

Notice No. 151, 1997

Gazette No. 5202

**REGULATIONS RELATING TO REPRESENTATIVE COUNCILS OF LEARNERS
AND LEARNERS ORGANISATIONS AT PUBLIC SCHOOLS (EXCLUDING
INDUSTRIAL AND REFORM SCHOOLS)**

THE Minister of Education and Culture for the KwaZulu-Natal province under section 72(1)(d) of the School Education Act (No. 3 of 1996) and section 11 of the South African Schools Act, No. 84 of 1996 has made the regulations in this Schedule.

SCHEDULE

1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the same meaning unless the context otherwise indicates.

"Act" means the KwaZulu-Natal School Education Act, No. 3 of 1996;

"governing body" means a management council referred to in section 45, 49(1)(a) or 27(3), a management body referred to in section 28(7) and a governing body referred to in section 18(1) of the Act.

2. Learners' organisations

(1) Any person wishing to establish an organisation of learners on the premises of any school or hostel or any such organisation which has already been established on the premises of any school and wishes to continue with its activities, must submit the constitution or the draft constitution of the organisation, as the case may be, for

consideration and approval to the governing body of the school.

(2) No organisation may commence or continue its activities on the premises of a school or a hostel before approval of its constitution by the governing body of the school concerned.

3. Representative council of learners

(1) There shall be a representative council of learners established at each public school enrolling learners in the eight grade and higher.

(2) The principal, or an educator or educators delegated by him/her shall oversee the election of representative council of learners.

(3) The first representative council of learners shall draw up a constitution setting out:

(a) the composition of the representative council of learners;

(b) the election of members for the representative council learners;

(c) the election of a chairperson, vice-chairperson and secretary;

(d) term of office of members;

(e) meetings to be held by the representative council of learners;

(f) voting procedures to be followed at meetings;

(g) keeping of minutes;

(h) the functions and duties of office-bearers; and

(i) functions determined in accordance with sub-regulation (4) below.

(4) The powers of the representative council of learners are determined by the governing body, in consultation with the representative council of learners.

(5) The constitution for the representative council of learners must be approved by two-thirds of the members of the representative council of learners.

(6) Pending the approval of the constitution of the representative council of learners in accordance with the above provisions, the representative council of learners is elected and acts in accordance with a constitution set out in Schedule A below.

4. Exemptions

The Minister may, by notice in the Provincial Gazette exempt a public school for learners with special education needs from complying with the provisions of this regulation if it is not practically possible for a representative council of learners to be established at the school.

5. Appeals

(1) Any person who is entitled to vote for a representative to a representative council of learners may appeal in writing to the Regional Chief Director if the prescribed procedures were not followed.

(2) Such an appeal must take place within 21 days of the date on which the election took place.

(3) The Regional Chief Director, after investigating the complaint, may declare an election invalid if he/she is satisfied that-

(a) the prescribed procedures were not followed, and

(b) the outcome of the election would have been different had the prescribed procedures been followed.

6. Repeal of Regulations

The regulations governing learners' organisations set out in the Schedule B hereto, are hereby repealed.

SCHEDULE A

GUIDELINES FOR A CONSTITUTION FOR REPRESENTATIVE COUNCILS OF LEARNERS

1. Definitions

"**council**" means representative council of learners.

2. Election

(1) The first council must be elected within 30 days of the promulgation of these regulations and thereafter during the first term of each year.

(2) The election of members of the council shall take place on a date determined by the principal of the school.

(3) The principal shall appoint members of staff to act as electoral officers.

3. Representatives

- (1) The council shall consist of a representative elected by each class of the school.
- (2) A council is elected for a period not exceeding one year until the election of a new council.
- (3) Members may be re-elected for office.

4. Voting

- (1) Voting is by secret ballot.
- (2) Learners may nominate representatives for election immediately before the election is to take place.
- (3) Each learner has one vote for the election of a representative for his or her class.
- (4) A representative is elected if he or she received the majority of votes in the class. If no candidate receive a majority of votes, the name of the candidate with the least number of votes must be deleted from the list of candidates, "hereafter voting must be repeated. This procedure must continue until a candidate is elected.
- (5) If there is a tie between two candidates, the representative must be determined by lot.

5. Election of office bearers

- (1) Class representatives elected in accordance with the above procedure must meet within 7 days of their election for the purpose of electing office bearers.
- (2) Office bearers are elected under the supervision of the principal of the school or an educator nominated by him/her.

(3) The following office bearers must be elected-

(a) chairperson;

(b) vice-chairperson;

(c) secretary;

(4) Office bearers are elected using the same procedure used for the election of class representatives.

6. Functions

The functions of a council are:

(a) determined by the governing body in consultation with the council;

(b) to elect representatives to the school governing body;

(c) to represent learners at the school, and

(d) to represent learners in the adoption of a code of conduct by the governing body of the school.

7. Meetings

(1) A council must meet at least once a term.

(2) The secretary must keep minutes of meetings which must be read and confirmed at the following meeting.

(3) Seven days' notice must be given of each meeting. The notice must set out the business to be transacted at each meeting.

(4) Class representatives must keep their constituencies informed of all deliberations and decisions taken by the council.

SCHEDULE B

Regulation	Date	Extent of repeal
R 1143	29/5/1981	Regulation 5A