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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION**No. 124****8 February 2000****HIGHER EDUCATION ACT, 1997
(ACT No. 101 OF 1997)****STATUTE OF THE TECHNIKON NORTH-WEST**

The council of Technikon North-West has made the Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education and which comes into operation on the date of this publication.

SCHEDULE

To introduce a new Statute for the Technikon North-West to give effect to any law relating to the Technikon; and to promote the effective management and governance of the Technikon in respect of matters not expressly prescribed by any law.

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DEFINITIONS

Definitions

1. In this Statute, any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned to it, and unless the context indicates otherwise –

"academic employee" means any person appointed by the Technikon to teach or to do research, or who provides academic management task support to such teaching and research as designated by council;

"day" means calendar day;

"employee" means any person employed at the Technikon and who can be defined as such in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995);

"executive management" means the principal, the vice-principal or vice-principals, the registrar or registrars and the head of finance;

"presenter" in respect of student discipline also means prosecutor;

"representative employees' organisation" means any organisation of employees which is sufficiently representative as is required by the Labour Relations Act, 1995 (Act No. 66 of 1995);

"Rules" means the institutional rules made in terms of section 32 of the Act;

"student" means a registered student at the Technikon;

"Technikon assembly" means all members of the Technikon community, meeting as and when it is necessary but at least once a year;

"technikon certificate" means any formal technikon qualification, including any certificate, diploma, degree or honorary degree;

"Technikon community" means the members of all the structures and offices of the Technikon as contemplated in section 26(2) of the Act and such other structures as may be determined by the Rules;

"the Act" means the Higher Education Act, 1997 (Act No. 101 of 1997).

COUNCIL

Function of council

2. The function of the council is to govern the Technikon.

Composition of council

3. (1) The council, subject to the provisions of the Act, consists of the following members-

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) the registrar or registrars;
- (d) three persons appointed by the Minister;
- (e) two members of the senate elected by the senate;
- (f) one academic employee elected by such employees;
- (g) one employee other than academic employees elected by such employees;
- (h) one member of a representative employees' organisation;
- (i) two registered students elected by the students' representative council;
- (j) one member elected by the convocation;
- (k) four members representing the business sector designated by the business sector;
- (l) the chairperson of the board of trustees of the Technikon North-West Foundation;
- (m) two members representing the external community nominated by members of the Technikon;
- (n) one member designated by the Engineering Council of South Africa (ECSA) and appointed by the council;
- (o) one member designated by the Building Federation of South Africa (BIFSA) and appointed by the council;

- (p) one member designated by the Chartered Institute and appointed by the council;
- (q) one member designated by the Tourism Board and appointed by the council;
- (r) three members representing the donors of the Technikon.

(2) No employee and no student of the Technikon may hold an appointment under sub-paragraph (1)(j) to (r).

(3) Whenever it is necessary to elect members of the council in terms of subparagraph (l), the procedure is as prescribed in the Rules.

Term of office of members of council

4. (1) The term of office of members of the council is four years, except-
- (a) members referred to in paragraph 3(1)(a) to 3(1)(c) who serve by virtue of their offices and remain members of the council for as long as they occupy their posts;
 - (b) members referred to in paragraph 3(1)(e) to 3(1)(h) and 3(1)(j) to 3(1)(m) whose term of office is two years; and
 - (c) members elected by the student's representative council in terms of paragraph 3(1)(i) whose term of office is one year.

(2) If a vacancy arises in the council, it must be filled in the same manner in which it was originally filled.

(3) A person nominated, appointed or elected in terms of subparagraph (2) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

(4) A member of the council, other than members who are employees of the Technikon, vacates office if -

- (a) he or she resigns from the council in writing;
- (b) the Minister, the organisation or body who appointed or elected him or her to the council terminates in writing his or her membership at any time before the expiry of his or her term of office if so advised by the council;

- (c) he or she is absent from three consecutive meetings without leave approved by the chairperson;
 - (d) he or she is declared insolvent by a court of law and the council demands such vacating of office;
 - (e) he or she is convicted of an offence which in the opinion of the council renders such member unfit;
 - (f) he or she, in the opinion of the council, is no longer able to fulfill his or her duties as member of the council; or
 - (g) he or she is appointed as an employee of the Technikon.
- (5) The council is entitled to recommend the suspension of any member if it deems such suspension appropriate under the circumstances.

Secretary

5. The registrar appointed by the council is the secretary to the council, provided that the council may appoint any other Technikon employee to assist the secretary or to act in his or her place.

Chairperson and vice-chairperson

6. (1) The members of the council, at the first meeting of the council and thereafter whenever it becomes necessary, elect among themselves a chairperson and a vice-chairperson from among its members referred to in paragraphs 3(1)(k) to (r).

(2) A chairperson or vice-chairperson holds office for a period of two years, or for such shorter period as the chairperson or vice-chairperson may be a member of council.

(3) The chairperson or vice-chairperson must not be an employee or a student of the Technikon.

(4) Nominations for the office of chairperson and vice-chairperson of the council must be in writing to the secretary to the council.

(5) If more than one candidate for each position is nominated, voting is by secret ballot.

(6) A chairperson or vice-chairperson of the council must be elected by a majority of at least 75 per cent of all the members present at the meeting of the council.

(7) Each member of the council has only one vote during a ballot.

(8) There must be a series of ballots if no candidate gains a majority in the first ballot.

(9) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.

(10) The chairperson and vice-chairperson are eligible for re-election.

(11) Whenever a vacancy occurs in the office of chairperson or vice chairperson, the provisions of subparagraph (3) to (9) apply with the necessary changes to the filling of such vacancy.

(12) A person elected in terms of subparagraph (11) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

(13) If the chairperson as well as the vice-chairperson are absent from any meeting of the council, the chairperson or vice-chairperson must appoint a person to act as chairperson at such meeting.

(14) If no person has been appointed acting chairperson as contemplated in subparagraph (13), the members present at such meeting elect one of their numbers to preside.

Meetings of council

7. (1) A quorum consists of at least 50 per cent of the total number of members of the council.

(2) When there is no quorum, the meeting must adjourn for 30 minutes, after which the members reconvene and the members then present constitute a quorum, if they constitute at least 30 per cent of the total number of members and at least 50 per cent of those present are not employees or students.

(3) A notice of a meeting of the council and an agenda must be submitted to the members of the council at least seven days prior to the meeting, provided that a member may raise matters of an urgent nature at the meeting without

previous notice if he or she procures the consent of at least 75 per cent of the members present.

(4) The council may invite persons who are not members to attend meetings, provided that such persons may take part in the discussions, but may not vote.

Extraordinary meetings of council

8. (1) The chairperson of the council may call an extraordinary meeting of the council after at least seven days' notice, and the chairperson must call such meeting when requested in writing to do so by any 10 members of the council, if at least three of such members are not employees or students and the object of the meeting is stated clearly in the request.

(2) No matters other than those appearing on the agenda of the meeting may be dealt with at such a meeting, except with the unanimous consent of the meeting.

Emergency meetings of council

9. (1) An emergency meeting may be called by the chairperson at any time, provided that not less than 24 hours' notice of such a meeting is given.

(2) Notice of a meeting contemplated in subparagraph (1) may be given in any manner deemed expedient in the circumstances.

(3) Members must be notified of the purpose of an emergency meeting and no matters other than those of which members have been notified may be transacted at such meeting.

(4) An emergency meeting may also be convened by the chairperson at any time by means of electronic technology, if-

- (a) at least 75 per cent of the members agree to such meeting; and
- (b) at least 75 per cent of the participating members agree to any resolution taken; and
- (c) the council minutes the resolution as such.

Number of meetings of council

10. The chairperson must during each calendar year convene at least four ordinary meetings of the council.

Discussion of motions

11. (1) No member of the council may, without leave of the meeting, speak more than once to a motion or an amendment, but the proposer of a motion or amendment has the right of reply.

(2) A member may request that a matter under discussion be dealt with in committee.

(3) If the request contemplated in subparagraph (2) is seconded, it must be put to the vote without further discussion and, if it is adopted, the council must immediately go into committee, whereafter a member may speak more than once on the matter under discussion.

(4) A motion or an amendment must be seconded and, if it is so directed by the chairperson, must be in writing.

(5) If an amendment to a motion is accepted, the amended motion becomes a substantive motion before the house.

(6) No motion or amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

Voting

12. (1) Except as otherwise provided in this Statute, all matters except the election of a chairperson of the council are decided by a majority of all members present.

(2) The chairperson has an ordinary vote and a casting vote in the event of a tie of votes.

(3) The council decides by a majority of all members present when a secret ballot must be conducted.

(4) If members present during any vote on a motion abstain from voting, their abstentions may be recorded if required by such members.

(5) If it is so decided by the meeting, the number of members voting for or against or abstaining in respect of any motion must be recorded.

(6) Where no less than 75 per cent of all the members of the council have reached agreement on a matter referred to them by letter, telegram or by electronic mail by the chairperson without convening a meeting, and have conveyed their resolution by letter, telegram or electronic mail, such resolution is deemed to be a resolution of the council and must be recorded in the minutes of the next ordinary meeting.

(7) If a member of the council is unable to attend a meeting, his or her views on any matter on the agenda may be communicated to the meeting in writing, but may not count as a vote by such a member.

Ruling by chairperson

13. The ruling of the chairperson on any point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting and the decision of the meeting is final.

Minutes of council and executive committee meetings

14. (1) The secretary to the council keeps minutes of each meeting of the council and must forward such minutes to members within one month after such meeting but must also include such minutes in the agenda of the next council meeting when an agenda is sent out in terms of paragraph 7(3).

(2) At each meeting of the council, the minutes of the last preceding meeting and of any extraordinary meeting held subsequently are read and must be approved by the signature of the chairperson.

(3) An objection to the minutes must be raised and dealt with before approval thereof, and the chairperson must then sign the minutes with corrections done on them.

(4) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with subparagraph (1).

(5) The minutes of all the preceding executive committee meetings must be disclosed at the subsequent council meeting for ratification.

Register of resolutions of council

15. The secretary to the council keeps a complete register of the resolutions of the council and of its executive committee, and any stakeholders, with the written permission of the principal, have access to inspect such resolutions, upon reasonable grounds.

Making, amending or rescinding Statute or Rules

16. (1) No motion to make, amend or rescind the Statute or Rules is of force and effect unless adopted by at least 75 per cent of the members present at the meeting, and such meeting is constituted of not less than 50 per cent of such members.

(2) Any motion to make, amend or rescind the Statute or Rules must be in accordance with the provisions of section 32(2) of the Act.

Financial and other interests of members

17. (1) No members of the council may participate in the discussion of, or voting on, a matter in which he or she has a direct pecuniary or financial or other material interest, unless he or she first discloses the extent of his or her interest and obtains the permission of the meeting to participate in the discussion or voting on the matter, or both.

(2) If a member of the council participates without the council's permission in proceedings regarding a matter in which the member does have a pecuniary or financial or other material interest, voting by the council on such matter is invalid.

(3) Any member of the Technikon community has the right to inform the chairperson in writing, before any meeting, of any possible conflict of interest of any member of the council or a committee of the council.

(4) Conflict of interest implies that any of the members mentioned in paragraph 17(2) or their companies may not tender for work on the campus.

(5) Members of the council cannot expect any financial benefit for making their expertise available.

Committees of council

18. (1) The council appoints such committees as may be required, and such committees may include the following -

- (a) an executive committee;
- (b) a finance committee;
- (c) an audit committee;
- (d) a physical planning committee;
- (e) a human resources committee;
- (f) a senior management selection committee;
- (g) a planning committee;
- (h) a student affairs committee.

(2) The composition and functions of the committees contemplated in subparagraph (1) are determined by the council.

SENATE

Functions of senate

19. The senate is the academic policy body and is accountable to the council for-

- (a) all academic matters such as teaching, research and community development;
- (b) such disciplinary matters relevant to the senate;
- (c) the matters that the council may from time to time delegate to the senate.

Composition of senate

20. (1) The senate, subject to the provisions of the Act, consists of the following members -

- (a) the principal;
- (b) the vice-principal (academic) and all other vice-principals;
- (c) the registrar;
- (d) the deans of faculties;
- (e) the academic coordinator;
- (f) the heads of academic departments;
- (g) all full professors;
- (h) the head of academic development;
- (i) the librarian;
- (j) the director research;
- (k) the satellite campus academic head;
- (l) two employees other than academic employees elected by such employees;
- (m) two members of the council, who are not employed by the Technikon, elected by the council;
- (n) two members of the students' representative council, elected by the students' representative council, one from the main campus and one from the satellite campus or campuses;
- (o) four academic employees representing lecturers and junior lecturers elected by the academic employees; and
- (p) two additional members elected by the Technikon assembly.

(2) Whenever it is necessary to elect members of the senate in terms of subparagraph (1), the procedure is as provided in the Rules.

Office-bearers to senate

21. The office-bearers to the senate, except the chairperson, are elected from among the members of the senate as required by section 26(3) of the Act.

Term of office of members of senate

22. (1) The term of office of members of the senate is two years except -
- (a) members referred to in paragraph 20(a) to (k) who serve by virtue of their offices;
 - (b) the members elected by the students' representative council in terms of paragraph 20(n) whose term of office is one year.
- (2) The procedures of the council in respect of filling of vacancies, the vacating of office and the suspension of a member apply with the necessary changes to the senate.

Number of meetings of senate

23. There must be at least three ordinary meetings per annum.

Quorum and procedure at meetings

24. (1) A quorum consists of at least 50 per cent of the total number of members of the senate.
- (2) When there is no quorum, the meeting must adjourn for 30 minutes, after which the chairperson may reconvene and the members then present constitute a quorum, if they constitute at least 30 per cent of the total number of members and at least 50 per cent of those present are academic employees.
- (3) A notice of a meeting of the senate and an agenda must be submitted to the members of the senate at least seven days prior to the meeting, provided that a member may raise matters of an urgent nature at the meeting without previous notice if he or she procures the consent of at least 75 per cent of the members present.
- (4) The senate may invite persons who are not members to attend meetings, provided that such persons may take part in the discussions, but may not vote.

Extraordinary meetings of senate

25. (1) The chairperson of the senate may call an extraordinary meeting of the senate after at least seven days' notice, and the chairperson must call such meeting when requested in writing to do so by any 10 members of the senate, if at least three of such members are not employees and the object of the meeting is stated clearly in the request.

(2) No matters other than those appearing on the agenda of the meeting must be dealt with at such a meeting, except with the unanimous consent of the meeting.

Emergency meetings of senate

26. (1) An emergency meeting may be called by the chairperson at any time, provided that not less than 24 hours' notice of such a meeting is given.

(2) Notice of a meeting contemplated in subparagraph (1) may be given in any manner deemed expedient in the circumstances, including by means of electronic technology.

(3) Members must be notified of the object of an emergency meeting and no business other than that of which members have been notified may be transacted at such meeting.

Discussion of motions

27. (1) No member of the senate may, without leave of the meeting, speak more than once to a motion or an amendment, but the proposer of a motion or amendment has the right of reply.

(2) A member may request that a matter under discussion be dealt with in committee.

(3) If the request contemplated in subparagraph (2) is seconded, it must be put to the vote without further discussion and, if it is adopted, the senate must immediately go into committee, whereafter a member may speak more than once on the matter under discussion.

(4) A motion or amendment must be seconded and, if it is so directed by the chairperson, must be in writing.

(5) If an amendment to a motion is accepted the amended motion becomes a substantive motion before the house.

(6) No motion or amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

Voting and financial and other interests of members

28. (1) Except as otherwise provided in this Statute, all matters except the election of the chairperson of the senate are decided by a majority of all members present.

(2) The chairperson has an ordinary vote and a casting vote in the event of a tie of votes.

(3) The senate decides by a majority of all members present when a secret ballot must be conducted.

(4) If members present during any vote on a motion abstain from voting, their abstentions may be recorded if required by such members.

(5) If it is so decided by the meeting, the number of members voting for or against or abstaining in respect of any motion must be recorded.

(6) Where no less than 75 per cent of all the members of the senate have reached agreement on a matter referred to them by letter, telegram or by electronic mail by the chairperson without convening a meeting, and have conveyed their resolution by letter, telegram or electronic mail, such resolution is deemed to be a resolution of the senate and must be recorded in the minutes of the next ordinary meeting.

(7) If a member of the senate is unable to attend a meeting, his or her views on any matter on the agenda may be communicated to the meeting in writing, but may not count as a vote by such a member.

(8) No member of the senate may participate in the discussion of, or vote on, a matter in which he or she has a direct or indirect pecuniary or financial or other material interest, unless he or she first discloses the extent of his or her

interest and obtains permission of the meeting to participate in the discussion or voting on the matter, or both.

(9) If a member of the senate participates without the senate's permission in the proceedings regarding a matter in which the member does have a pecuniary or financial or other material interest, voting by the senate in such a matter is invalid.

Ruling by chairperson

29. The ruling of the chairperson on any point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final.

Minutes of senate and senate committee meetings

30. (1) The secretary to the senate keeps the minutes of each meeting of the senate and must forward such minutes to members within one month after such meeting, but must also include such minutes in the agenda of the next senate meeting when an agenda is sent out in terms of paragraph 24(3).

(2) At each meeting of the senate, the minutes of the last preceding meeting and of any extraordinary meeting held subsequently are read and must be approved by the signature of the chairperson.

(3) An objection to the minutes must be raised and dealt with before approval thereof, and the chairperson must then sign the minutes with corrections done on them.

(4) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with subparagraph (1).

(5) The minutes of all the preceding committee meetings must be disclosed at the subsequent senate meeting for ratification.

Executive committee of senate

31. (1) The senate appoints an executive committee, which consists of the following members –

- (a) the principal;
- (b) the vice-principal (academic) who is the chairperson and all other vice-principals;
- (c) the deans of faculties;
- (d) the registrar;
- (e) the president of the students' representative council;
- (f) three representatives of the senate elected by the senate;
- (g) the librarian;
- (h) such other members that the senate may want to include.

(2) The functions, the manner of election of members and term of office of the executive committee are determined by the senate.

(3) The executive committee must meet at least twice a month.

(4) The provisions of paragraph 24 apply, with the necessary changes, to the quorum and procedure at meetings of the executive committee.

Other committees of senate

32. (1) The senate appoints such other committees as may be required and such committees may include the following -

- (a) an examinations committee;
- (b) a research committee;
- (c) an academic planning committee;
- (d) a quality assurance committee;
- (e) an academic support committee;
- (f) a library committee;
- (g) a professorship committee;
- (h) an academic promotions committee;
- (i) an academic ethics committee;
- (j) a disciplinary committee;
- (k) a SAQA committee; and
- (l) an experiential training committee.

(2) The composition, term of office and functions of the committees contemplated in subparagraph (1) are as determined by the senate.

Faculties

33. (1) Each faculty is headed by a rotating dean who is elected in a manner determined by the senate for a period of four years.

Faculty board

34. (1) The senate establishes a faculty board for each faculty, which provides assistance to the senate.

(2) The functions of a faculty board are as determined by the senate.

(3) A faculty board is constituted as follows -

(a) the dean who is the chairperson;

(b) the heads of departments, including the heads of a satellite campus and programme groups as decided on by the dean in consultation with the heads of departments within the faculty;

(c) a representative nominated by the students of the faculty concerned;

(d) one academic employee from each department nominated by the department; and

(e) such other members as may be co-opted from time to time by the faculty board.

(4) A faculty board must meet at least four times per annum.

(5) The procedures in respect of the manner in which the meetings of the council are conducted, apply with the necessary changes to the meetings of a faculty board.

(6) The secretary to the faculty board is appointed by the dean.

Academic departments

35. (1) All academic employees in the department are members of staff meetings.

(2) Each department is headed by a rotating head who is appointed by the senate for a period of not more than five years.

(3) There must be at least four departmental employee meetings per semester.

INSTITUTIONAL FORUM

Functions

36. The institutional forum must -

- (a) advise the council on issues affecting the Technikon, including –
 - (i) the implementation of the Act and the national policy on higher education;
 - (ii) race and gender equity policies;
 - (iii) the selection of candidates for senior management positions;
 - (iv) codes of conduct, mediation and dispute resolution procedures;
 - (v) the fostering of an institutional culture that promotes tolerance and respect for fundamental human rights and creates an appropriate enabling environment for teaching, research and learning;
- (b) perform such functions as determined by the council.

Composition of institutional forum

37. (1) The institutional forum, subject to the Act, consists of –

- (a) the vice-principal or vice-principals;
- (b) the registrar;
- (c) the dean or head of student affairs;
- (d) the director or head of human resources;
- (e) the head of industrial relations;
- (f) the satellite campus administrator;
- (g) two members of the council, who are not Technikon employees, elected by the council;

- (h) three members of the senate, elected by the senate;
- (i) two academic employees, who are not members of the senate, elected by the academic employees;
- (j) two employees other than academic employees, who are not members of the senate, elected by such employees;
- (k) four members of the students' representative council designated by such council;
- (l) a member or members co-opted from time to time by the institutional forum for the purpose of assisting the institutional forum in respect of any specific project or projects; and
- (m) one member of a representative employees' organisation designated by such organisation.

(2) Whenever it is necessary to elect members to the institutional forum in terms of subparagraph (1), the procedure is as provided for in the Rules.

Term of office of members of institutional forum

38. (1) The term of office of members of the institutional forum is two years except -

- (a) members referred to in paragraph 37(1)(a) to 37(1)(f) who are members of the institutional forum by virtue of their offices, and who remain members of the institutional forum for as long as they hold their offices by virtue of which they are members of the institutional forum;
- (b) members of the students' representative council designated in terms of paragraph 37(1)(k) whose term of office is one year.

(2) The procedures of the council in respect of the filling of vacancies, the vacating of office and the suspension of a member apply with the necessary changes to the institutional forum.

Chairperson, vice-chairperson and secretary

39. (1) The members of the institutional forum, at the first meeting of the institutional forum and thereafter whenever it becomes necessary, elect from their number a chairperson, a vice-chairperson and a secretary who each holds office for a period of two years, or for such shorter period as the chairperson, vice-chairperson or secretary may be a member of the institutional forum.

(2) The chairperson, vice-chairperson and secretary are eligible for re-election.

(3) Nominations for the office of chairperson, vice-chairperson and secretary of the institutional forum must be given in writing to the principal who acts as electoral officer for the duration of the election of a chairperson, a vice-chairperson, or a secretary.

(4) Each nomination must be signed by at least three members of the institutional forum and countersigned by the nominee to denote his or her acceptance of the nomination.

(5) If more than one candidate is nominated for each of the offices, voting is by secret ballot.

(6) A candidate may only be elected chairperson, vice-chairperson or secretary of the institutional forum by a majority of at least 75 per cent of all the members present at the meeting of the institutional forum.

(7) Each member of the institutional forum has only one vote during a ballot.

(8) There is a series of ballots if no candidate gains at least a majority in the first ballot.

(9) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.

(10) If the chairperson as well as the vice-chairperson are absent from a meeting of the institutional forum, the chairperson or vice-chairperson appoints a person to act as chairperson at the meeting.

(11) if no person has been appointed acting chairperson as contemplated in subparagraph (10), the members present at such a meeting elect one of their numbers to preside.

(12) (a) Whenever a vacancy occurs in the office of chairperson, vice-chairperson or secretary, the provisions of subparagraph (3) to (9) apply with the necessary changes to the filling of such vacancy.

(b) A person elected in terms of subparagraph (a) to fill a casual vacancy, holds office for the unexpired portion of his or her predecessor's term of office.

Meetings of institutional forum

40. The number of meetings, type of meetings, the quorum at meetings, notice of a meeting, attendance of meetings by non-members, minutes of meetings, discussions of motions, register of resolutions, ruling by chairperson and voting are as determined by the institutional forum.

Financial and other interests of members of institutional forum

41. The provisions of paragraph 17 apply, with the necessary changes, to members of the institutional forum.

Recommendations by institutional forum

42. In the event of the council not accepting a recommendation proposed by the institutional forum to the council, the council must furnish the institutional forum with written reasons why such recommendation was not accepted by the council.

Executive committee of institutional forum

43. (1) The institutional forum appoints an executive committee, which consists of the following members –

- (a) the vice-principal or vice-principals;
- (b) the registrar ;

- (c) one member of the students' representative council;
 - (d) one member of a representative employees' organisation;
 - (e) one member of the council;
 - (f) one member of the senate;
 - (g) the secretary contemplated in paragraph 39(1).
- (2) The term of office of members of the executive committee and the functions of the executive committee are as determined by the institutional forum.

Other committees of institutional forum

44. The institutional forum appoints such other committees as may be required.

CHANCELLOR

Functions

45. The chancellor is the titular head of the Technikon and confers all technikon certificates on behalf of the Technikon.

Term of office

46. (1) The chancellor holds office for a period of four years unless he or she tenders his or her resignation in writing to the council or vacates his or her office for any other reason before the expiry of his or her term of office.
- (2) The chancellor may be removed from office by a resolution of at least 75 per cent of all members of the council on account of misconduct, incapacity or incompetence to execute his or her functions, or on account of any other reason which the council deems appropriate.
- (3) The chancellor is eligible for re-election, provided that such re-election is only one further term of office.

Manner of election

47. (1) The chairperson of the council or the secretary to the council authorised by the chairperson determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor.

(2) The meeting contemplated in subparagraph (1) must be held within 90 days after the office of the chancellor becomes vacant.

(3) The secretary to the council must, at least two months but not more than four months prior to the expiry of the term of office of the chancellor, give written notice to each member of the council of the date, place and time of the meeting referred to in subparagraph (1) and must invite members of the council to submit nominations for the office of chancellor on a form approved by the principal.

(4) Notwithstanding subparagraph (3) any member is at liberty to supplement the information on the approved form by the submission of additional information.

(5) The completed forms for the nomination of candidates must reach the secretary to the council at least 21 days before the date of the meeting referred to in subparagraph (1).

(6) The secretary to the council must, within three days after the closing date for nominations, give notice in writing to every member of the council of all the nominations received.

(7) The council elects a chancellor by secret ballot.

(8) A candidate is elected to the office of chancellor by a majority of at least 75 per cent of all the members of the council present at the meeting referred to in subparagraph (1).

(9) Each member of the council has only one vote during a ballot.

(10) There must be a series of ballots if no candidate gains at least a majority of 75 per cent of the votes in the first ballot.

(11) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.

(12) After the council has elected a chancellor, the name of such chancellor is announced by the chairperson of the council.

Vacancy

48. If the office of chancellor becomes vacant a new chancellor must be elected as set out in paragraph 47 and for the period as set out in paragraph 46(1).

PRINCIPAL

Functions

49. (1) The principal is the chief executive officer of the Technikon.

(2) The principal is responsible for the day-to-day management of the Technikon.

(3) The principal reports to the council.

(4) By virtue of his or her office, the principal may be requested by the council to become a member of a particular council committee, joint committees of the council and senate, and committees of the senate.

(5) The council may assign additional functions and grant additional powers and privileges to the principal to enable him or her to perform his or her functions.

Term of office and termination of office

50. (1) The principal is appointed by council as a permanent member of the academic staff and holds office as vice-chancellor until such appointment terminates in the event of any of the following –

- (a) upon retirement;
- (b) when his or her agreed term of office expires;
- (c) when he or she resigns from office;
- (d) by agreement with the council;
- (e) when he or she, in the opinion of the council, becomes incapacitated;

- (f) when he or she is declared insolvent by a court of law, provided that the council demands such termination;
- (g) if he or she is found guilty of an offence which in the opinion of the council renders him or her unfit; or
- (h) if he or she is dismissed on reasonable grounds by the council.

Election and appointment

51. (1) The secretary to the council must, at least three months before the term of office of the principal expires, or if the office becomes vacant for any reason other than the expiry of such term, before 14 days of the occurrence of the vacancy, give written notice to every member of the council and to the chairperson of the institutional forum of the vacancy.

(2) The council instructs its selection committee to liaise with the institutional forum for advice on the filling of the position.

(3) The selection committee of the council, after consultation with the institutional forum, places an advertisement for the post of principal in such manner as may be decided.

(4) The selection committee of the council, within 14 days after the closing date of the advertisement referred to in subparagraph (3), provides the institutional forum with a list of applicants for the office of the principal in order to enable the institutional forum to conduct personal interviews with the aspirant candidates.

(5) The institutional forum, after having conducted such interviews with candidates it may wish, submits the names of all candidates, a shortlist of candidates, and a recommendation of a candidate for appointment to the office of principal to the selection committee of council.

(6) The selection committee of the council, after having conducted interviews with whichever candidates it may wish, submits the names of all candidates, a short list of candidates and a recommendation of a candidate for appointment to the office of principal to the council.

- (7) (a) The council at a meeting, attended by at least 75 per cent of all members, votes by secret ballot on the appointment of the recommended candidate to the office of principal, and a majority carries the recommendation.
 - (b) If the recommended candidate does not obtain a majority, the council must vote by secret ballot on all the short-listed candidates.
 - (c) If no candidate gains a majority, there must be a series of ballots.
 - (d) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.
- (8) The successful candidate is appointed in writing by the chairperson of the council.

Acting principal

52. (1) When the principal is absent or unable to carry out his or her functions, the council appoints an acting principal.

(2) An acting principal has all the powers and functions of a principal, but he or she may not change existing policy unless with the approval of the council.

VICE-PRINCIPAL OR VICE-PRINCIPALS AND REGISTRAR OR REGISTRARS

Election and appointment

53. (1) The council may appoint a vice-principal or vice-principals and a registrar or registrars who are permanent employees.

(2) The procedure as set out in paragraph 51 apply with the necessary changes to the election and the appointment of a vice-principal and a registrar.

Functions

54. A vice-principal or a registrar is responsible for assisting the principal in the management and supervision of the Technikon.

Acting vice-principal or acting registrar

55. An acting vice-principal or acting registrar is appointed by the principal if deemed necessary and for the period during which a vice-principal or registrar may be absent or acting in another capacity, and an acting vice-principal or acting registrar has the functions of a vice-principal or a registrar.

Term of office

56. (1) The term of office of a vice-principal or a registrar is up to the normal retirement age of academic employees of the Technikon.

(2) Notwithstanding subparagraph (1) the council may extend the appointment beyond such age limit by not more than one year at a time, with a maximum of three such extensions of term of office.

STUDENTS' REPRESENTATIVE COUNCIL AND OTHER STRUCTURES**Constitution of students' representative council**

57. The students' representative council is governed by its constitution as contained in the Rules.

Membership of students' representative council

58. The students' representative council consists of ten members at the main campus plus four members representing the satellite campus or campuses elected directly by the students in the manner determined by the constitution of the students' representative council as contained in the Rules.

Composition of students' representative council

59. The students' representative council contemplated in section 35 of the Act, consists of the following functionaries and portfolios -

- (a) the president;
- (b) the deputy president;

- (c) the financial officer;
- (d) the cultural officer;
- (e) the information and publicity officer;
- (f) the gender officer;
- (g) the secretary;
- (h) the education and transformation officer;
- (i) the residence officer;
- (j) the sports officer; and
- (k) four members representing all satellite campuses.

Satellite campuses students' representative committee

60. (1) The satellite campuses students' representative committee is a committee of the students' representative council.

(2) The satellite campuses students' representative committee consists of-

- (a) a chairperson;
- (b) a secretary;
- (c) a financial officer; and
- (d) an academic officer.

(3) The persons contemplated in subparagraph 2(a) to (d) are elected in accordance with the constitution of the students' representative council as contained in the Rules.

Term of office of students' representative council

61. The term of office of the students' representative council is one year.

Functions of students' representative council

62. (1) The students' representative council must –
- (a) promote the interest of the Technikon;

- (b) represent all students, whatever their organisation affiliations may be, as their democratically elected highest representative body;
- (c) represent and promote the interest of students in respect of all student activities at the Technikon; and
- (d) budget, manage and account to the student body and executive management all students' representative council and sub-organisations' income and expenditure in terms of the students' representative council constitution and calender.

Student general council

63. (1) A student general council is constituted to –

- (a) serve as a guiding and advisory body for the students' representative council, its programme of action, activities and implementation thereof; and
- (b) make recommendations to the students' representative council in respect of the withdrawal or acceptance of recognition of student structures.

(2) The student general council consists of –

- (a) the president;
- (b) the deputy president;
- (c) the information and publicity officer;
- (d) the financial officer;
- (e) the education and transformation officer;
- (f) the minute secretary;
- (g) the gender officer;
- (h) the cultural officer;
- (i) the sports officer;
- (j) the residence officer; and
- (k) four members of the satellite campuses committee.

Students' representative council disciplinary committee

64. (1) There is a students' representative council disciplinary committee which is responsible for the discipline of any members of the students' representative council and members of other student structures affiliated to the students' representative council.

(2) The students' representative council disciplinary committee consists of four members of the students' representative council and are elected at the first ordinary meeting of the students' representative council.

Review panel

65. (1) There is a review panel which is chaired by the dean or head of student affairs.

(2) The review panel must –

- (a) review any actions or decisions of the students' representative council and the student general council, and evaluate the validity of students' representative council elections, referenda and any mass meeting decisions;
- (b) evaluate the eligibility of candidates for the students' representative council elections; and
- (c) provide general assistance and advice to the students' representative council.

(3) Members of the review panel are -

- (a) the dean or head of student affairs;
- (b) the guidance and counselling officer;
- (c) the technikon librarian; and
- (d) two senate members elected by the senate.

General meetings

66. (1) The students' representative council must convene at least two general meetings of the student body per semester.

(2) A general meeting may also be convened if ten per cent of all the

students request such meeting.

(3) All meetings are held after hours or on such a time that it does not interfere with the academic programme.

Referenda

67. (1) A referendum must be held in the event of –

(a) the students' representative council or the students at a general meeting deciding to conduct such a referendum; or

(2) A referendum may be held in respect of any student-related matter or concern.

STUDENT DISCIPLINE

Disciplinary code

68. The discipline of students is dealt with in terms of the Technikon's disciplinary code for students as contained in the Rules.

Misconduct

69. (1) A student may not –

(a) threaten, coerce or intimidate any other person;

(b) threaten another student with injury, damage or reprisal in order to induce such other student to act or refrain from acting in any particular manner;

(c) bring onto Technikon premises any firearm, or dangerous weapon;

(d) obstruct or attempt to obstruct employees or visitors in the performance of their duties;

(e) disrupt or prevent the process of education;

(f) sexually harass any other person;

(g) act in any racist manner towards any other person;

(h) refuse to obey a valid instruction given by a person in authority;

- (i) damage, deface or destroy any building, furniture, equipment, books or other property owned or controlled by the Technikon, or the property of employees, other students or visitors;
- (j) occupy or be present upon any property or premises owned or controlled by the Technikon after being requested to leave such property or premises by an employee acting in the course and scope of his or her duties;
- (k) engage in behaviour which may bring the Technikon into disrepute;
- (l) make a false declaration concerning the Technikon;
- (m) contravene any Technikon Rules;
- (n) consume, possess or distribute alcohol upon any property or premises owned or controlled by the Technikon without due authorisation;
- (o) consume, possess or distribute any legally prohibited dependence producing substance upon any property or premises owned or controlled by the Technikon;
- (p) encourage a fellow student or any other person, to conspire with another person to contravene any of the Rules of the Technikon;
- (q) use Technikon property without due permission;
- (r) financially mismanage or misappropriate funds of the Technikon, or funds under the control of the Technikon, and may not spend such funds without accounting for such expenditure in terms of the Technikon's financial policy; or
- (s) commit any statutory or common law offence.

Disciplinary structures

70. (1) The dean or head of students affairs must take note of any student misconduct and refer the matter to any of the following forums or committees for adjudication –

- (a) an informal adjudication forum;
- (b) a residence adjudication forum;
- (c) the students' representative council disciplinary committee and review panel referred to in paragraph 64 and 65; or
- (d) the student disciplinary committee.

(2) In referring a matter to a specific forum or committee, the dean or head of student affairs must take the nature and seriousness of the alleged offence into account.

Informal adjudication forum

71. (1) An informal adjudication forum is established from time to time, when required by the dean or head of student affairs should he or she be of the opinion that a particular problem could be resolved by means of such forum.

(2) The dean or head of student affairs determines the procedure of such Informal adjudication.

Residence adjudication forum

72. (1) A residence adjudication forum is responsible for enforcing residence rules and discipline.

(2) A residence adjudication forum consists of the head of such residence together with any other person or persons whom the head desires to co-opt onto such committee.

(3) The head of residence determines the procedure by which the adjudication forum will adjudicate the matter.

Statement of alleged misconduct

73. (1) A statement of alleged misconduct must –

- (a) give due notice to the accused of a disciplinary hearing to be held against him or her;
- (b) indicate the alleged misconduct with sufficient information to enable the accused to prepare a defence;

- (c) indicate whether a conviction may lead to the accused's expulsion;
- (d) inform the accused that he or she may choose a fellow member of the students' representative council to assist him or her during the hearing;
- (e) inform the accused that he or she may call any witnesses, may cross-examine witnesses and may submit documentary evidence; and
- (f) indicate the time, date and venue of the hearing.

(2) The statement of alleged misconduct must be handed to and signed by the student, who must be granted not less than seven days to prepare for the hearing.

Disciplinary hearing

74. (1) The student disciplinary committee referred to in paragraph 70(1)(d) consists of a chairperson and one or more assessors if so required.

(2) The chairperson and the assessors must act objectively and may not previously have been involved in the case before them.

(3) A presenter, who must be a Technikon employee, conducts the case against the accused and leads such evidence as he or she may deem necessary.

(4) The accused and his or her assistant, who may only be a fellow student, conduct his or her case and lead such evidence as may be required.

(5) Both the presenter and the accused or his or her assistant has the right to cross-examine each other's witnesses.

(6) Members of the student disciplinary committee may ask questions for the purpose of clarification.

(7) The student disciplinary committee must deliberate after the hearing and decide whether the accused is guilty or not.

(8) In event of a finding of guilt, the accused has the right to plead in mitigation, and the presenter has the right to bring to the attention of the student

disciplinary committee any previous findings of guilt against the accused pursuant to previous disciplinary hearings against him or her.

(9) The sanction of the student disciplinary committee is conveyed verbally to the accused and must thereafter be confirmed in writing by such committee.

Disciplinary sanctions

75. (1) If a student is found guilty of an offence, any of the following sanctions may be imposed –

- (a) first written warning;
- (b) final written warning;
- (c) imposition of a fine;
- (d) suspension;
- (e) expulsion; or
- (f) any other sanction deemed appropriate.

(2) The sanction which is imposed must be in accordance with the seriousness of the nature of the misconduct and the circumstances in which the misconduct occurred.

Appeal

76. (1) If a student is dissatisfied with a finding of or sanction imposed by the student disciplinary committee, he or she has the right to appeal to a student disciplinary appeal committee against such finding or sanction, or both.

(2) A notice of appeal must be completed on the prescribed form and must be lodged at the office of the dean of student affairs not later than 10 days after the sanction has been imposed by the student disciplinary committee.

(3) The notice of appeal must set out the reasons why the appeal ought to succeed.

Disciplinary appeal hearing

77. (1) A student disciplinary appeal committee consists of a chairperson and one or more assessors if required.

(2) The chairperson and the assessor or assessors referred to in subparagraph (1) must adjudicate objectively and may not previously have been involved in the case.

(3) A record of the proceedings and the finding of the disciplinary hearing must be made available –

- (a) to members of the student disciplinary appeal committee; and
- (b) to the appellant and the presenter, not less than fourteen days before the appeal hearing.

(4) At the appeal hearing, the appellant must be given the opportunity to argue his or her reasons why his or her appeal ought to succeed and the presenter must likewise be given the opportunity to argue his or her reasons why the appeal ought to fail.

(5) The appeal hearing is not a rehearing of the matter, but an adjudication whether the disciplinary hearing was substantively and procedurally fair.

(6) The student disciplinary appeal committee may, after hearing the appeal –

- (a) uphold the finding and the sanction;
- (b) uphold the finding but impose another and even more severe sanction; or
- (c) set the finding and consequently also the sanction aside.

(7) The finding of the student disciplinary appeal committee is final.

(8) The decision of the student disciplinary appeal committee is conveyed verbally to the accused and must thereafter be confirmed in writing.

CO-OPERATION

Co-operation

78. The Technikon may, in order to achieve the optimal utilisation of resources and performance of its functions –

- (a) co-operate with other education institutions;

- (b) co-operate with private sector institutions;
- (c) establish regional or national structures to assist and facilitate such co-operation.

CONVOCATION

Convocation

79. There is a convocation of the Technikon which is known as the convocation of the Technikon North West.

Secretary to convocation

80. The convocation elects a secretary from among its members in the manner determined by the convocation from time to time.

Membership of convocation

81. The convocation consists of –

- (a) persons to whom the Technikon has awarded a Technikon certificate;
- (b) members of the academic employer establishment, permanently appointed to posts on the establishment of the Technikon; and
- (c) such other persons and employees of the Technikon as the council may determine.

Roll of convocation

82. (1) The secretary to the convocation keeps the roll of the convocation in which is recorded the names and addresses of all the persons who are members of the convocation, and an address recorded in the roll is presumed to be the registered address of the person concerned.

(2) It is the duty of every member of the convocation to notify the secretary of any change of address.

(3) The roll is proof on the face of it that any person whose name appears thereon at the time of an election by the convocation is entitled to vote at such

election and that any person whose name does not appear thereon is not entitled to vote unless the contrary is proven.

Chairperson of convocation

83. (1) The chairperson of the convocation is elected by the convocation from among its members and holds office for a period of two years with effect from the date of his or her election.

(2) The procedure for the election of the chairperson is as follows –

- (a) the chairperson is elected at the general meeting of the convocation for a term of office of two years;
- (b) whenever it is necessary for the convocation to elect a chairperson, the secretary to the convocation must by written notice posted at least 90 days before the general meeting, invite members of the convocation to nominate in writing a candidate to be elected as chairperson;
- (c) nominations in writing must be lodged with the secretary to the convocation at least 60 days before the general meeting and such nomination must be signed by at least five members of the convocation as well as the nominee;
- (d) if there is only one nominee, the secretary declares such nominee to be duly elected;
- (e) if more than one nomination is received, the secretary notifies all members of the convocation of the names of the nominees and informs them that the election of the chairperson takes place at the general meeting as contemplated in subparagraph (a);
- (f) the chairperson is elected by secret ballot by a majority of votes cast at the general meeting.

(3) If the chairperson for any reason vacates his office prior to the expiry of his office, the convocation must elect a new chairperson in accordance with the procedure prescribed in paragraph 83(2) for the unexpired portion of such term of office.

(4) The chairperson of the convocation presides at all meetings of the convocation, provided that, in his or her absence, the members present must under the guidance of the secretary elect a chairperson for that meeting.

(5) Whenever it is necessary to elect a member of the council as contemplated in paragraph 3(1)(j) the provisions of paragraph 83(2) apply with the necessary changes to such election.

Meetings of convocation

84. (1) The convocation meets at least once a year.

(2) A meeting of the convocation may be convened by the chairperson at any time he or she deems it necessary, and must be convened by the chairperson within 60 days after a written request signed by at least 50 members is lodged with him or her, provided that the matters for consideration for such meeting are stated in the form of special motions and that no matters other than those stated in such request may be discussed at such a meeting.

(3) The members of the convocation present constitute a quorum at meetings.

(4) The procedures in respect of the manner in which the meetings of the council are to be conducted, apply with the necessary changes to the meetings of the convocation.

(5) The minutes of all meetings of the convocation must be sent to the council, the senate and the institutional forum for information.

REPEAL OF STATUTE

Repeal of Statute

85. (1) The Statute pertaining to the Technikon North West as published under Government Notice No. 839 of 17 May 1996 is hereby repealed.

(2) Anything done under any provision of the Statute repealed by subparagraph (1) is deemed to have been done under the corresponding

provision of this Statute, provided that such provisions are not inconsistent with any provision of this Statute.

(3) Notwithstanding subparagraph (1) any structure of the Technikon which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute until prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.

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