



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

EXTRAORDINARY — BUITENGEWOON

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

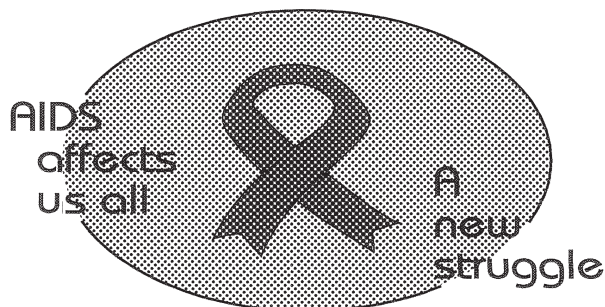
Vol: 16

PIETERMARITZBURG

23 MAY 2023
23 MEI 2023

No: 2548

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1994-4551



9 771994 455008

0 2 5 4 8



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS			
478	South African Schools (84/1996): Notice for the Establishment, Election and Functioning of the Representative Councils of Learners at Public Schools	2548	3

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 478 OF 2023

NOTICE FOR THE ESTABLISHMENT, ELECTION AND FUNCTIONING OF THE REPRESENTATIVE COUNCILS OF LEARNERS AT PUBLIC SCHOOLS

I, **MBALI C. FRAZER**, Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal have, in terms of Sections 11(2), 11(3) and 23(4) of the South African Schools, 1996 (Act No. 84 of 1996) determined functions, procedures for the establishment and elections of the Representative Councils of Learners as set out hereunder.

SCHEDULE**1. DEFINITIONS**

In this notice, any word or expression to which a meaning has been assigned in the Act shall have the same meaning unless the context indicates otherwise –

“Act” means the South African Schools Act, 1996 (Act No. 84 of 1996);

“Assistant Electoral Officer” means the Teacher Liaison Officer or any other official assisting the Electoral Officer at the school or an official at the circuit, circuit management and district levels and the Provincial Co-coordinator at the Provincial level;

“Chief Education Specialist (CES) for Circuit Management” means an official of the Department responsible for circuit management;

“Circuit” means a cluster of schools under the administration and management of a Circuit Manager;

“Circuit Manager” means an official of the Department responsible for the administration and management of a circuit;

“Circuit Management Centre” means a cluster of circuits;

“Class Representative” means a learner duly elected by learners in his or her class to represent learner interests in the Representative Council of Learners;

“Constitution” means a written document that sets out the fundamental principles under which the Representative Council of Learners must operate;

“Department” means the KwaZulu-Natal Department of Education;

“District” means a cluster of circuit management centres under the administration and management of a District Director;

“District Director” means an official of the Department responsible for the administration and management of a district;

“Educator” means an educator employed in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998) or the South African Schools Act, 1996 (Act No. 84 of 1996);

“Electoral Officer” means the Principal or Teacher Liaison Officer, Circuit Manager, Chief Education Specialist for Circuit Management, District Director and Director of Governance and Management Directorate;

“Executive Committee” means the committee consisting of elected office bearers of the RCL at the school, circuit, circuit management, district and provincial levels;

“Fewer Class units” means schools that do not have sufficient classes in grade 8 or higher such as a combined school or any other school where it is not possible to elect the prescribed number of learners from each class into the RCL;

“Gender diversity” means the inclusion of male, female, lesbian, gay, bisexual, transgender, queer, intersex and all other forms of gender identity, where applicable;

“Head of Department” means the Head of the Department of Education in the Province of KwaZulu-Natal;

“Learner” means any person receiving education or obliged to receive education in terms of the Act and enrolled in grade eight or higher;

“Level” means the school, circuit, circuit management, district or provincial level;

“Member of the Executive Council (MEC)” means the Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal;

“Personal information” is –

- (i) information relating to a person which includes *inter alia* race, sex, gender, pregnancy, marital status, national ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, birthplace, any identifying number, symbol, email address, physical address, telephone number, biometric information, medical, financial, criminal, employment history, personal opinions and preferences of a person;
- (ii) it includes the views or opinions of another individual about the person; and
- (iii) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

“POPIA” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

“Principal” means an educator appointed or acting as the head of a public school who is responsible for the professional management of a public school and acting under the authority of the Head of Department;

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- (a) the collection, receipt, recording, organization, collation, storage updating or medication, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

“Representative Council of Learners (RCL)” means a statutory body comprising learners in grade eight or higher representing learners’ interests at the –

- (a) School level;
- (b) Circuit level;
- (c) Circuit Management level;
- (d) District level; and
- (e) Provincial level;

“School” means a public school that enrolls learners in one or more grades from grade 8 or higher including where applicable, a special needs school and a school that provides education with a specialized focus on talent;

“School Governing Body (SGB)” means a body constituting elected and co-opted members as defined in the Act;

“School Management Team (SMT)” means a management and leadership structure comprising the Principal, Deputy Principal and Departmental Head, where applicable;

“Teacher Liaison Officer (TLO)” means a Deputy Principal in terms of his or her core duties and responsibilities or an educator delegated by the Principal to perform his or her functions relating to the management, support and capacity building of the RCL at school level;

“Voter” means a learner enrolled in grade 8 or higher in a school participating in the election of learner representatives and office bearers of the RCL at all levels.

2. REPRESENTATIVE COUNCIL OF LEARNERS (RCL)

- (1) A RCL must be established at every public school that enrolls learners in grade eight (8) or higher.
- (2) A RCL must be established from learners who are thirteen (13) years and older in a special school with no identifiable grades and which has not been exempted from electing a RCL.
- (3) The RCL is the only recognized and legitimate representative learner body at the school.
- (4) The RCL must elect learners to represent learners in the SGB.

3. EXEMPTION

- (1) A public school enrolling learners with special education needs must apply to the MEC for exemption from complying with the requirements of Clause 2(1) if it is not reasonably practicable for a RCL to be constituted.
- (2) The MEC must within fourteen (14) days after receiving the application consider it and take a decision to either grant or refuse the application and must provide written reasons to the school for the decision taken.
- (3) The MEC must publish in the Provincial Gazette, a list of special schools that have been granted exemption from establishing a RCL.

4. ELIGIBILITY

(1) As members of the RCL at the school level –

- (a) Only learners from each class in grade eight (8) or higher shall be eligible to vote or be voted for as class representatives;
- (b) In a special school with no identifiable grades, only learners from the age of thirteen (13) years and older shall be eligible to vote or be voted for as class representatives; and
- (c) Only learners who have been elected as class representatives shall be members of the RCL.

(2) The Chairperson and Secretary from the RCL shall be eligible to represent the –

- (a) school at circuit level;
- (b) circuit at circuit management level;
- (d) circuit management at district level;
- (e) district at the provincial level; and
- (f) province at national level, or as determined by the National Regulations.

- (3) Provincial RCL representation shall be in terms of the Department of Basic Education's requirements, if any.

(4) No learner will be eligible to be elected as a member of the RCL if he or she -

- (a) has been found to be in conflict with the law in terms of the Child Justice Act, 2008 (Act No. 75 of 2008);
- (b) is of unsound mind and has been declared so by a competent court;
- (c) has been found guilty of serious misconduct in terms of the school's code of conduct; and
- (d) is no longer a learner at the school.

(5) (1) An Educator will not be eligible to serve as a TLO if he or she -

- (a) has been convicted of a criminal offence;
- (b) has been found guilty of an offence in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998);
- (c) has been found guilty of an offence in terms of the South African Council of Educators Act, 2000 (Act No. 31 of 2000);
- (d) has been found guilty in terms of Section 18A of the Act;
- (e) is no longer an educator at the school concerned;
- (f) has been found guilty in a court of law of any act relating to children; and
- (g) has his or her name included in the National Register of Sex Offenders (NRSO) or the Child Protection Register.

5. COMPOSITION OF RCL STRUCTURES AT ALL LEVELS

(1) At Class Level –

- (a) Two (2) class representatives must be elected by learners from amongst themselves to represent learner interests;
- (b) In a school with fewer class units, a minimum of at least seven (7) learners must be elected. Should it not be possible to elect the minimum number of learners then the runner up learner or learners with the next highest votes must automatically be included;
- (c) The election of learner representatives must be representative of the school community and must take into consideration gender diversity, where applicable;
- (d) In a racially integrated school, learners must be encouraged to promote equitable representation of racial groups.

(2) At the School Level –

- (a) Notwithstanding the provisions of Clause 3 above, all schools with grade eight (8) or higher must elect a RCL to represent learner interests in the school;
- (b) In special schools that are not exempt from electing RCLs and which have no identifiable grades, the RCL must be established from learners who are thirteen (13) years and older;
- (c) In a school with fewer class units, a minimum of at least seven (7) learners must be elected. Should it not be possible to elect the minimum number of learners then the runner up learner or learners with the next highest votes must automatically be included to constitute a RCL of at least seven(7) learners;
- (d) Once a RCL is constituted, the members must elect the executive committee of the RCL;
- (e) The executive committee must consist of a –
 - (i) Chairperson;
 - (ii) Deputy Chairperson;
 - (iii) Secretary; and

- (iv) Treasurer;
- (f) The election of the Chairperson and the Deputy Chairperson referred to in sub-clause 5(2)(e) must be representative of gender diversity, where applicable.
- (g) The TLO must provide support and guidance to the RCL and attend RCL meetings;
- (h) The school must make provision in their budget for costs that would be incurred by members of the RCL when attending RCL meetings at other levels;
- (i) The RCL shall meet at least four (4) times a year.

(3) At the Circuit Level –

- (a) A RCL structure must be established from schools with RCL structures at circuit level;
- (b) The RCL at circuit level must consist of the chairpersons and secretaries of RCLs from schools;
- (c) The RCL must elect an executive committee consisting of a –
 - (i) Chairperson;
 - (ii) Deputy Chairperson;
 - (iii) Secretary; and
 - (iv) Treasurer;
- (d) The election of the chairperson and deputy chairperson referred to in sub-clause 5(3)(c) above be representative of gender diversity, where applicable;
- (e) The Circuit Manager with the assistance of the other TLOs must identify two (2) TLOs from amongst those who serve as such at school level and delegate to them the functions of providing support and guidance to the RCL and attend the RCL meeting;
- (f) The Circuit Manager must consider gender diversity when identifying the two (2) TLOs;
- (h) The Circuit Manager must provide management and administrative support to the RCL and TLOs at the circuit level;
- (i) The school must make provision in their budget for costs that would be incurred by members of the RCL and the TLO when attending the RCL meeting at the Circuit level;
- (j) The RCL shall meet once a year.
- (k) The Circuit Manager may invite members of the RCL executive committee to represent the circuit whenever the need arises.

(4) At the Circuit Management Level –

- (a) A RCL structure must be established at the Circuit Management level;
- (b) The RCL shall consist of chairpersons and secretaries from each circuit structure;
- (c) The RCL must elect an executive committee consisting of a –
 - (i) Chairperson;
 - (ii) Deputy Chairperson;
 - (iii) Secretary; and
 - (iv) Treasurer;
- (d) The election of the chairperson and the deputy chairperson referred to in sub-clause 5(4)(c) above must be representative of gender diversity, where applicable;
- (e) The CES for Circuit Management with the assistance of other TLOs must identify two (2) TLOs from amongst the TLOs who serve at circuit level;
- (f) The TLOs must provide support and guidance to the RCL and attend the RCL meeting;

- (g) The CES, Circuit Management must consider gender diversity when identifying the two (2) TLOs;
- (h) The Circuit Managers must assist the CES for Circuit Management to provide management and administrative support to the RCL and TLOs at the circuit management level;
- (i) The school must make provision in their budget for costs that would be incurred by members of the RCL and the identified TLO when attending the RCL meeting at the Circuit Management level;
- (j) The RCL shall meet once a year;
- (k) The CES, Circuit Management may invite members of the RCL executive committee to represent the circuit management whenever the need arises.

(5) At the District Level –

- (a) A RCL structure must be established at the district level;
- (b) The RCL shall consist of the chairpersons and secretaries from each circuit management RCL;
- (c) In districts with less than three (3) circuit management RCLs, each circuit management RCL will be represented by the chairperson, secretary and treasurer;
- (d) A RCL must elect an executive committee consisting of a –
 - (i) Chairperson;
 - (ii) Deputy Chairperson;
 - (iii) Secretary; and
 - (iv) Treasurer;
- (e) The election of the chairperson and the secretary referred to in sub-clause 5(5)(d) above must be representative of gender diversity, where applicable;
- (f) The District Director must with the assistance of other TLOs identify two (2) TLOs from amongst those who serve at a Circuit Management RCL to provide support and guidance to the RCL and attend the RCL meeting;
- (g) The District Director must consider gender diversity when identifying the two (2) TLOs;
- (h) Governance and Management officials from the District shall provide capacity building and support to the RCL structures at all levels within the district;
- (i) The District must make provision in their budget for costs that would be incurred by members of the RCL when attending the RCL meeting at the District level;
- (j) The RCL shall meet once a year; and
- (k) The District Director may invite members of the RCL executive committee to represent the district whenever the need arises.

(6) At the Provincial Level –

- (a) A RCL structure must be established at the Provincial level;
- (b) The RCL shall consist of the chairpersons and secretaries from each district;
- (c) The executive committee must be elected from the RCL and must consist of a –
 - (i) Chairperson;
 - (ii) Deputy Chairperson;
 - (iii) Secretary; and
 - (iv) Treasurer;
- (d) The election of the chairperson and the deputy chairperson referred to in sub-clause 5(6)(c) above must be representative of gender diversity, where applicable;

- (e) Each District Director must appoint an official from the Governance and Management Learner Affairs unit to provide support and guidance to members of the RCL and attend the Provincial RCL meeting;
- (f) Provincial Governance and Management coordinators from the Learner Affairs unit must provide capacity building and support to the RCL and attend the RCL meeting;
- (h) The Director of Governance and Management Directorate or his or her delegate must provide administrative and management support to the RCL;
- (i) The Governance and Management Directorate must make provision in their budget for costs that would be incurred by members of the RCL when attending the RCL meeting at the Provincial level;
- (j) The RCL shall meet once a year; and
- (k) The Director of Governance and Management Directorate may invite members of the RCL executive committee to represent the Province whenever the need arises.

(7) At the National Level –

- (a) The Provincial RCL representation shall in terms of the requirements of the Department of Basic Education; and
- (b) The Director or his or her delegate from the Governance and Management Directorate must provide support to the Provincial RCL and must attend the National RCL meeting.

6. TERM OF OFFICE

- (1) The term of office for all members of RCLs at all levels shall be one (1) year.

(2) Elections at –

- (a) school level must be held by or before 15th February of each year;
- (b) circuit and circuit management levels must be held by or before the end of February of each year;
- (c) district level must be held by or before 15th March of each year;
- (d) Provincial level must be held by or before 31st March of each year.

(3) A member of the RCL vacates his or her office if –

- (a) he or she no longer attends the school concerned;
- (b) he or she is deceased;
- (c) the school is closed;
- (d) the learner has been found guilty of serious misconduct at an internal disciplinary hearing;
- (e) he or she has been absent without a written apology from two (2) consecutive meetings at school level without a reasonable explanation; or
- (f) he or she no longer meets the requirements of Clause 4 above; and
- (g) if he or she resigns.

7. ELECTION OF LEARNERS IN THE RCL

- (1) The Electoral Officer responsible for RCL elections at the various levels must be the –

- (a) Principal at school level;
- (b) Circuit Manager at Circuit level;
- (c) CES for Circuit Management at Circuit Management level;
- (d) District Director at District level;
- (e) Director of Governance and Management at Provincial level.

(2) The Electoral Officer must in writing appoint Assistant Electoral Officers.

8. NOMINATION AND ELECTION OF CLASS REPRESENTATIVES

- (1) There shall be an election meeting for the nomination and election of class representatives.
- (2) The Principal or his or her delegate must prepare a notice setting out the date, time and place for the election meeting of all classes.
- (3) At least seven (7) days prior to the date of the election meeting, the Principal must cause a copy of such notice to be posted in a conspicuous place at the school concerned.
- (4) Before proceeding with the election of class representatives, the Electoral Officer must direct the attention of learners to the following –
 - (a) it is a closed meeting and no persons other than learners from that particular class must be in attendance;
 - (b) only two (2) class representatives must be elected;
 - (c) the two (2) learners referred to in sub-clause (b) above must be taken into consideration gender diversity, where applicable;
 - (d) every nomination must be seconded; and
 - (e) a voter has one vote for each vacancy to be filled.

9. NOMINATION OF OFFICE BEARERS OF EXECUTIVE COMMITTEES

- (1) Once a RCL has been established, the RCL must hold its first meeting within seven (7) school days.
- (2) At the first meeting, the RCL must elect the following office bearers –
 - a) Chairperson;
 - b) Deputy Chairperson;
 - c) Secretary; and
 - d) Treasurer.
- (3) The Assistant Electoral Officer shall preside over the elections.
- (4) There shall be one meeting for the nomination and election of the RCL office bearers at all levels.
- (5) A candidate must be nominated by a learner who is in attendance at the meeting.
- (6) The nominated candidate who is in attendance must indicate his or her willingness to serve as an office bearer in the RCL.
- (7) In the event of a candidate being absent with a valid reason, the candidate must indicate in writing his or her willingness to stand for elections.
- (8) The proposer and the seconder of a candidate must be in attendance at an election meeting.
- (9) During nominations, the official conducting the elections must allocate adequate time for the nomination process of candidates for each vacancy and must inform the meeting accordingly.
- (10) After the expiry of the time referred to in sub-clause (9) above, the Assistant Electoral Officer must consider the nominations and reject the nomination of any candidate who –
 - (a) has not been nominated in accordance with this Clause; or
 - (b) is ineligible in terms of Clause 4.

- (11) The official conducting the election must immediately after the closing of the nominations, write down the names of the candidates on a suitable board or any other surface so that the names of the nominees are visible to the voters.
- (12) A nominated candidate may briefly introduce himself or herself to the meeting.
- (13) If there is one nomination for a vacancy, the Electoral Officer must –
 - (a) call for further nominations; and
 - (b) if there are no further nominations declare the nominated person as duly elected for the vacancy.

10. ELECTION OF OFFICE BEARERS

- (1) Each voter has one vote for each position to be filled in the executive committee.
- (2) The Assistant Electoral Officer conducting the election must request the voters present to write down the names of the candidates preferred by them on the ballot papers provided by him or her for this purpose.
- (3) In instances where assistance is required, any person who is unable to record his or her vote in writing may verbally request the Assistant Electoral Officer to record his or her vote on a ballot paper.
- (4) The request for assistance and the completion of the ballot paper in accordance with the request referred to in sub-clause (3) above shall be made in private and in an area identified by the Assistant Electoral Officer for that purpose but within the area in which the voting is taking place and in the presence of a witness.
- (5) The Assistant Electoral Officer must reject a ballot paper –
 - (a) with more than one name;
 - (b) with the name of a person or persons not nominated;
 - (c) which is not an official ballot paper; or
 - (d) with any other error that constitutes a voting irregularity according to the Assistant Electoral Officer.
- (6) After all the voters have cast their votes; the Assistant Electoral Officer must count the votes in the presence of the RCL members.
- (7) In the case of an equality of votes for any one vacancy, the Assistant Electoral Officer must allow for another vote and the candidate with the highest vote will be duly elected. Should however the tie still not be broken, the Assistant Electoral Officer must resolve the tie by tossing a coin and the successful candidate shall be determined on the selection of either heads or tails.
- (8) The Assistant Electoral Officer must announce the results and declare the candidate for each vacancy who secured the most votes as the elected member of the executive committee.

11. DISPUTE RESOLUTION

- (1) Should a dispute arise as a result of the election of members of the RCL or the Executive Committee at school level, the dispute must be lodged with the TLO for onward transmission to the Principal as Electoral Officer.
- (2) All disputes must be referred to the –
 - (a) Circuit Manager at circuit level;
 - (b) CES, for Circuit Management at circuit management level;
 - (c) District Director at district level; and
 - (d) Director of Governance and Management Directorate at provincial level.

- (3) The decision of the Electoral Officers referred to in sub-clause 11 (1) and (2) above is final.
- (4) All disputes must be lodged in writing within seven (7) days of the elections.
- (5) Upon receipt of any dispute the appropriate Electoral Officer must conduct an investigation and take an appropriate decision based on the findings of the investigation.
- (6) The Electoral Officer must provide reasons for his or her decision.
- (7) The decision of the Electoral Officer shall be final.

12. ELECTION INTO THE SCHOOL GOVERNING BODY

- (1) As soon as an RCL is established, the Principal must within five (5) school days inform the School Electoral Officer responsible for SGB elections.
- (2) The School Electoral Officer referred to in sub-clause 12 (1) above must conduct an election of the members of the RCL to represent learner interest in the SGB.
- (3) The number of learners to be elected in the SGB must be in accordance with the schedule as provided for in the applicable Provincial Notice for Election of Members of the SGB in place at the time of elections.

13. ROLES AND RESPONSIBILITIES OF THE REPRESENTATIVE COUNCIL OF LEARNERS

(1) Objectives of the RCL

The objective of the RCL is to –

- (a) create an opportunity to identify and train future leaders;
- (b) create an opportunity for the expression of the voice of learners in matters concerning their education;
- (c) allow learners to participate in decision-making processes regarding the school; and
- (d) create healthy relationships amongst learners, amongst learners and educators, amongst learners and non-educators, amongst learners and parents.

(2) RCL Representatives at Class Level

The RCL representatives are elected to –

- (a) represent the interests of all learners from each class at the RCL; and
- (b) provide a report to each class on the decisions of the RCL.

(3) RCL at School Level

The RCL at school level is elected to –

- (a) acknowledge and embrace diversity within the school and foster unity among learners and staff;
- (b) promote the culture of teaching and learning while addressing the educational needs of all learners;
- (c) encourage good relationships within the school;
- (d) represent learners on the school governing body and keep learners informed of –
 - (i) decisions of the school governing body except decisions and discussions declared as confidential; and
 - (ii) educational events at the school and in the community;

- (e) establish, for the benefit of learners in the school, productive links with RCLs in other schools with the approval of the Principal; and
- (f) promote academic, sport and cultural activities in conjunction with the school management team and the school governing body.

(4) Roles and Responsibilities of the RCL at Circuit Level

- (a) The RCL must provide a platform for RCLs within the circuit to engage and interact on common educational issues of learner interest; and
- (b) The RCL must promote effective communication amongst all RCLs within the Circuit.

(5) Roles and Responsibilities of the RCL at Circuit Management level

- (a) The RCL must provide a platform for RCLs within the circuit management level to engage and interact on common educational issues of learner interest; and
- (b) The RCL must promote effective communication amongst all RCLs within the Circuit Management level.

(6) Roles and Responsibilities of the RCL at District level

- (a) The RCL must provide a platform for RCLs within the district to engage and interact on common educational issues of learner interest; and
- (b) The RCL must promote effective communication amongst all RCLs within the district.

(7) Roles and Responsibilities of the RCL at Provincial level

- (a) The RCL must provide a platform for the RCL structure within the Province to engage and interact on common educational issues of learner interest; and
- (b) The RCL must establish for the benefit of the learners in the Province productive links with RCLs nationally.

(8) The Roles and Responsibilities of the RCL Executive Committee at all levels

- (a) The executive committee performs the executive functions of the RCL as mandated by the RCL constitution;
- (b) The executive committee must ensure that the RCL functions smoothly, and that its tasks are properly executed;
- (c) The executive committee must meet to deal with urgent issues as and when they arise in terms of Clause 13(8)(d) below;
- (d) If there is an urgent issue which requires the executive committee to consult with the RCL at school level only, an urgent meeting of the RCL may be convened by the Principal.

(9) The Chairperson

- (1) The Chairperson must -
 - (a) lead the RCL structure and ensure that the RCL functions properly and effectively;
 - (b) ensure that every meeting is properly planned, conducted according to the constitution and that matters are dealt with in an orderly and efficient manner;
 - (c) review the RCL's performance, identify and manage any challenges that may arise;

- (d) ensure the RCL is managed effectively. The chairperson must co-ordinate the RCL to ensure that the RCL Constitution is in place and is adhered to;
- (e) provide support and supervision to the heads of sub-committees. The chairperson will be responsible for a sub-committee that is not headed by a member;
- (f) represent the organization and may from time to time be called upon to represent the RCL at official functions and meetings;
- (g) officiate during the RCL meeting except if he or she is unable to attend. The chairperson must guide and direct the meeting, ensuring that:
 - (i) the meeting attends only to the items on the agenda;
 - (ii) the RCL conducts the business of the meeting within the time available while giving attention to all the items on the agenda;
 - (iii) a member desiring to address an item on the agenda is afforded the opportunity to do so, and the member's contribution must be duly considered ;
 - (iv) there is clarity on issues discussed; and
 - (v) a resolution is reached on each item;
- (h) The Chairperson may delegate any function to the Deputy Chairperson as and when necessary.

(10) The Deputy Chairperson

- (1) In the absence of the Chairperson, the Deputy Chairperson performs the roles and responsibilities of the Chairperson.
- (2) The Deputy Chairperson may perform any functions delegated to him or her by the Chairperson.

(11) The Secretary

- (1) The Secretary must:
 - (a) keep accurate records of membership lists;
 - (b) at school level only publish a RCL year plan that includes all meetings and activities of the RCL;
 - (c) invite members to the meeting in a manner determined in the Constitution of the RCL;
 - (d) keep accurate records of the RCL documents including minutes of every meeting;
 - (e) record minutes of the meeting;
 - (f) maintain the minutes in an orderly manner;
 - (g) ensure that the minutes are available for ratification and thereafter paste the minutes in a sequentially numbered minute book which must be kept at the –
 - (i) Principal's office at school;
 - (ii) Circuit Manager's office at circuit;
 - (iii) CES's Office at circuit management;
 - (iv) District Director's office at the district; and
 - (v) Governance and Management Director's office at the provincial office;
- (h) file reports and any correspondence received;

- (i) compile and keep contact details of all stakeholders associated with the school;
- (j) keep reports of the RCL's activities for the year;
- (k) comply with the provisions of the POPIA in collating and maintaining records which includes but is not limited to ensuring that records of personal information of all members of the RCL and other learners or persons discussed at meetings is kept confidential and in a safe place. The Department will provide direction with regards to compliance to the POPIA as and when necessary.

(12) The Treasurer

- (1) The RCL does not physically handle hard cash and finances. All monies received through fund raising, from donors and sponsors must be deposited into the school fund account.
- (2) The school shall provide a paper budget for the RCL.
- (3) The treasurer must manage the budget allocated to the RCL.
- (4) The treasurer must –
 - (a) lead the fundraising activities, financial planning and budgeting for the RCL year planner;
 - (b) keep records of all monies allocated and donated to the RCL;
 - (c) be accountable for all monies received and spent, which includes but not limited to donations, fund-raising and sales;
 - (d) keep records of all money that is spent or utilized and present RCL financial reports as and when requested by the executive committee;
 - (e) with the assistance of the TLO ensure that all records are up to date, accurate and safely kept; and
 - (f) comply with the provisions of the POPIA in collating and maintaining records which includes but is not limited to ensuring that records of personal information of all donors, members of the RCL or any other persons is kept confidential and in a safe place. The Department will provide direction with regards to compliance with the POPIA as and when necessary.

(13) The Role of the Teacher Liaison Officer (TLO)

- (1) The TLO must ensure that the RCL is established and functional in terms of the Act and this Notice.
- (2) The TLO must –
 - (a) coordinate and attend meetings of the RCL;
 - (b) promote communication between the Principal, staff and the RCL;
 - (c) support, guide, mentor and organize the RCL;
 - (d) develop leadership capacity amongst members of the RCL;
 - (e) ensure that all documents relating to the RCL are safely kept in the designated area; and
 - (f) make documents of the RCL available to all officials of the Department upon request.
- (3) The TLO may be delegated to serve on the RCL structure at the circuit, circuit management and district levels.

(14) Minimum Requirements of a Constitution

(1) General Provisions

- (a) All RCLs at the school, circuit, circuit management, district & provincial levels must adopt a constitution.
- (b) The Constitution must not be in conflict with the Constitution of the Republic of South Africa or any other Departmental policies.
- (c) The constitution must be tabled before the –
 - (i) Principal at school level;
 - (ii) Circuit Manager at circuit level;
 - (iii) CES for Circuit Management at circuit management level;
 - (iv) District Director at district level; and
 - (v) Director for Governance and Management at provincial level.
- (d) The official referred to in sub-clause 14(1)(c) must ensure that the constitution is compliant with applicable legislation before it is adopted by the RCL.
- (e) The constitution of a RCL must contain the following minimum requirements -
 - (i) vision, aims and objectives which must be consistent with the vision, aims and objectives of the school;
 - (ii) meetings that are scheduled must not interfere with the teaching and learning time;
 - (iii) code of conduct for members; and
 - (iv) procedures, powers and processes.

(2) Ordinary Meetings of the RCL

- (a) The executive committee of the RCL shall determine the date, time and place of the meeting. The meeting of the RCL at school level shall be held within the school premises.
- (b) The RCL meetings at other levels must be held within Departmental venues.
- (c) The secretary of the RCL at the school level must, at least seven (7) days prior to the meeting, place a notice of the meeting in a conspicuous place at the school advising the members of –
 - (i) the date, time and place of the meeting; and
 - (ii) the business to be transacted at the meeting.
- (d) At all other levels besides the school level, the secretary must at least fourteen (14) days prior to the meeting, notify each member in writing of –
 - (i) the date, time and place of a meeting; and
 - (ii) the business to be transacted at the meeting.
- (e) The Principal, Circuit Manager, CES for Circuit Management, District Director or Director for Governance and Management must give permission before a meeting of the RCL takes place.

(3) Proceedings at Meetings

(a) At School Level –

- (i) prior to the holding of any meeting, the RCL must seek permission from the Principal or his or her delegate through the TLO of its intention to hold a meeting;

- (ii) any person invited by the RCL, may be present at a meeting of the RCL and take part in the relevant discussion but may not vote and must leave the meeting when the item under discussion is concluded; and
- (iii) the TLO must be present at all RCL meetings.

(b) At Circuit, Circuit Management, District and Provincial Levels

- (i) any person invited by the RCL, may be present at a meeting of the RCL and take part in the relevant discussion but may not vote and must leave the meeting item under discussion is concluded;
- (ii) a RCL must determine its own rules and procedures relating to every RCL meeting, however such rules must not be in conflict with the provisions of the Act;
- (iii) where a matter affecting the personal interest of a member is discussed, the member must withdraw from the discussion and leave the meeting for the duration of the discussion;
- (iv) if the Chairperson is required to leave the meeting he or she must request the Deputy Chairperson to chair the meeting;
- (v) if the secretary is required to leave the meeting, the members present shall nominate a member to act as secretary for the duration of the discussion;
- (vi) the non-receipt of a notice duly dispatched and the consequent absence of a member from a meeting, does not affect the validity of such proceedings in a meeting, provided that the majority of members are in attendance; and
- (vii) the decisions of the RCL must be by consensus, however if there are divergent views on any issue that specific issue must be referred to a vote. The majority vote binds all the members of the RCL to the decision.

(4) Minutes

- (a) The Secretary of the RCL must record the minutes of every meeting of the RCL in a language determined by the RCL, in a bound book with sequentially numbered pages used exclusively for the purpose of minutes.
- (b) The Secretary of the RCL must record at least the following in the minute book –
 - (i) the names of members who are present and absent, stating whether such absence is with or without written apology;
 - (ii) The core of the discussions which took place at the meeting;
 - (iii) The resolution taken at the meeting;
 - (iv) at school level only and after an ordinary meeting has been constituted, the secretary must read the minutes of the previous ordinary meeting and minutes of any urgent meeting which took place;
 - (v) a meeting adopts the minutes together with amendments made, if any;
 - (vi) the approved minutes must be confirmed by the Chairperson and Secretary of the RCL by appending their signatures and the date on the minutes; and
 - (vii) the minutes of meetings must be maintained in compliance with the provisions of the POPIA and personal information must be protected and not made available to other learners. Personal information must be blocked out

before the minutes are made available to learners, anyone other than the school management or members of the RCL.

(5) Quorum

- (a) A simple majority of fifty plus one percent of the RCL members shall constitute a quorum for all meetings.

(6) Code of Conduct

- (a) Learner's behaviour shall be regulated by the Code of Conduct applicable to the school he or she attends; and
- (b) The conduct of all officials who support the RCL structure will be regulated by the respective Code of Conduct applicable to the official.

14. POPIA

The provisions of the POPIA is applicable to all records held by the RCL and all member of the RCL must comply with the POPIA when processing personal information.

15. REPEAL

Provincial Notice Number No. 151 of 1997 published in Provincial Gazette 5202 of 2nd May 1997 is hereby repealed.

**MBALI C. FRAZER
MEMBER OF THE EXECUTIVE COUNCIL OF
THE PROVINCE OF KWAZULU-NATAL RESPONSIBLE FOR EDUCATION**

**ISAZISO SOKUSUNGULWA, SOKUKHETHWA KANYE NOKUSEBENZA KWEMIKHANDLU
EMELE ABAFUNDI EZIKOLENI ZIKAHULUMENI**

Mina, **MBALI FRAZER**, uNgqongqoshe wezeMfundo esiFundazweni saKwaZulu-Natali, ngokwezigaba 11(2), 11(3) no 23(4) zoMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996), senginqume imisebenzi, izinqubo zokusungulwa kanye nokukhethwa kweMikhandlu eMele abafundi njengoba kubekiwe kulolu hlelo.

UHLELO**Izincazelo**

1. Kulesi saziso, noma yiliphi igama noma isisho esinikwe incazelo kulo Mthetho siyoba naleyo ncazelo, ngaphandle uma ingqikithi isho okwehlukile –

“uMthetho” kushiwo uMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996), njengoba uchitshiyelwe;

“uMsizi wesiKhulu soKhetho” kushiwo isiKhulu esiwuThisha owuMxhumanisi nanoma yimuphi omunye umsebenzi olekelela isikhulu sokhetho ezingeni lesikole noma lesikhungo esilawula amasekethe noma lesifunda kanye noMdidiyeli wesiFundazwe ezingeni lesiFundazwe;

“uMhloli oPhethe isiKhungo esiLawula amaSekethe” kushiwo umsebenzi obhekele ukulawulwa kwamasekethe;

“iSekethe” kushiwo iqoqo lezikole elilawulwa neliphethwe uMphathi weSekethe;

“uMphathi weSekethe” kushiwo umsebenzi woMnyango obhekele ukuphathwa kwesekethe;

“omele iklas” kushiwo umfundi oqokwe abanye abafundi eklasini lakhe ukuthi abamele eMkhandlwini oMele abafundi;

“Fewer Class units” kushiwo isikole esinamagumbi amabalwa okufundela;

“uKwehlukahlukana ngobulili” kusho ukudidiyela zonke izinhlobo zobulili, njenge silisa, isifazane, yilabo abahewu ubulili obufana nobabo, yilabo abahewu ubulili besilisa nobesifazane ngokufanayo, yilabo abaguqula ubulili babobokuzalwa, nezinye izinhlobo zobulili lapho kufanele khona;

“uMnyango” kushiwo uMnyango wezeMfundo waKwaZulu-Natali;

“isiFunda” kushiwo iqoqo lezikhungo ezilawula amasekethe eliphethe uMqondisi wesiFunda;

“uMqondisi wesiFunda” kushiwo umsebenzi woMnyango ophethe isifunda;

“uThisha” kushiwo uthisha oqashwe ngokoMthetho wokuQashwa koThisha, 1998 (uMthetho No. 76 ka 1998);

“isiKhulu soKhetho” kushiwo uThishanhloko noma uThisha owuMxhumanisi, uMphathi weSekethe, uMhloli oPhethe isiKhungo esiLawula amaSekethe, uMqondisi wesiFunda kanye noMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi;

“iKomidi eliPhethe” kushiwo ikomidi elibunjwe yiziphathimandla eziqokiwe zoMkhandlu oMele abafundi esikoleni, kwisekethe, esikhungweni esilawula amasekethe, esifundeni kanye nasesifundazweni;

“iNhloko yoMnyango” kushiwo iNhloko yoMnyango wezeMfundo esiFundazweni saKwaZulu-Natali;

“umfundi” kushiwo noma yimuphi umuntu ofunda noma ophoqelelele ukufunda ngokoMthetho nobhalisele ibanga lesishiyagalombili noma eliphezulu;

“izinga” kushiwo isikole, isekethe, isikhungo esilawula amasekethe, isifunda kanye nesifundazwe;

“uNgqongqoshe” kushiwo uNgqongqoshe wezeMfundo esiFundazweni saKwaZulu-Natal;

“iMininingwane yoMuntu” kushiwo –

- (i) imininingwane ephathelene nomuntu phakathi kokunye ehlanganisa uhlanga, ubulili, ukuzithwala, ukuthi ushadile noma cha, indabuko, ubulili azibandakanya nabo kwezothando, iminyaka, isimo sempilo nesomqondo, impilo, ukukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi, indawo azalelwe kuyo, noma iyiphi inombolo esamazisi, uphawu, ikheli le-imeyli, ezezimali, ubugebegu, umlando wokuqashwa, izimvo zakhe kanye nalokho akuthandayo;
- (ii) nemibono nezimvo zomunye umuntu ngalowo muntu;
- (iii) igama lomuntu uma livela neminye imininingwane ephathelene naye noma ukudalulwa kwegama lakhe kuyodalula okuthile ngaye;

“POPIA” kushiwo i-*Protection of Personal Information Act*, 2013 (uMthetho No. 4 ka 2013);

“uthishanhloko” kushiwo lowo oqondene nokuphathwa kwesikole somphakathi ebe esebenza egameni leNhloko yoMnyango;

“Processing” kushiwo yimuphi umsebenzi noma imisebenzi, noma ngabe yenziwa ngomshini, ephathelene nemininingwane yomuntu, kubandakanya –

- (a) ukuqoqwa, ukwamukelwa, ukuqoshwa, ukuhlelwa, ukuhlanganiswa, ukugcinwa, ukuvuselelwa noma imishanguzo, ukubuyiswa, ukushintshwa kanye nokuhlolwa noma nokusetshenziswa;
- (b) ukusatshalaliswa ngokudlulisela, ngokusakaza noma ngokuthi itholakele noma ingayiphi indlela; kanye
- (c) nokuhlanganiswa, kanjalo nokungatholakali kalula, nokulahlwa, nokucishwa, noma nokushatshalaliswa kolwazi;

“uMkhandlu oMele abaFundi” kushiwo umgwamanda osemthethweni obunjwe abafundi bebanga lesithupha kuya phezulu omele abafundi –

- (a) ezingeni lesikole;
- (b) ezingeni lesekethe;
- (c) ezingeni lesikhungo esilawula amasekethe;
- (d) ezingeni lesifunda;
- (e) ezingeni lesifundazwe;

“isikole” kushiwo isikole sikahulumeni esithatha abafundi kusuka ebangeni lesithupha kuya phezulu, kubandakanya uma kwenzeka, isikole sabafundi abanezidingo ezikhethekile esihlinzeka ngemfundo ekhethekile egxile kwithalente;

“uMgwamanda oLawula isiKole” kushiwo uhlaka lwabaphathi nabaholi olunoThishanhloko, neSekela likaThishanhloko kanye nenhloko yomkhakha othile, uma ikhona;

“uThisha owuMxhumanisi” kushiwo iSekela likaThishanhloko ngokwemisebenzi yalo elijutshelwe yona noma uthisha ojutshwe uThishanhloko ukuthi enze imisebenzi yokuphatha, yokweseka kanye neyokuthuthukisa amakhono oMkhandlu oMele abafundi ezingeni lesikole;

“umvoti” kushiwo umfundi webanga lesithupha kuya phezulu esikoleni obambe iqhaza okhethweni lwabamele abafundi kanye neziphathimandla zoMkhandlu oMele abafundi kuwo wonke amazinga.

2. UMkhandlu oMele abafundi

- (1) UMkhandlu oMele abafundi kumele usungulwe kuzo zonke izikole zikahulumeni ezithatha abafundi bebanga lesishiyagalombili (8) noma eliphezulu.
- (2) UMkhandlu oMele abafundi kumele usungulwe abafundi abaneminyaka eyishumi nantantu nangaphezulu esikoleni sabafundi abanezidingo ezikhethekile esingenawo amabanga ahlonzekayo futhi esivumelekile ukuqoka uMkhandlu oMele abafundi.
- (3) UMkhandlu oMele abafundi yiwona kuphela umgwamanda omele abafundi owamukelekile noseventhweni esikoleni.
- (4) UMkhandlu oMele abafundi kumele uqoke abafundi abazomela abafundi esigungwini esilwula isikole.

3. Ukukhululwa

- (1) Isikole sikahulumeni esithatha abafundi abanezidingo ezikhethekile kumele sifake isicelo sokukhululwa ekulandeleni okudingeka esigabeni somthetho 2(1) kuNgqongqoshe uma singakwazi ukubumba uMkhandlu oMele abafundi.
- (2) UNgqongqoshe kufanele zingakapheli izinsuku eziyishumi nane emva kokuthola isicelo asibhekisise akhiphe isinqumo sokuvuma noma sokwenqaba isicelo bese enikeza isikole izizathu ezibhalwe phansi zesinqumo sakhe .
- (3) UNgqongqoshe kumele ashicilele kwiGazethi yesiFundazwe uhlu lwezikole ezikhululiwe ekutheni zisungule iMikhandlu eMele abafundi.

4. Ukufaneleka

- (1) **Njengamalungu oMkhandlu oMele abafundi ezingeni lesikole –**
 - (a) abafundi beklasi ngalinye abasebangeri lesishiyagalombili noma eliphezulu bayovumeleka ukuvota noma ukuthi bavotelwe njengabamele amaklasi;
 - (b) esikoleni sabafundi abanezidingo ezikhethekile esingenawo amabanga ahlonzekayo, abafundi abaneminyaka eyishumi nantantu nangaphezulu bayovumeleka ukuvota noma ukuthi bavotelwe njengabamele iklasi;
 - (c) abafundi abaqokwe njengabamele amaklasi bayoba amalungu oMkhandlu oMele abafundi.
- (2) **USihlalo noNobhala woMkhandlu oMele abafundi bayofaneleka ukumela –**
 - (a) isikole ezingeni lesekethe;
 - (b) isekethe ezingeni lesikhungo esilawula amasekethe;
 - (c) isikhungo esilawula amasekethe ezingeni lesifunda;
 - (d) isifunda ezingeni lesifundazwe;
 - (e) isifundazwe ezingeni likazwelonke, noma njengoba kunqume iMithethonqubo kaZwelonke.
- (3) Ukumelwa eMkhandlwini oMele abafundi kaZwelonke kuyoncika kokudingwa uMnyango wezeMfundo wamaBanga aPhansi uma kukhona.
- (4) **Akekho umfundi oyoba nelungelo lokukhethwa njengelunga loMkhandlu wabafundi uma –**

- (a) etholakale ephula mthetho ngokwe-*Child Justice Act*, 2008 (uMthetho No. 75 ka 2008);
- (b) engaphilile ngokomqondo futhi emenyezelwe kanjalo yinkantolo;
- (c) etholakale enecala lokungaziphathi kahle ngokomgomo wokuziphatha wesikole; futhi;
- (d) engaseyena umfundi wakuleso sikole.

(5) Uthisha ngeke abenelungelo lokukhethwa njengoMxhumanisi phakathi kwabafundi nothisha uma –

- (a) eke wagwetshelwa icala lobugebengu;
- (b) eke watholakala enecala ngokimthetho wokuQashwa koThisha, 1998 (uMthetho No. 76 ka 1998);
- (c) eke watholakala enecala ngokomthetho woMkhandlu woThisha waseNingizimu Afrika, 2000 (uMthetho No. 31 ka 2000);
- (d) etholakale enecala ngokwesigaba 18A soMthetho;
- (e) engaseyena uthisha esikoleni esithintekayo;
- (f) eke watholwa yinkantolo enecala elithinta izingane;
- (g) igama lakhe lifakwe kwiRejista kaZwelonke yabaHlukumeza ngokoCansi, noma esohlwini lwalabo abahlukumeza abantwana.

5. UKUBUNJWA KWEZINHLAKA ZEMIKHANDLU EMELE ABAFUNDI KUWO WONKE AMAZINGA

(1) Ezingeni leklasi –

- (a) abamele amaklasi kumele baqokwe abanye abafundi ukumela izimfuno zabafundi;
- (b) esikoleni esinamaklasi ambalwa okufundela kufanele okungenani kukhethwe abafundi abayisikhombisa. Uma kwenzeka kungalungi lokhu kuthathwe labo abavotelwe bathola amavoti alandela abaphume phambili;
- (c) ukukhethwa kwabazomela abafundi kufanele kuveze isimo somphakathi wabafundi bese kuqikelelwaekwehlukahlukana kwabo ngobulili;
- (d) esikoleni esixube izinhlanga, abafundi kumele bakhuthazwe ukuthi bagqugquzele ukumelwa kwezinhlanga ngokulingana.

(2) Ezingeni lesikole –

- (a) naphezu kwezinhlinzeko zesigaba somthetho 3 ngenhla, zonke izikole ezinebanga lesishiyagalombili noma eliphezulu kumele ziqoke uMkhandlu oMele abafundi ozomela izimfuno zabafundi;
- (b) ezikoleni zabafundi abanezidingo ezikhethekile ezingakhululiwe ekuqokeni iMikhandlu eMele abafundi ezingenawo amabanga ahlonzekayo, uMkhandlu oMele abafundi kumele usungulwe abafundi abaneminyaka eyishumi nantantu nangaphezulu;
- (c) esikoleni esinamagumbi ambalwaokufundela kufanele kukhethwe okungenani abafundi abayisikhombisa. Uma kungenzeki lokhu kuthathwe labo abavotelwe bathola amavoti alandela labo abaphume phambili ukuze kufike enanini Labantwana abayisikhombisa ukuze kubumbeke umkhandlu wabafundi;
- (d) uma uMkhandlu oMele abafundi usubunjiwe, amalungu aqokiwe kumele aqoke ikomidi eliphethe loMkhandlu oMele abafundi;
- (e) ikomidi eliphethe kumele libe –
 - (i) noSihlalo;
 - (ii) noSekela Sihlalo;
 - (iii) noNobhala; kanye
 - (iv) noMgcinimafa;

- (f) Ukukhethwa kukaSihlalo noSekela Sihlalo okukhulunywa ngakho esigatshaneni 5(2)(e) kufanele kuqikelele ukuveza owehlukahlukana ngokobulili, lapho kufanele khona;
- (g) uthisha owumxhumanisi kumele aseke futhi aluleke uMkhandlu oMele abaFundi aphinde ethamele imihlangano yoMkhandlu oMele abaFundi;
- (h) isikole kumele senze inhlinzeko kwisabelomali yaso, yezindleko amalungu oMkhandlu oMele abaFundi ayongena kuzo ngokwethamela imihlangano yoMkhandlu oMele abaFundi kwamanye amazanga;
- (i) uMkhandlu oMele abaFundi uyohlangana okungenani kane ngonyaka.

(3) Ezingeni lesekethe –

- (a) uhlaka loMkhandlu oMele abaFundi kumele lusungulwe ezikoleni nezinhlaka zoMkhandlu oMele abaFundi ezingeni lesekethe;
- (b) uMkhandlu oMele abaFundi kumele ube nosihlalo kanye nonobhala beMikhandlu eMele abaFundi ezikoleni;
- (c) uMkhandlu oMele abaFundi kumele uqoke ikomidi eliphethe okumele libe –
 - (i) noSihlalo;
 - (ii) noSekela Sihlalo;
 - (iii) noNobhala; kanye
 - (iv) noMgcinimafa;
- (d) Ukukhethwa kukaSihlalo noSekela Sihlalo okukhulunywa ngakho esigatshaneni 5(3)(c) kufanele ukuveza ukwehlukahlukana ngokobulili, lapho kufanele khona;
- (e) uMphathi weSekethe ngosizo lwabanye oThisha abangabaXhumanisi kumele ahlonze oThisha abangabaXhumanisi ababili phakathi kwalabo abenza lowo msebenzi ezingeni lesikole ebese edlulisela kubona imisebenzi yokweseka nokweluleka uMkhandlu oMele abaFundi kanye neyokwethamela imihlangano yoMkhandlu oMele abaFundi;
- (f) uMphathi weSekethe kumele abhekelele ukwehlukahlukana ngokobulili uma ehlonza oThisha abangabaXhumanisi;
- (g) uMphathi weSekethe kumele aseke uMkhandlu oMele abaFundi noThisha abangabaXhumanisi ngokulawula nangokuphatha ezingeni lesekethe;
- (h) isikole kumele senze inhlinzeko kwisabelomali yaso, yezindleko amalungu oMkhandlu oMele abaFundi noThisha abangabaXhumanisi ayongena kuzo ngokwethamela imihlangano yoMkhandlu oMele abaFundi ezingeni leSekethe;
- (i) uMkhandlu oMele abaFundi uyohlangana kanye ngonyaka;
- (j) uMphathi weSekethe angamema amalungu ekomidi eliphethe uMkhandlu oMele abaFundi ukuthi amele isekethe uma kuba nesidingo.

(4) Ezingeni lesiKhungo esiLawula amaSekethe –

- (a) uMkhandlu oMele abaFundi kumele usungulwe ezingeni lesiKhungo esiLawula amaSekethe;
- (b) uMkhandlu oMele abaFundi uyoba nosihlalo nonobhala bohlaka lwesekethe ngalunye;
- (c) uMkhandlu oMele abaFundi kumele uqoke ikomidi eliphethe okumele libe –
 - (i) noSihlalo;
 - (ii) noSekela Sihlalo;
 - (iii) noNobhala; kanye
 - (iv) noMgcinimafa;

- (d) Ukukhethwa kukaSihlalo noSekela Sihlalo okukhulunywa ngakho esigatshaneni 5(4)(c) kufanele kuqikelele ukuveza ukwehlukahlukana ngokobulili, lapho kufanele khona;
- (e) uMhloli ophethe isiKhungo esiLawula amaSekethe ngosizo lwabanye oThisha abangabaXhumanisi kumele ahlonze oThisha abangabaXhumanisi ababili phakathi kwalabo abenza lowo msebenzi ezingeni lesekethe;
- (f) oThisha abangabaXhumanisi kumele beseke futhi baluleke uMkhandlu oMele abaFundi baphinde bathamele imihlangano yoMkhandlu oMele abaFundi;
- (g) abaHloli abaphethe iziKhungo eziLawula amaSekethe kumele babhekelele ukwehlukahlukana ngokobulili uma kuhlonzwa oThisha abangabaXhumanisi ababili;
- (h) abaPhathi beSekethe kumele basize abaHloli abaphethe iziKhungo eziLawula amaSekethe ukuphatha nokulawula iMikhandlu eMele abaFundi noThisha abangabaXhumanisi ezingeni leSekethe;
- (i) isikole kumele senze inhlinzeko kwisabelomali yaso, yezindleko amalungu oMkhandlu oMele abaFundi noThisha abangabaXhumanisi ayongena kuzo ngokwethamela imihlangano yoMkhandlu oMele abaFundi ezingeni lesiKhungo esiLawula amaSekethe;
- (j) uMkhandlu oMele abaFundi uyohlangana kanye ngonyaka;
- (k) abaHloli abaphethe iziKhungo eziLawula amaSekethe bangamema amalungu ekomidi eliphethe uMkhandlu oMele abaFundi ukuthi amele isikhungo esilawula isekethe uma kuba nesidingo.

(5) Ezingeni lesiFunda –

- (a) uMkhandlu oMele abaFundi kumele usungulwe ezingeni lesiFunda;
- (b) uMkhandlu oMele abaFundi uyoba nosihlalo nonobhala boMkhandlu oMele abaFundi esikhungweni esilawula isekethe ngalunye;
- (c) ezifundeni lapho iMikhandlu eMele abaFundi esikhungweni esilawula isekethe ingaphansi kwemithathu, isikhungo esilawula isekethe ngasinye siyomelwa usihlalo, unobhala kanye nomgcinimafa;
- (d) uMkhandlu oMele abaFundi kumele uqoke ikomidi eliphethe okumele libe –
 - (i) noSihlalo;
 - (ii) noSekela Sihlalo;
 - (iii) noNobhala; kanye
 - (iv) noMgcinimafa;
- (e) Ukukhethwa kukaSihlalo noSekela Sihlalo okukhulunywa ngakho esigatshaneni 5(5)(d) kufanele kuqikelele ukuveza ukwehlukahlukana ngokobulili, lapho kufanele khona;
- (f) uMqondisi wesiFunda ngosizo lwabanye oThisha abangabaXhumanisi kumele ahlonze oThisha abangabaXhumanisi ababili phakathi kwalabo abenza lowo msebenzi ezingeni lesikhungo esilawula isekethe ukweseka nokululeka uMkhandlu oMele abaFundi ebese ethamela imihlangano yoMkhandlu oMele abaFundi;
- (g) uMqondisi wesiFunda kumele abhekelele ukwehlukahlukana ngokobulili uma kuhlonzwa oThisha abangabaXhumanisi ababili;
- (h) abasebenzi boPhiko olubhekelele ukuPhathwa noluLawulwa kweziNdaba zabaFundi basesiFundeni bayokweseka futhi bathuthukise amakhono eMikhandlu eMele abaFundi noThisha abangabaXhumanisi kuwo wonke amazinga esifunda;

- (i) isiFunda kumele senze inhlinzeko kwisabelomali saso, yezindleko amalungu oMkhandlu oMele abaFundi ayongena kuzo ngokwethamela imihlangano yoMkhandlu oMele abaFundi ezingeni lesiFunda;
- (j) uMkhandlu oMele abaFundi uyohlangana kanye ngonyaka;
- (k) uMqondisi wesiFunda angamema amalungu ekomidi eliphethe loMkhandlu oMele abaFundi ukuthi amele isifunda uma kuba nesidingo.

(6) Ezingeni lesiFundazwe –

- (a) uMkhandlu oMele abaFundi kumele usungulwe ezingeni lesiFundazwe;
- (b) uMkhandlu oMele abaFundi uyoba nosihlalo nonobhala boMkhandlu oMele abaFundi esifundeni ngasinye;
- (c) uMkhandlu oMele abaFundi kumele uqoke ikomidi eliphethe okumele libe –
 - (i) noSihlalo;
 - (ii) noSekela Sihlalo;
 - (iii) noNobhala; kanye
 - (iv) noMgcinimafa;
- (d) Ukukhethwa kukaSihlalo noSekela Sihlalo okukhulunywa ngakho esigatshaneni 5(6)(c) kufanele kuqikelele ukuveza ukwehlukahlukana ngokobulili, lapho kufanele khona;
- (e) uMqondisi wesiFunda ngamunye kumele aqoke umsebenzi wophiko olubhekele ukuPhathwa nokuLawulwa kweziNdaba zabaFundi ozosiza futhi aluleke amalungu oMkhandlu oMele abaFundi aphinde ethamele imihlangano yoMkhandlu oMele abaFundi wesiFundazwe;
- (f) abadidiyeli abavela ophikweni lokuPhathwa nokuLawulwa kweziNdaba zabaFundi lesiFundazwe kumele bathuthukise amakhono futhi beseke uMkhandlu oMele abaFundi baphinde bethamele imihlangano yoMkhandlu oMele abaFundi wesiFundazwe;
- (g) uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi noma ommele kumele asize ngezokuphatha futhi eseke uMkhandlu oMele abaFundi;
- (h) uPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi kumele lenze inhlinzeko kwisabelomali yalo, yezindleko amalungu oMkhandlu oMele abaFundi ayongena kuzo ngokwethamela imihlangano yoMkhandlu oMele abaFundi ezingeni lesiFundazwe;
- (i) uMkhandlu oMele abaFundi uyohlangana kanye ngonyaka;
- (j) uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi angamema amalungu ekomidi eliphethe uMkhandlu oMele abaFundi ukuthi amele isiFundazwe uma kuba nesidingo.

(7) Ezingeni likaZwelonke

- (a) Ukumeleleka koMkhandlu oMele abaFundi wesiFundazwe kuyonqunywa uMnyango wezeMfundo wamaBanga aPhansi; futhi
- (b) uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi noma ommele kumele eseke uMkhandlu oMele abaFundi wesiFundazwe futhi kumele ethamele imihlangano yoMkhandlu oMele abaFundi kaZwelonke.

6. ISIKHATHI SOKUBA SESIKHUNDLENI

- (1) Isikhathi sokuba sesikhundleni sawo wonke amalungu eMikhandlu eMele abaFundi kuyoba unyaka owodwa.

(2) Ukhetho –

- (a) ezingeni lesikole kumele lube ngomhla noma ngphambi komhla ziye-15 kuNhlolanja wonyaka ngamunye;
- (b) ezingeni lesekethe noma lesikhungo esilawula amasekethe kumele lube ekupheleni noma ngaphambi kokuphela kukaNhlolanja wonyaka ngamunye;
- (c) ezingeni lesiFunda kumele lube ngomhla noma ngaphambi komhla ziye-15 kuNdasa wonyaka ngamunye;
- (d) ezingeni lesiFundazwe kumele lube ngomhla noma ngsphambi komhla zingama-31 kuNdasa wonyaka ngamunye.

(3) Ilungu loMkhandlu oMele abafundi lishiya esikhundleni uma –

- (a) lingasayithameli imihlangano yesikole esithintekayo;
- (b) selishonile;
- (c) isikole sivaliwe;
- (d) litholakale linecala lokungaziphathi kahle elibucayi kwisithangami sangaphakathi sokuqondisa izigwegwe;
- (e) liphuthe emihlanganweni emibili elandelayo yesikole ngaphandle kwesizathu esizwakalayo;
- (f) lingasahlangabezani nokudingwa yisigaba somthetho 4 ngenhla, noma esula

7. UKUQOKWA KWABAFUNDI EMKHANDLWINI OMELE ABAFUNDI

(1) Isikhulu sokhetho esibhekele ukhetho loMkhandlu oMele abafundi emazingeni ahlukene kumele kube –

- (a) uThishanhlolo ezingeni lesikole;
- (b) uMphathi weSekethe ezingeni leSekethe;
- (c) uMhloli oPhethe isiKhungo esiLawula amaSekethe ezingeni lesiKhungo esiLawula amaSekethe;
- (d) uMqondisi wesiFunda ezingeni lesiFunda;
- (e) uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi ezingeni lesiFundazwe.

(2) Isikhulu sokhetho kumele ngokubhalwe phansi, siqoke abasizi besikhulu sokhetho.

8. UKUPHAKANYISWA NOKUQOKWA KWABAZOMELA AMAKLASI

(1) Kuyoba nomhlangano wokuphakanyiswa nokuqokwa kwabazomela amaklasi.

(2) UThishanhlolo noma ommele kumele bakhiphe isaziso esibeka usuku, isikhathi kanye nendawo yomhlangano wokhetho wawo wonke amaklasi.

(3) UThishanhlolo kumele afake isaziso endaweni esobala esikoleni esithintekayo, okungenani kusasele izinsuku eziyisikhombisa kubanjwe umhlangano.

(4) Ngaphambi kokuqhubeka nokuqokwa kwabazomela amaklasi, isikhulu sokhetho kumele sazise abafundi ukuthi –

- (a) umhlangano owabo kuphela nokuthi akekho omunye umfundi ongafundi kulelo klasi okumele abe khona;
- (b) kumele kuqokwe abafundi ababili kuphela abazomela iklassi;
- (c) isigatshana (b) esingenhla kufanele siqikelele ukwehlukahlukana ngokobulili;
- (d) zonke iziphakamiso kumele zisekwe; futhi
- (e) umvoti unevoti elilodwa lesikhala ngasinye.

9. UKUPHAKANYISWA KWEZIPHATHIMANDLA ZEKOMIDI ELIPHETHE

- (1) Uma uMkhandlu oMele abaFundi ususunguliwe, kumele kubanjwe umhlangano wokuqala ezinsukwini eziyisikhombisa zesikole.
- (2) Emhlanganweni wokuqala, uMkhandlu oMele abaFundi kumele uqoke lezi ziphathimandla ezilandelayo –
 - (a) uSihlalo;
 - (b) uSekela Sihlalo;
 - (c) uNobhala; kanye
 - (d) noMgcinimafa.
- (3) Umsizi wesikhulu sokhetho uyokwengamela ukhetho.
- (4) Kuyoba nomhlangano owodwa wokuqokwa nokuphakanyiswa kweziphathimandla zoMkhandlu oMele abaFundi kuwo wonke amazinga.
- (5) Amakhandidethi kumele aphakanyiswe umfundi othamele umhlangano.
- (6) Ikhandidethi ephakanyisiwe ekhona emhlanganweni kumele iqinisekise ukuzimisela ukusebenza njengesiphathimandla eMkhandlwini oMele abaFundi.
- (7) Uma ikhandidethi iphuthe ngesizathu esizwakalayo, leyo khandidethi kumele iqinisekise ukuzimisela ngokungenela ukhetho ngokubhalwe phansi.
- (8) Ophakamisa noweseka ikhandidethi kumele babe khona emhlanganweni wokhetho.
- (9) Ngesikhathi kwenziwa iziphakamiso, umsebenzi oqhuba ukhetho kumele ahlinzeke isikhathi esanele esivumelekile sokuphakanyiswa kwamakhandidethi esikhaleni ngasinye futhi kumele azise umhlangano ngendlela efanele.
- (10) Emva kokuphela kwesikhathi esishiwo esigatshana (9) ngenhla, uMsizi wesiKhulu soKhetho kumele acubungule iziphakamiso ebese echitha isiphakamiso sekhandidethi-
 - (a) engaphakanyiswanga ngokuhambisana nalesi sigaba somthetho;
 - (b) engafanelekile ngokwesigaba somthetho 4.
- (11) Umsebenzi oqhuba ukhetho kumele ngokushesha emva kokuvalwa kweziphakamiso, abhale phansi amagama amakhandidethi ebhodini elifanelekile nakunoma iyiphi indawo lapho abavoti bengakwazi ukubona amagama kuyona.
- (12) Ikhandidethi ephakanyisiwe ingazethula kafishane emhlanganweni.
- (13) Uma kuphakanyiswe umuntu oyedwa esikhaleni, isikhulu sokhetho kumele –
 - (a) simeme ezinye iziphakamiso;
 - (b) uma zingekho ezinye iziphakamiso simemezele umuntu ophakanyisiwe njengoqokelwe kuleso sikhundla.

10. UKUQOKWA KWEZIPHATHIMANDLA

- (1) Umvoti ngamunye unevoti elilodwa lesikhundla okumele sigcwaliswe kwikomidi eliphethe.
- (2) Umsizi wesikhulu sokhetho oqhuba ukhetho kumele acele abavoti abakhona ukuthi babhale phansi amagama amakhandidethi abawakhetayo ephepheni lokuvota alihlinzekile.
- (3) Uma kudingeka usizo, noma yimuphi umuntu ongakwazi ukuvota ngokubhala angacela umsizi wesikhulu sokhetho ukuthi simbhalele ephepheni lokuvota.

- (4) Isicelo sosizo nesokugcwaliselwa iphepha lokuvota ngokuhambisana nesicelo esishiwo esigatshana (3) ngenhla siyofakwa eceleni nasendaweni ehlonzwe umsizi wesikhulu sokhetho ngaleyo nhloso kodwa ekulendawo okuvotelwa kuyo phambi kwafakazi.
- (5) Umsizi wesikhulu sokhetho kumele sichithe iphepha lokuvota –
 - (a) elinamagama angephezu kwelilodwa;
 - (b) elinegama noma elinamagama abantu abangaphakanyiswanga;
 - (c) elingelona iphepha elisemthethweni;
 - (d) noma yiliphi iphutha elingaholela ekungahambini kahle kokuvota ngokubona komsizi wesiKhulu Sokhetho.
- (6) Emva kokuthi bonke abavoti sebevotile, uMsizi wesiKhulu soKhetho kumele abale amavoti phambi kwamalungu oMkhandlu oMele abaFundi.
- (7) Uma kwenzeka kuba khona ukulingana kwamavoti kunoma yisiphi isikhala esivotelwayo uMsizi wesiKhulu soKhetho kufanele avumele ukuthi leso sikhala sivotelwe kabusha bese kuthi lowo othole amavoti amaningi kuleso sikhala kube uyena okhethiwe. Uma kwenzeka kuphinda kuba khona ukulingana kwamavoti emva kwehlandla lesibili lokuvota, ukulingana kwamavoti kuyohlulelwa ngokuphonsa imali phezulu. Oyophumelela uyokwahlulelwa ngekhanda noma umsila osemalini.
- (8) Umsizi wesikhulu sokhetho kumele amemezele imiphumela ebese ememezela ikhandidethi ethole amavoti amaningi njengelungu eliqokwe yikomidi eliphethe.

11. UKUXAZULULWA KOKUNGABONI NGASO LINYE

- (1) Uma kunokungaboni ngaso linye ngenxa yokuqokwa kwamalungu oMkhandlu oMele abaFundi noma eKomidi eliPhethe ezingeni lesikole, ukungaboni ngaso linye kumele kwaziswe uThisha owuMxhumanisi ukuze kudluliselwe kuThishanhloko njengesikhulu soKhetho.
- (2) Konke ukungaboni ngaso linye kumele kudluliselwe –
 - (a) kuMphathi weSekethe ezingeni lesekethe;
 - (b) kuMhloli oPhethe isiKhungo esiLawula amasekethe ezingeni lezikhungo eziphethe amasekethe;
 - (c) kuMqondisi wesiFunda ezingeni lesifunda;
 - (d) uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi ezingeni lesifundazwe.
- (3) Isinqumo seziKhulu zoKhetho ezishiwo esigabeni somthetho 11(1) no (2) ngenhla siwujuqu.
- (4) Konke ukungaboni ngaso linye kumele kulethwe ngencwadi ezinsukwini eziyisikhombisa emva kokhetho.
- (5) Uma isiKhulu esiPhezulu sithola incwadi yokungaboni ngaso linye kumele senze uphenyo ebese sithatha isinqumo esifanele kuncike kulokho okutholakele ophenyweni.
- (6) IsiKhulu Sokhetho kufanele siveze izizathu zesinqumo saso.
- (7) Isinqumo sesiKhulu soKhetho siwujuqu.

12. UKUQOKELWA EMGWAMANDENI OLAWULA ISIKOLE

- (1) Ngokushesha emva kokuthi kusungulwe uMkhandlu oMele abaFundi, uThishanhloko kumele ezinsukwini ezinhlanu zesikole azise isiKhulu soKhetho sesiKole esibhekelele ukhetho loMgwamanda oLawula isiKole.

- (2) Isikhulu soKhetho sesiKole esishiwo esigatshaneni 12(1) ngenhla kumele siqhube ukhetho lwamalungu oMkhandlu oMele abaFundi ozomela izimfuno zabafundi eMgwamandeni oLawula isiKole.
- (3) Isibalo sabafundi okumele baqokwe eMgwamandeni oLawula isiKole kumele sihambisane nohlelo njengoba kuhlinzekelwe kwiSaziso sesiFundazwe sokuqokwa kwamaLungu oMgwamanda oLawula isiKole yangalesosikhathi.

13. IQHAZA NEMISEBENZI YOMKHANDLU OMELE ABAFUNDI

(1) Izinhloso zoMkhandlu oMele abaFundi

- (a) ukuvula ithuba lokuhlonza nokuqeqesha abaholi bakusasa;
- (b) ukuvula ithuba lokulalela abafundi ngezindaba ezithinta ukufunda kwabo;
- (c) ukuvumela abafundi ukuthi babambe iqhaza ekuthathweni kwezinqumo eziphathelele nesikole;
- (d) ukwakha ubudlelwane obusimeme phakathi kwabafundi, phakathi kwabafundi nothisha, phakathi kwabafundi nabanye abasebenzi basesikoleni, naphakathi kwabafundi nabazali.

(2) Abamele abafundi eMkhandlwini oMele abaFundi ezingeni leklasi

Abamele abafundi eMkhandlwini oMele abaFundi baqokelwe –

- (a) ukumela izimfuno zabo bonke abafundi beklasi ngalinye eMkhandlwini oMele abaFundi;
- (b) ukuhlinzeka umbiko weklasi ngalinye ngezinqumo zoMkhandlu oMele abaFundi,

(3) UMkhandlu oMele abaFundi ezingeni lesikole

UMkhandlu oMele abaFundi ezingeni lesikole uqokelwe –

- (a) ukwamukela ukwehlukana esikoleni ebese uqinisa ukuzwana phakathi kwabafundi nabasebenzi;
- (b) ukugqugquzela isiko lokufundisa nokufunda khona manjalo babhekane nezidingo zabo bonke abafundi;
- (c) ukugqugquzela ubudlelwane obuhle esikoleni;
- (d) ukumela abafundi emgwamandeni olawula isikole nokwazisa abafundi –
 - (i) ngezinqumo zomgwamanda olawula isikole ngaphandle kwezinqumo nezingxoxo ezimenyezwe njengeziyimfihlo;
 - (ii) nangemicimbi esesikoleni nasemphakathini;
- (e) ukusungula, ukuze kuzuze abafundi esikoleni, ubudlelwane obusimeme noMkhandlu oMele abaFundi kwezinye izikole ngemvume kaThishanhlolo; kanye
- (f) nokugqugquzela ukufunda, ezemidlalo kanye nezamasiko ngokubambisana nethimba eliphethe isikole kanye nomgwamanda olawula isikole.

(4) Iqhaza nemisebenzi yoMkhandlu oMele abaFundi ezingeni leSekethe

- (a) UMkhandlu oMele abaFundi kumele uhlinzeke inkundla yokuthi iMkhandlu eMele abaFundi engaphansi kwesekethe ixoxisane ngezindaba zezemfundo ezithinta abafundi.
- (b) UMkhandlu oMele abaFundi kumele ukhuthaze ukuxhumana phakathi koMkhandlu oMele abaFundi kwiSekethe.

(5) Iqhaza nemisebenzi yoMkhandlu oMele abaFundi ezingeni lesiKhungo esiLawula amaSekethe

- (a) UMkhandlu oMele abaFundi kumele uhlinzeke inkundla yokuthi iMikhandlu eMele abaFundi engaphansi kwesikhungo esilawula amasekethe ixoxisane ngezindaba zezemfundo ezithinta abafundi.
- (b) UMkhandlu oMele abaFundi kumele ukhuthaze ukuxhumana phakathi kweMikhandlu eMele abaFundi ezingeni lesiKhungo esiLawula amaSekethe.

(6) Iqhaza nemisebenzi yoMkhandlu oMele abaFundi ezingeni lesiFunda

- (a) UMkhandlu oMele abaFundi kumele uhlinzeke inkundla yokuthi iMikhandlu eMele abaFundi engaphansi kwesifunda ixoxisane ngezindaba zezemfundo ezithinta abafundi.
- (b) UMkhandlu oMele abaFundi kumele ukhathaze ukuxhumana phakathi koMkhandlu oMele abaFundi esifundeni.

(7) Iqhaza nemisebenzi yoMkhandlu oMele abaFundi ezingeni lesiFundazwe

- (a) UMkhandlu oMele abaFundi kumele uhlinzeke inkundla yokuthi iMikhandlu eMele abaFundi engaphansi kwesiFundazwe ixoxisane ngezindaba zezemfundo ezithinta abafundi.
- (b) UMkhandlu oMele abaFundi kumele, ukuze kuzuze abafundi, uqinisekise ukuxhumana phakathi kweMikhandlu eMele abaFundi kuzwelonke.

(8) Iqhaza nemisebenzi yeKomidi eliPhethe loMkhandlu oMele abaFundi kuwo wonke amazing

- (a) Ikomidi eliphethe lenza imisebenzi yokuphatha yoMkhandlu oMele abaFundi njengoba lijutshwe umthethosisekelo woMkhandlu oMele abaFundi.
- (b) Ikomidi eliphethe kumele liqinisekise ukuthi uMkhandlu oMele abaFundi usebenza kahle, nokuthi imisebenzi yalo yenziwa ngendlela efanele.
- (c) Ikomidi eliphethe kumele lihlangebezane nezindaba eziphuthumayo uma zivela ngokwesigaba somthetho 13(8)(d) ngezansi.
- (d) Uma kunodaba oluphuthumayo oludinga ikomidi eliphethe libonisane noMkhandlu oMele abaFundi ezingeni lesikole kuphela, umhlangano oluphuthumayo woMkhandlu oMele abaFundi ungabizwa uThishanhloko.

(9) Usihlalo

- (1) Usihlalo kumele –
 - (a) ahole uhlaka loMkhandlu oMele abaFundi futhi aqinisekise ukuthi uMkhandlu oMele abaFundi usebenza ngendlela efanele;
 - (b) aqinisekise ukuthi yonke imihlangano ihlelwa, iqhutshwa ngokulandela umthethosisekelo nokuthi izindaba zisingathwa ngendlela ehlelekile nesheshayo;
 - (c) ahlole ukusebenza koMkhandlu oMele abaFundi, ahlonze futhi alawule izinselelo ezingavela;
 - (d) aqinisekise ukuthi uMkhandlu oMele abaFundi ulawulwa ngendlela efanele. Usihlalo kumele ahlanganise uMkhandlu oMele abaFundi ukuqinisekisa ukuthi umthethosisekelo wawo ukhona futhi uyalandelwa;
 - (e) eseke futhi eluse izinhloko zamakomidi amancane. Usihlalo uyoba nomsebenzi wokubhekelela ikomidi elincane elingaholwa yilungu;
 - (f) amele inhlangano futhi ngezikhathi ezithile angacelwa ukuthi amele uMkhandlu oMele abaFundi emicimbini nasemihlanganweni;

- (g) angahola umhlangano woMkhandlu oMele abaFundi ngaphandle uma engaphumelelanga ukuwethamela. Usihlalo kumele ahole umhlangano, aqinisekise ukuthi –
- (i) emhlanganweni kudingidwa izindaba ezikwi-ajenda kuphela;
 - (ii) uMkhandlu oMele abaFundi uqhuba umhlangano ngesikhathi esinqunyiwe ugxile kukho konke okukwi-ajenda;
 - (iii) ilungu elifisa ukukhuluma ngodaba olukwi-ajenda linikwa ithuba lokwenze njalo futhi okushiwo yilungu kumele kulalelwe;
 - (iv) izindaba ezidingidwayo ziyacaciswa;
 - (v) udaba ngalunye luyaxazululwa.
- (h) usihlalo angabela uSekela Sihlalo noma yimuphi umsebenzi uma kuba nesidingo.

(10) USekela Sihlalo

- (1) Uma uSihlalo engekho, uSekela Sihlalo angenza imisebenzi kaSihlalo.
- (2) USekela Sihlalo angenza imisebenzi abelwe yona uSihlalo.

(11) UNobhala

- (1) UNobhala kumele –
 - (a) agcine amarekhodi okuyiwonawona ezinhlu zobulungu;
 - (b) ezingeni lesikole angashicilela uhlelo lonyaka loMkhandlu oMele abaFundi olubandakanya yonke imihlangano nemisebenzi yoMkhandlu oMele abaFundi;
 - (c) ameme amalungu emhlanganweni ngendlela enqunywe kuMthethosisekelo woMkhandlu oMele abaFundi;
 - (d) agcine amarekhodi okuyiwonawona emibhalo yoMkhandlu oMele abaFundi kubandakanya namaminithi omhlangano ngamunye;
 - (e) agcine amaminithi emihlangano;
 - (f) aqinisekise ukuthi amaminithi ahlelekile;
 - (g) aqinisekise ukuthi amaminithi ayatholakala ukuze asayinwe ebese kuthi emva kwalokho awafake ebhukwini elinezinombolo okumele ligcinwe –
 - (i) ehhovisi likaThishanhloko esikoleni;
 - (ii) ehhovisi loMphathi weSekethe kwisekethe;
 - (iii) ehhovisi loMhloli oPhethe isiKhungo esikhungweni esilawula amasekethe;
 - (iv) ehhovisi loMphathi wesiFunda esifundeni;
 - (v) ehhovisi loMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi ehhovisi lesifundazwe.
 - (h) agcine imibiko kanye nanoma yiziphi izincwadi ezitholakele efayeleni;
 - (i) aqoqe ebese egcina imininingwane yokuxhumana yabo bonke ababambe iqhaza abasebenzisana nesikole;
 - (j) agcine imibiko yemisebenzi yoMkhandlu oMele abaFundi yonyaka.
 - (k) ihambisane nezinhlinzeko ze POPIA ekuqoqeni nasekugcinweni kwemiqulelulo ekuketheni ulwazi oluqondana ngqo nabantu abangamalunga esigungu sabafundi nabantu okuxoxwe ngabo emhlanganweni kugcinwe kuyimfihlo endaweni ephephile. Umnyango uyonikeza inkombandlela yalomthetho lapho kunesidingo.

(12) Umgcinimafa

- (1) UMkhandlu oMele abaFundi angeke uphathe imali ewukheshi. Zonke izimali ezitholakele ngokufuna izimali ngezindlela ezithile, kubaxhasi nakwabanikelayo ziyofakwa kwi-akhawunti yesikhwama sesikole.
- (2) Isikole siyohlinzeka soMkhandlu oMele abaFundi ngesabelomali.
- (3) Umgcinimafa kumele alawule isabelomali esabelwe uMkhandlu oMele abaFundi.
- (4) Umgcinimafa kumele –
 - (a) ahole imisebenzi yokufuna izimali, yokuhlela izimali kanye neyokusetshenziswa kwezimali yohlelo lonyaka lo Mkhandlu oMele abaFundi;
 - (b) agcine amarekhodi azo zonke izimali ezabelwe nezinikelelwe Mkhandlu oMele abaFundi;
 - (c) abe nesibopho sokubika ngazo zonke izimali ezitholakele nezisetshenzisiwe, kubandakanya kodwa kungagcini nje ngeminikelo, ngezimali ezifunwe ngandlela thile kanye nezokuthengisa;
 - (d) agcine amarekhodi azo zonke izimali ezisetshenzisiwe kanye nemibiko yezimali uma ecelwa yikomidi eliphethe;
 - (e) ngosizo lukaThisha owuMxhumanisi aqinisekise ukuthi wonke amarekhodi avuselelwe, ayiwonawona futhi agcinwe endaweni ephephile
 - (f) ihambisane nezinhlinzeko ze POPIA ekuqoqeni nasekugcinweni kwemiqulelulo ekukethe ulwazi oluqondana ngqo nabantu abangamalunga esigungu sabafundi nabantu okuxoxwe ngabo emhlanganweni kugcinwe kuyimfihlo endaweni ephephile. Umnyango uyonikeza inkombandlela yalomthetho lapho kunesidingo.

(13) Iqhaza likaThisha owuMxhumanisi

- (1) UThisha owuMxhumanisi kufanele enze isiqiniseko sokuthi isigungu esimele abafundi siyakhethwa nokuthi siyasebenza ngokuhambisana nomthetho kanye nale Nothisi. ihambisane nezinhlinzeko ze POPIA ekuqoqeni nasekugcinweni kwemiqulelulo ekukethe ulwazi oluqondana ngqo nabantu abangamalunga esigungu sabafundi nabantu okuxoxwe ngabo emhlanganweni kugcinwe kuyimfihlo endaweni ephephile. Umnyango uyonikeza inkombandlela yalomthetho lapho kunesidingo.
- (2) **UThisha owuMxhumanisi kumele –**
 - (a) adidiyele futhi athamele umhlangano woMkhandlu oMele abaFundi;
 - (b) akhuthaze ukuxhumana phakathi kukaThishanhlolo, kwabasebenzi kanye noMkhandlu oMele abaFundi;
 - (c) aseke, aluleke, afukamele futhi ahlele uMkhandlu oMele abaFundi;
 - (d) athuthukise amakhono obuholi kumalungu oMkhandlu oMele abaFundi;
 - (e) aqinisekise ukuthi yonke imibhalo ephathelene noMkhandlu oMele abaFundi agcinwa endaweni ephephile ehlonziwe;
 - (f) aqinisekise ukuthi wonke amalungu oMnyango ayayithola imibhalo yoMkhandlu oMele abaFundi uma eyicela.
- (3) UThisha owuMxhumanisi angajutshelwa ukuthi asebenze ohlakeni loMkhandlu oMele abaFundi ezingeni lesekethe, lesikhungo esilawula amasekethe nakwelesifunda.

(14) Okudingekayo kuMthethosisekelo**(1) Izinhlinzeko ezijwayelekile**

- (a) Yonke iMikhandlu oMele abaFundi ezingeni lesekethe, lesikhungo esilawula amasekethe, lesifunda nakwelesifundazwe kumele amukele uMthethosisekelo;
- (b) UMthethosisekelo akumele uphikisane noMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika nanoma yiziphi ezinye izinqubomgomo zoMnyango;
- (c) Umthethosisekelo kumele wethulwe –
 - (i) kuThishanhloko ezingeni lesikole;
 - (ii) kuMphathi weSekethe ezingeni lesekethe;
 - (iii) kuMhloli oPhethe isiKhungo esiLawula amaSekethe ezingeni lesikhungo esikawula amasekethe;
 - (iv) kuMqondisi wesiFunda ezingeni lesifunda;
 - (v) kuMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi ezingeni lesifundazwe.
- (d) Umsebenzi oshiwo esigatshaneni somthetho 14(1)(c) kumele aqinisekise ukuthi umthethosisekelo uyahambisana nemithetho esebenzayo ngaphambi kokuthi wamukelwe uMkhandlu oMele abaFundi;
- (e) Umthethosisekelo woMkhandlu oMele abaFundi kumele ube nalokhu okudingekayo –
 - (i) umbono, nezinhloso kanye nezinjongo okumele kuhambisane nombono, nezinhloso kanye nezinjongo zesikole;
 - (ii) imihlangano ehleliwe kumele ingaphazamisi isikhathi sokufunda nesokufundisa;
 - (iii) umgomo wokuziphatha wamalungu; kanye
 - (iv) nezinqubo kanye namandla.

(2) Imihlangano ejwayelekile yoMkhandlu oMele abaFundi

- (a) Ikomidi eliphethe loMkhandlu oMele abaFundi liyonquma usuku, isikhathi nendawo okuyobanjelwa kuyo umhlangano. Umhlangano woMkhandlu oMele abaFundi ezingeni lesikole uyobanjelwa esikoleni;
- (b) Imihlangano yoMkhandlu oMele abaFundi kwamanye amazanga kumele ibanjelwe ezindaweni zoMnyango;
- (c) Unobhala woMkhandlu oMele abaFundi ezingeni lesikole kumele, okungenani ezinsukwini eziyisikhombisa ngaphambi komhlangano, abeke isaziso somhlangano endaweni esobala esikoleni esazisa amalungu –
 - (i) ngosuku, ngesikhathi nangendawo okuzobanjelwa kuyo umhlangano; kanye
 - (ii) nezindaba ezizodingidwa emhlanganweni;
- (d) Kuwo wonke amanye amazanga ngaphandle kwezinga lesikole, unobhala kumele okungenani ezinsukwini eziyishumi nane ngaphambi komhlangano, azise ilungu ngalinye ngokubhaliwe –
 - (i) ngosuku, ngesikhathi nangendawo okuzobanjelwa kuyo umhlangano; kanye
 - (ii) nezindaba ezizodingidwa emhlanganweni;
- (e) UThishanhloko, uMphathi weSekethe, uMhloli oPhethe isiKhungo esiLawula iSekethe, uMqondisi wesiFunda noma uMqondisi woPhiko lokuPhathwa nokuLawulwa kweziNdaba zabaFundi kumele bakhiphe imvume ngaphambi kokuthi kuqale umhlangano woMkhandlu oMele abaFundi.

(3) Izingqubo emihlanganweni**(a) Ezingeni lesikole –**

- (i) ngaphambi kokubamba noma yimuphi umhlangano, uMkhandlu oMele abaFundi kumele ucele imvume kuThishanhlolo noma kommele ngokuthumela uMxhumanisi woThisha ngenhloso yawo yokubamba umhlangano;
- (ii) noma yimuphi umuntu omenywe uMkhandlu oMele abaFundi, angaba khona emhlanganweni woMkhandlu oMele abaFundi futhi abe yezingxenywe yezingxoxo kodwa angeke avote futhi kumele aphume emhlanganweni uma udaba oludingidwayo seluphuthuliwe;
- (iii) noMxhumanisi woThisha kumele abe khona kuyo yonke iMikhandlu eMele abaFundi.

(b) Ezingeni leSekethe, lesiKhungo esiLawula amaSekethe, esiFundeni nakwelesiFundazwe –

- (i) noma yimuphi umuntu omenywe uMkhandlu oMele abaFundi, angaba khona emhlanganweni woMkhandlu oMele abaFundi futhi abe yezingxenywe yezingxoxo kodwa angeke avote futhi kumele aphume emhlanganweni uma udaba oludingidwayo seluphuthuliwe;
- (ii) uMkhandlu oMele abaFundi kumele unqume imithetho yayo kanye nezinqubo eziphathelele nayo yonke imihlangano yoMkhandlu oMele abaFundi, kodwa leyo mithetho akumele iphikisane nezinhlinzeko zoMthetho;
- (iii) uma kudingidwa udaba oluthinta ilungu ngqo, ilungu kumele lihoxe kuleyo ngxoxo ebese liphuma emhlanganweni kuze kuphele leyo ngxoxo;
- (iv) uma uSihlalo kudingeka ukuthi aphume emhlanganweni kumele acele uSekela Sihlalo ukuthi engamele umhlangano;
- (v) uma unobhala kudingeka ukuthi aphume emhlanganweni, amalungu akhona ayoqoka ilungu ukuthi libambe njengonobhala kuze kuphele leyo ngxoxo;
- (vi) ukungatholakali kwesaziso esikhishiwe okuholela ekutheni ilungu liphutha emhlanganweni, akwenzi ukuthi okuqhubeke emhlanganweni kungabi semthethweni, inqobo nje uma iningi lamalungu likhona emhlanganweni; futhi
- (vii) izinqumo zoMkhandlu oMele abaFundi kumele zithathwe ngokuvumelana, kodwa uma kunemibono ehlukene ngodaba oluthile lolo daba kumele luvotelwe. Iningi lamavoti libophezela wonke amalungu oMkhandlu oMele abaFundi ngaleso sinqumo.

(4) Amaminithi

- (a) UNobhala woMkhandlu oMele abaFundi kumele aqophe amaminithi ayo yonke imihlangano yoMkhandlu oMele abaFundi ngolimi oluyonqunywa uMkhandlu oMele abaFundi, ebhukwini eliwimqulu onezinombolo ezilandelayo elisetshenziselwa amaminithi kuphela.
- (b) UNobhala woMkhandlu oMele abaFundi kumele aqophe okungenani lokhu okulandelayo ebhukwini lamaminithi –
 - (i) amagama amalungu akhona naphuthile, abhale ukuthi lokho kuphutha kubikwe ngokubhalwe phansi noma cha;
 - (ii) ingqikithi yokudingidwe emhlanganweni;

- (iii) isixazululo esithathwe emhlanganweni;
- (iv) ezingeni lesikole kuphela nangemva kokuthi umhlangano ojwayelekile usuhlangene, unobhala kumele afunde amaminithi omhlangano odlule ojwayelekile kanye namaminithi anoma yimuphi umhlangani obizwe ngokushesha obanjiwe;
- (v) umhlangano wamukela amaminithi kanye nezichibiyelo, uma zikhona;
- (vi) amaminithi amukelwe kumele aqinisekiswa uSihlalo kanye nonobhala woMkhandlu oMele abafundi ngokuwasayina nangokubhala usuku kulawo maminithi;
- (vii) amaminithi emihlangano kumele agcinwe ngokuhambisana nezinhlinzeko ze-POPIA ebese kuthi imininingwane yomuntu kumele ivikelwe futhi angeke idalulwe kwabanye abafundi. Imininingwane yomuntu kumele ifihlwe ngaphambi kokuthi amaminithi athunyelwe kubafundi nakunoma ubani ngaphandle kwabaphathi besikole noma kwamalungu oMkhandlu oMele abafundi.

(5) **Ikhoramu**

- (a) Iningi elingamaphesenti angamashumi amahlanu nanye ayokwenza ikhoramu yayo yonke imihlangano.

(6) **Umgomo wokuziphatha**

- (a) Indlela yokuziphatha komfundi iyolawulwa uMgomo wokuziPhatha osebenza esikoleni afunda kuso.
- (b) Ukuziphatha kwabasebenzi abeseka uhlaka loMkhandlu oMele abafundi luyolawulwa iMigomo yokuziPhatha esebenza kubasebenzi ngokwehlukana kwabo.

14. I-POPIA

Izinhlinzeko ze-POPIA ziyasebenza kuwo wonke amarekhdi akhona agcinwe uMkhandlu oMele abafundi futhi wonke amaungu oMkhandlu oMele abafundi kanye nabanye abasebenzi kumele balandele izinhlinzeko ze-POPIA uma besebenza ngemininingwane yomuntu okubandakanya kodwa kungagcini nje ngokuqinisekisa ukuthi amarekhodi eminininingwane yawo wonke amalungu oMkhandlu oMele abafundi kanye nawabaye abafundi noma abantu okukhulunywe ngabo emhlanganweni agcinwa eyimfihlo nasendaweni ephaphile. UMnyango uyohlinzeka umhlahlandlela mayelana nokulandelwa kwe-POPIA uma kuba nesidingo.

15. UKUCHITHWA KWESAZISO

Isaziso sesiFundazwe No. 151 sika 1997 esashicilelwa kwiGazethi yesiFundazwe 5202 mhla zi-2 kuNhlabathi ngo-1997 ngalokhu siyachithwa.

NKK. MBALI FRAZER

UNGQONGQOSHE WEZEMFUNDU ESIFUNDAZWENI SAKWAZULU-NATALI

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065