gemaak word.
  4. Ek verklaar voorts dat, nadat punte (1), (2) en (3) hierbo oorweeg is, ek die bogenoemde benoeming na behore aanvaar.

---

HANDTEKENING VAN BENOEMDE

OF

(INDIEN VOORGESTEL BY BENOEMINGS- EN VERKIESINGSVERGADERING EN NIE AANWESIG OM DIE BENOEMINGSVORM TE VOLTOOI NIE)

Ek, \_\_\_\_\_,  
(Volle naam)

Verklaar dat skriftelike bewyse ter bevrediging ingedien is dat die bogenoemde kandidaat, wat nie aanwesig is by die benoemings- en verkiesingsvergadering om die benoemingsvorm te voltooi nie, indien verkies, bereid sal wees om as lid van die beheerliggaam te dien.

---

HANDTEKENING VAN DIE SKOOLKIESBEAMPTE

Hierdie benoeming word aanvaar / verwerp.  
(Skrap wat nie van toepassing is nie)

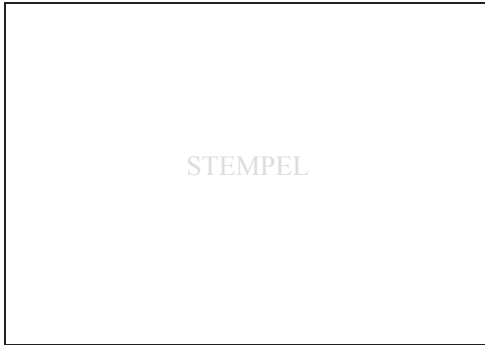
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DATUM

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HANDTEKENING VAN SKOOLKIESBEAMPTE

Bring asseblief die stempel van die kantoor van die skoolkiesbeampte aan:



## AANHANGSEL E

## AGENDA

NAAM VAN SKOOL: \_\_\_\_\_  
 DATUM VAN VERGADERING: \_\_\_\_\_  
 VOORSITTER: \_\_\_\_\_

ITEM NO.	ONDERWERP VIR BESPREKING	VERANTWOORDELIKHEID
<b>DEEL A: PROSEDURELE AANGELEENTHEDE</b>		
A.1	Opening en verwelkoming	Voorsitter
A.2	Bywoning en verskonings	Almal
A.3	Aanneming van agenda	Almal
A.4	Goedkeuring van notule van	Almal
<b>DEEL B: VOORTSPRUITENDE AANGELEENTHEDE</b>		
Aangeleentede uit vorige vergadering waarvoor verslag gedoen moet word		
B.1		
B.2		
<b>DEEL C: STAANDE ITEMS</b>		
C.1	Prinsipaal se verslag	Prinsipaal
C.2	Finansies	Tesourier
C.3	Personeelaangeleentede	Voorsitter
C.4	Veiligheid en sekuriteit	Voorsitter
C.5	Oueraangeleentede	Voorsitter
C.6	Beheerliggaamaangeleentede	Voorsitter
C.7	Eiendom en onderhoud	Voorsitter
C.8	Goedkeuring van departementele dokumente	Voorsitter
C.9	Beleide (Naam van die beleid)	Voorsitter
<b>DEEL D: NUWE ITEMS VIR DIE DEPARTEMENT VAN ONDERWYS / DEPARTEMENT VAN BASIESE ONDERWYS</b>		
Omsendbriewe/Notule/Direktiewe/Wetgewing/Beleide, ens.		
D.1		Voorsitter
D.2		Voorsitter
<b>DEEL E: KORRESPONDENSIE</b>		
Briewe/E-posse/Korrespondensie aan die beheerliggaam (Nie van Departement van Onderwys of Departement van Basiese Onderwys nie)		
E.1		Voorsitter
E.2		Voorsitter
<b>DEEL F: NUWE ITEMS</b>		
Enige ander item wat nie in enige van die bogenoemde kategorieë pas nie		
F.1		Voorsitter
F.2		Voorsitter
<b>DEEL G: AFSLUITING</b>		
G.1	Aankondigings – nie persoonlik nie (Geen bespreking)	Voorsitter
G.2	Volgende geskeduleerde vergadering	Voorsitter
G.3	Opsomming en afsluiting	Voorsitter

**MOONTLIKE ITEMS VIR BESPREKING ONDER DEEL C VAN DIE AGENDA****C.1 PRINSIPAAL SE VERSLAG****C.1.1 Opvoedkundige Ondersteuningsprogramme**

- C.1.1.1 Nasionale Skoolvoedingsprogram
- C.1.1.2 Remediërende steun
- C.1.1.3 Ekstra klasse

**C.1.2 Leerderaangeleenthede**

- C.1.2.1 Dissipline, houding en skooluniform
- C.1.2.2 Bywoning
- C.1.2.3 Aanvullende steun vir leerders wat sukkel
- C.1.2.4 Prestasie
- C.1.2.5 Klasgroottes
- C.1.2.6 Leerder- / opvoeder-verhoudings
- C.1.2.7 Leerderassesserings
- C.1.2.8 Toelatings
- C.1.2.9 Buitekurrikulêre and buitemuurse bedrywighede
- C.1.2.10 Verteenwoordigende Raad van Leerders (indien van toepassing)
- C.1.2.11 Huiswerk indiening
- C.1.2.12 Uitsettings en / of skorsings

**C.1.3 Kurrikulumaangeleenthede**

- C.1.3.1 Dekking van inhoud
- C.1.3.2 Assesering
- C.1.3.3 Uitvalkoerse
- C.1.3.4 Akademiese resultate
- C.1.3.5 Vakkeuses
- C.1.3.6 Boekkeuses
- C.1.3.7 Sien ook paragraaf 6.7 van Omsendbrief 0043/2021

**C.2 FINANSIES**

- C.2.1 Begroting en finansiële state
- C.2.2 Skoolgelde (betaling en nie-betaling)
- C.2.3 Vrystellings
- C.2.4 Skuldinvorderings
- C.2.5 Beleggings
- C.2.6 Laste (lenings en oortrokke rekeninge)
- C.2.7 Aankope
- C.2.8 Verkrygingsplan
- C.2.9 Kontrakte
- C.2.10 Fondsinsameling
- C.2.11 Verhandelings, inventarisse en bateregister

**C.3 PERSONEELAANGELEENTHEDE**

- C.3.1 Dissipline
- C.3.2 Bywoning
- C.3.3 Aanvullende steun vir personeellede wat swaarkry
- C.3.4 Prestasie
- C.3.5 Vergoeding / kompensasie
- C.3.6 Bonusse
- C.3.7 Personeelassessering
- C.3.8 Artikel 51A van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997)
- C.3.9 Aanstelling, samestelling en vakatures
- C.3.10 Aftrede, uitdiensstellings en bedankings
- C.3.11 Afstanings
- C.3.12 Verplasings
- C.3.13 Bevorderings
- C.3.14 Personeelontwikkeling

**C.4 VEILIGHEID EN SEKURITEIT**

- C.4.1 Toegangsbeheer en besoeke aan skool
- C.4.2 Bewaking
- C.4.3 Sifting
- C.4.4 Sakevoortsetting
- C.4.5 Veilige bewaring van noodsaaklike dokumente
- C.4.6 Ontruiming, oefeninge en toetsing
- C.4.7 Alarm, sirene en interkom
- C.4.8 Skep van bevorderlike leeromgewing
- C.4.9 Skoolpatrolie tydens periodes, pouses en ná skool

**C.5 OUERAANGELEENTHEDE**

- C.5.1 Betrokkenheid
- C.5.2 Kommunikasie

**C.6 BEHEERLIGGAAMAANGELEENTHEDE**

- C.6.1 Opleiding
- C.6.2 Vakatures
- C.6.3 Toegewydheid van lede
- C.6.4 Dissipline van lede

**C.7 EIENDOM EN ONDERHOUD**

- C.7.1 Onderhoud van gebou
- C.7.2 Skoonmaak van gebou en terrein
- C.7.3 Uitbreidings, verbetering en herstelwerk
- C.7.4 Verhuring van gebou of terrein

**C.8 GOEDKEURING VAN JAARLIKSE BESTUURSPROSESDOKUMENTE**

- C.8.1 Jaarlikse Akademiese Prestasieverslag (Annual Academic Performance Report (AAPR))
- C.8.2 Akademiese Prestasieverbeteringsplan (Academic Performance Improvement Plan (APIP))

- C.8.3 Skoolontwikkelingsplan (School Development Plan (SDP))
- C.8.4 Skoolverbeteringsplan (School Improvement Plan (SIP))
- C.8.5 Skoolselfevaluering (School Self Evaluation (SSE))
- C.8.6 Skoolbeheerliggaamfunksionaliteitsgereedskap (School Governing Body Functionality Tool)
- C.8.7 Boublokke vir Doeltreffende Skoolbestuur (Beskikbaarheid van Bestuursdokumente) (Building Blocks for Effective School Management (Availability of Management Documents))
  
- C.9 BELEIDE (Naam van Beleid)**
- C.9.1 Oorlegpleging
- C.9.2 Hersiening
- C.9.3 Opdatering
- C.9.4 Goedkeuring



**ISAZISO SEPHONDO**

I.S. 114/2023

22 kweyeNkanga 2023

**ISEBE LEMFUNDO****IMIGAQO YEENKQUBO ZOKUMISELWA NOKONYULWA KWAMABHUNGA OLAWULO KWIZIKOLO ZIKAWONKEWONKE, 2023**

UMphathiswa weMfundo kwiSebe lePhondo kwiNtshona Koloni, phantsi kwecandelo 24, xa lifundwa necandelo 63, lomthetho wezeMfundo weZikolo zePhondo leNtshona Koloni, ka1997 (uMthetho 12 ka1997), uceba ukumisela le migaqo ithiwe theca kule Shedyuli.

**ISHEDYULI****UKUHLENGAEHLENGISWA KWEMIGAQO***Imigaqo*

1. Iingcaciso
2. Ukwakhiwa kwebhunga lolawulo
3. Intsebenziswano yamalungu abangabazali
4. Ukungalungeli ukuba lilungu lebhunga lolawulo kwakunye nokungamkeleki ukuba lilungu lebhunga lolawulo
5. Ukuphonononga
6. Ixesha lokusebenza lwamalungu ebhunga lolawulo
7. Izithuba kwibhunga lolawulo
8. Ukuchithwa nokuphinda kumiselwe ibhunga lolawulo
9. Imvume yokushishina
10. Iindlela zonyulo
11. Igosa lonyulo lesikolo
12. Imisebenzi yegosa lonyulo kwisithili
13. Imisebenzi yomlungelanisi wonyulo kwiphondo
14. Indlela yyokuziphatha yamagosa onyulo
15. Ululu lwabaVoti
16. Umhla, ixesha kwakunye nendawo yentlanganiso yokuqinisekisa utyunjo kwakunye nokonyulwa kwamalungu angabazali
17. Isaziso sentlanganiso yokuqinisekisa utyunjo nokonyulwa kwamalungu angabazali
18. Inkqubo yotyunjo olwenziwa ngokusebenzisa izandla
19. Ukuvota kunyulo lwamalungu angabazali okwenziwa ngokusebenzisa izandla
20. Ukubalwa kweevoti
21. Indima yesikolo ekukhetheni unyulo nge-intanethi
22. Inkqubo yotyunjo oluqutywa nge-intanethi
23. Ukuvota kunyulo oluqhutywa nge-intanethi
24. Ukubalwa kweevoti ngexesha lonyulo olwenziwe kwi-intanethi
25. Intlanganiso yokutyunjwa nokonyulwa kwamalungu angabafundisintsapho
26. Ukuvota kunyulo lwamalungu angabahlohli
27. Utyunjo nonyulo lwelungu elingengomhlohli
28. Utyunjo nonyulo lwamalungu angabafundi

29. Izigqibo zegosa lonyulo kwisikolo
30. Izigqibo zegosa lonyulo kwisithili
31. Inkqubo emva konyulo lwebhunga lolawulo
32. Intlanganiso yokuqala yebhunga lolawulo
33. Ikomiti
34. Intlanganiso zebhunga lolawulo
35. Imizuzu yeenkqubo zeeentlanganiso
36. Imigaqo yethutyana
37. Ukubhangiswa
38. Isihloko esifutshane

## **Iingcaciso**

1. Kule migaqo, ngaphandle kwaxa kuthe kwachazwa ngahlobo lumbi, naliphi na igama okanye imvakaliso enikwe intsingiselo ngokwalo Mthetho liza kuba nentsingiselo eliyinikiweyo yaye, ngaphandle kokuba imeko ikhokelela kwelinye icala—

**“usuku”** lubhekisa kulo naluphi na usuku, ngaphandle kweholide kawonkewonke kunye nosuku oluwela kwiholide yesikolo: Ngaphandle kokuba uMgqibelo neCawe azifakwanga ngoku bekubhalwa inani leentsuku zemiba yoluleko enxulumene nabafundi;

**“ISebe leMfundo”** lithetha ngesebe lephondo elijongene nezemfundo kweli phondo;

**“igosa lonyulo lesithili”** kubhekiswa kwigosa eliyintloko yolawulo kwiofisi yesithili semfundo;

**“unyulo nge intanethi”** lubhekisa kunyulo lwebhunga lolawulo apho kuthi kwizigaba ezithile kusetyenziswe iinkqubo ezikhatshwa bubuxhakaxhaka bobugcisa (intanethi) khona;

**“ilungu eliselungelweni”** libhekisa kwilungu elinelungelo lokuvota;

**“uvoto nge intanethi”** lubhekisa ekufakeni ivoti kunyulo olwenziwa ngobuxhakaxhaka bobugcisa (intanethi);

**“isikhululo sovoto nge-intanethi”** sibhekisa kwisikhululo sokuvota kuvoto lwe-intanethi;

**“I-Immigration Act”** ibhekisele kwi-Immigration Act, 2002 (uMthetho 13 ka2002);

**“usuku lokugqibela wonyaka wesikolo kubafundisintsapho ”** lubhekisa kuLwesihlanu weveki yesibini kweyoMnga wonyaka ngamnye;

**“usuku lokugqibela lonyaka wesikolo kubafundi”** lubhekisa kuLwesithathu weveki yesibini kweyoMnga wonyaka ngamnye;

**“isehlo sophazamiseko olumandla”** sibhekisa kwisehlo esiphazamisana nemisebenzi, intsebenzo okanye iinkqubo eziqhelekileyo zesikolo, nokuba bezilindelekile na okanye bezingalindelekanga, nezikhokelela ekuphulukaneni nasekuphazamisekeni kwenkqubo eqhelekileyo yesikolo;

**“ilungu”** libhekisa kwilungu lebhunga lolawulo;

**“intlanganiso yokuqinisekisa utyunjo”** ibhekisa kwi ntlanganiso ngokuthiwe thaca kumgaqo 16(1)(a)(i);

**“ongengomhlohli”** ubhekisa emntwini, ngaphandle komhlohli, oqeshwe esikolweni ngokwesivumelwano sethutyana okanye isigxina ngokwemiqathango yoMthetho weeNkonzo zoLuntu, ka-1994 (Isibhengezo 103 sika-1994), okanye sisikolo sikarhulumente ngokwemiqathango karhulumente yecandelo 21A(5) salo Mthetho, kwaye iquka umntu ofumana isibonelelo sesikolo ubuncinane iinyanga ezili12;

**“isikolo esiqhelekileyo”** sibhekisa kwisikolo esingesimo isikolo sabafundi abanezidingo ezizezinye;

**“umzali”** ubhekisa—

- (a) Umzali okanye umgcini womfundi;
- (b) Umntu onelungelo elisemthethweni lokubangumgcini womfundi; okanye
- (c) Umntu owenze izibophelelp zalowo ocamngciweyo kumhlathi (a) nomhlathi (b) malunga nemfundo yomfundi esikolweni;

**“I-Protection of Personal Information Act”** ibhekisa kwiProtection of Personal Information Act, 2013 (uMthetho 4 ka2013);

**“igosa lonyulo lephondo”** libhekisa kwigosa eliphezulu leSebe leMfundo elinoxanduva lokulawula unyulo lwamabhunga olawulo ephondo ngokwesimo solawulo lweSebe leMfundo etyikitywe nguMphathiswa wePhondo;

**“ikhoram yentlanganiso”**, ngokunxulumene nentlanganiso yebhunga lolawulo, ibhekisa kwikhoram echatshazelwe kummiselo 34(20);

**“isikolo”** sibhekisa kwisikolo esiqhelekileyo sikawonkewonke okanye kwisikolo sikawonkewonke esenzelwe abafundi abanezidingo ezizodwa;

**“igosa lonyulo lesikolo”** libhekisa kwigosa lonyulo elibekwe ngokommiselo 11(2);

**“iqela lonyulo lesikolo”** libhekisa kwigosa lonyulo kwisikolo ndawonye nabantu abaqeshelwe ukuncedisana negosa lonyulo leso sikolo ngokommiselo 11 (6);

**“iholide yesikolo”** ibhekisa kwiholide yesikolo echazwe kuMgaqonkqubo kaZwelonke wokuMisela iiKhalenda zeZikolo ukwenzela izikolo zikawonkewonke; eMzantsi Afrika, zenziwe phantsi kwesaziso sikaRhumentente 57 kwiGazethi kaRhumentente 38330 yomhla wama30 kweyoMqungu 2015;

**“isekela”** libhekisa kwisekela lenqununu okanye kumhlohli obambe indawo yesibini ephezulu kweso sikolo;

**“ibhunga elixhasayo”** libhekisa kwibhunga elinikezela ngenkxaso yemali kwisikolo esineemfuno zemfundo ezizodwa ;

**“inkqubo”**, ngokunxulumene nonyulo oluqhutywa nge-intanethi, yinkqubo ebhekisa kwinkqubo yezobugcisa esetyenziselwa olo khetho ;

**“uMthetho”** ubhekisa kuMthetho wezeMfundo weZikolo zePhondo le Ntshona Koloni ka1997 (uMthetho 12 ka-1997).

## Ukwakhiwa kwebhunga lolawulo

2. (1) Ngokwommiselwana (21), ibhunga lolawulo lesikolo lamabanga aphakamileyo eliqhelekileyo, isikolo esiphakathi okanye isikolo esiquka onke la mabanga kufuneka liqulathe—

- (a) abazali abasixhenxe;
- (b) abafundisintsapho ababini kweso sikolo;
- (c) umsebenzi omnye ongengomhlohli kwesi sikolo;
- (d) abafundi ababini (2) abakwibanga lesibhozo okanye ngentla abakhethwe libhunga elimele abafundi kwakumalungu alo; kunye
- (e) nenqununu.

(2) Ngokommiselwana (21), ibhunga lolawulo lwesikolo esiqhelekileyo samabanga aphantsi esinonqununu, abafundisintsapho ababini kunye nomnye okanye abanye abangengobafundisintsapho kufuneka uqulathe—

- (a) abazali abahlanu;
- (b) abahlohli ababini beso sikolo;
- (c) umsebenzi omnye ongengomfundisintsapho; kunye
- (d) nenqununu.

(3) Ngokommiselwana (21), ibhunga lolawulo lesikolo esiqhelekileyo samabanga aphantsi esinomsebenzi ongunqununu, umfundisantsapho omnye kunye nomsebenzi ongengomfundisantsapho kufuneka uqulathethe—

- (a) Abazali abane;
- (b) Umfundisantsapho weso sikolo ongenguye unqununu;
- (c) Umsebenzi omnye ongengomfundisantsapho;
- (d) unqununu;

(4) Ngokommiselwana (21), ibhunga lolawulo lesikolo sabafundi abaneemfuno zemfundo ezizodwa kufuneka siqulathe—

- (a) abazali abasixhenxe;
- (b) abafundisantsapho ababini beso sikolo;
- (c) umsebenzi ongengomfundisantsapho;
- (d) abafundi ababini abakwibanga lesibhozo okanye elingentla, abakhethwe libhunga elimele abafundi kwakumalungu alo, ukuba kuyakwazeka oko;
- (e) inqununu;
- (f) ummeli omnye kwibhunga elixhasa ngemali; ukuba kuyakwazeka oko;
- (g) ummeli omnye kwimibutho yabazali babafundi abanezidingo zemfundo ezizodwa, ukuba kuyakwazeka oko;
- (h) ummeli omnye osuka kwimibutho yabantu abaphila nokukhubazeka, ukua kuyakwazeka oko;
- (i) umntu omnye ophila nokukhubazeka, ukuba kuyakwazeka oko; kunye
- (j) nengcali enye kwelinye lamacandelo afanelekileyo eemfuno zemfundo ezizodwa.

(5) Ulawulo lesikolo esiqhelekileyo esinomsebenzi oyinqununu, kunye—

- (a) nomfundisantsapho omnye;
- (b) umsebenzi ongengomfundisantsapho; okanye
- (c) kungabikho mfundisantsapho na msebenzi ongengomfundisantsapho,

Kufuneka abandakanywe nebhunga lolawulo lesikolo esikufutshane kwaye makabe phantsi kolawulo olwabelanayo.

(6) Ibhunga lolawulo ekubhekiselelwe kulo ngummiselo 2(1), (2), (3) kunye neyesi (4) engaqulathanga nokuba-

- (a) ngumzali omnye;
- (b) ngumfundisantsapho omnye;
- (c) ngumntu omnye ongengomfundisantsapho;
- (d) ngumfundi omnye; ukuba kunokwenzeka; okanye
- (e) kwimeko yesikolo sabafundi abaneemfuno zemfundo ezizodwa, ingcali enye kwiinkalo ezifanelekileyo zeemfuno zemfundo ezizodwa, isekwe ngokungekho sikweni kwaye ayisebenzi.

(7) Kwiimeko ezicamngcwe kummiselwana (6), inqununu kufuneka kwisithuba seentsuku ezintlanu zokufumanisa ukuba ibhunga lolawulo aliqulunqwanga kakuhle kwaye alisebenzi, yazise igosa lonyulo lesithili ekufuneka liyalele igosa lonyulo lesikolo ukuba kwisithuba seentsuku ezili10 liqhube unyulo lwezo ndidi ngokwale mimiselo.

(8) Akukho sigqibo sithatyathwe libhunga lolawulo okanye inyathelo elithatyathwe kwigunya lebhunga lolawulo okanye ngenxa yokuba umntu owayengenalungelo lokuhlala njengelungu lebhunga lolawulo ehleli kwelo bhunga lolawulo, njengelungu eleli hlobo ngexesha lokuthathwa kwesigqibo okanye lokugunyazwa kweso senzo, ukuba kuthathwe isigqibo okanye eso senzo sigunyazisiwe yikhoram yentlanganiso yebhunga lolawulo, ngokuxhomekeka eekubeni ibhunga lolawulo liqulunqwe ngokufanelekileyo kwaye isindululo esikhokelele kwisigqibo siphakanyiswe lilungu elinelungelo lokuvota kwaye sancediswe lelinye ilungu elinelungelo lokuvota.

(9) Ibhunga lolawulo lesikolo oluchatshazelwe kumimisela (1), (2) nowesi(3) lingakhetha amalungu angabahlali angabi phezulu kwesithathu ukuze axhobise ibhunga lolawulo lesikolo ukuba lenze imisebenzi eliyityunjelwe ukuba liyenze.

(10) Ukhetho oluchatshazelwe kumimisela (9) kufuneka ibhalwe phantsi kwaye inike isizathu sokhetho kunye nexesha lokhetho.

(11) Ilungu lasekuhlaleni alinakukhethwa ngokumimisela (9) ngaphezulu kwamaxesha amathathu eenyanga ezili12 ngalinye: Kuxhomekeke ekubei ithuba lokhetho alinakudlulela ngaphaya kwexesha lebhunga lolawulo.

(12) Ngokuxhomekeke kummiselo 3(4) nowesi(5) kunye nommiselo7(11) kunye nowesi32(4), amalungu atyunjiweyo akanamalungelo okuvota kwibhunga lolawulo kwaye akanako—

(a) ukwenza isiphakamiso kwintlanganiso yebhunga lolawulo;

(b) ukuseka umntu ofake isiphakamiso kwintlanganiso yebhunga lolawulo; okanye

(c) ukuba ngusihlalo webhunga lolawulo.

(13) Abazali babafundi besikolo kufuneka batyambe kwaye banyule amalungu abazali akhankanywe kwimimisela (1)(a), (2)(a), (3)(a), kunye nowesi (4)(a).

(14) Abafundisantsapho abaqeshwe esikolweni kufuneka batyambe kwaye banyule amalungu angabafundisantsapho abacamngciweyo (1)(b), (2)(b), (3)(b) kunye nowesi (4)(b): Ngokuxhomekeke ekubeni kwiimeko ezicamnciweyo kwimimisela (1)(b), (2)(b) kunye nowesi (4)(b) ukuba isikolo sinabafundisantsapho ababini kuphela, loo malungu anyulwa ngokuzenzekelayo.

(15) Ukuba ilungu elingumfundisantsapho elikhankanywe kwimigaqwana (1)(b), (2)(b), (3)(b) okanye ku (4)(b) liqeshelwe ukusebenza endaweni yenqununu kweso sikolo, ibhunga lolawulo kufuneka libize omnye umfundisantsapho kweso sikolo kumagama atyunjwe ze afakwa kwibhunga lolawulo ngabahlohli ukuze lowo ahlale apho njengolungu de libe ilungu eliqeshelwe ukuthabatha indawo yenqununu liyayeka ukwenza loo misebenzi.

(16) Abasebenzi abangengobafundisantsapho abaqeshwe kweso sikolo kufuneka batyambe ze banyule amalungu angengobafundisantsapho abakhankanywe kwimigaqwana (1)(c), (2)(c) kunye nowesi(4)(c): Ngokuxhomekeke ekubeni isikolo sinomntu omnye kuphela ongenguye umfundisantsapho, elo lungu lonyulwa ngokuzenzekela.

(17) Kwiimeko ezichaziweyo kumimisela (3)(c), ilungu elingengomfundisantsapho lonyulwa ngokuzenzekela.

(18) Ibhunga elimele abafundi esikolweni kufuneka lityambe kwaye lonyule amalungu angabafundi ngokuchazwe kumimisela (1)(d) kunye nowesi (4)(d).

(19) Ibhunga lolawulo lesikolo sabafundi abaneemfundo zemfundo ezizodwa kufuneka limisele ikomiti eza kujongana nemicimbi yeemfundo zemfundo ezizodwa njengoko kukhankanyiwe kwicandelo 30(2) soMthetho weZikolo zoMzantsi Afrika.

(20) Ikomiti ekhankanywe kumigaqwana (19) kufuneka—

(a) ihlangane ubuncinci kanye ngekota yonyaka wesikolo; ze

(b) ibandakanye—

(i) inqununu;

(ii) amalungu amabini ebhunga lolawulo angabazali ;

(iii) umfundisantsapho omnye ; kunye

(iv) ukuba kuyenzeka oko, ubuncinci, nomnye kodwa bangadluli kwisihlanu (5) saba bantu balandelayo:

(aa) ummeli wamabhunga axhasa ngemali;

(bb) a ummeli wemibutho yabazali babafundi abaneemfundo zemfundo ezizodwa;

(cc) ummeli wemibutho yabantu abaphila nokukhubazeka;

(dd) umntu ophila nokukhubazeka; kunye

(ee) nengcali kumacandelo afanelekileyo emfundo eneemfundo ezizodwa.

(21) INtloko yeSebe ingayiphumeza indlela elakhiwe ngayo ibhunga lolawulo kunye nexesha eza kuqhuba ngalo kweso sikolo, ndlela leyo yahlukileyo kwindlela ekuqhele ukwakhiwa ngayo nelinqhele ukuqhuba ngalo ibhunga lolawulo njengoko kuthiwe thaca kwimigaqwana (1), (2), (3) kunye nowesi(4) ukuba—

(a) ibhunga lolawulo leso sikolo lithe lafaka isicelo ngembalelwano licela imvume yaloo ndlela yahlukileyo yokwakhiwa kwalo ze lanikezela nezizathu zoko; okanye

(b) a ibhunga lolawulo kufuneka ukuba limiselwe ukwenza umsebenzi webhunga lolawulo okwethutyana, ukuba liliso kwiphulo lokusekwa kwesikolo esitsha,

yaye neNtloko yeSebe ikholisekile ukuba loo ndlela yokwakhiwa kwalo kuza kuba yinzuzo kwimfundo kweso sikolo.

(22) Ngaphandle kwesikolo esisungulwe ngokwemiqathango yecandelo 12(1)(g) yalo Mthetho, kwiimeko ezikhankanywe kumgaqwana (21)(a) inani lamalungu angabazali abakwibhunga lolawulo lesikolo esimiselwe ngokwemigaqwana (1), (2), (3), kunye nowesi(4) kufuneka libe nalo nelinye ilungu elongezelelweyo kunenani elihlanganisiweyo lekhabhinethi yamanye amalungu anamalungu okuvota.

(23) Nangaliphi na ixesha iNtloko yeSebe ingathi ngokubona kwayo, ikurhoxise ukuphunyezwa okukhankanywe kumgaqwana (21)(b) ze alichithe ibhunga lolawulo lexeshana ekujoliswe kulo, apho kuya kufuneka kumiselwe ibhunga lolawulo elitsha ngokwemigaqwana (1), (2), (3) okanye (4), ngokuxhomekeka kwimeko leyo.

(24) Ibhunga lolawulo lethutyana elichazwe kummiselwana (21)(b), nakummiselo 3(8)(a) kunye nowesi8(4) kufuneka ibe—

(a) ligosa lonyulo lesithili njengosihlalo;

(b) ngumphathi wesekethe ojongene nesikolo;

(c) ligosa lezemali kunye neerekhodi zesikolo elinoxanduva lesikolo njengonondyebo;

(d) ngumncedisi mlawuli olawula iimali neerekhodi zesikolo ezichazwe kumhlathi (iii) ojongene neso sithili semfundo njengonobhala;

(e) lisekalagosa eliyingcali kwezemfundo nolawulo elinoxanduva lweso sithili semfundo njengosekelasihlalo; kunye

(f) nonqununu.

(25) Igosa lonyulo lephondo kufuneka linikeze amagama neenkukacha njengoko kuchazwe kwisolotyana (24) kwiNtloko yeSebe.

### **Intsebenziswano yamalungu angabazali**

3. (1) Ukuba kukho isithubalamalungu angabazali kwibhunga lolawulo, inqununu kufuneka zingadlulanga iintsuku ezintlanu isazi ngesi sithuba yazise bonke abazali babafundi besikolo ngaso, ngokuthi inike umfundi ngamnye imbalelwano ebayalela ukuba bayinike abazali babo ze abazali babonise ngokubhaliweyo kwinqununu zingadlulanga iintsuku ezimbini zesikolo ukususela kumhla wesaziso ukuba umzali ukulungele ukusebenza njengelungu elifanelekileyo kwibhunga lolawulo.

(2) Kwisazisoesiya kubazali njengokuba kuchaziwe kummiselwana (1) inqununu kufuneka ithathe umzali oza kukwazi ukusebenzisana nelungu lebhunga lolawulo, loo mzali kufuneka angenise isicatshulwana enika isizathu sokuba kutheni efuna ukungena kwibhunga lolawulo.

(3) Emva kweentsuku ezimbini zesikolo njengoko kucatshuliwe kummiselwana (1), usihlalo webhunga lolawulo kufuneka abize intlanganiso ekhethekileyo yebhunga lolawulo, emva kokuba enike isaziso seeyure ezingama24 ubuncinane kumalungu ebhunga lolawulo, sokuba akhethe okwethutyana ilungu elingumzali elinelungelo lokuvota, ngaphandle kokuba intlanganiso yokukhetha ilungu elingumzali ikhorateyiti.

(4) Ukuba inani labazali abakulungeleyo ukutyunjwa njenganmalungu anelungelo lokuvota akhethiweyo kwibhunga lolawulo, abo bazali baya kuthathwa ngokuba ngamalungu ebhunga lolawulo atyunjiweyo, ngokuxhomekeka ekubeni bafanelekile ukusebenza njengamalungu ebhunga lolawulo.

(5) Ukuba inani labazali abakulungeleyo ukutyunjwa njengamalungu anelungelo lokuvota lingaphezulu kwenanilezithuba ezivulekileyo, ngoko ke amalungu ebhunga lolawulo anelungelo lokuvota kufuneka abize intlanganiso yekhorati aqwalasele izingathu ezicamngciweyo kummiselwana (2) kwaye athabathe amalungu omzali kwaba kwaba bazali ngenkqubo ecacileyo, enobulungisa nedomakhrasi, enokubandakanya ukuvota.

(6) USihlalo webhunga lolawulo akanakho ukubiza intlanganiso kawonkewonke okanye intlanganiso ekhethekileyo yebhunga lolawulo kuze kukhethwe ilungu elingumzali elinelungelo lokuvota njengoko kuchazwe kwimimiselwana (4) kunye no(5).

(7) Ukuba inani lamalungu ebhunga lolawulo alanelanga ukuseka ikhoram inqununu kufuneka yazise igosa lonyulo lephondo ngaphandle kokulibazisa ukuba ibhunga lolawulo lifuna ukwazi.

(8) Kwiimeko ezichazwe kummiselwana (7)—

(a) iNtloko yeSebe kufuneka kwisithuba seentsuku ezintathu zokufumanisa ukuba akukho khoram iseke ibhunga lolawulo lwethutyana elingadluli kwiintsuku ezingama90;

(b) igosa lonyulo lesikolo kufuneka lithumele isaziso esichazwe kummiselo 17 (1) zingaphelanga iintsuku ezili14 emva kokuba iNtloko yeSebe iseke ibhunga lolawulo lethutyana; kwaye

(c) ibhunga lolawulo elitsha kufuneka linyulwe ngokwemiqathango yale mimiselo zingadlulanga iintsuku ezingama9 ekubhekiselelwe kuzo kumhlathi (a).

(9) Ukuba umzali unamalungelo okuvota njengoko kuchazwe kwimimiselwana (4) okanye (5), olo khetho luya kuphela xa isithuba sigcwaliswe ngonyulo olongezelelweyo ekufuneka lubanjwe kwisithuba seentsuku ezingama90 emva kokuba isithuba eso sithe savalwa, ngokungqinelana neenkqubo ezifana nezo zonyulo lwamalungu angabazali njengoko kuchazwe kule mimiselwana.

(10) Ngokuxhomekeke kummiselwana (11), okhethwe ngokwemimiselo (4) okanye (5) akanakusebenza ngaphezulu kwentsuku ezingama90 njengelungu elityunjwe libhunga lolawulo.

(11) Ukuba unyulo olongezelelweyo oluchazwe kummiselwana (9) alwenziwanga kwisithuba seentsuku ezingama90 emva kokuba isithuba sivelile isithuba ngenxa yesiganeko esiphazamisayo esikhulu, lowo utyunjiweyo ngumzali uyaqhubeka nokusebenza kwibhunga lolawulo side sidlule eso siganeko.

(12) Kwiimeko ezichazwe kummiselwana (11) unyulo olongezelelweyo kufuneka lubanjwe zingaphelanga iintsuku ezingama30 ukususela kumhla wokudlula kweso siganeko sikhulu siphazamisayo.

(13) Unobhala webhunga lolawulo kufuneka aqinisekise ukuba imicimbi yentlanganiso engaqhelekanga lokhetho lelungu elingumzali njengoko kuchaziwe kummiselwana (3).

(14) Inqununu kufuneka igcine imizuzu kwifayile echaziweyo kummiselo (13) kunye nala maxwebhu alandelayo:

(a) saziso esichazwe kwimimiselwana (1) no(2) esazisa abazali ngesithuba esivulekileyo;

(b) impendulo ebhaliweyo evela kwabo abazali abathe babonise ukuvuma kwabo ukusebenza njengelungu lebhunga lolawulo;

(c) isaziso ekubhekiselelwe kuso kummiselo (3) sokubamba intlanganiso ekhethekileyo;

(d) iajenda yentlanganiso ekhethekileyo;

(e) ubungqina bokuba isaziso ne-ajenda zithunyelwe kumalungu ebhunga lolawulo;

(f) imizuzu etyikityiweyo yentlanganiso ekhethekileyo; kunye

(g) nerejista yokuzimasa etyikityiweyo yentlanganiso ekhethekileyo.

(15) Intlanganiso yokuqinisekiswa kokutyunjwa nonyulo lovalo sikhewu oluxelwe kwimimiselo (9) no (12) kufuneka lubanjwe ngokwale mimiselo.

## Ukungalungeli ukuba lilungu lebhunga lolawulo kwanokungamkeleki ukuba lilungu lebhunga lolawulo

4. Umntu akanakutyunjelwa, aqeshwe njengelungu elivunyiweyo lebhunga lolawulo okanye aqhubeke nokuba lilungu lebhunga lolawulo elivunyiweyo ukubo—

- (a) wayekhe ebomini wagwetywa yinkundla yomthetho ngetyala awathi wanikwa isigwebo sokuvallelwa enkundleni esanqunyanyiswayo kodwa walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, okanye wathi wagwetyelwa ukuqamela ngenqindi ze walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, ngaphandleni kokuba uthe wakhutshwa ngokuxolelwa, okanye ithuba leso sinqumamiso okanye lokuhlala ejele lidlule ubuncinci isithuba seminyaka emithathu ngaphambi kosuku lokuchongelwa kwakhe kwibhunga elo lolawulo;
- (b) unomntwana, kubandakanywa umntwana okhuliselwe kwikhaya angazalelwanga kulo umntwana, umlingani, umzali, udade okanye ubhuti, utatomkhulu, umakhulu, utatazala, umamazala, usibali, okanye indodakazi e—
  - (i) lilungu lebhunga lolawulo; okanye
  - (ii) esebenza kweso sikolo kuthethwa ngaso;
- (c) kwimeko yomzali, usebenza esikolweni okanye usebenzela isikolo;
- (d) unomdla wezezimali, wezoqoqosho okanye umdla nje esikolweni okanye wokusebenzela umnini weshishini okanye umntu osemthethweni onomdla wemali okanye wezoqoqosho esikolweni;
- (e) wathi wachazwa njengongakulungelanga ukusebenza nabantwana ngokwemiqathango yomthetho iChildren’s Act, 2005 (Act 38 ka2005), okanye yeCriminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Umthetho 32 ka2007);
- (f) uphazamiseke ngokwasengqondweni yaye oko kudizwe yinkundla yomthetho;
- (g) akazange ancedakale ekwahlulekeni ukuhlawula amatyala akhe;
- (h) ongekho kuluhlu labavoti lweso sikolo sichaphazelekayo;
- (i) ngaphandle kwenqununu, kwimeko apho umhlohli aqashwe ngokwemiqathango yoMthetho wokuQeshwa kwabaHlohli ka1998 (uMthetho 76 ka1998), wathi wafunyanwa enetyala lokungaziphathi kakuhle ze—
  - (i) wanikwa umdliwo;
  - (ii) wayekhe wanqunyanyiswa ngaphandle komvuzo;
  - (iii) wakhe wehliselwa; okanye
  - (iv) wanikwa isigwebo esihlanganisa ezi zikhankanywe kumasolotyana (i) ukuya ku-(iii), ngaphandle kokuba ixesha elo lesigwebo liphele ubuncinane isithuba seminyaka emithathu ngaphambi komhla wokutyunjwa kwakhe okanye wokunyulwa kwakhe njengelungu lebhunga lolawulo;
- (j) kwimeko yomntu ongengomfundisintsapho afunyaniswe enetyalalokuziphatha ngobugwenxa waze—
  - (i) wanqunyanyiswa ngaphandle komvuzo;
  - (ii) wehliselwa; okanye
  - (iii) wafumana intlanganisela yezigwebo ezikhankanywe kumasolotyana (i) no(ii), ngaphandle kokuba ixesha elo lesigwebo liphele ubuncinane isithuba seminyaka emithathu (3) ngaphambi komhla wotyunjwa kwakhe okanye wokunyulwa kwakhe njengelungu lebhunga lolawulo;
- (k) kwimeko echaphazela umgqatswa ongunzali, ongenamntwana ufunda kweso sikolo;
- (l) kwimeko apho umfundi—
  - (i) wakhe wagxothwa kwisikolo yiNtloko yeSebe;
  - (ii) wakhe wagxothwa libhunga lolawulo; okanye
  - (iii) akaphumelelanga ibanga leminyaka emibini edlulileyo kuso nasiphi na isikolo;



- (m) wakhe wakhutshwa kwibhunga lolawulo yiNtloko yeSebe ngokomgaqo 6(8) kwisithuba seminyaka emithathu edlulileyo.
- (n) uyinqununu kwesinye isikolo; okanye
- (o) uligosa leSebe lezeMfundo elinoxanduva kweso sikolo sichaphazelekayo.

## Uphononongo

5. (1) Umntu otyunjwe ukuba abelilungu lolawulo njengoko kuchazwe kwimimiselo 18, 22, 25 no27 kufuneka anikezele invume yokuphononongwa libhunga elinamagunya okuphonononga ukuze kuqatshelwe ukuthotyelwa kommiselo 4, apho kuyimfuneko khona.

(2) Ngokwenjongo yale mimiselo, iarhente yovavanyo evunyiweyo inokuhlola kuphela—

- (a) umntu osebenza kwibhunga lolawulo njengelungu elinelungelo lokuvota;
- (b) umntu oncedisayo kwibhunga lolawulo ongelolungu elinelungelo lokuvota; kwaye
- (c) umntu otyunjelwe ubungcali bakhe kwikomiti yebhunga lolawulo.

(3) Ukuba inkqubo yovavanyo imisela ukuba umntu onyulelwe ukusebenza kwibhunga lolawulo akanakusebenza kwibhunga lolawulo, ubulungu bebhunga lolawulo kufuneka bumiselwe ngokwemiqathango yale mimiselo.

(4) Ukuba isityholo senziwe nangubani na kwibhunga lolawulo malunga nelinye ilungu lebhunga lolawulo lokuba aliwuthobeli ummiselo 4, usihlalo webhunga lolawulo, okanye ukuba isityholo senziwe ngokuchasene nosihlalo, igosa lonyulo lesithili, kufuneka lazise ilungu elichaphazelekayo ngokubhaliweyo ngesityholo kwaye linikwe ithuba lokwenza ingxelo kwibhunga lolawulo zingadlulanga iintsuku ezili14 lifumene isaziso.

(5) Ilungu ekwenziwe isityholo ngalo njengoko kuchazwe kummiselwana (4) kufuneka lirhoxe kwintlanganisano yebhunga lolawulo ngethuba leengxoxo naxa kusenziwa isigqibo ngesi sityholo.

(6) Ukuba ibhunga lolawulo lithatha isigqibo sokuphonononga ilungu ekubhekiselelwe kuwo kummiselwana (4) ukuze kuqinisekise ukuthotyelwa kommiselo 4, usihlalo okanye igosa lonyulo lesithili, njengoko imeko injalo, kufuneka lazise ilungu ngokubhaliweyo ngesigqibo salo zingaphelanga iintsuku ezintlanu emva kokuba kuthatyathwe isigqibo.

(7) Kwiimeko ezichazwe kummiselwana (6), ibhunga lolawulo kufuneka ngokukhawuleza lisondele kwiarhente eqinisekisiweyo yokuhlola ukuze ivavanye ilungu kwisithuba seentsuku ezili14 emva kokuba kuthathwe isigqibo sokuqinisekisa ukuthotyelwa kommiselo 4.

(8) Ukuba iarhente yovavanyo ifumanisa ukuba ilungu aliwuthobeli ummiselo 4, kufuneka linike ingxelo ebhaliweyo kusihlalo okanye kwigosa lonyulo lesithili, njengoko kunokuba njalo, ekufuneka ngoko, zingadlulanga iintsuku ezingama30 ifumene ingxelo—

- (a) linike ikopi yengxelo kwiGosa loNyulo lePhondo ekufuneka lidlulisele ingxelo kwiNtloko yeSebe kunye nengcebiso yokuba libuphelise ubulungu njengoko kuchaziwe kummiselelo 6(8); kwaye
- (b) uya kwzisa ilungu elichaphazelekayo ngengxelo nesindululo esichazwe kumhlathi (a).

(9) INtloko yeSebe kufuneka iqwalasele ingxelo ize yazise ngencwadi ebhaliweyo ibhunga lolawulo nelungu elichaphazelekayo ngesigqibo salo zingadlulanga iintsuku ezingama21 zokufumana ingxelo.

(10) Umntu obuphelisiweyo ubulungu bakhe usenokubhalela kuMphathiswa wePhondo zingadlulanga iintsuku ezili14 zokufumana isaziso esikhankanywe kummiselwana (9).

(11) UMphathiswa wePhondo kufuneka asithathele ingqalelo isibheni eso aze athathe isigqibo ngaloo mbandlela ngokubhaliweyo kwisithuba seentsuku ezingama21 zokufunyanwa kwesibheni.

(12) Isikolo sinoxanduva lwazo naziphi na iindleko eezifunyenwe kuzo nakoluphi na ukuhlola okwenziwa ngokwalo mmiselo.

## Amaxesha okuqhuba kwamalungu ebhunga lolawulo

6. (1) Ngokwemiqathango yomgaqwana (3) no(10) kwakunye nemigaqo 7, 8, 30(2) no32(16), ixesha lokuba se-ofisini kwilungu lebhunga lolawulo elingengomfundi kufuneka libe yiminyaka emithathu yaye liqala ukususela ngosuku lokuchazwa kovoto lokunyula ibhunga lolawulo ligosa lonyulo kwisikolo njengobelu khulekile, lungenamkhethe.

(2) Ukuba usuku lokugqibela lokuqeshwa komfundisintsapho kwibhunga lolawulo ngumhla wama31 kweyoMnga ngoko ke usuku lwakhe lokugqibela lokusebenza kwibhunga lolawulo lusuku lokugqibela lonyaka wesikolo kubafundisintsapho okanye ngosuku apho ingqesho yakhe iphela khona esikolweni ipheliswa ngumfundisintsapho okanye umqeshi, nokuba ngowuphi umhla ofika kuqala.

(3) Ukuba usuku lokugqibela lokuqeshwa esikolweni kongengomfundisintsapho kwibhunga lolawulo ngumhla wama31 kweyoMnga ngoko ke usuku lwakhe lokugqibela lokusebenza kwibhunga lolawulo ngumhla wama31 kweyoMnga okanye ngosuku apho ingqesho yakhe iphela khona esikolweni ipheliswa ngumfundisintsapho okanye umqeshi, nokuba ngowuphi na umhla ofika kuqala.

(4) Ukuba usuku lokugqibela lokufunda esikolweni komntwana womzali olilungu lisuku lokugqibela lonyaka lesikolo lwabafundi, ngoko ke usuku lokugqibela lomzali lokusebenza kwibhunga lolawulo lusuku lesikolo lwabafundi okanye umhla apho ukufunda komntwana esikolweni kupheliswe ngumzali okanye iNtloko yeSebe.

(5) Abafundi abangamalungu ebhunga lolawulo mawanyulwe ngomhla wama28 kweyoMdumba minyaka le.

(6) Ixesha lokuba seofisini lelungu elingumfundi ngunyaka omnye.

(7) Ilungu elingumfundi malisebenze kwibhunga lolawulo kude—

(a) ilungu elitsha elingumfundi lonyulwe kwibhunga lolawulo njengoko kuchaziwe kumgaqwana (5);

(b) asishiye isikolo; okanye

(c) kube lusuku lokugqibela esikolweni lonyaka labafundi ukuba umfundi ukwibanga le12.

(8) INtloko yeSebe—

(a) nangaliphi na ixesha ingabubhangisa okanye ibuphelise ubulungu belungu lebhunga lolawulo ngokophula ingxela yokuziphatha njengoko kuchaziwe kwicandelo lama26A loMthetho; okanye

(b) aphelise ubulungu belungu lebhunga lolawulo—

(i) ukungathobeli umgaqo wesi4; okanye

(ii) ngokomgaqo 7(3).

(9) Ilungu lebhunga lolawulo ubulungu balo obubhangisiweyo okanye bapheliswa ngokomgaqwana (8)(a) angabhena kuMphathiswa wePhondo njengoko kuchaziwe kwicandelo lama21 leNdlela yokuziphatha kwaMalungu amaBhunga oLawulo eZikolo zeZikolo zikaWonkewonke elenziwe phantsi kweSaziso sePhondo 101/2012 esapapashwa kwiGazethi yePhondo 6982 yomhla we13 kuTshazimpuzi 2012.

(10) Ngokwemiqathango yomgaqwana (11), ukuba umntu onyulelwe ukuba lilungu lebhunga lolawulo njengoko kumiselwe kwimigaqo 2(1), (2), (3) nowe(4) uyayeka ukuwela kwibakala elimiselwe kula mgaqo apho wayenyulwe njengelungu, uyayeka ukuba lilungu lebhunga lolawulo.

(11) Ukuba ithuba lokuba seofisini lelungu elingumzali liza kuphela kuba umntwana walo ephuma kweso sikolo yaye ilungu elo lingumzali sele lisifumene isiqinisekiso esibhalwe phantsi sisamkela ukungena komntwana walo wesibini kweso sikolo kunyaka olandelayo, umzali lowo angaqhuba nokuba lilungu lebhunga lolawulo phantsi komqathango wokuba umntwana wakhe wokuqala usishiya isikolo eso ngomhla wokugqibela wesikolo ze owesibini yena aqale apho ngomhla wokuqala wonyaka olandelayo.

(12) Ukuba isikolo esixubileyo okanye esamabanga aphakathi simiselwe—

(a) isikolo samabanga aphantsi, isimo sebhunga lolawulo esimiselwe kumgaqo 2(1) sihlala sinjalo, singenazinguqu, ngokwemigaqwana (13) no(15), de liphele ixesha lokuba seofisini kumalungu ebhunga lolawulo; okanye

(b) isikolo samabanga aphakamileyo, isimo sebhunga lolawulo esimiselwe kumgaqo 2(1) sihlala sinjalo, singabi nazinguqu, ngokwemiqathango yomgaqwana (14) no(15), de kuphele ixesha leofisi lamalungu ebhunga lolawulo.

(13) Kwiimeko ezichazwe kumgaqwana (12)(a), ukuba abazali abakwibhunga lolawulo baninzi kunabo bamiselwe apha 2(2), (3), ngokwemeko, kufuneka kumiselwe unyulo lwamalungu angabazali njengoko kumiselwe kumgaqo we19 kwisithuba seentsuku ezingama90 kwenziwe uhlehlengiso.

(14) Kwiimeko ezimiselwe kumgaqwana (12)(b), ukuba inani labazali abakwibhunga lolawulo lehlile kunelo limiselwe ngokwemiqathango yomgaqo 2(1), kufuneka kumiselwe unyulo lwamalungu angabazali njengoko kumiselwe kumgaqo 19 kwisithuba seentsuku ezingama90 kwenziwe uhlehlengiso.

(15) Kwiimeko ezimiselwe kumgaqwana (12), ukuze libe nokuqhuba njengelungu lebhunga lolawulo, ilungu kufuneka lihlale liselungelweni ngokwemiqathango yale migaqo ukuba lihlale likwibhunga lolawulo elo lesikolo samabanga aphantsi okanye lesikolo samabanga aphakamileyo.

(16) Ilungu lebhunga lolawulo lingaphinda linyulwe okanye lenyuselwe, njengoko inokutsho imeko, emva kokuphela kwexesha lalo eofisini ukuba lithi libe selungelweni lokuba lilungu ngokwale migaqo.

### **Izikhewu kwibhunga lolawulo**

7. (1) Isikhewu sithi sivele kwibhunga lolawulo ukuba ilungu—

(a) lithi lilahle ngembalelwano ze lingakurhoxisi ukulahla ngaphambi kokuba kwamkelwe ngokusesikweni libhunga lolawulo entlanganisweni;

(b) lithi lisutywe kukufa;

(c) liye lingabikho ezintlanganisweni ezintathu elandelelanayo zebhunga lolawulo lingakhange linikezele zizathu zibambekayo, emva kokuba laziswe kakuhle ngale mihlangano;

(d) lithi liphulukane nokuba selungelweni lokuba lilungu njengoko kukhankanyiwe kumgaqo 4 okanye 6(10); okanye

(e) lithe lakhutshwa e-ofisini ngokwemiqathango yommiselwana 6(8).

(2) Kwiimeko ezikhankanyiwe kummiselwana (1)(c)—

(a) ibhunga lolawulo kufuneka liziphawule kwimizuzu ezi meko zokungabikho;

(b) emva kokungabikho okwesibini, uNobhala webhunga lolawulo kufuneka azise ilungu elo lingekhoyo ukuba ibhunga lolawulo liya kucela iNtloko yeSebe ukuba ibunqamle ubulungu balo ukuba lithi lingaveli nakwintlanganiso yesithathu;

(c) emva kokungabikho kwiintlanganiso ezintathu, ibhunga lolawulo kufuneka licele iNtloko yeSebe ukuba inqamle ubulungu belo lungu; ze

(d) unobhala azise ilungu elo lingekhoyo ngembalelwano ukuba ibhunga lolawulo licele iNtloko yeSebe ukuba inqamle ubulungu balo.

(3) Ukuba iNtloko yeSebe ikholisekile ukuba ilungu belingekho iintlanganiso de zantathu zebhunga lolawulo ngaphandle kwesizathu esibambekayo, iNtloko yeSebe kufuneka inqamle ubulungu belo lungu ze yazise elo lungu ngalo ntshukumo kwisithuba seentsuku ezingama21 isifumene eso sicelo njengoko kuchazwe kumgaqwana (2)(c).

(4) Umntu othe wohluthwa ubulungu njengoko kumiselwe kwimigaqwana (2) no(3) angabhena kuMphathiswa wePhondo kwisithuba seentsuku ezili14 emva kokufumana isaziso njengoko kuchazwe kumgaqwana (3).

(5) UMphathiswa wePhondo kufuneka aqwalasele isibheni eso ze athabathe isigqibo ngaloo mba kwisithuba seentsuku ezingama21 esifumene isibheni .

(6) Xa kuvela isikhewu—

- (a) kwibhunga lolawulo elimiselwe ngokwemiqathango yomgaqo 2(20)(b), iNtloko yeSebe kufuneka inyue ilungu ukuvingca eso sikhewu;
- (b) kwibhunga lolawulo elimiselwe ngokwemiqathango yemigaqo 2(1), (2), (3), (4) okanye (23)(a), isikhewu eso kufuneka sivingcwe ngokokhetho lovingco-sikhewu ngokwemiqathango yeenkqubo zokhetho ngokwale migaqo—
  - (i) kwimeko yelungu elingumzali, kwisithuba seentsuku ezingama90 emva kokuvela kweso; ze
  - (ii) kwimeko yesikhewu somhlohli, umsebenzi ongengomhlohli, kwisithuba seentsuku ezili14 emva kokuvela kweso sikhewu

(7) Ilungu elinyulwe ngokwemiqathango yomgaqwana (6)(a) okanye elikhethelwe ukuvingca isikhewu ngokonyulo lovingco-sikhewu ngokwemiqathango yomgaqwana (6)(b) lifumana ubulungu bethuba elingekaphelelwa lexesha leofisi lalowo ebengaphambi kwalo, linamalungeo okuvota, ngokwemiqathango yomgaqo 6.

(8) Ukuba isikhewu sithe savingcwa—

- (a) ngokwemiqathango yomgaqwana (6)(a), iNtloko yeSebe kufuneka; okanye
- (b) ngokwemiqathango yomgaqwana (6)(b), unobhala webhunga lolawulo kufuneka, azise inqununu ngembalelwano ngegama nedilesi yalowo ungene ezihlangwini zalowo ususiweyo.

(9) Isikhewu sethutyana siye sivele kwibhunga lolawulo ukuba ilungu lithi lingabikho kwiintlanganiso ezintathu ezilandelelanayo linikezele isizathu esibambekayo.

(10) Kwiimeko ezikhankanywe kumgaqwana (9) ilungu elo kufuneka lazise ibhunga lolawulo ukuba alizi kuba nakho ukwenza imisebenzi yalo yebhunga lolawulo isithuba seentlanganiso ezintathu ezilandelelanayo ze linikezele isizathu soko kungabikho.

(11) Ukuba ibhunga lolawulo liyasamkela isizathu esikhankanywe kumgaqwana (10) ze likuvumele oko kungabikho, kufuneka lifake umntu okwibakala elikwafana nelo lelo lungu lingekhoyo ukuze enze imisebenzi yelungu elingekhoyo, kuquka nokusebenzisa amalungelo alo okuvota, de ilungu elo lingekhoyo libe liyakwazi ukubuya lenze imisebenzi yalo kwibhunga lolawulo.

(12) Ukuba ibhunga lolawulo liyasikhaba isizathu esikhankanywe kumgaqwana (10) ze lingakuvumeli ukungabikho kwelungu, ilungu elo kufuneka lifake incwadi elilahla kuyo njengelungu ze isikhewu eso siqwalaselwe njengoko kukhankanyiwe kumgaqwana (6).

(13) Kwiimeko ezikhankanywe kumgaqwana (11) unobhala webhunga lolawulo kufuneka azise inqununu ngembalelwano ngegama lelungu elo elingakwazi kubakho okwethutyana ndawonye negama nedilesi ozenza imisebenzi yelo lungu lingekhoyo okwethutyana.

### **Ukuchithwa nokumiselwa ngokutsha kwebhunga lolawulo**

8. (1) INtloko yeSebe ingalichitha ibhunga lolawulo ukuba—

- (a) ngokokubona kwayo, ngenxa yokuhlanganiswa kwezikolo okanye ukwahlulwa kwesikolo okanye ukulungiswa ngokutsha kwezibonelelo zesikolo, oko kuyimfuneko ukunika abazali bezikolo okanye besikolo ithuba lokuba bakhethe amalungu ebhunga lolawulo lesikolo elitsha eliza kumela ngendlela eyiyo abazali babafundi abafundi kwezo zikolo okanye kweso sikolo emva kolo hlanganiso, lwahlulo okanye olo lungiso ngokutsha;
  - (b) ibhunga lolawulo lesikolo liye lasilela ukwenza umsebenzi walo ngokwanelisayo okanye lenze into engazi kuba lulutho kwisikolo eso;
  - (c) ubuncinane ama60 eepesenti abazali bonke abanelungelo lokuvota ngokomgaqo 9(1) baye bavota, kwintlanganiso, ukuba abasalithembi elo bhunga lilawula isikolo.
- (2)(a) *Usihlalo webhunga lolawulo lesikolo kufuneka abize intlanganiso yabazali zingaphelanga iintsuku ezili14 emva kokuba eceliwe ukuba enze oko, ngokuthi ababhalele abazali abangekho ngaphantsi*

*kwama30 epesenti abanelungelo lokuvota ngokomgaqo 9(1) ukuba babize intlanganiso ekubhekiswe kuyo kumgaqwana (1)(c).*

(b) Ukuba usihlalo akaphenduli kwisicelo esichazwe kumhlathi (a), abazali bangakrweca umlawuli wesithili, ekufuneka abize intlanganiso yokulamla phakathi kwebhunga lolawulo kunye nabazali zingaphelanga iintsuku ezintlanu ekrweciwe ngabazali.

(c) Ukuba ibhunga lolawulo nabazali abafikeleli kwisivumelwano kulo ntlanganiso yokulamla echazwe ku mhlathi (b), umlawuli wesithili kufuneka zingaphelanga iintsuku ezintlanu zale ntlanganiso yokulamla, abeke kwiofisi yesithili echaphazelekayo—

(i) umphathi wesekethe; okanye

(ii) intloko yokuphatha nolawulo,

njengosihlalo wentlanganiso yabazali echazwe kumgaqwana (1)(c) aze acele loo sihlalo ukuba abize lo ntlanganiso.

(d) Usihlalo ochazwe kumhlathi (c) kufuneka—

(i) ngaphandle kokulibazisa abize intlanganiso yabazali echazwe kumgaqwana (1)(c), intlanganiso mayibanjwe zingaphelanga iintsuku ezili14 usihlalo ebekiwe ngokomhlathi (c); kwaye

(ii) zingaphelanga iintsuku ezintlanu ecelwe ukuba enze njalo ligosa lonyulo lesithili, aqinisekise isaziso esibhaliweyo sentlanganiso sikhutshiwe, nokuba kukhutshwa isaziso sinikezelwa kumfundi ngamnye nomyalelo wokuba asinike abazali bakhe okanye nangeyiphi na indlela ngokokubona kukasihlalo ngokuthethana nenqununu.

(3) Apho ibhunga lolawulo lichithwe phantsi komgaqwana (1), liyayeka ukusebenza ngomhla obekwe yiNtloko yeSebe.

(4) INtloko yeSebe kufuneka ibeke ibhunga lolawulo lethutyana njengoko kuchaziwe kumgaqo 2(23) okwexeshana elingadlulanga kwiintsuku ezingama90 ukusuka kumhla ochazwe kumgaqwana (3).

(5) Ibhunga lolawulo kufuneka lonyulwe phantsi kwale migaqo kwisithuba seentsuku ezingama90 emva kokubekwa kwebhunga lolawulo lethutyana njengoko kukhankanyiwe kumgaqwana (4).

(6) Xa uMphathiswa wePhondo evala isikolo ngokwe candelo le18 loMthetho, ibhunga lolawulo lesi sikolo lichithakala ngomhla wokugqibela wexesha lesikolo elandulela umhla wokuvalwa kwesikolo.

## Ugunyaziso

9. (1) Wonke umzali onomtwana omnye nangaphezulu ababhaliswe njengabafundi esikolweni unelungelo lokuvotela amalungu angabazali ebhunga lolawulo kweso sikolo, kwaye angavota kanye kuphela, evotela umtyunjwa othile, apho ubuninzi benani leevoti lilingana nenani lamalungu angabazali abaza konyulwa.

(2) Intloko yeziko leenkedama okanye omele yena onomtwana omnye okanye abaninzi abafunda kwisikolo unelungelo lokuvotela amalungu anagabazali ebhunga lolawulo, kwaye angavota kube kanye kumtyunjwa othile, ngenani leevoti ezilingana namalungu abazali amabavotelwe.

(3) Kwiimeko ezichazwe kumgaqwana (1) abazali abangagqithanga kwisibini kumfundi ngamnye bavumelekile ukuba bavote.

(4) Wonke umfundisintsapho oqeshwe esikolweni, kuquka inqununu, unelungelo lokuvotela ilungu eli ngumhlohli lebhunga lolawulo kweso sikolo, kwaye angavota kanye kuphela evotela umtyunjwa othile, apho elona nani liphezulu leevoti lilingana nenani lamalungu abangabafundisintsapho abaza konyulwa.

(5) Lonke ilungu lebhunga elimele abafundi esikolweni linelungelo lokuvotela amalungu angabafundi ebhunga lolawulo kweso sikolo kwaye angavota kanye kuphela evotela umtyunjwa othile, apho ubuninzi benani leevoti lilingana nenani lamalungu angabafundi ebhunga elimele abafundi abaza konyulwa.

(6) Lonke ilungu labasebenzi abangengobafundisintsapho esikolweni linelungelo lokuvotela ilungu labasebenzi abangengobafundisintsapho lebhunga lolawulo kwaye linevoti enye: Ukuba isikolo sinomsebenzi ongenomfundisintsapho omnye, elo lungu linyuliwe ngokuzenzekelayo.

## Iindlela zonyulo

- 10.** (1) Unyulo lwebhunga lolawulo malwenziwe ngezindlela—
- unyulo oluqhutywa ngesandla;
  - unyulo oluqhutywa ngeintanethi okanye
  - ngazo zombini luqhutywe ngesandla nangeintanethi.
- (2) Isikhululo sokuvotela ibhunga lolawulo kufuneka—
- sivule ngentsimbi yesi7:00 size sivale ngeyesi20:00; kwaye
  - ngexesha elichazwe kumhlathi (a) limele livule kangangeeyure ezintlanu zizonke.
- (3) Xa iqwalasela indlela yolonyulo njengoko kuchaziwe kumgaqwana (1), inqununu kufuneka ijonge—
- indlela yolonyulo izakukhuthaza owona mdla woluntu lwesikolo kunye nesikolo kwaye izakuvumela ubuninzi bentathoxaxheba ngabavoti kwinkqubo yokuvota;
  - indlela yokonyuola ayizukhetha ngokungalinganiyo umvoti othile okanye iqela labavoti;
  - ubonelele olwaneleyo lwenziwe kwinkqubo yokhetho
  - izixhobo ezaneleyo ziyafumaneka zendlela ekhethiweyo yolonyulo.
- (4) Inqununu kufuneka ubuncinane kwiintsuku ezingama30 phambi konyulo lwebhunga lolawulo—
- yazise igosa lonyulo lesikolo yeyiphi indlela yolonyulo ezakusetyenziswa njengongoko kuchaziwe kumgaqwana (1)
  - iqinisekise ukuba isikolo sinako ukuqhuba indlela yolonyulo echazwe kumhlathi(a).
- (5) Igosa lonyulo lesikolo kufuneka—
- lazise igosa lonyulo lesithili ngendlela oluza kuqhutywa ngalo unyulo, zingaphelanga iintsuku ezimbini emva kokwaziswa yinqununu indlela oluza kuqhutywa ngalo unyulo njengoko kuchazwe kumgaqwana (4)(a); kwaye
  - lingenise isicwangciso solawulo lonyulo kwigosa lonyulo lesithili ubuncinane kwiintsuku ezingama25 phambi komhla wonyulo.
- (6) Isicwangciso solawulo esichazwe kumgaqwana (5)(b) kufuneka siqulathe ubuncinane oku kulandelayo:
- umhla wovoto ocetywayo, ixesha nendawo yonyulo;
  - ixesha elibekelwe bucala lokubala iivoti; kunye nokuchazwa kweziphumo; kunye
  - ishedyuli yamalungu eqela lonyulo lwesikolo elibeka iliso intlanganiso yokuqinisekisa ukutyunjwa, ukuvota, kunye nenkqubo yokubalwa kweevoti.

## Igosa lonyulo lesikolo

**11.** (1) UMlawuli wesithili makadlulisele kwigosa lonyulo lesikolo isikolo apho inqununu okanye isekelo nqununu kukhankanywe kumgaqwana (2) makanyulwe khona njengegosa lonyulo lesikolo.

(2) Igosa lonyulo lesithili malibeke inqununu okanye isekela-nqununu wesinye isikolo, ukuba kuyimfuneko, ngokubhaliweyo, njengegosa lolonyulo lesikolo, ukuqhuba utyunjo nonyulo, njengoko kuyimfuneko, lomzali, lomfundisintsapho kunye namalungu ongengomfundisintsapho ngokuchazwe kwimigaqo 2(1), (2), (3) kunye no(4) webhunga lowawulo.

(3) Igosa lonyulo lesithili alinako ukutyumba inqununu okanye osekelayo ngokuchazwe kumgaqwana (2) ngaphandle kwesithili semfundo apho isikolo siqhuba ulonyulo nokhetho.

(4) Ukuba inqununu okanye isekela-nqununu ngokukhankanywe kumgaqwana (2) abafumaneki ukwenza umsebenzi ukufezekisa okukhankanywe kumgaqwana (7), igosa lonyulo lesithili ngokwemigaqwana (3) no(5), malinyule igosa lonyulo lesikolo kwesinye isikolo ukufezekis le misebenzi.

(5) Inqununu okanye isekela-nqununu okhankanywe kumgaqwana (2) akanakubekwa njengegosa lonyulo esikolweni—

- (a) ukuba unabantwana ababhaliswe kweso sikolo;  
 (b) akaqeqeshwanga njengegosa lonyulo lesikolo;  
 (c) ukuba uqeshwe kwisikolo apho unyulo luqhuba khona; okanye  
 (d) apho igosa lonyulo lesikolo lesikolo sayo liqeshwe njengenqununu okanye usekele.
- (6) Igosa lonyulo lesikolo lingabeka umfundisintsapho omnye okanye ngaphezulu, okanye umsebenzi ongenomfundisintsapho ukubaancedise kwintlanganiso yokuqinisekisa utyunjo kunye nolonyulo.
- (7) Igosa lonyulo lesikolo kufuneka—
- (a) liqinisekise ukuba iqela lonyulo lesikolo liyayiqonda inkqubo yonyulo eza kulandelwa kwaye liyayanelisa imigomo yale migaqo;  
 (b) longamele unyulo lwamalungu ebhunga lolawulo, ngaphandle konyulo lwamalungu angabafundi kunye nabasezikhundleni;  
 (c) maliqinisekise ukuba isikolo esiqhuba unyulo simisele igosa lonyulo ngokuthi linikezele igumbi elinomnxeba, umnxeba ophathwayo onedatha, kwakunye nekhompyuta neprinta, zisetyenziswe ligosa lonyulo lesikolo kunye neqela lonyulo lesikolo ngelixesha lentlanganiso yokuqinisekisa utyunjo, uvoto kwakunye nenkqubo yokubalwa kweevoti;  
 (d) liqinisekise ukuba kukho indawo efanelekileyo yokuqhutywa kwentlanganiso yokuqinisekiswa konyulo, uvoto nokubalwa kweevoti;  
 (e) kwimeko yokuvota kubuxhakaxhaka bale mihla, kuqinisekise ukuba kukho isikhululo esinye okanye ezingaphezulu zokuvota ngobuxhakaxhakathe;  
 (f) angenelele kwaye asombulule naziphi na iimbambano ngosuku lwentlanganiso yokuqinisekiswa konyulo, uvoto nokubalwa kweevoti;  
 (g) ukuba lunelisekile, malibhengeze unyulo njengolukhululekileyo; kwaye  
 (h) lingenise iziphumo zonyulo kwigosa lonyulo lesithili.
- (8) Inqununu eqeshwe njengegosa lonyulo lesikolo alinako ukudlulisela kwabanye imisebenzi echazwe kummiselwana (7) kwigosa lesibini elinoxanduva ngaphandle kwemvume yegosa yonyulo lesithili.
- (9) Inqununu kufuneka ixhase kwaye incedise igosa lonyulo lesikolo ekwenzeni imisebenzi yalo.
- (10) Ikomiti yonyulo yesikolo kufuneka isebenzise isitampu sesikolo esisuka kwisikolo igosa lonyulo liqeshwe khona xa ligximfiza iifom zokutyumba kunye namaphepha okuvota.

### **Imisebenzi yegosa yonyulo lesithili**

#### **12. Igosa lonyulo lesithili kufuneka—**

- (a) ukulungelelanisa iinkqubo zonyulo zamabhunga olawulo kwisithili semfundo;  
 (b) ukucebisa iofisi yesithili semfundo ngesicwangciso esicetywayo nokuphunyezwa konyulo lwamabhunga olawulo kwisithili semfundo nokuqinisekisa ukuba le nkqubo iqhutywa njengoko kuvunyelwene negosa lonyulo wephondo;  
 (c) kukuqulunqa isicwangciso solawulo sookuphumeza unyulo lwebhunga lolawulo;  
 (d) kukuqinisekisa ukuba isikolo ngasinye sinegosa lonyulo nokuba kusekwe ikomiti yonyulo yesikolo;  
 (e) kukuqesha amagosa onyulo ezikolo ezichazwe kumhlathi (d);  
 (f) kukuqinisekisa ukuba onke amagosa onyulo ezikolo aqeqeshwe ngokufanelekileyo kwaye aqinisekisiwe;  
 (g) kukuqinisekisa ukuba amagosa onyulo ezikolo anazo iifom ezicetywayo kwizihlomo kunye nawo onke amaxwebhu ayimfuneko enkqubo yonyulo;  
 (h) kukuqinisekisa ukuba zonke iikomiti zonyulo zezikolo ziqeqeshwe ngokwaneleyo kwaye ziyazi ukuba indima yazo;  
 (i) kukuqinisekisa ukuba amalungu ekomiti yonyulo yesikolo ayifumene le mimiselo namanye amaxwebhu afanelekileyo onyulo kwangethuba;

- (j) kukuqinisekisa ukuba ubhengezo lonyulo luqhutywa njengoko bekucwangcisiwe;
- (k) skukuqinisekisa ukuba amagosa esithili emfundo ongamele inkqubo yolonyulo;
- (l) kukuqinisekisa ukuba amagama neenkukacha zoqhagamshelwano zabantu abanyulwe kumabhunga olawulo angeniswa kumququzeleli wonyulo wephondo zingadlulanga iintsuku ezisixhenxe luqhutywa unyulo;
- (m) kukuqinisekisa ukuba amagama abasezikhundleni angeniswa kumququzeleli wonyulo wephondo zingadlulanga iintsuku ezisixhenxe efunyenwe loo magama kunqununu;
- (n) kukuqiniseka ukuba amagama amalungu a—
  - (i) afakelelweyo kwibhunga lolawulo njengoko kuchazwe kummiselo 2(8) kunye nommiselo 3; okanye
  - (ii) abekiweyo okanye anyuliweyo kwibhunga lolawulo ukuvala izikhewu njengoko kuchazwe kummiselo 7(6), angenisiwe ku mlungelelanisi wonyulo wesithili zingaphelanga iintsuku ezingama14 emva the kokuwafumana la magama kwinqununu;
- (m) liphuhlise kwaye ligcine iziko ledatha yamalungu amatsha onyulwe kumabhunga olawulo kwisithili sezemfundo kwaye liyingenise kumlungelelanisi wonyulo wephondo; kwaye
- (n) liqulunqe ingxelo ebhaliweyo ngonyulo lwamabhunga olawulo, liyingenise kumlungelenanisi wonyulo wephondo.

### **Imisebenzi yegosa lezonyulo**

#### **13. Igosa lezonyulo lephondo kufanele—**

- (a) qulunqe isicwangciso solawulo sokufezekisa sephondo sonyulo lwebhunga lolawulo;
- (b) liqinisekise ukuba kukho isikhokelo esaneleyo malunga nemihla yonyulo;
- (c) alungelelanise yonke imithombo ukuze kuqhutywe unyulo lwamabhunga ngokungenamkhethe;
- (d) liqinisekise ukuba onke amagosa ezolonyulo ophondo aqeqeshwa ngokufanelekileyo;
- (e) lihlole kwaye livavanye inkqubo yezonyulo ephondweni; kwaye
- (f) lidibanise uvimba wamalungu ebhunga lolawulo elinyuliweyo ephondweni.

### **Indlela yokuziphatha yamagosa ezonyulo**

#### **14. Igosa lezonyulo lesikolo, igosa lezonyulo lesithili, umququzeleli wonyulo wephondo kunye nelungu leqela lezonyulo lesikolo kufanele—**

- (a) banyaniseke kwaye babenembeko;
- (b) baziphathe ngendlela nengenamkhethe;
- (c) aziqhelanise nenkqubo yolonyulo kunye nomthetho osebenzayo onxulumene nonyulo wombuho wolawulo;
- (d) liqhube unyulo ngokwale mimiselo;
- (e) lisebenzisane nenqununu;
- (f) lilawule inkqubo yonyulo ngendlela engenamkhethe nenobulungisa; kwaye
- (g) lingaqithiseli kwimida yalo.

### **Umqulu wabavoti**

**15. (1)** Inqununu kufanele yenze umqulu wabavoti bezi ndidi nganye zilandelayo, oqulathe amagama abazali bonke, abafundisintsapho kunye nabangengabo abafundisintsapho esikolweni abanelungelo lokuvota njengoko kuchaziwe kummiselo 9, ngale ndlela ilandelayo:



- (a) umqulu wabavoti wabazali kufanele ubekwirejista yesikolo kwaye kufanele iqulathe amagama abo bantu babhalwe kwirejista njengabazali, okanye abangabonisa ubungqina bokuba bangabazali babafundi ababhaliswe esikolweni;
- (b) umqulu wabavoti wabafundisintsapho kufanele uqulathe bonke abafundisintsapho abaqeshwe esikolweni.
- (2) Inqununu kufanele iqinisekise ukuba akukho magama aphindaphindweyo kwimiqulu yabavoti kwaye aqinisekise ukuba kukho inani labazali ababini ubuninzi ngomfundi ngamnye oboniswe kumqulu wabavoti wabazali abachazwe kummiselwano (1)(a).
- (3) Umqulu wabavoti wabazali kufanele wenziwe ufumaneka kubazali ukuze bawuphicothe ubuncinane iintsuku ezili 14 phambi kokuba isaziso esikhankanywe kummiselo 17 uthunyelwe kubazali.
- (4) Abazali bangakhangela umqulu wokuvota wabazali ukuze baze bagqibe ukuba amagama abo ayabonakala na kuyo baze bafake imbambano zingaphelanga iintsuku ezintlanu wenziwe wafumaneka umqulu wabavoti njengoko kuchaziwe kummiselwana (3).
- (5) Inqununu kufanele inike ingqalelo ekhankanywe kummiselwana (4) kwaye, apho kufanelekileyo, alungise umqulu wabavoti zingaphelanga iintsuku ezintlanu ifumene isaziso sembambano.
- (6) Inqununu kufanele iqukumbele umqulu wabavoti wabazali wabafundisintsapho kunye nabo bangengabo abafundisintsapho ubuncinane iintsuku ezimbini phambi kokuba kuthunyelwe isaziso esikhankanywe kummiselo 17 sithunyelwe kubazali, kwaye akukho magama angongezwa emveni kokuba uqunjelwe.
- (7) Inqununu kufanele xa iqulunqa umqulu wabavoti ilandele umgomo wokubandakanya kwaye iqinisekise uthotyelo lweProtection of Personal Information Act;
- (8) Igosa lolonyulo lesikolo kufanele lingqinise imiqulu zingaphelanga iintsuku ezimbini emva kokuba inqununu iyikukumbele ngokummiselwano (6).

### **Umhla, ixesha kunye nendawo yentlanganiso yongqiniso lokutyunjwa kunye nokunyulwa kwamalungu**

16. (1) Igosa lonyulo lesikolo emva kothethwano nenqununu kufanele—
- (a) amisele umhla, ixesha kunye nendawo ye—
- (i) ntlanganiso ukuze kungqinisiswe ukutyunjwa kubazali, ntlanganiso leyo kufanele ibanjwe ubuncinane kwiintsuku ezili 10 phambi konyulo;
- (ii) unyulo lwamalungu angabazali; kunye
- (iii) nobalo lweevoti; kunye
- (b) nokwazisa inqununu ngembalelwano ngalo.
- (2) Ukutyunjwa nokonyulwa kwamalungu angabazali kufanele kwandulelwe lulonyulo lwezinye iindidi zamalungu ebhunga lolawulo lesikolo njengoko kuchaziwe kwimimiselo wama 25, 26, 27 kunye nowama 28.
- (3) Kwimeko yesikolo esitsha, intlanganiso yokungqinisisa kubazali nonyulo lwamalungu angabazali kufanele ibanjwe zingaphelanga iintsuku ezingama 90 emva kokuba isikolo sivulelwe abafundi.
- (4) INTloko yeSebe ukuba ifumaneka ngokufanelekileyo kwiimeko, ingavumela isandiso ngembalelwano yesithuba esikhankanywe kummiselwano (3), kodwa isandiso asinokugqitha kwiinyanga ezintandathu emva kokusungulwa kwesikolo.

### **Isaziso sentlanganiso yongqiniso sokutyunjwa kunye nonyulo lwamalungu angabazali**

17. (1) Igosa lonyulo lesikolo kufanele lilungise isaziso, ngefomu yeSihlomelo A, sentlanganiso yongqiniso sokutyunjwa kunye nonyulo olukhankanywe kummiselo we 16 kunye nefomu yokutyunjwa, kwifomu yeSihlomelo B, kwaye kufanele, ubuncinane iintsuku ezingama 21 phambi konyulo, libonelele

inqununu ngekopi yesaziso kunye nefomu yokutyunjwa ukuze izibonelelo zommiselwano (4) zingafezekiswa.

(2) Isaziso esiya kubazali kufanele—

- (a) sichaze umhla wonyulo;
- (b) sichaze uhlobo lonyulo njengoko kuchaziwe kummiselo 10(1);
- (c) kwimeko yonyulo lokuvota ngezandla, chaza ixesha kunye nendawo yentlanganiso yongqinisiso yokutyunjwa;
- (d) sichaze abagqatswa abangabazali bangazimasa intlanganiso yongqinisiso yokutyunjwa yonyulo ngezandla;
- (e) sichaze umhla, izithuba zexesha kunye nendawo yokuvota;
- (f) sibandakanye isikhumbuzi sokuba abazali kufanele beze nesazisi ukuze bakwazi ukuvota;
- (g) sichazele abazali ukuba bangafaka isiphikiso ngembalelwano negosa lonyulo lesikolo kuko nakuphi na ukutyunjwa kungadlulanga iintsuku ezimbini emva kwentlanganiso yongqinisiso sokutyunjwa;
- (h) sikhuthaze abazali bathathele ingqalelo le miba ilandelayo xa betyumba kwaye bevotele abagqatswa abangabazali:
  - (i) umgomo wolingano;
  - (ii) imfuno yokulungisa iintswelabulungisa zexesha elidlulileyo; kunye
  - (iii) nemfuno yokumelwa;
- (i) sazise abazali ukuba iinkcukacha ngabagqatswa abatyunjiweyo zingacelwa kuphela kwaye zenziwe zifumaneki ngokweProtection of Personal Information Act;
- (j) sazise abazali abatyunjiweyo ukuba kufanele banike imvume yeenkcukacha zabo ukuba kwabelwane ngazo nabavoti;
- (k) veza umhla, ixesha elibekiweyo kunye nendawo yovoto olulandelayo, oluya kubanjwa zingadlulanga iintsuku ezintlanu kwaye zingadluli iintsuku ezisixhenxe emva konyulo lokuqala, ukuba ikhoram ayiphunyezwa kunyulo lokuqala njengoko kuveliswe kummiselo wama20(6) ;

(3) Ukuchongwa okukhankanywe kummiselwano (2)(f) kufanele ibelikhadi lesazisi soMzantsi Afrika, uxwebhu lwesazisi olunebhakhawudi eluhlaza ekhutshwe liSebe leMicimbi yaseKhaya okanye, kwimeko yommi wangaphandle, iphepha lemivume ekhutshwe ngokwe Immigration Act: Ngaphandle kokuba xa isazisi esinjalo singafumaneki indlela engenye yesazisi singamkelwa lilungu leqela lonyulo lesikolo.

(4) Inqununu kufanele ubuncinane iintsuku ezingama21 phambi komhla wonyulo lwamalungu angabazali—

- (a) siqinisekise ukuba abafundisintsapho bakhuphe ikopi zesaziso kunye nefomu yokutyumba kumfundi wonke wesikolo esichaphazelekayo ngomyalelo womlomo wokuba bayinike abazali babo;
- (b) siqinisekise ukuba ikopi zesaziso kunye nefomu yokutyuba zithunyelwa kubazali bomfundi ngamnye osesikolweni ngeposi, ukuba ukubona kuluncedo;
- (c) asebenzise indibanisela seendlela ezimbini zokwazisa ezikhankanywe kwimihlathi (a) no (b); okanye
- (d) asebenzisa nayiphi na indlela efanelekileyo njengoko enokugqiba ukwazisa abazali babantwana bonke abasesikolweni bentlanganiso yongqinisiso yokutyumba kunye nolonyulo lwamalungu lwabazali, ukuba ngaba nje indlela yesaziso singabeki nawuphi na umzali kwintsilelo okanye ibengumqobo kwintathoxaxheba yabo kwinkqubo yolonyulo. .

(5) Igosa lonyulo lesikolo kufanele liqinisekise ukuba isaziso esikhankanywe kummiselwano (1) sibekwe esikolweni ubuncinane iintsuku ezili14 phambi komhla wentlanganiso yongqinisiso yonyulo esikhankanywe kummiselwano (2)(c).

## Inkqubo yotyunjo kunyulo oluqhutywa ngesandla

18. (1) Ukutyumba umgqatswa ongumzali kunyulo oluqhutywa ngesandla, umzali womfundi esikolweni makafake kwigosa lonyulo esikolweni, ingadlulanga intsimbi ye13:00, zingadlulanga iintsuku ezilishumu phambi kolonyulo, ifomu yokutyumba eyifomu ekwiSihlomelo B, igcwaliswe ngophakamisayo, oxhasayo kunye nomgqatswa ongumzali.

(2) Utyumbo oluchazwe kumgaqwana (1) malube luxhaswe ngomnye umzali.

(3) Umzali akanakuzityumba.

(4) Amagama abatyunjwa kufuneka afakwe kwibhokisi yokuvota evaliweyo kwisiklo esichaphazelekayo kwaye akufuneki asuswe kwisikolo.

(5) Igosa lonyulo lesikolo kufuneka liqinisekise ukuba—

(a) umntyunjwa ngamnye unomcebi nomxhasi;

(b) umntyunjwa, umcebi kunye nomxhasi badwelisiwe kuluhlu lwabavoti; kwaye

(c) intlanganiso yokuqinisekiswa kotyumbo yaziswe ngokhetho ngomhla nangexesha elichazwe kummiselwana (1).

(6) Kwintlanganiso yotyumbo, ikomiti yonyulo yesikolo kufuneka ithathele ingqalelo amagama abo batyunjweyo ize ikukhabe ukutyunjwa kwawo nawuphi na umzali—

(a) akatyunjwanga ngokungqinelana nommiselwana (1);

(b) ongafanelekanga njengoko kuchazwe kummiselwa 4; okanye

(c) ozityumbileyo,

kwaye emva koko igosa lonyulo lesikolo kufuneka lenze uluhlu lokutyumba kwaye lazise inqununu nabazali ngamagama abazali abatyunjweyo.

(7) Inqununu, ubuncinane kwiintsuku ezimbini phambi komhla wonyulo lwamalungu angabazali—

(a) kufuneka aqinisekise ukuba abafundisintsapho bakhupha iikopi zoluhlu lokutyumba oluchazwe kummiselwana (6) kumfundi ngamnye wesikolo ochaphazelekayo ngomyalelo womlomo ukuba awunike abazali bakhe; okanye

(b) unokusebenzisa nayiphi na enye indlela efanelekileyo njengoko enokuthi agqibe ukwazisa abazali bomfundi ngamnye kwisikolo soluhlu lokutyunjwa, lo gama nje indlela yokwazisa ingafaki abazali kwimeko engalunganga okanye ithintele inxaxheba yabo kwinkqubo yonyulo.

(8) Ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe phantsi kommiselwana (6), lilanga nenani lamalungu agqitywe ngokwommiselo 2(1)(a), (2)(a), (3)(a) no(4) ngokumalunga nebhunga lolawulo oluchaphazelekayo, igosa lonyulo lesikolo kufuneka zingadlulanga iintsuku ezimbini emva kwintlanganiso yokungqinisisa amagama—

(a) lichazele inqununu ngokubhaliweyo ngoko;

(b) lichazele abazali kwaye licele kutyunjwe umgqatswa ongumzali owongezelelekileyo zingaphelanga iintsuku ezine emva komhla wentlanganiso yesibini yokuqinisekisa utyunjo; kwaye

(c) libize intlanganiso yesibini yokuqinisekisa utyunjo ibanjwe zingadlulanga iintsuku ezintlanu emva kwintlanganiso yokuqinisekisa utyunjo lokuqala.

(9) Kwezi meko zichazwe kummiselwana (8)(c)—

(a) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe phantsi kommiselwana (6), lingaphezulu kwenani lamalungu agqitywe ngokommiselo (1)(a), (2)(a), (3)(a) no(4)(a) yebhunga lolawulo elichaphazelekayo—

(i) igosa lonyulo lesikolo kufuneka lazise inqununu nabazali ubuncinane iintsuku ezintlanu phambi konyulo ngamagama abazali abonyuliweyo abamkelweyo; kwaye

(ii) ukhetho kufuneka lubanjwe njengoko kuchazwe kummiselwa 19;

(b) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe ngokommiselwana (6), lilingana nenani lamalungu agqitywe ngokommi-

selo (1)(a), (2)(a), (3)(a) no(4)(a) ngokwebhunga lolawulo elichaphazelekayo, inkqubo echazwe kummisselwana (11) mayilandelwe; okanye

- (c) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwekummisselwana (6), lingaphantsi kwenani lamalungu afuneka kummisselo 2(1)(a), (2)(a), (3)(a) no (4)ngokwebhunga lolawulo elichaphazelekayo, igosa lonyulo lesikolo kufuneka zingadlulanga iitsuku ezimbini emva kwentlanganiso yesibini yokungqinisisa amagama—
- (i) yazise inqununu ngencwadi ebhaliweyo malunga noko;
  - (ii) yazise abazali kwaye acele kunylulwe abanye abazali abangabagqatswa zingadlulanga iintsuku ezintandathu emva komhla wentlanganiso yesibini yokuqinisekiswa kokutyunjwa okuchazwe kummisselwana (8)(c); kunye
  - (iii) abize intlanganiso yesithathu yoqinisekiswa kokutyunjwa eya kubanjwa kungadlulanga iintsuku ezisixhenxe emva komhla wentlanganiso yesibini yokuqinisekiswa kokutyunjwa ekubhekiselelwe kummisselwana (8)(c).

(10) Kwiimeko ezichazwe kummisselwana (9)(c)(iii)—

- (a) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe phantsi kwimimiselwana (6) no(9), lingaphezulu kwenani lamalungu agqitywe kummisselo 2(1)(a), (2)(a), (3)(a) no (4)(a) yebhunga lolawulo elichaphazelekayo, inkqubo echazwe kummisselwana (9)(a) mayilandelwe;
- (b) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe kwimimiselwana (6) no (9), lilingana nenani lamalunguagqitywe ngokommiselo 2(1)(a), (2)(a), (3)(a) and (4)(a) ngokwebhunga lolawulo elichaphazelekayo, inkqubo echazwe kummisselwana (11) mayilandelwe; okanye
- (c) ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo, kuquka notyunjo olwamkelwe ngokwamasolotyanyana (4) no (7), lingaphantsi kwenani lamalungu afuneka ngokwemiqathango 2(1)(a), (2)(a), 3(a) okanye 4(a) ngokwebhunga lolawulo elichaphazelekayo, inkqubo echazwe kumgaqo 16(1) mayilandelwe .

(11) Ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo ngokuchazwe kumgaqwana (4) lilingana nenani lamalungu agqitywe ngokwemiqathango 2(1)(a), (2)(a), (3)(a) okanye (4)(a), ngokwebhunga lolawulo elichaphazelekayo, igosa lonyulo lesikolo malibhengeze ukuba wonke umgqatswa ongumzali owamkelweyo ulilungu elinyuliweyo lebhunga lolawulo.

(12) Ukuba lilonke inani labagqatswa abangabazali ekwamkelwe utyunjo lwabo ngokuchazwe kumgaqwana (4) lingaphezulu kwenani lamalungu agqitywe ngokwemiqathango 2(1)(a), (2)(a), (3)(a), (4)(a) okanye (6)(a) ngokwebhunga lolawulo elichaphazelekayo, makuqhutywe uvoto ngokomgaqo 19.

### **Uvoto kunyulo lwamalungu angabazali kunyulo oluqhutywa ngesandla**

**19.**(1) Uvota ekubhekiswe kulo kummisselo 18(7)(a)(ii), (8)(a) okanye (10)) kufuneka lubanjwe ngomhla nexesha nendawo exeliweyo ngokwenkqubo yotyumbo nonyulo.

(2) Igosa lonyulo lesikolo kufuneka—

- (a) libacele abazali abalamkeleyo utyunjo ukuba baze neefoto zabo ezithathwe kwiinyanga ezintathu ezidlulileyo kwaye ezifana neefoto ezekwikhadi lesazisi laseMzantsi Afrika okanye isazisi esiluhlaza esinebhakhodi;
- (b) ngemvume yabazali abalamkeleyo utyunjo, dwelisa amagama abatyunjwa ngokulandelelana kwe-alfabhethi, kunye neefoto zabo, kwindawo yokuvota kunye nomyalelo ocacileyo obhaliweyo kubavoti ukuba bavotele kuphela inani elifunekayo labagqatswa;

- (c) alungiselele amaphepha okuvota anamagama abo bonke abagqatswa abatyunjiweyo ngokulandelelana kwe-alfabhethi kunye nomyalelo ocacileyo obhaliweyo kubavoti ukuba bavotele kuphela inani elifunekayo labagqatswa; kwaye
- (d) khuphela wonke umzali onelungelo nonqwenela iphepha lokuvota elichazwe kumhlathi (c) apho isitampu esichazwe kummiselo 11(10).

(3) Umzali kufuneka abhale ngokufihlakeleyo ivoti yakhe kwiphepha lokuvota ekubhekiselelwe kulo kummiselwana (2): Kuxhomekeke ekubeni ukuba umzali ngenxa yokungakwazi ukufunda nokubhala, ukungaboni okanye nasiphi na isiphene esithile emzimbeni engakwaziyo ukubhala ivoti yakhe, igosa lonyulo lesikolo linokuthi, ngesicelo saloo mzalli nangokubakho kwengqina elikhethwe ngumzali, lingabhalisa ivoti yomgqatswa ongumzali okanye abagqatswa abangabazali abakhethwe nguloo mzali.

(4) Umzali kufuneka afake iphepha lokuvota kwibhokisi yalo.

### Ukubalwa kweevoti

20. (1) Igosa lonyulo lesikolo kufanele livule ibhokisi ekufakwa kuyo iivoti phambi kweqela lonyulo lesikolo kunye nabagqatswa abangabazali abanqwenela ukuba khona.

(2) Igosa lonyulo lesikolo kufanele liphicthe onke amaphepha okuvota kwaye akhabe amaphepha okuvota—

- (a) apho isitampu sesikolo esikhankanywe kummiselo 19(2)(c) singabonakali;
- (b) apho iivoti ezininzi zirekhodwe ngaphezu kwenani lamalungu aza kunyulwa ngokommiselo 2; okanye
- (c) egcwaliswe ngendlela yokuba ngokubona kwegosa lonyulo lesikolo alicacanga ukuba ngowuphi umgqatswa ongumzali okanye abagqatswa abangabazali orekhodiweyo.

(3) Emva kokuba igosa lonyulo lesikolo liye lakhaba nawaphi na amaphepha okuvota amoshakeleyo njengoko kukhankanyiwe kummiselwano (2), kufanele—

- (a) phambi komzali wonke ongumgqatswa onqwenela ukuba khona, aqinisekise ukuba iivoti ezirekhodiweyo zomgqatswa ongumzali ngamnye zibalwa liqela lonyulo lesikolo; kwaye
- (b) libhengeze inani elimiselweyo labazali ngokommiselo 2(1)(a), (2)(a), (3)(a) okanye (4)(a) ngokumayela nebhunga lolawulo oluchaphazelekayo apho elona nani likhulu leevoti zither zarekhodwa njengamalungu anyuliweyo ebhunga lolawulo kwaye lichaze inani leevoti ezirekhodiweyo zomgqatswa ongumzali ngamnye.

(4) Ukuba inani leevoti ezirekhodiweyo labagqatswa abangabazali ababini okanye nangaphezulu lilingana kwaye lichaphazela iziphumo zevoti, igosa lonyulo lesikolo kufanele, phambi kweqela lonyulo lesikolo kunye nomgqatswa ngamnye ongumzali onqwenela ukuba khona, kuthathwe isigqibo ngebhaqo ukuze kumiselwe ukuba ngabaphi abazali abanyulwe ngempumelelo.

(5) Akukho zivoti zabammeli ezamkelekileyo zonyulo lebhunga lolawulo.

(6) Ikhoram yabazali

- (a) iqulathe i10 lepesenti yenani lilonke labazali abakuluhlu lwabavoti abavotileyo; kwaye
- (b) kufuneka immiselwe ligosa lonyulo lesikolo ekupheleni kovoto

(7) Ukuba ikhoram echatshazelwe kummiselo (6) ayiphumelelanga kuvoto, igosa lonyulo lesikolo kufuneka –

(a) azise inqununu nabazali; kwaye

(b) azise abazali ngomhla wonyulo olulandelayo njengoko kuchazwe kummiselo 17 (2)(k)

(8) Kuvoto olulandelayo akulindlekanga kubekho khoram yabazali.

### Indima yesikolo ekukhetheni unyulo

**21.** Ekukhetheni indlela ye-e-election, inqununu kufanele—

- (a) yazise abazali nge- e-election;
- (b) inike isikhokelo kubazali phambi konyulo ngemanyuwali ngendlela yokusebenzisa i e-election;
- (c) iqinisekise ukuba umntu onolwazi olululo lokusebenza kwe-e-election ukhona ukuze inkxaso yechwepheshwe phambi kwaye nangosuku lonyulo;
- (d) lilungise ubuncinane isikhululo se-e-voting kwisikolo ngexesha lonyulo ukuze kwenziwe amalungiselelo abo banqwenela ukuvota esikolweni;
- (e) iqinisekise ukuba ijenerayitha iyafumaneka ukuba kunokuthi kanti akukho mbane;
- (f) yabe kwaye ibonelele abasebenzi abaza kubakhona ukuncedisa iqela lonyulo lesikolo ngexesha lokutyunjwa, lokuvota nakwinkqubo yokubala; kwaye
- (g) iqinisekise ukuba abazali babhalisela ukuvota ngokhetho lwemibuzo yokhuseleko ubuncinane iintsuku ezintlanu phambi konyulo.

### Inkqubo yokutyunjwa nge-intanethi

**22.** (1) Inkqubo yokutyunjwa ekhankanywe kummiselo 18 iyasebenza, ngaphandle kokuba isixokelelwano sibonelela ngenkqubo yokuvota nge-intanethi emayenziwe kwi-intanethi ngekhompyutha, kwimeko enjalo ke inkqubo yokutyumba ekhankanywe kummiselo 18 isebenza ngeenguqu ezifanelekileyo.

(2) Apho inkqubo yokutyunjwa iza kwenziwa kwi-intanethi ngekhompyutha, isixokelelwano kufanele sicwangciswe ukuze—

- (a) sibonelele umzali ngeenkukacha zokungena ngenombolo yobuqu ekhethekileyo esetyenziswa kanye ukuze akwazi ukutyumba abagqatswa abangabazali;
- (b) siqinisekise isazisi somzali xa engena ngenombolo yobuqu yesazisi ekhankanywe kumhlathi (a), ngokomqulu wabavoti wabazali; kwaye
- (c) sibonelele ngefomu yokutyumba kwi-intanethi kumzali ukuze akwazi ukutyumba abagqatswa abangabazali.

(3) Umzali kufanele aphume emva kokutyumba.

(4) Abasebenzi abakhankanywe kummiselo 20(f) kufanele bancedise abazali bafake amaxwebhu xa kufuneka benze njalo.

### Ukuvota ngexesha lonyulo lwe-intanethi

**23.** (1) Isixokelelwano kufanele sicwangciswe ukuze—

- (a) sibonelele umzali ngeenkukacha zokungena ngenombolo yobuqu ekhethekileyo esetyenziswa kanye ukuze akwazi ukuvota eluvotweni;
- (b) siqinisekise isazisi somzali xa engena ngenombolo yobuqu yesazisi ekhankanywe kumhlathi (a), ngokomqulu wabazali, kwaye
- (c) sibonelele ngephepha lokuvota kwi-intanethi kumzali ukuze akwazi ukuvotela inani elifunekayo labagqatswa abangabazali.

(2) Umzali kufuneka aphume emva kokuvota.

### Ukubalwa kweevoti ngexesha lovoto kwi-intanethi

**24.** (1) Isixokelelwano kufanele sicwangciselwe ukukwazi ukubala kwaye sibonelele ngeziphumo kwamsinya njengoko ixesha lonyulo liphelile.

(2) Igosa lonyulo lesikolo kufanele liqinisekise iziphumo zonyulo ezikhankanywe kummiselo 23.

(3) Ukuba inani leevoti ezirekhodelwe abazali ababini okanye ngaphezulu liyalingana kwaye lichaphazela iziphumo zonyulo, igosa lonyulo lesikolo kufanele, phambi kweqela lonyulo lesikolo naphambi komgqatswa ngamnye ongumzali onqwenela ukuba khona, kuthathwe isigqibo ngebhaqo ukuze kumiselwe ukuba ngabaphi abazali abanyulwe ngempumelelo.

### **Intlanganiso yokutyumba kunye neyonyulo lwamalungu abangabafundisintsapho**

**25.** (1) Igosa lonyulo lesikolo kufanele, kwisaziso nefomu yeSihlomelo C, libonakalise umhla, ixesha kunye nendawo yentlanganiso yokutyunjwa nonyulo lwamalungu abangabafundisintsapho bebhunga bolawulo, ekufanele ibanjwe ubuncinane iintsuku ezili 11 phambi konyulo lwamalungu abangabazali.

(2) Ukuze kutyunjwe umfundisintsapho, umfundisintsapho kwisakhiwo sesikolo esinye kufanele—

(a) afake negosa lonyulo lesikolo, kungaphelanga iintsuku ezisixhenkxa phambi komhla wentlanganiso yokutyumba nowunyulo, ifomu yokutyumba kwifomu yeSihlomelo D, igcwaliswe ngumntu ophakamisileyo, umxhasi kunye nomgqatswa ongumfundisintsapho; okanye

(b) aphakamise umfundisintsapho njengelungu lebhunga lolawulo ngexesha lentlanganiso yokutyunjwa nolonyulo.

(3) Ukutyunjwa okukhankanywe kummiselwano (2)(b) kufanele uxhaswe ngomnye umfundisintsapho, kunye nefomu yokutyumba kwifomu yeSihlomelo D kufanele igcwaliswe ngumntu ophakamisileyo, umxhasi kunye, ukuba ukhona, umntyunjwa ongumfundisintsapho kwaye kufanele ifakwe negosa lonyulo lesikolo kwisithuba lexesha esikhankanywe kummiselwano (4).

(4) Ukuba ikhoram njengoko kukhankanyiwe kummiselwano 26(2) kufikiwe kuyo, igosa lonyulo lesikolo kufanele limisele ixesha emalivunyelwe ukutyunjwa kwabagqatswa abangabafundisintsapho ngexesha lentlanganiso yokutyunjwa nonyulo kufanele azise intlanganiso leyo.

(5) Umfundisintsapho akanako ukuzityumba.

(6) Emva kokuphela kwexesha elikhankanywe kummiselwano (4) igosa lonyulo lesikolo kufanele linike ingqalelo abatyunjiweyo kwaye likhabe ukutyunjwa kwakhe nawuphi na umfundisintsapho

(a) ongakhange atyunjwe ngokommiselwano (2)(a) okanye (3);

(b) okanye ayifundeki kummiselo 4;

(c) kwimeko yokutyumba ekhankanywe kummiselwano (2)(b), akakhange agcwalise ifomu yokutyumba, ngaphandle kokuba ubungqina obubhaliweyo obanelisayo bufakwe kwigosa lonyulo lesikolo phambi kokuba kuphele ixesha elikhankanywe kummiselwano (4) umgqatswa ongumfundisintsapho uzimisele ukusebenza njengelungu lebhunga lolawulo; okanye

(d) uzityumbe ngokwakhe,

kwaye emva kokuba igosa lonyulo lesikolo kufanele libhengeze amagama abagqatswa abangabafundisintsapho ukutyunjwa kwabo okwamkelekileyo.

(7) Ukuba inani elipheleleyo labagqatswa abangabafundisintsapho elithe lamkelwa ukutyunjwa kwalo njengoko kukhankanyiwe kummiselwano (6)—

(a) lingaphantsi kwenani lamalungu amiselwe ngokommiselo 2(1)(b), (2)(b), (3)(b) okanye (4)(b) ngokumayelana nebhunga lolawulo elichaphazelekayo, intlanganiso entsha apho umgqatswa omtsha ongumfundisintsapho kufanele atyunjwe kufanele ibizwe, ntlanganiso leyo kufuneka ibanjwe zingaphelanga iintsuku ezisixhenxe zentlanganiso yokuqala ngokwenkqubo njengoko ibekwe kule mimiselo;

(b) lilingana nenani lamalungu amiselwe ngokommiselo 2(1)(b), (2)(b), (3)(b) okanye (4)(b) ngokumayelana nebhunga lolawulo elichaphazelekayo, igosa lonyulo lesikolo kufanele libhengeze bonke abagqatswa abangabafundisintsapho njengelungu elonyulweyo lebhunga lolawulo; okanye

(c) Iingaphezu kwenani lamalungu eliselwe ngokommiselo 2(1)(b), (2)(b), (3)(b) okanye (4)(b) ngokumayelana nebhunga lolawulo elichaphazelekayo, ukuvoto malubanjwe ngokommiselo 26.

(8) Ukuba kukho abafundisintsapho abalishumi okanye abambalwa kwisakhiwo sesikolo, inkqubo yokutyumba amalungu abangabafundisintsapho ayilandelwanga, kodwa inkqubo yovoto ekhankanywe kummiselo 26 kufanele ilandelwe.

### **Uvoto kunyulo lwamalungu angabafundisintsapho**

**26.**(1) Igosa lonyulo lesikolo kufanele lilungiselele isaziso sentlanganiso yokutyunjwa nonyulo kufanele lihambise ikopi yesaziso kumfundisintsapho ngamnye okwisakhiwo sesikolo ubuncinane iintsuku ezisixhenxe phambi kokuvota.

(2) Inqununu kufanele inike igosa lonyulo lesikolo uluhlu lwabafundisintsapho bonke abasebenza esikolweni, oluqulathe umqulu wabavoti wabafundisintsapho.

(3) Ikhoram eluvotweni iqulethe ubukho benani elipheleleyo elingaphezu kwesiqingatha labafundisintsapho abakwisakhiwo sesikolo.

(4) Igosa lonyulo lesikolo kufanele linike umfundisintsapho ngamnye onqwenela ukuvota iphepha lokuvota elivunyiweyo apho isitampu sesikolo esikhankanywe kummiselo 11(10) sibonakala khona.

(5) Umfundisintsapho okhankanywe kummiselwana (1) onqwenela ukuvota kufanele avote ngokubhala amagama angekho ngaphezu kwabagqatswa ababini kwiphepha lokuvota.

(6) Igosa lonyulo lesikolo kufanele likhabe iphepha lokuvota—

(a) apho isitampu sesikolo esikhankanywe kummiselwana (4) singabonakaliyo;

(b) apho amagama abagqatswa abangabafundisintsapho angaphezu kwesibini ebonakala khona; okanye

(c) agcwaliswe ngendlela yokuba ngokubona kwegosa lonyulo lesikolo, ayicacanga ukuba yeyiphi kanye ivoti yomgqatswa ongumfundisintsapho okanye abagqatswa abangabafundisintsapho emayirekhodishwe.

(7) Abagqatswa abangabafundisintsapho ababini abaneevoti ezininzi ezirekhodiweyo kufanele zibhengezwe ligosa lonyulo lesikolo njengabanyuliweyo.

(8) Ukuba akukho mgqatswa ongumfundisintsapho ongefumananga usininzi seevoti, umgqatswa ofumene elona nani liphantsi kufanele aguzulwe kuvotelwe kwakhona abagqatswa abashiyekileyo ngokwale mimiselo.

(9) Inkqubo ekhankanywe kummiselwana (8) kufanele iphindwe kude abagqatswa ababini abangabafundisintsapho, ekufanele ukuba babhengezwe ligosa lonyulo lesikolo njengabanyuliweyo.

(10) Xa usebenzisa ummiselwana (8), ukuba abagqatswa ababini okanye ngaphezulu abangabafundisintsapho nganye banelona nani liphantsi leevoti, ivoti eyodwa kufanele yenziwe kwabo bagqatswa kwaye luphindwe kangangoko kuyimfuneko ukuze kumiselwe umgqatswa omakaguzulwe.

### **Ukutyunjwa nonyulo lwelungu elingenguye umfundisintsapho**

**27.**(1) Inkqubo yokutyunjwa nonyulo lwamalungu angabafundisintsapho iyasebenza, neenguqu ezifanelekileyo, kutyumbo nakunyulo lwelungu elingelilo umfundisintsapho.

(2) Ukuba kukho kuphela ababini abangengabo abafundisintsapho esikolweni, igosa lonyulo lesikolo kufanele ngebhaqo limisele ukuba ngowuphi na ongenguye umfundisintsapho onyulwe ngempumelelo



### Utyumbo nokhetho lwamalungu angabafundi

**28.** Abafundi ababini abangamalungu abakhankanywe kummiselo 2(1)(d) kunye (4)(d) kufuneka kufuneka bakhethwe libhunga labafundi kumalungu alo njengoko kumiselwe kuMmiselo weMisebenzi neeNkqubo zokuMiselwa noKukhethwa kwaMabhunga aBameli baBafundi kwiZikolo zikaWonkewonke owenziwe nguMphathiswa wePhondo phants ikweSaziso sePhondo 272/2014 kwiGazethi yePhondo 7317 eyatyikitywa ngomhla we13 kweyeDwarha ka2014.

### Izigqibo zegosa lezolonyulo ezikolweni

**29.** (1) Igosa lezolonyulo ezikolweni kufuneka lithabathe isigqibo ze lisombulule yonke imiba echaphazela ukutyunjwa kwabagqatswa kwakunye nokukhethwa kwamalungu.

(2) Ngokuthotyelwa kommiselo 30(1), zonke iimbambano ngenkqubo yotyumbo nolonyulo kufuneka kunikezelwe ingxelo ngazo kwigosa lezolonyulo ezikolweni.

(3) Igosa lezolonyulo ezikolweni lizinikele ekusombululeni zonke iimbambano ngenjongo yokumisela olonyulo njengolungenamakhwiniba.

(4) Isigqibo segosa lezolonyulo ezikolweni ngethuba lenkqubo yezolonyulo sigqibelele.

(5) Igosa lezolonyulo ezikolweni kufuneka lithabathe isigqibo ze lisombulule isikhalazo ngotyumbo olumiselwe kummiselo 17(2)(g) emva kolonyulo.

(6) Ukuba kuthi kuqhambuke imbambano elithi lingabi nakuyisombulula igosa lezolonyulo ezikolweni, kufuneka kuqunjelwe utyumbo nolonyulo.

### Izigqibo zegosa lezolonyulo kwisithili

**30.** (1) Nabani na othi anqwenele ukufaka isikhalazo ngegosa lezolonyulo ezikolweni kufuneka, kwisithuba seentsuku ezisixhenxe emva kolonyulo lwamalungu kwibakala elo, afake isikhalazo eso ngembalelwano kwigosa lezolonyulo elichaphazelekayo.

(2) Namphi na umntu angathi, kwisithuba seentsuku ezisixhenxe emva kolonyulo lwamalungu kwibakala elo, kufuneka adlulisele isikhalazo esingasonjululwanga nesimiselwe kummiselo 29(6) kwigosa lezolonyulokwisithili elichaphazelekayo.

(3) Igosa lezolonyulo lesithili kufuneka linike ingqwalasela isikhalazo esimiselwe kummiselwana (1) okanye kudlulisele ekubhekiswa kulo kummiselwana (2) okanye ku(4) ze liphendule ngembalelwano kumntu lowo ufake isikhalazo okanye odlulisele isikhalazo eso okanye onikezele ngesityholo seikhwiniba kwisithuba seentsuku ezisixhenxe emva kokusifumana isikhalazo eso okanye udlulisele olo, esazisa umntu lowo ngesigqibo sakhe ndawonye nezizathu zeso sigqibo.

(4) Nabani na othi azi ngesityholo sekhwiniba kwinkqubo yolonyulo emva kolonyulo angathi adlulisele ikhwiniba elo atyholo ukuba likho kwigosa loezolonyulo kwisithili kwisithuba seentsuku ezisixhenxe emva kokubhengezwa kwamalungu eqmrhu elilawulayo.

### Inkqubo emva kolonyulo lwequmrhu elilawulayo

**31.** (1) Emva kolonyulo lwequmrhu elilawulayo igosa lezolonyulo ezikolweni kufuneka—

(a) lenze ikopi eskeniweyo lwawo onke amaxwebhu athe asetyenziswa ekutyunjweni nasekonyulweni kwamalungu, kquka nawo onke amaphepha ebhalothi athe asetyenziswa ekonyulweni kwanazo zonke iifomu zokutyumba ezithe zafumaneka ze—

- (i) lidlulisele ikopi eskeniweyo kwinqununu yesikolo; ze
- (ii) ligcine ikopi eskeniweyo;

- (b) libeke amaxwebhu oqobo amiselwe kumhlathi (a) kwiimvulophu, zivalwe iimvulophu ezo ze zinikwe igosa lezolonyulo kwisithili, ekufuneka liwagcine kwindawo ekhuselekileyo isithuba seminyaka emithathu ubuncinci ukusela ngomhla wolonyulo lwequmrhu elilawulayo;
  - (c) ukuba likholisekile, limisele ulonyulo olo njengobelkhululekile nobelungakhethe cala;
  - (d) lazise ilungu ngalinye elonyuliweyo ngembalelwano ngokonyulwa kwalo;
  - (e) lazise ngembalelwano inqununu kunye negosa lezolonyulo kwisithili kwisithuba seentsuku ezintathu ukususela ngosuku lolonyulo lwequmrhu elilawulayo ngamagama needilesi zabantu abathe bonyulwa njengamalungu; ze
  - (f) lingenise izinikezelo ngolonyulo obelungenamakhwiniba, apho oko kube njalo, okanye isinikezelo esidiza iinkcukacha zazo naziphi na izikhalazo kwigosa lezolonyulo kwisithili.
- (2) Inqunnu kufuneka iqinisekise ukuba iinkcukacha zolonyulo lwequmrhu elilawulayo zifakwa kuvimba wezobxhakaxhaka bobugeisa weSebe leMfundo kwisithuba seentsuku ezili 14 kuvotiwe.
- (3) Iqumrhu lolawulo eliphumayo liyayeka ukuba lelisebenzayo emva kokuba igosa lezolonyulo esikolweni apho lithe labhengeza amalungu angabazali awonyulwe ngokutshaze ze limisele ulonyulo olo njengebelukhululekile yaye lungakhethe cala.

### Umhlangano wokuqala wequmrhu elilawulayo

- 32.** (1) Umhlangano wokuqala wequmrhu elisandula ukonyulwa kufuneka—
- (a) ubizwe yinqununu kwisithuba seentsuku ezintlanu emva kokuba ifumene isaziso esimiselwe kummiselo 31(1)(e);
  - (b) ubanjwe kwisithuba seentsuku ezilishumi emvak kolonyulo;
  - (c) uchotshelwe yinqununu;
  - (d) wonyulwe amagosa eli qumrhu lilawulayo; ze
  - (e) limisele abo baza kutyikitya kwimiba yemali.
- (2) Abatyikityi abamiselwe kummiselwana (1)(e) kufuneka banikwe amagunya okutyikitya kwisithuba seentsuku ezisixhenxe wenziwe lo mhlango umiselwe kummiselwana (1).
- (3) Inqununu kufuneka—
- (a) ibize ze ichophele umhlangano ophakathi kwequmrhu elilawulayo eliphumayo kwanequmrhu elilawulayo elisandula ukonyulwa kwisithuba seentsuku ezisixhenxe uchotshelwe umhlangano wokuqala omiselwe kummiselwana (1) ngenjongo yokuqhuba inkqubo yokqhelanisa;
  - (b) ilawule inkqubo yokuqhelanisa ngokuthi—
    - (i) iqinisekise ukuba usihlalo wequmrhu elilawulayo eliphumayo kwanye nosihlalo wequmrhu elilawulayo elisandula ukonyulwa batyikitya kuluhlu lwamaxwebhu ekufuneka edluliselwe; ze
    - (ii) iphendule nayiphi na imibuzo angaba abayo amalungu equmrhu elilawulayo asandula ukonyulwa; ze
  - (c) yazise amalungu agunyazisiweyo equmrhu elilawulayo asandula ukonyulwa ngemisebenzi yawo, kuquka nesidingo sokuqinisekisa ukuba amagosa awamele kangangoko amabakala afana nesini nobuhlanga kweso sikolo.
- (4) Kumhlangano wokuqala wequmrhu elilawulayo labafundi besikolo sezidingo ezizodwa, amalungu amiselwe kummiselo 2(4)(a), (b), (c), (d) naku(e) kufuneka angenise amalungu anike kummiselo 2(4)(f), (g), (h), (i) naku(j) amalungelo okuvota.
- (5) Kumhlangano wokuqala wequmrhu elilawulayo elimiselwe kummiselo (1), iqumrhu elo kufuneka lithi phakathi kwaloo malungu athwaliswe amagunya lonyule amagosa, ekufuneka ebandakanye ubuncinci usihlalo, isekela likasihlalo, unondyebo kunye nososiba.
- (6) Akukho lungu linokuba nesikhundla esingaphaya kwesinye ngexesha elinye kwiqumrhu elilawulayo ngaphandle kokuba iqumrhu elo lilawulayo linamalungu angaphantsi kwesihlanu.

(7) Kwiimeko ezimiselwe kummiselo 2(1), (2) naku(3), ngumzali olilungu lequmrhu elilawulayo onamagunya ovoto kuphela onokuba ngusihlalo okanye njengesekela likasihlalo kwiqumrhu elilawulayo elo.

(8) Kwiimeko ezimiselwe kummiselo 2(4), naliphi na ilungu lequmrhu elilawulayo lingathi libe ngusihlalo okanye isekela likasihlalo, ngaphandle kwenqununu yesikolo, umhlohli kweso sikolo, umntu ongenomhlohli kweso sikolo okanye umfundi.

(9) Ngokwemigaqo yommiselwana (7) no(8), naliphi na ilungu elinamagunya ovoto kwiqumrhu elilawulayo, ngaphandle kwenqununu, lingathi libe lilo igosa.

(10) Ngokwemigaqo yommiselwana (11), ixesha lokuba seofisini kwigosa alinakho ukudlula enyakeni ukususela ekonyulweni kwalo.

(11) Ngokwemigaqo yommiselwana (1), inqununu kufuneka ukuya kuthi ga ekupheleni kwenyanga yoMdumba kunyaka ngamnye libize umhlangano wequmrhu elilawulayo ngenjongo yokonyula kumalungu alo anamagunya ovoto amagosa amiselwe kummiselwana (5).

(12) Igosa lequmrhu elilawulayo lingathi liphinde lonyulwe njengegosa emva kokufikelela esiphrlweni kwexesha lokuba seofisini, xa eseselungelweni lokuba lilungu lequmrhu elilawulayo.

(13) Ukuba kuthi nangasiphi na isizathu iofisi yegosa ingabi namntu, iqumrhu elilawulayo kufuneka kumhlangano walo wokuqala emva kokuvuleka kweso sikhewu, lonyule elinye lamalungu alo ukuba livale eso sikhewu singekaphelelwa lixesha salowo ubengaphambili kwalo.

(14) Inqununu kufuneka longamele ulonyulo olumiselwe kummiselwana (5)no(12).

(15) Inqununu kufuneka, emva komhlangano apho kuthe konyulwa igosa ngokwemigaqo yalo mmiselo, yazise iNtloko yeSebe ngokuthi ifake kuvimba weenkukacha weSebe leMfundo okubuxhakaxhaka bolwazi ngomhla walo mhlango, igama nedilesi yomntu owonyuliweyo kwakunye neofisi onyulelwe kuyo.

(16) Ngokwemigaqo yommiselo 8 no31(2), ekupheleni kwexesha lakhe leofisi, igosa elishiya indawo kufuneka lenze imisebenzi yalo de libe lonyulwe igosa elitsha eliza kuthabatha indawo yalo, libe negosa elitsha liselungelweni lokuba lilungu leli qumrhu lilawulayo.

## Iikomiti

### 33. (1) Iqumrhu lolawulo—

- (a) maliseke ikomiti yezemali kunye nekomiti echithiweyo;
- (b) lingaseka ezinye iikomiti ezininzi kangangoko libona kuyimfuneko; kwaye
- (c) inokutyumba abantu abangengabo amalungu ebhunga lolawulo agunyazisiweyo kwikomiti echatshazelwe kumhlathi (a) okanye (b) ngenxa yezizathu zobungcali ukuze ixhobise ikomiti ukuba yenze umsebenzi ababetyunjelwe wona.

(2) Kuphela lilungu elivunyiweyo elinokuthi libe ngusihlalo wekomiti yebhunga lolawulo.

(3) Umntu okhankanywe kummiselwana (1)(c)—

- (a) mhlawumbi—
  - (i) liphakamise isindululo kwintlanganiso yekomiti;
  - (ii) ukuxhasa isindululo kwintlanganiso yekomiti;
  - (iii) avotele isindululo kwintlanganiso yekomiti; kwaye
- (b) akanakho ukuba ngusihlalo wentlanganiso yekomiti.

(4) Inani lamalungu amabhunga olawulo avunyiweyo kwikomiti echatshazelwe kummiselwana (1)(a) no-(b) kufuneka ubuncinane libe lilinye ngaphezu kwabantu abachatshazelwe kummiselwana (1)(c).

(5) Unondyebo okanye, xa esilela, usekela-sihlalo webhunga lolawulo makasebenze njengosihlalo wekomiti yezemali kunye nawo nawaphi na amagunya ebhunga lolawulo ajongene nemicimbi yezemali.

(6) Ikomiti yezemali kufuneka idibane ubuncinane kanye ngenyanga.

- (7) Ikomiti yokuchitha kufuneka idibane ubuncinane kanye ngonyaka.
- (8) Ikomiti ekhankanywe kummiselwana (1)(b) kufuneka idibane xa kukho imfuneko yokwenjenjalo.
- (9) Usihlalo wekomiti kufuneka—
  - (a) ibeke umhla, ixesha nendawo yentlanganiso yekomiti; kwaye
  - (b) azise ilungu ngalinye lekomiti ngokubhala ngentlanganiso ekhankanywe kumhlathi (a) ubuncinane kwiintsuku ezintlanu phambi kwentlanganiso yekomiti.
- (10) Usihlalo wekomiti akanakubiza intlanganiso echatshazelwe kummiselwana (6), (7) no(8) ngeholidi kawonke-wonke okanye ngeholidi yesikolo.
- (11) Inqununu okanye umntu obambeleyo njengentloko yesikolo makaye kwaye athathe inxaxheba kuzo zonke iintlanganiso zekomiti.
- (12) Ikomiti echatshazelwe kummiselwana (1)(a) ingenza izigqibo njengoko kucacisiwe kumgaqo-siseko okanye kumgaqo-nkqubo wezemali webhunga lolawulo.
- (13) Ikomiti echatshazelwe kummiselwana (1)(b) inokunika kuphela iingcebiso kwibhunga lolawulo.
- (14) Ikhoram yentlanganiso yekomiti ibandakanya ubukho besinye ngaphezu kwesiqingatha senani lilonke lamalungu ekomiti.
- (15) Ixesha lokuba sekomitini alinakudlula kwixesha lebhunga lolawulo elisekiweyo.

### **Iintlanganiso zebhunga elilawulayo**

- 34.** (1) Ibhunga lolawulo malihlangane ubuncinane kube kanye ngekota yesikolo.
- (2) Intlanganiso echatshazelwe kummiselwana (1), (5), (10) no(13) ayinakubizwa ngeholidi kawonke-wonke okanye ngeholidi yesikolo.
- (3) Usihlalo webhunga lolawulo makathi emva kokubonisana nenqununu nonobhala webhunga lolawulo—
  - (a) ibeke umhla, ixesha nendawo yentlanganiso ekhankanywe kummiselwana (1); kwaye
  - (b) aqinisekise ukuba ishedyuli yeentlanganiso ezicwangcisiweyo zonyaka okanye inxalenye yazo, equlunqwe yinqununu nosihlalo, inikwe onke amalungu ebhunga lolawulo zingadlulanga iinyanga ezimbini emva kwentlanganiso yokuqala yebhunga lolawulo echatshazelwe kummiselo 32 okanye phambi kokuba kuqale intlanganiso yebhunga lolawulo. unyaka omtsha wesikolo, nokuba yeyiphi eza kuqala.
- (4) Unobhala kufuneka emva kokubonisana nosihlalo kunye nenqununu—
  - (a) azise ilungu ngalinye ngembalelwano ngentlanganiso ekhankanywe kummiselwana (1) ubuncinane kwiintsuku ezili 14 phambi kwentlanganiso;
  - (b) linike ilungu ngalinye lebhunga lolawulo i-ajenda nawo nawaphi na amanye amaxwebhu achaphazelekayo entlanganiso; kwaye
  - (c) iqinisekise ukuba i-ajenda echatshazelwe kumhlathi (b) ikwimo yesiHlomelo E.
- (5) Ukuba usihlalo webhunga lolawulo unoluvo lokuba umbandela othile ufuna ukuqwalaselwa ngokukhawuleza kwintlanganiso eyodwa yebhunga lolawulo, unobhala webhunga lolawulo makanike ilungu ngalinye ubuncinane iiyure ezingama24 ngentlanganiso eyodwa.
- (6) Akukho miba ingaphezulu kwemithathu ebibizelwe intlanganiso ekunokuxoxwa ngayo kwintlanganiso eyodwa ecamngcwe kummiselwana (5).
- (7) Ukuba inqununu inoluvo lokuba umba othile ufuna ingqwalaselo ekhawulezileyo engenakuxoxwa entlanganisweni yebhunga lolawulo echatshazelwe kummiselwana (1) okanye kwintlanganiso eyodwa yebhunga lolawulo echatshazelwe kummiselwana (5) unokucela usihlalo ukuba abize intlanganiso kaxakeka.
- (8) Kwiimeko ezichatshazelwe kummiselwana (7) unobhala webhunga lolawulo makaqinisekise ukuba ilungu ngalinye linikwa isaziso seeyure ezine ubuncinane sentlanganiso kaxakeka ukuze kuxoxwe kuphela ngombandela oyibizelweyo intlanganiso.
- (9) Intlanganiso kaxakeka exelwe kummiselwana (7) inokubanjwa ngalo naluphi na usuku.

(10) Usihlalo webhunga lolawulo makathi emva kokubonisana nenqununu nonobhala webhunga lolawulo abeke umhla, ixesha nendawo yentlanganiso kawonke-wonke yabazali apho ibhajethi yonyaka yesikolo mayinikwe abazali ukuze bayiqwalasele. kunye nokuvunywa.

(11) Intlanganiso kawonke-wonke yabazali mayingazinyaswa ngutitshala okanye ngumntu ongenguye utitshala ngaphandle kokuba ulilungu lebhunga lolawulo, okanye ungumzali womntwana obhaliswe esikolweni.

(12) Inqununu, emva kokubonisana nosihlalo nonobhala, mayiqinisekise ukuba abazali namalungu ebhunga lolawulo bayaziswa ngentlanganiso kawonke-wonke yabazali echatshazelwe kummiselwana (10) ubuncinane kwiintsuku ezingama-30 phambi kwentlanganiso.

(13) Inqununu kufuneka emva kokubonisana nosihlalo nonobhala—

(a) ibeke umhla, ixesha nendawo yeentlanganiso ezichatshazelwe kwisiqendu 18(2)(b) soMthetho weZikolo waseMzantsi Afrika; kwaye

(b) aqinisekise ukuba abazali, ootitshala, abangengabo ootitshala nabafundi bayaziswa ngentlanganiso echatshazelwe kumhlathi (a) ubuncinane kwiintsuku eziyi14 phambi kwentlanganiso.

(14) Ibhunga lolawulo malidibane nabazali, ootitshala, nabangezotitshala nabafundi esikolweni, ngokulandelelanayo njengoko kuchatshazelwe kummiselwana (13), ubuncinane kube kanye ngonyaka.

(15) Kwiimeko ezichatshazelwe kummiselwana (13) ibhunga lolawulo linokudibana nabazali, ootitshala, nabangezotitshala nabafundi kwintlanganiso enye okanye kwicandelo ngalinye kwiintlanganiso ezahlukeneyo.

(16) Intlanganiso echatshazelwe kummiselwana (5), (7), (10) no(13) ayimi endaweni yentlanganiso ekhankanywe kummiselwana (1).

(17) Nawuphi na umntu unokuthi ngesimemo esibhaliweyo sebhunga lolawulo abekho entlanganisweni yebhunga lolawulo aze athathe inxaxheba kwiingxoxo kodwa makangaze—

(a) licebise ngesiphakamiso kwintlanganiso yebhunga lolawulo;

(b) ukuxhasa isiphakamiso kwintlanganiso yebhunga lolawulo; okanye

(c) avotele isiphakamiso kwintlanganiso yebhunga lolawulo;

kwaye mayiphume kwintlanganiso xa ibhunga lolawulo lenza isigqibo.

(18) Ibhunga lolawulo linokufuna nawuphi na utitshala okanye ongenguye utitshala wesikolo esichaphazelekayo ukuba aye entlanganisweni yebhunga lolawulo ngokumalunga nawo nawuphi na umbandela onxulumene nemisebenzi yebhunga lolawulo.

(19) Utitshala nongenguye utitshala ochatshazelwe kummiselwana (18) banokuthatha inxaxheba kwiingxoxo kodwa banga—

(a) licebise ngesiphakamiso kwintlanganiso yebhunga lolawulo;

(b) ukuxhasa isiphakamiso kwintlanganiso yebhunga lolawulo; okanye

(c) avotele isiphakamiso kwintlanganiso yebhunga lolawulo;

kwaye mayiphume kwintlanganiso xa ibhunga lolawulo lenza isigqibo.

(20) Ikhoram yayo nayiphi na intlanganiso yebhunga lolawulo yenza umntu omnye ngaphezu kwesiqingatha sawo onke amalungu ebhunga lolawulo amiselweyo.

(21) Inqununu okanye umntu obambeleyo njengentloko yesikolo makaye kwaye athathe inxaxheba kuzo zonke iintlanganiso zebhunga lolawulo.

(22) Ilungu lebhunga lolawulo elingumfundi alivumelekanga ukuba livotele izigqibo ezibeka ubutyala esikolweni okanye kwiqela lesithathu.

(23) Amalungu angabafundi ebhunga lolawulo makahlale ekho kuzo zonke iintlanganiso zebhunga lolawulo.

(24) Akukho zivoti zabameli zamkelwa kwiintlanganiso zebhunga lolawulo.

(25) Ikhoram yentlanganiso iyimfuneko yokuqala ukuze intlanganiso yebhunga lolawulo esemthethweni iqalise okanye iqhubeka, njengoko kunokuba njalo.

(26) Intlanganiso yokugqibela yebhunga lolawulo yonyaka mayibanjwe phambi okanye ngomhla wokugqibela wonyaka wesikolo yootitshala ngaphandle kokuba kukho isiganeko esingaqhelekanga esinyanzelisa ukuba kubekho intlanganiso ebudeni bexesha elishiyekileyo lonyaka.

### Imizuzu yeenkqubo zeentlanganiso

**35.** (1) Unobhala webhunga lolawulo kufuneka aqinisekise ukuba—

- (a) iyathathwa imizuzu yenkqubo yentlanganiso yentlanganiso nganye yebhunga lolawulo; kwaye
- (b) ilungu ngalinye lebhunga lolawulo linikwa ikopi yemizuzu kwiintsuku ezili14 noko phambi kwentlanganiso elandelayo.

(2) Unobhala webhunga lolawulo kufuneka anike inqununu ikopi yemizuzu yaye inqununu yona kufuneka iyigcine loo mizuzu kunye namanye amaxwebhu ebhunga lolawulo kwifayili.

(3) Inqununu kufuneka anike, xa kuthe kwavela isicelo ngokwenjongo ethile, iNtloko yeSebe, okanye nawuphi na omnye umntu onikwe amagunya yiNtloko yeSebe, ikopi yemizuzu.

(4) Inqununu kufuneka anike, kwakavela isicelo, umzali womfundi okweso sikolo okanye umfundisi-ntsapho okanye umsebenzi ongengomfundisi-ntsapho okweso sikolo ikopi yezo nkalo zemizuzu zichaphazela ukukhuselwa kwamalungelo okanye kweemfuno zomzali okanye zomntwana wakhe, umfundisi-ntsapho okanye umsebenzo ongengomfundisi-ntsapho, njengoko iya kube isitsho imeko.

(5) Kwiimeko ezikhankanywe kumgaqwana (3) no-(4) kufuneka kungabikho kunyhashwa kwamalungelo akhe nawuphi na umntu, okanye kudizwe iimfihlo.

(6) Imizuzu yentlanganiso yebhunga lolawulo okanye yekomiti yalo kufuneka ingeniswe kwintlanganiso elandelayo yebhunga lolawulo, njengoko iya kube isitsho imeko, ukuze iphunyezwe, ityikitywe.

(7) Ekuchithweni kwebhunga lolawulo okanye xa kuphela ixesha lalo, yonke imizuzu kunye namanye amaxwebhu ebhunga lolawulo kwakunye nawayo nayiphi na ikomiti yalo kufuneka angeniswe kwinqununu yesikolo eso.

(8) Ekuvalweni kwesikolo, inqununu kufuneka inikezele yonke imizuzu kunye namanye amaxwebhu ebhunga lolawulo okanye ayo nayiphi na ikomiti yalo kumlawuli wesithili ochaphazelekayo ukuze awagcine ekhuselekile.

(9) Ibhunga lolawulo kufuneka linikezele ingxelo ngeentshukumo zalo kubazali, kubafundisi-ntsapho, kubasebenzi abangengobafundisi-ntsapho nakubafundi abakweso sikolo ubuncinci kanye ngonyaka.

### Izibonelelo zethutyana

**36.** Ibhunga lolawulo kwisikolo sikawonkewonke elathi labe, ekuqaleni ukusebenza kwale migaqo, lamiselwa ngokukuko phantsi koMqulu wokuMiselwa nokuKhethwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2021, lapapashwa phantsi kweSaziso sePhondo 23/2021 kwiGazethi yePhondo 8398 yomhla we12 kweyoKwindla ka2021, lithatyathwa njengelamiselwa phantsi kwale migaqo.

### Ukubhangiswa

**37.** IMiqulu yokuMiselwa nokuKhethwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2021, lapapashwa phantsi kweSaziso sePhondo 23/2021 kwiGazethi yePhondo 8398 yomhla we12 kweyoKwindla ka2021, ibhangisiwe.

### Isihloko esifutshane

**38.** Le migaqo ibizwa ngokuba yiMiqulu yoKhetho nokuMiselwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2023.

## ISIHLOMELO A

Isaziso seNtlanganiso yokuQinisekiswa koTyunjo noNyulo

Unyulo lwaBazali lwaBafundi kwiBhunga loLawulo

*(Imigaqo 18, 19, 22 kunye nowama23 yeMiqulu yokuKhethwa nokuMiselwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2023)*

IGAMA LESIKOLO: \_\_\_\_\_ INOMBOLO YE -EMIS : \_\_\_\_\_

Oku kukunikezelwa kwesaziso sokuba:

1. umzali womfundi, ofunda kwesi sikolo sikhankanywe ngentla apha, ogama lakhe lukuluhlu lwabavoti besikolo angatyumba nawuphi na omnye umzali womfundi, ofunda kwesi sikolo ogama livelayo kuluhlu lwabavoti lwesikolo, okanye axhase ukutyunjwa kwakhe namphi na umzali, ngokuthi azise ifomu egcwalisiweyo yotyunjo kwisikolo \_\_\_\_\_ (umhla).
  
2. uthotho lweentlanganiso zokuqinisekisa utyunjo eziya kuzinyaswa ngabagqatswa abangabazali, ezinokubanjwa:
  - (a) Umhla: \_\_\_\_\_ Indawo: \_\_\_\_\_ Ixesha: \_\_\_\_\_
  - (b) Umhla: \_\_\_\_\_ Indawo: \_\_\_\_\_ Ixesha: \_\_\_\_\_
  - (c) Umhla: \_\_\_\_\_ Indawo: \_\_\_\_\_ Ixesha: \_\_\_\_\_
 ukuze kwenziwe le misebenzi ilandelayo:
  - (i) kuqwalaselwe abo batyunjiweyo;
  - (ii) tkukhatywe bonke abatyunjwa abangenalungelo lakutyunjwa okanye abangagcwalisanga kakuhle; ze
  - (iii) kuqulunqwe uluhlu lwabagqatswa abangabazali abakulungeleyo ukutyunjwa.
  
3. Uluhlu lwabavoti lwabazali, olusekelwe kwirejista yokwamkela abafundi yesikolo, luya kufumaneka ukuze luqwalaselwe ukususela \_\_\_\_\_ (umhla) \_\_\_\_\_ (ixesha), yaye umzali unelungelo lokufaka imbambano de kube \_\_\_\_\_ (umhla) \_\_\_\_\_ (ixesha) kwinqununu. Inqununu iya kuqwalasela zonke iimbambano ngaphambi kokuba ipapashe uluhlu wabavoti lwabazali ukuya kuthi ga \_\_\_\_\_ (umhla). Akuyi kongezwa magama emva \_\_\_\_\_ (umhla).
  
4. Nawuphi na umntu angasifaka isikhalazo nakoluphi na utyunjo negosa lonyulo leso sikolo \_\_\_\_\_ (igama nefani) ngembalelwano ngentsimbi yesi16:00 \_\_\_\_\_ (umhla).
  
5. Unyulo luya kubanjwa \_\_\_\_\_ (umhla),e \_\_\_\_\_ (indawo), yaye isikhululo sovoto siya kuvuleleka ukususela \_\_\_\_\_ (ixesha) ze luvalwe \_\_\_\_\_ (ixesha) yaye luya kuvuleleka la maxesha alandelayo (ukuba lunyulo olwenziwa ngesandla):  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Olu nyulo luya kubakho ukuba konyulwe abagqatswa abaninzi abangabazali kunenani lamalungu ekusamele onyulwe.

6. Ukubalwa kweevoti, emva kokuba lifikelelekile inani elamkelekileyo lamalungu azimase intlanganiso, kuya kwenziwa \_\_\_\_\_ (umhla), e \_\_\_\_\_ (indawo), emva kokuvalwa kovoto yaye abatyunjwa bangayizimasa le ndibano.
7. Ukubalwa kweevoti kuya kuqhutya ngomhla \_\_\_\_\_ (umhla), ngo \_\_\_\_\_ (indawo), emva kokuba luvaliwe uvoto, abatyunjwa bangayizimasa iseshoni.
8. Uyakhunjuzwa ukuba—
  - (a) uze nohlobo oluthile lwesazisi ukuze uvunyelwe ukuba uvote. Uhlobo lokuzazisa kufuneka lube ngekhadi lesazisi laseMzantsi Afrika okanye isazisi esiluhlaza esinebhakhowudi, isazisi sexeshana esikhutshwe liSebe leMicimbi yezeKhaya okanye, kwimeko yomntu wakwilizwe langaphandle, iphephamvume elikhutshwe ngokweImmigration Act, ka2002 (uMthetho we13 ka2002); kwaye
  - (b) uthathele ingqalelo le miba ilandelayo xa utyunja naxa uvotela abagqatswa abangabazali:
    - (i) umgaqo wokulingana
    - (ii) imfuneko yokulungisa ucalucalulo lwangaphambili, kunye
    - (iii) neemfuno zokumelwa
9. Ukuba inani labagqatwsa abatyunjiweyo abangabazali lilingana nenani lamalungu aza kunyulwa, abagqatswa angabazali baya kuthathwa njengamalungu ebhunga lolawulo elinyuliweyo.
10. Ukuba inani labagqatswa abatyunjwa abangabazali lingaphantsi kwenani lamalungu anyulwe, igosa lonyulo lesikolo liya kucela ukuba kutyunjwe abagqatswa abangabazali.

\_\_\_\_\_

UMHLA

\_\_\_\_\_

UKUTYIKITYA KWEGOSA LONYULO LESIKOLO

IDILESI:

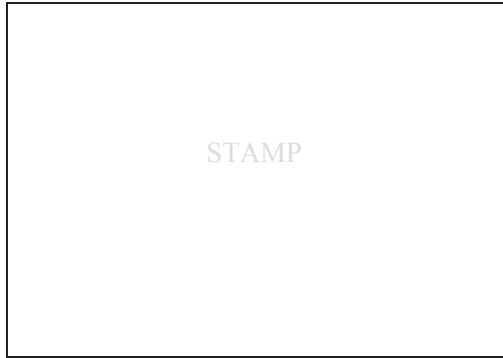
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Nceda ubeke istampu sesikolo seofisi yegosa lonyulo lesikolo:



**ISIHLOMELO B**

**IFOMU YOTYUMBO**

Unyulo lwabaZali babaFundi njengama Lungu eBhunga loLawulo

*(Imigaqo 18, 19, 22 nowama26 yeMiqulu yoloNyulo nokuSekwa kwamaBhunga oLawulo kwiMigaqo yeZikolo zikaWonkewonke, ka2023)*

IGAMA LESIKOLO: \_\_\_\_\_

UMPHAKAMISI:

Mna, \_\_\_\_\_,  
(Igama elipheleleyo)

\_\_\_\_\_ (idilesi yokuhlala)

ndingumzali womfundi wesikolo esichazwe ngentla apha, ngokwenjenje ndibhengeza ukuba olu tyunjo lwamkelekile / luyakhatywa

\_\_\_\_\_  
(Igama elipheleleyo lomgqatswa)

njengelungu legunya lolawulo lesisikolo sichazwe ngentla.

\_\_\_\_\_  
**UMTYIKITYO WOMPHAKAMISI**

OXHASAYO:

Mna, \_\_\_\_\_,  
(Igama elipheleleyo)

\_\_\_\_\_ (idilesi yokuhlala)

ndingumzali womfundi wesikolo esichazwe ngentla, ndiyakuxhasa ukutyunjwa

\_\_\_\_\_  
(Igama elipheleleyo lomgqatswa)

njengelungu lebhunga lolawulo lwesikolo esichazwa ngentla.

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UTYIKITYO LOMXHASI

UMGQATSWA:

Mna, \_\_\_\_\_  
(Igama elipheleleyo)

inombolo kaPERSAL/YOMSEBENZI/YESAZISI \_\_\_\_\_,

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(Idilesi yokuhlala)

ndiyabhengeza ukuba ndazi kakuhle ukuba—

1. Andinakutyunjwa okanye ndibekwe njengelungu lebhunga lolawulo okanye ndiyayeka ukuba lilungu lebhunga lolawulo ukuba ndithe—
  - (a) wayekhe ebomini wagwetywa yinkundla yomthetho ngetyala awathi wanikwa isigwebo sokuvalelwa enkundleni esanqunyanyiswayo kodwa walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, okanye wathi wagwetyelwa ukuqamela ngenqindi ze walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, ngaphandleni kokuba uthe wakhutshwa ngokuxolelwa, okanye ithuba leso sinqumamiso okanye lokuhlala ejele lidlule ubuncinci isithuba seminyaka emithathu ngaphambi kosuku lokuchongelwa kwakhe kwibhunga elo lolawulo;
  - (b) unomntwana, kuquka o-adopthiweyo, iqabane, umlingane, umzali, umntwana wakowenu, utatomkulu, umakhulu, utatazala, umamazala, ubhuti wasemzini, nendodakazi—
    - (i) lilungu lebhunga echaziweyo; okanye
    - (ii) usebenza esikolweni esichaziweyo;
  - (c) usebenzela isikolo;
  - (d) unomdla kwezezimali esikolweni okanye usebenzela ishishini okanye onomdla kwezezimali zesikolo;
  - (e) wathi wachazwa njengongakulungelanga ukusebenza nabantwana ngokwemiqathango yoMthetho waBantwana, ka2005 (uMthetho 38 ka2005), okanye yoLwaphulo Mthetho (uLwaphulomthetho lwezeSondo neMibandela engqameneyo) uMthetho oGuquliweyo, ka2007 (uMthetho 32 ka2007);
  - (f) uphazamiseke ngokwasengqondweni yaye oko kudizwe yinkundla yomthetho;
  - (g) akazangeancedakale ekwahlulekeni ukuhlawula amatyala akhe;
  - (h) akekho kuluhlu lwabavoti besikolo;
  - (i) akanamntwana ubhaliswe kwesi sikolo;
  - (j) (*kwimeko katitshala, oqeshwe liSebe leMfundo, oqeshwe phantsi koMthetho iEmployment of Educators Act, 1998 (uMthetho 76 ka1998) okanye sisikolo*), ofunyenwe enetyala lokungaziphathi kakuhle kwaye—
    - (i) ufumene umdliwo;
    - (ii) unqunyanyiswe ngaphandle komrholo;
    - (iii) uhliselwe; okanye

- (iv) ufumene indibanisela yesohlwayo esichazwe kwimihlathana (i) ukuya ku(iii),  
ngaphandle kokuba liphelelwe ixesha lesohlwayo kwiminyaka emithathu noko phambi komhla kotyunjo lwam okanye nonyulwe njengelungu lebhunga lolawulo;
- (k) (*kwimeko yongenguye utitshala, oqeshwe liSebe leMfundo, phantsi komthetho iPublic Service Act, 1994 (Umpoposho 103 ka-1994), okanye libhunga lolawulo*) ofunyenwe enetyala lokungaziphathi kakuhle kwaye—
- (i) unqunyanyiswe ngaphandle komrhlo;
- (ii) uhliselwe; okanye
- (iii) ufumene indibanisela yesohlwayo esichazwe kwimihlathwana (i) kunye no(iii),  
ngaphandle kokuba liphelelwe ixesha lesohlwayo kwiminyaka emithathu noko phambi komhla kotyunjo lwam okanye nonyulwe njengelungu lebhunga lolawulo;
- (l) ususiwe kwibhunga lolawulo yiNtloko yeSebe ngokomgaqo 6(8) kule minyaka mithathu idlulileyo;
- (n) ndiyinqununu nakwesiphi na isikolo; okanye
- (o) ndiligosa leSebe lezeMfundo onoxanduva lokulawula kwisikolo esichaziweyo.
2. Ndibhengeza kwakhona ukuba amanqaku ahlelwe (1) ngasentla, ukuba andikhoselungeleweni lokonyulwa ndisebenze kwibhunga lolawulo lesikolo phantsi kweSebe lezeMfundo.
3. Ndibhengeza kwakhona ukuba ndiyavuma ukuphononongwa yiarhente yophononongo esemthethweni ukuze ibone ukuthotyelwa kwenqaku (1) ngentla, ukuba ndonyuliwe kwibhunga lolawulo kwaze kwenziwa isityholo esisekelwe kwinqaku (1) ngakum.
4. Ndibhengeza kwakhona ukuba, emva kokuqwalasela amanqaku (1), (2) nelesi(3) ngentla, ndamkela ngokufanelekileyo utyunjo olukhankanywe ngentla.

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UTYIKITYO LOMGQATSWA

Mna,

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(Igama elipheleleyo)

igosa lonyulo lesikolo, libhengeza ukuba unyulo lwamkelekile/lukhatyiwe.

(Cima engangeniyo)

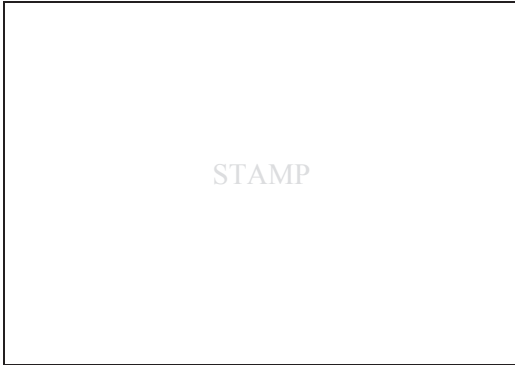
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UTYIKITYO LEGOSA LONYULO LESIKOLO

Nceda ubeke istampu seofisi yegosa lonyulo lesikolo:



**ISIHLOMELO C**

ISaziso seNtlanganiso yoTyunjjo noNyulo

UNyulo loTitshala / Basebenzi abangengoBasebenzi kwiBhunga loLawulo

*(Imigaqo 25, 26 no27 yiMiqulu yokuSekwa nokuNyulwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2023)*

IGAMA LESIKOLO: \_\_\_\_\_ INOMBOLO YE-EMIS : \_\_\_\_\_

Isaziso sibhengeza ukuba intlanganiso yotyunjjo nonyulo yabagqatswa abazakunyulwa \_\_\_\_\_ (ootitshala/ basebenzi abangengotitshala) njengamalungu ebhunga lolawulo yesikolo esikhankanywe ngentla iyakubanjwa \_\_\_\_\_ (umhla) \_\_\_\_\_ (ixesha) \_\_\_\_\_ (indawo). Ukuba inani elilamkelekileyo (ikhoram) alifikelelekanga, intlanganiso ezakulandela izakubanjwa \_\_\_\_\_ (umhla) \_\_\_\_\_ (ixesha).

Kuyakugqitywa ngo \_\_\_\_\_ (ixesha) ngomhla lentlanganiso yotyunjjo nonyulo ukuba banele na abahlohli / basebenzi abangengo bahlohli abanelungelo lokuvota abakhoyo, ukuze intlanganiso iqhube. Abahlohli / basebenzi abangengo bahlohli ngoko bayakhuthazwa ukuba beze kwintlanganiso.

Nceda ufike kwintlanganiso phambi \_\_\_\_\_ (ixesha).

Utitshala/umsebenzi ongengotitshala angatyunjwa kwintlanganiso okanye ngokufaka kwigosa lonyulo lesikolo zingaphelanga iintsuku ezisixhenxe phambi kwale ntlanganiso, ifomu yotyunjjo egcwaliswe ngokufanelekileyo ngumphakamisi, umxhasi nomgqatswa otyunjiweyo. Ngokwale njongo, ukutyunjwa luyakwamkelwa esikolweni ukusukela \_\_\_\_\_ (umhla) de kube \_\_\_\_\_ (ixesha) ngo \_\_\_\_\_ (umhla).

Ukuba inani labagqatswa abatyunjiweyo lilingana nenani lamalungu azakonyulwa, abagqatswa baya kuthathwa njengabonyuliweyo kwibhunga lolawulo .

Ukuba abagqatswa abatyunjiweyo bangaphezulu kwenani lamalungu azakonyulwa, uvoto luyakuqhutywa emva kokungeniswa kotyunjjo.

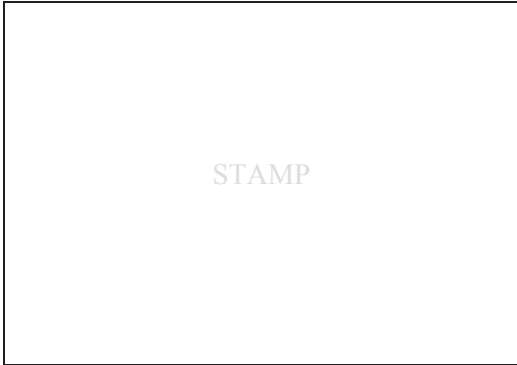
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UMHLA

\_\_\_\_\_  
UTYIKITYO LEGOSA LONYULO LESIKOLO

IDILESI:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nceda ubeke istampu seofisi yegosa lonyulo lesikolo:



**ISIHLOMELO D**

**IFOMU YOTYUNJO**

Unyulo looTitshala / aBasebenzi abangengoTitshala njengaMalungu eBhunga loLawulo

*(Imigaqo 25, 26 no27 yeMiqulu yokuSekwa nokuNyulwa kwamaBhunga oLawulo kwiZikolo zikaWonkewonke, ka2023)*

IGAMA LESIKOLO: \_\_\_\_\_

UMPHAKAMISI:

Mna, \_\_\_\_\_,

(Igama elipheleleyo)

\_\_\_\_\_ (idilesi yokuhlala)

ndingutitshala / umsebenzi ongengotitshala wesikolo esikhankanywe ngentla, ngokwenjenje ndiphakamisa

\_\_\_\_\_ (Igama elipheleleyo lomqatswa)

njengelingu lebhunga lolawulo lesikolo esingentla.

\_\_\_\_\_  
**UTYIKITYO LOMPHAKAMISI**

UMXHASI:

Mna,

\_\_\_\_\_

(Igama elipheleleyo)

\_\_\_\_\_ (idilesi yokuhlala)

ndingutitshala / umsebenzi ongengotitshala wesikolo esikhankanywe ngentla, ngokwenjenje ndixhasa

\_\_\_\_\_ (Igama elipheleleyo lomqatswa)

anjengelungu lesigqeba solawulo sesikolo esichazwe ngentla apha.

\_\_\_\_\_  
**UTYIKITYO LOMXHASI**



UMGQATSWA:

Mna,

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(Igama elipheleyo)

inomboloyePERSAL/YENGQESHO \_\_\_\_\_,

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(Idilesi yokuhlala)

ngokwenjenje ndibhengeza ukuba ndazi kakuhle ukuba—

1. Andinakutyunjwa okanye ndibekwe njengelungu lebhunga lolawulo okanye ndiyayeka ukuba lilungu lebhunga lolawulo ukuba—
  - (a) wayekhe ebomini wagwetywa yinkundla yomthetho ngetyala awathi wanikwa isigwebo sokuvallelwa enkundleni esanqunyanyiswayo kodwa walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, okanye wathi wagwetyelwa ukuqamela ngenqindi ze walivinjwa ithuba lokukhutshiswa umdliwo wawalelwa umdliwo, ngaphandleni kokuba uthe wakhutshwa ngokuxolelwa, okanye ithuba lesi sinqumamiso okanye lokuhlala ejele lidlule ubuncinci isithuba seminyaka emithathu ngaphambi kosuku lokuchongelwa kwakhe kwibhunga elo lolawulo;
  - (b) ukuba nomntwana, kubandakanywa umntwana oadobthiweyo, iqabane lomtshato, iqabane lobomi, umzali, umntakwenu, utatomkhulu, umakhulu, uyisezala, umazala, usibali, okanye usibalikazi—
    - (i) ulilungu lebhunga lolawulo elichaziweyo; okanye
    - (ii) usebenza esikolweni;
  - (c) usebenzela isikolo;
  - (d) unomdla wezemali, uqoqosho okanye ezisiqu esikolweni okanye usebenzela ishishini okanye umntu onomdla wezemali noqoqosho esikolweni;
  - (e) wathi wachazwa njengongakulungelanga ukusebenza nabantwana ngokwemiqathango yoMthetho waBantwana, ka2005 (uMthetho 38 ka2005), okanye yoLwaphulo Mthetho (uLwaphulomthetho lwezeSondo ne Mibandela engqameneyo) uMthetho oGuquliweyo, ka2007 (uMthetho 32 ka2007);
  - (f) uphazamiseke ngokwasengqondweni yaye oko kudizwe yinkundla yomthetho;
  - (g) akazangeancedakale ekwahlulekeni ukuhlawula amatyala akhe;
  - (h) akekho kuluhlu lwabavoti besikolo;
  - (i) (*kwimeko katitshala, ngaphandle kwenqununu, oqeshwe ngokoMthetho wezeNgqesho yooTitshala, ka1998 (uMthetho 76 ka1998) okanye sisikolo*), ufunyenwe enetyala lokuziphatha kakubi yaye—
    - (i) ufumene isohlwayo;
    - (ii) unqunyanyiswe ngaphandle kwentlawulo;
    - (iii) wehlisiwe; okanye
    - (iv) lifumene indibanisela yezohlwayo ezikhankanywe kwimihlathana (i) ukuya ku(iii),

ngaphandle kokuba ixesha lesohlwayo sam liphelile ubuncinane kwiminyaka emithathu phambi komhla wokutyunjwa okanye wokuqeshwa kwam njengelungu lebhunga lolawulo;

- (j) (kwimeko yomntu ongenguye utitshala oqeshwe ngokoMthetho weNkonzo kaRhulumente, ka1994 (iSibhengezo 103 sika1994), okanye libhunga lolawulo) ufunyenwe enetyala lokuziphatha kakubi yaye .—
  - (i) unqunyanyiswe ngaphandle kwentlawulo;
  - (ii) wehlisiwe; okanye
  - (iii) lifumene indibanisela yezohlwayo ezixelwe kwimihlathana (i) no(ii), ngaphandle kokuba ixesha lesohlwayo sam liphelile ubuncinane kwiminyaka emithathu phambi komhla wokutyunjwa okanye wokuqeshwa kwam njengelungu lebhunga lolawulo.
- (k) bakhutshwe kwibhunga lolawulo yiNtloko yeSebe ngokommiselo 6(8) kwiminyaka emithathu edlulileyo;
- (l) ndiyinqununu nakwesiphi na isikolo; okanye
- (m) ndiligosa leSebe leMfundo elinoxanduva lokuphatha ngqo kwisikolo esichaphazelekayo.

2. Ngaphezu koko, ndiyavuma, ngokususela kumanqaku adweliswe ku(1) apha ngasentla, ukuba andifanelekanga ukuba ndityunjwe okanye ndibe lilungu lebhunga lolawulo lesikolo esiphantsi kweliso leSebe leMfund..

3. Kwakhona ndiyabhengeza ukuba, emva kokuthathela ingqalelo amanqaku (1) kunye no(2) apha ngasentla, ndiyalwamkela olu nyulo lukhankanywe apha ngasentla..

UTYIKITYO LOMTYUNJWA

OKANYE

(UKUBA KUCETYWE INTLANGANISO YOLONYULO NOKHETHO YAYE AYINGENZEKI UKUZE KUGCWALISWE IFOMU YOTYUNJO)

Mna,

(Igama elipheleleyo)

ndibhengeze ukuba ubungqina obubhaliweyo obundanelisayo bungenisiwe bokuba umgqatswa okhankanywe apha ngasentla, ongekho kwintlanganiso yokhetho nonyulo ukuza kugcwalisa ifom yokutyumba, uya kuthi, ukuba unyuliwe, akulungele ukusebenza njengelungu lebhunga lolawulo.

UTYIKITYO LEGOSA LONYULO LESIKOLO

Olu tyunjo luyamkelwa /luyakhatywa.  
(Cima leyo engangeniyo)

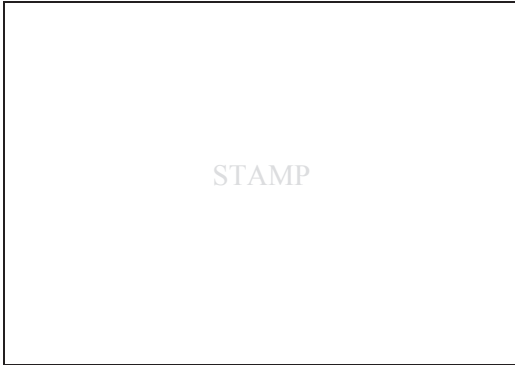
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UTYIKITYO LEGOSA LONYULO LESIKOLO

Nceda ubeke istampu seofisi yegosa lonyulo lesikolo:



**ISIHLOMELO E****IAJENDA****IGAMA LESIKOLO:** \_\_\_\_\_**UMHLA WENTLANGANISO:** \_\_\_\_\_**USIHLALO:** \_\_\_\_\_

<b>UMBA.</b>	<b>ISIHLOKO SENGXOXO</b>	<b>ONOXANDUVA</b>
<b>ICANDELO A: IMIBA YENKQUBO</b>		
A.1	Uvulo nolwamkelo	USihlalo
A.2	Abazimasileyo nabaxolisileyo	Bonke
A.3	Ukwamkelwa kweajenda	Bonke
A.4	Ukwamkelwa kwemizuzu .....	Bonke
<b>ICANDELO B: IMIVUKA</b>		
Imiba yentlanganiso edlulileyo emakunikwe ingxelo kuyo		
B.1		
B.2		
<b>ICANDELO C: IMIBA</b>		
C.1	INGxelo yeNqununu	Inqununu
C.2	Izimali	Nondyebo
C.3	Imiba yabasebenzi	USihlalo
C.4	Ukhuselo nokhuseleko	USihlalo
C.5	Imiba yabazali	USihlalo
C.6	Imiba yebhunga lolawulo	USihlalo
C.7	Ipropati nolondolozo	USihlalo
C.8	Ukuvunywa kwamaxwebhu esebe	USihlalo
C.9	Imigaqo-nkqubo (Chaza umgaqo-nkqubo)	USihlalo
<b>ICANDELO D: IMIBA EMITSHA YESEBE LEMFUNDO / ISEBE LEMFUNDO EYISISEKO</b>		
Iisetyhula/Imizuzu/Izikhokelo/uMthetho/iMigaqo-nkqubo, njl.		
D.1		USihlalo
D.2		USihlalo
<b>ICANDELO E: IMBALELWANO</b>		
Iileta/Ii-imeyili/Imbalelwano eya kwibhunga lolawulo (Ayiveli kwiSebe leMfundo okanye kwiSebe leMfundo esiSiseko)		
E.1		USihlalo
E.2		USihlalo
<b>ICANDELO F: IMIBA EMITSHA</b>		
Nayiphi na enye into engangeni kulo naluphi na udidi olungentla		
F.1		USihlalo
F.2		USihlalo
<b>ICANDELO G: UKUVALA</b>		
G.1	Izibhengezo – ezingezezeziqo (Akukho ngxoxo)	USihlalo
G.2	Intlanganiso elandelayo	USihlalo
G.3	Ushwankathelo nokuvala	USihlalo

## IMIBA ENOKWENZIWA IAJENDA EZAKUXOXWA NGAYO PHANTSI KWECANDELO C

### C.1.INGXELO YENQUNUNU

#### C.1.1 IiNkqubo zeNkxaso kwezeMfundo

- C.1.1.1 INkqubo yeSizwe yeSondlo eZikolweni
- C.1.1.2 Inkxaso yolungiso
- C.1.1.3 iklasi ezongezelelweyo

#### C.1.2 Imiba yaBafundi

- C.1.2.1 Ukuziphatha, isimo sengqondo kunye neyunifomu yesikolo
- C.1.2.2 Ukuzimasa
- C.1.2.3 Inkxaso eyongezelelweyo kubafundi abasokolayo
- C.1.2.4 Ukusebenza
- C.1.2.5 Iisayizi zeklasi
- C.1.2.6 Umlinganiselo womfundi/utitshala
- C.1.2.7 Iimvavanyo zabafundi
- C.1.2.8 Ulwamkelo
- C.1.2.9 Imisebenzi yasemva kwekharithulam nasemva kokufundisa
- C.1.2.10 IBhunga eliMele aBafundi (ukuba likhona)
- C.1.2.11 Ukungeniswa komsebenzi wasekhaya
- C.1.2.12 Ukugxothwa kunye / okanye ukunqunyanyiswa

#### C.1.3 Imiba yeKharithulam

- C.1.3.1 Ukuhanjiswa komxholo
- C.1.3.2 Uvavanyo
- C.1.3.3 Iireyithi zokuyeka isikolo
- C.1.3.4 Iziphumo zemfundo
- C.1.3.5 Ukhetho lwezifundo
- C.1.3.6 Ukhetho lweencwadi
- C.1.3.7 Kwakhona jonga umhlathi 6.7 weSetyhula 0043/2021

### C.2 IZIMALI

- C.2.1 Iingxelo zohlahlo lwabiwo-mali nezemali
- C.2.2 Iintlawulo zesikolo (iintlawulo nezingahlawulwayo)
- C.2.3 Ukukhululwa
- C.2.4 Ukuqokelelwa kwamatyala
- C.2.5 Utyalo-mali
- C.2.6 Amatyala (iimali-mboleko kunye nee-ovadrafti)
- C.2.7 Ukuthenga
  
- C.2.8 Isicwangciso sokuthengwa kweempahla neenkonziso
- C.2.9 Iikhontrakthi
- C.2.10 Ukunyusa ingxowa-mali
- C.2.11 Ukulahlwa, uluhlu lwempahla kunye nerejista yee-asethi

**C.3 IMIBA YABASEBENZI**

- C.3.1 Ukuziphatha
- C.3.2 Ukuzimasa
- C.3.3 Inkxaso eyongezelelweyo kubasebenzi abatsala nzima
- C.3.4 Ukusebenza
- C.3.5 Umvuzo / imbuyekezo
- C.3.6 Iibhonasi
- C.3.7 Uvavanyo lwabasebenzi
- C.3.8 ICandelo 51A soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, ka1997 (uMthetho 12 ka1997)
- C.3.9 Ingqesho, ukwakhiwa kunye nezithuba
- C.3.10 Umhlalaphantsi, ukugxothwa nokurhoxa emsebenzini
- C.3.11 Imizuzwana
- C.3.12 Uggithiselo
- C.3.13 Ukunyuselwa
- C.3.14 Uphuhliso lwabasebenzi

**C.4 UKHUSELO NOKHUSELEKO**

- C.4.1 Ulawulo lofikelelo notyelelo esikolweni
- C.4.2 Ukugada
- C.4.3 Uvavanyo
- C.4.4 Ukuqhubeka koshishino
- C.4.5 Ukukhuselwa kwamaxwebhu abalulekileyo
- C.4.6 Ukufuduka, uqheliso novavanyo
- C.4.7 Ialam, isiren kunye ne-intercom
- C.4.8 Ukudalwa kwendawo yokufunda efanelekileyo
- C.4.9 Ukujikeleza kwesikolo ngamaxesha, ngexesha lekhefu nasemva kokuphuma kwesikolo

**C.5 IMIBA YABAZALI**

- C.5.1 Ukubandakanyeka
- C.5.2 Unxibelelwano

**C.6 IMIBA YEBHUNGA ELILAWULAYO**

- C.6.1 Uqeqesho
- C.6.2 Izithuba
- C.6.3 Ukuzibophelela kwamalungu
- C.6.4 Ukuziphatha kwamalungu

**C.7 IPROPATI NOLONDOLOZO**

- C.7.1 Ulondolozo lwesakhiwo
- C.7.2 Ukucocwa kwesakhiwo kunye nezakhiwo
- C.7.3 Ukwandiswa, uphuculo kunye nohlaziyo
- C.7.4 Ukurenta/ukuqeshwa kwesakhiwo okanye iindawo

**C.8 UKUVUMELWA KWAMAXWEBHU ENKQUBO YOLAWULO LONYAKA**

- C.8.1 INgxelo yoNyaka yokuSebenza kweziFundo (AAPR)
- C.8.2 IsiCwangciso soPhuculo lweNtsebenzo kwiziFundo (APIP)
- C.8.3 IsiCwangciso soPhuhliso lweZikolo (SDP)
- C.8.4 IsiCwangciso soPhuculo lweSikolo (SIP)
- C.8.5 UVavanyo lweSikolo (SSE)
- C.8.6 Isixhobo sokuSebenza seBhunga loLawulo leSikolo
- C.8.7 Iibhloko zoKwakha zoLawulo lweSikolo oluFanelekileyo (Ubukho bamaxwebhu oLawulo)

**C.9 IMIGAQO-NKQUBO (Chaza uMgaqo-nkqubo)**

- C.9.1 Uthethwano
- C.9.2 Uphononongo
- C.9.3 Uhlaziyo
- C.9.4 Ukuphumeza

