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PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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**PROVINCIAL NOTICES****PROVINSIALE KENNISGEWINGS**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

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Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

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**WESTERN CAPE EDUCATION DEPARTMENT**

P.N. 103/2012

24 May 2012

**ADULT EDUCATION AND TRAINING ACT, 2000 (ACT 52 OF 2000)****MINIMUM REQUIREMENTS FOR A CONSTITUTION OF A GOVERNING BODY OF A  
PUBLIC ADULT EDUCATION AND TRAINING CENTRE**

I, Donald Arthur Cardross Grant, Provincial Minister of Education, in terms of section 8(7) of the Adult Education and Training Act, 2000 (Act 52 of 2000), hereby determine the following minimum requirements for a constitution of a governing body of a public centre, as set out in the Schedule.

Signed at Cape Town this 5th day of April 2012.

**DONALD ARTHUR CARDROSS GRANT**  
**PROVINCIAL MINISTER OF EDUCATION**

## SCHEDULE

### Definitions

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

“**AET**” means adult education and training;

“**constitution**” means a constitution of a governing body as contemplated in section 8(7) of the Act;

“**Department**” means the provincial department responsible for education in the Province;

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the Provincial Minister responsible for education in the Province;

“**the Act**” means the Adult Education and Training Act, 2000 (Act 52 of 2000).

### Name

2. The public centre that established the governing body in terms of section 8 of the Act, must be identified under this heading in the constitution.

### Members of governing body

3. (1) The composition of the members of the governing body must be as contemplated in section 8(2), (5) and (6) of the Act.

(2) The procedure for the nomination and election, or co-option of a member, including the filling of a vacancy, must be in accordance with the Act and as determined in the Notice issued under section 9 of the Act.

- (3) The eligibility or reasons for the disqualification of a member, and the procedure for the removal of a member must be as determined in the Notice issued under section 9 of the Act.
- (4) The term of office of a member is as determined in the Notice issued under section 9 of the Act.
- (5) A member of the governing body —
- (a) shall not be entitled to any form of remuneration for or in connection with the performance of his or her functions as a member; and
  - (b) shall be entitled to be reimbursed for necessary expenses incurred in the performance of his or her functions.

## Meetings

4. (1) The governing body —
- (a) must convene an ordinary meeting at least four times per year; and
  - (b) may convene:
    - (i) an annual general meeting once a year; and
    - (ii) a special meeting on request.
- (2) The majority of the total number of members of the governing body constitutes a quorum, and must be present before a meeting may start or continue.

(3) If, at the time indicated for a meeting to start or continue, and for 30 minutes after that time, there is no quorum present, the meeting must be adjourned and the chairperson must determine another date, time and place for a meeting, and the names of the members who were present must be entered in the minutes.

(4) If there is no quorum present at the meeting that has been adjourned in terms of subparagraph (3), the meeting may proceed on the date to which it was adjourned with the members present at the time called for the meeting.

(5) A motion proposed at a meeting may not be considered unless it has been seconded. The chairperson may require a motion to be submitted in writing, and the chairperson must read the motion to the meeting.

(6) An observer or a person invited to attend a meeting of the governing body may be present at the meeting of such governing body and take part in the discussion, but may not vote, and must leave the meeting when the governing body so decides.

(7) A special meeting of the governing body —

(a) may be called at any time by the chairperson with a view to dispose of urgent business; and

(b) must be called by the chairperson within 14 days of —

(i) receiving a request from a member for that purpose, stating the purpose of the special meeting and signed by not less than three members; or

(ii) the adoption of a resolution by the governing body calling for a special meeting.

- (8) At the annual general meeting the governing body may —
- (a) conduct the nomination and election of members of the governing body or any office-bearer;
  - (b) appoint the members of any committee established by the governing body; and
  - (c) consider and approve the preceding financial year's:
    - (i) report on the overall governance of the public centre;
    - (ii) annual financial records and statements of the governing body; and
    - (iii) auditor's report on the above-mentioned statements.

### **Notice of meetings**

5. (1) The chairperson must determine the date, time and venue of a meeting and the secretary must prepare a written notice of every meeting of the governing body indicating the date, time and venue of the meeting and the business to be transacted and must, at least 14 days before the meeting, send or hand a copy of the notice to each member or use any other means reasonably practicable, to inform the members of the meeting.
- (2) The secretary must prepare a written notice indicating the date, time and venue of the meeting that has been adjourned and should, at least 14 days before the meeting, send or hand a copy of the notice to each member.
- (3) Any notification required to be furnished in writing, may in the alternative be furnished in any other reasonably practicable manner to achieve the same results.

## Minutes

6. (1) The secretary must keep minutes, or cause minutes to be kept, of the proceedings at governing body meetings.
- (2) At every meeting of the governing body —
- (a) the secretary must read the minutes of the previous meeting, unless it was previously circulated to the members by the secretary, and the governing body must confirm such minutes; and
- (b) after the minutes have been confirmed, with or without any amendments, the chairperson must sign the minutes.
- (3) A chairperson must submit the minutes to the Head of Department within 14 days, after signing such minutes.

## Voting

7. (1) A motion must be decided by a majority of votes of the members who are present at the meeting and entitled to vote, and voting must be by show of hands.
- (2) A member entitled to vote has one vote in respect of any matter before the governing body for its decision.
- (3) If any person is on account of illiteracy, blindness or any other physical disability unable to record his or her vote, the secretary may, at the request of that person and in the presence of a witness named by that person, record the vote of that person.

## Office-bearers

8. (1) The governing body must elect office-bearers, including a chairperson, vice-chairperson, treasurer and secretary, from among its members.

- (2) The procedure for the nomination and election, or co-option, of an office-bearer, including the filling of a vacancy, must be as determined in the Notice issued under section 9 of the Act.
- (3) A governing body must determine the criteria for eligibility, including the reasons for the disqualification of a member to be elected as an office-bearer and the procedure for the removal of an office-bearer.
- (4) An office-bearer holds office for the period determined in the Notice issued under section 9 of the Act.
- (5) The office-bearers may convene meetings, apart from the meetings of the governing body, and adopt general rules of procedure for their meetings.

#### **Chairperson and vice-chairperson**

9. (1) The chairperson must preside over meetings of the governing body and perform the following functions —
  - (a) signing for payments or expenditures on the governing body's bank account; and
  - (c) executing any other functions and duties entrusted to him or her by the governing body or which are generally associated with the office of a chairperson.
- (2) The vice-chairperson must preside over a meeting of the governing body and perform the functions and duties of the chairperson when the chairperson is absent or for any reason unable to act or to perform his or her functions and duties.
- (3) If both the chairperson and vice-chairperson are absent or unable to act or to perform their functions and duties, the governing body, by a show of hands, must elect from among themselves a member to act as chairperson.



## Secretary

10. The secretary is responsible for the administrative and secretarial work of the governing body, and he or she must perform any function and duty given to the secretary by the governing body including —
- (a) attending all meetings of the governing body and the office-bearers, and recording the minutes of the proceedings at those meetings;
  - (b) providing each member or any other person, on request, with a copy of the adopted minutes;
  - (c) handing all minutes and other documentation of the governing body to the public centre manager upon dissolution thereof or on the expiry of his or her term of office;
  - (d) retaining a copy of the confirmed and signed minutes of every meeting of the governing body and any other committee of the governing body in safe custody at the office of the governing body for a period of at least three years from the date on which those minutes were confirmed; and
  - (e) managing the correspondence of the governing body.

## Treasurer

11. (1) The treasurer is responsible for the financial affairs of the governing body, and he or she must perform any function and duty given to the treasurer by the governing body, which may include —
- (a) keeping and maintaining the accounting and financial records and statements to reflect all assets, liabilities, income and expenses and any other financial transactions and state of affairs of the governing body and its substructures and other bodies operating under its authority;

- (b) banking all moneys received on behalf of the governing body within three days of receipt;
- (c) whenever required by the governing body, but at least once in every quarter of the financial year, submitting to the governing body statements of its financial affairs and position;
- (d) submitting, at the annual general meeting of the governing body, the audited statements of the preceding year, a budget for the next financial year and an annual report summarising the key activities of the governing body;
- (e) countersigning any payment or expenditure drawn on the governing body's bank account;
- (f) retaining every financial record and statement for at least three years from the date thereof; and
- (g) complying with any determination made or providing any information required by the Provincial Minister under section 24 of the Act.

## **Committees**

12. (1) The governing body may appoint committees to perform any of its functions, except for the functions assigned to an office-bearer, including investigating and reporting to the governing body on any matter.

(2) The governing body may determine the composition and meeting procedures of a committee.

## Finances

13. (1) The financial affairs, including the financial records and statements, of the public centre must be conducted and managed as contemplated in section 24 of the Act, and any failure to comply therewith must be dealt with in terms of section 25 of the Act.
- (2) The governing body must open and maintain an account in its name with a bank of its choice that is registered in the Republic, and —
- (a) deposit all moneys it receives in that account within three days of receipt; and
  - (b) pay the expenses of and make all payments on behalf of the governing body from that account.
- (3) All payments or expenditures from the governing body's funds must be approved by the governing body, signed by the chairperson and countersigned by the treasurer.
- (4) The constitution must indicate the commencement and conclusion dates of the financial year of the governing body.
- (5) The audited statements and the auditor's report must be —
- (a) made available to members for inspection at the public centre. Members are also entitled to copies of those statements and the auditor's report; and
  - (b) submitted at the annual general meeting of the governing body for discussion and approval.
- (6) The governing body must provide for the management of liabilities, including the liability of a member for any debt, damage, loss or claim incurred by the public centre that may arise from a member's actions or omissions.

**Dissolution of the governing body**

14. The constitution must provide for the reasons and procedures for the dissolution thereof as contemplated in the Notice issued under section 9 of the Act.

**Amendments**

15. (1) The governing body may amend the constitution at any time —
- (a) by a resolution adopted by unanimous vote of all the members of the governing body on a motion to amend tabled without prior notice; or
  - (b) by a resolution adopted by at least two-thirds of all the members of the governing body after a notice of that motion to amend has been given to the members.
- (2) A copy of such amendment must be submitted to the Head of Department.

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**WESTERN CAPE EDUCATION DEPARTMENT**

P.N. 104/2012

24 May 2012

**ADULT EDUCATION AND TRAINING ACT, 2000 (ACT 52 OF 2000)**

**MATTERS RELATING TO THE ELECTION OF MEMBERS TO A GOVERNING BODY OF A PUBLIC ADULT EDUCATION AND TRAINING CENTRE AND GUIDELINES FOR THE ESTABLISHMENT, ELECTION AND FUNCTIONS OF A REPRESENTATIVE COUNCIL OF LEARNERS FOR SUCH A PUBLIC CENTRE**

I, Donald Arthur Cardross Grant, Provincial Minister of Education, in terms of section 9 and 19(2) of the Adult Education and Training Act, 2000 (Act 52 of 2000), hereby determine the following matters relating to the election of members to a governing body of a public adult education and training centre and the guidelines for the establishment, election and functions of a representative council of learners of such a public centre, as set out in the Schedule.

Signed at Cape Town this 5th day of April 2012.

**DONALD ARTHUR CARDROSS GRANT  
PROVINCIAL MINISTER OF EDUCATION**

## SCHEDULE

### Definitions

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

“**AET**” means adult education and training as defined in the Act;

“**constitution**” means the constitution of a governing body as contemplated in section 8(7) of the Act;

“**Department**” means the provincial department responsible for education in the Province;

“**district electoral officer**” means a senior district official at any district office of the Department designated as such by the Head of Department;

“**electoral officer**” means an electoral officer contemplated in paragraphs 5 or 9(1), as the case may be;

“**equity profile**” means a race, gender and disability profile;

“**Head of Department**” means the Head of the provincial department responsible for education in the Province;

“**member**” means a member of the governing body contemplated in section 8(2) of the Act;

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the Provincial Minister responsible for education in the Province;

“the Act” means the Adult Education and Training Act, 2000 (Act 52 of 2000).

### **Composition of governing body**

2. (1) A governing body is composed of the members contemplated in section 8(2) of the Act.

(2) The number of members of the governing body in each of the categories contemplated in section 8(3) of the Act, must be calculated as follows —

(a) from the educators at the public centre:

(i) one representative, if a public centre has fewer than 10 educators;

(ii) two representatives, if a public centre has between 11 and 20 educators; or

(iii) three representatives, if a public centre has more than 20 educators;

(b) from the non-educator staff at the public centre:

(i) one representative, if a public centre has fewer than 10 non-educator staff; or

(ii) two representatives, if a public centre has more than 10 non-educator staff; and

(c) from the learners at the public centre:

(i) one representative, if a public centre has fewer than 10 learners; or

- (ii) two representatives, if a public centre has more than 10 learners.

### **Eligibility and right to vote of members**

3. (1) An educator, non-educator staff member and learner is eligible to be a member of the governing body, if —
- (a) he or she is not disqualified in terms of paragraph 17; and
  - (b) a learner is enrolled at the public centre.
- (2) A member entitled to vote in terms of the Act and this Notice, has one vote, in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with paragraph 2.

### **Guidelines to achieve representivity**

4. To achieve representivity of members of the governing body —
- (a) each centre manager may at the beginning of each academic year request all educators, non-educator staff and learners at the public centre to complete a form to record the equity profile of the public centre;
  - (b) a notice contemplated in paragraph 6(3) and 6(4) may include a reference to the most recent equity profile of the public centre, and notify any person that representivity of members of the governing body may be achieved by the nomination and election of members of the governing body in accordance with the equity profile of the public centre; and
  - (c) the electoral officer may advise any person attending a nomination and election meeting contemplated in paragraph 6(2), of the equity profile of the public centre, and encourage such person to nominate and elect members representing the equity profile of the public centre.



### **Electoral Officer**

5. (1) A centre manager, other than the centre manager of the public centre at which the nomination and election of members of a governing body occurs or any other official delegated by the Head of Department, acts as electoral officer for the nomination and election of the members contemplated in section 8(3)(a) and (b) of the Act.
- (2) The electoral officer may appoint one or more persons to assist him or her at a nomination and election meeting.
- (3) The electoral officer must preside at any meeting, or part of a meeting, convened for the purpose of conducting the election of members of a governing body.

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

6. (1) The centre manager must give the electoral officer reasonable notice of the occurrence of any of the events referred to in subparagraph (2), to ensure that the time period in subparagraph (2) is complied with.
- (2) The electoral officer, with the concurrence of the centre manager determines the date, time and place for the nomination and election meeting of educator members contemplated in section 8(3)(a) of the Act, which must be held within 30 days —
- (a) before the expiry of the period of office of the governing body;
  - (b) of a vacancy occurring; or
  - (c) of the establishment of a new public centre.

- (3) The electoral officer must prepare a notice, as provided for in Annexure A, indicating the time, date and venue of the nomination and election meeting and, at least 20 days before the meeting, provide the centre manager with the notice for dissemination to the educators at the public centre.
- (4) The centre manager must send or hand a copy of the notice referred to in subparagraph (3), to all educators eligible to vote, or use any other means reasonably practicable, to inform educators of the meeting, at least 15 days before the date thereof.
- (5) A nomination may be —
- (a) lodged with the electoral officer not more than seven days and not less than 24 hours before the commencement of the meeting, on a nomination form provided for in Annexure B and available from the centre manager, signed by the proposer, seconder and the candidate; or
  - (b) proposed at commencement of the meeting, provided that another educator present at the meeting seconds the proposal, the candidate accepts the proposal and a nomination form provided for in Annexure B is forthwith handed to the electoral officer.
- (6) A candidate may not nominate himself or herself.
- (7) The electoral officer may consider the nominations or reject the nomination of any candidate who is not —
- (a) eligible to serve as a member; or
  - (b) nominated in terms of this Notice.
- (8) The electoral officer must announce the names of all candidates whose nominations are accepted.

- (9) If the number of the accepted candidates is —
- (a) fewer than the number of members of that specific category provided for in paragraph 2(2)(a), a new meeting for the nomination and election of candidates must be convened, in terms of this Notice;
  - (b) equal to the number of the members of that specific category provided for in paragraph 2(2)(a), the electoral officer must declare the thus accepted candidate or candidates to be duly elected; or
  - (c) more than the number of members of that specific category provided for in paragraph 2(2)(a), a poll must be held in terms of this Notice.

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

7. (1) The majority of the total number of educators on the establishment of the public centre constitutes a quorum during the poll at the election of members referred to in paragraph 2(2)(a).
- (2) If on the date of election a quorum is not present for the poll at the election meeting, the electoral officer must determine another date, time and place for a second election meeting, in concurrence with the centre manager.
- (3) The electoral officer must prepare a notice, as provided for in Annexure A, indicating the time, date and venue of the second election meeting and must, at least 20 days before the meeting, provide the centre manager with the notice for dissemination to the educators at the public centre.
- (4) The centre manager must send or hand a copy of the notice referred to in subparagraph (3) to all educators who are eligible to vote or use any other means reasonably practicable to inform educators of the meeting, at least 15 days before the date thereof.

(5) If there is not a quorum present at the second meeting, the poll for the educator members must proceed according to subparagraphs (6), (7), (9) and (10).

(6) The electoral officer issues each educator who wishes to cast his or her vote with a ballot paper on which an official mark or stamp appears to cast his or her vote in secret.

(7) The electoral officer must reject a ballot paper —

(a) if the official mark or stamp referred to in subparagraph (6) is absent;

(b) on which a number of votes cast is more than the number of members to be elected in accordance with paragraph 2(2)(a); or

(c) if it is completed in such a way that it is, in the opinion of the electoral officer, uncertain for which educator candidate a vote was cast.

(8) The candidate or candidates for whom the greatest number of votes is recorded must be declared as duly elected by the electoral officer.

(9) In the case of a tie of votes, and if it affects the result of the poll, the electoral officer must repeat the polling procedure until the number of candidates required to be elected as provided for in paragraph 2(2)(a) record a majority of votes.

(10) If the result referred to in subparagraph (8) is not obtained, the electoral officer must determine the result by drawing lots.

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

8. The procedure for the nomination and election of educator members applies, with the necessary changes, to the nomination and election of a member referred to in paragraph 2(2)(b).

### **Nomination and election of learners**

9. (1) The centre manager is the electoral officer for the nomination and election of members referred to in paragraph 2(2)(c).
- (2). The electoral officer determines the date, time and place of a meeting for the nomination and election of members provided for in paragraph 2(2)(c), which must be held within 30 days —
- (a) before the expiry of the period of office of the governing body;
  - (b) of a vacancy occurring; or
  - (c) of the establishment of a new public centre.
- (3) The electoral officer must prepare a notice, as provided for in Annexure A, indicating the time, date and venue of the nomination and election meeting and must, at least 20 days before the meeting, use any means reasonably practicable, to inform learners at the public centre of the meeting.
- (4) A nomination may be —
- (a) lodged with the electoral officer not more than seven days and not less than 24 hours before the commencement of the meeting, on a nomination form provided for in Annexure B and available from the electoral officer, signed by the proposer, seconder and the candidate; or

- (b) proposed at the commencement of the meeting, provided that another learner present at the meeting seconds the proposal, the learner candidate accepts the proposal and a nomination form provided for in Annexure B is forthwith handed to the electoral officer.
- (5) A candidate may not nominate himself or herself.
- (6) The procedures contemplated in paragraphs 6(7), (8), (9) and 7 regarding the consideration, acceptance, rejection and election of an educator member apply, with the necessary changes, to the nomination and election of a member referred to in paragraph 2(2)(c).

#### **Alternative nomination and election procedure**

10. (1) Any notification required to be furnished in writing, may alternatively be furnished in any other reasonably practicable manner to achieve the same results.
- (2) Any process which must be conducted in written format, may alternatively be conducted in any other reasonably practicable manner to achieve the same results.
- (3) If any person is on account of illiteracy, blindness or any other physical disability unable to make a nomination or to record his or her vote, the electoral officer may, at the request of that person and in the presence of a witness named by that person, record the nomination or vote of that person on the nomination form or ballot paper for the candidates indicated by that person.

#### **Decision of electoral officer**

11. The electoral officer must decide all matters, including any dispute, concerning the nomination and election of a member that arises during the meeting for the nomination and election of members contemplated in paragraph 2.

### **District electoral officer**

- 12.** (1) A person who wishes to lodge an objection with regard to the nomination or election of a member or the procedure followed, must lodge such an objection in writing within seven days after the nomination and election meeting, with the district electoral officer who must decide on the matter.
- (2) The district electoral officer must obtain all information relevant to the matter from the electoral officer, consider the objection and respond in writing within seven days of receipt of the objection.
- (3) An appeal may be lodged with the Minister within 30 days after the nomination or election meeting if the person is not satisfied with the decision of the district electoral officer.

### **Procedure after election**

- 13.** After the election of a governing body, the electoral officer must —
- (a) place all documents, including ballot papers, used at the election in clearly marked envelopes and seal the envelopes;
  - (b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
  - (c) notify each elected member in writing of his or her election; and
  - (d) notify the Head of Department and, in the case of an election of educators or non-educator staff, also the centre manager forthwith in writing of the date of the election and of the names and addresses of the persons elected as members.

### **Term of office**

14. (1) A member who is not a learner holds office for a term of three years, effective from the date of the first meeting of the governing body convened in terms of paragraph 15(1).
- (2) A member who is a learner holds office for a term of one year, effective from the date of the first meeting of the governing body convened in terms of paragraph 15(1).
- (3) A member may be re-elected after the expiry of his or her term of office.
- (4) A member, notwithstanding the expiry of his or her term of office referred to in subparagraphs (1) or (2), continues to be a member until a new governing body is elected as contemplated in this Notice and a meeting is convened in terms of paragraph 15.

### **Office-bearers**

15. (1). The centre manager must convene the first meeting of the governing body within 14 days of him or her being notified in terms of paragraph 13(d) of the names and addresses of the educators and non-educator members of the governing body.
- (2) The governing body must at its first meeting, from among its members, elect office bearers, including a chairperson, vice-chairperson, treasurer and secretary.
- (3) An office-bearer holds office for a period of one year from the date of his or her election, and may be re-elected after the expiry of his or her term of office.
- (4) If for any reason the office of an office-bearer becomes vacant, the governing body must, at the first meeting after that vacancy occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.



(5) The centre manager must preside at an election referred to in subparagraph (2) or (4).

(6) The centre manager must, after a meeting at which any office-bearer is elected as contemplated in this Notice, notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the persons elected.

### **Vacancy**

**16.** (1) The office of a member becomes vacant if the member —

(a) is disqualified in terms of paragraph 17;

(b) resigns; or

(c) dies.

(2) If a vacancy occurs, the governing body must request the centre manager and electoral officer to fill the vacancy by means of a by-election in accordance with the nomination and election procedure provided for in this Notice.

(3) A member elected in terms of subparagraph (2), obtains membership for the unexpired period of the term of office of his or her predecessor.

### **Disqualification or removal of member**

**17.** (1) A person is disqualified of becoming or remaining a member of a governing body, if he or she —

(a) has at any time been convicted of an offence for which he or she was sentenced to imprisonment without the option of a fine, either in the Republic or outside, if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the

conviction or sentence has been determined, or until the time for an appeal has expired: provided that a disqualification under this subparagraph ends in the event of that person receiving a free pardon or the period of his or her imprisonment has expired at least three years before the date of his or her election as a member of that body;

- (b) is declared to be of unsound mind by a competent court;
- (c) is an unrehabilitated insolvent;
- (d) ceases to fall within the particular category of members which he or she represented at the time of the election; or
- (e) is absent from three consecutive meetings of the governing body without the permission of the chairperson.

(2) A member of the governing body may be removed by the governing body only on —

- (a) the ground of misconduct, incapacity or incompetence;
- (b) a finding to that effect by a committee of the governing body appointed in terms of section 17 of the Act;
- (c) the adoption by the governing body of a resolution calling for that member's removal from office with a supporting vote of the majority of the members voting; and
- (d) a vote in favour of removal of that member, by at least two-thirds of the voters entitled to vote at the election of the category of member represented by the member whose removal is being considered.

(3) A member of the governing body may, in writing, request an extraordinary meeting to be convened to propose the appointment of a committee to make a finding as contemplated in subparagraph (2)(b).

(4) The governing body must convene a meeting as requested in subparagraph (3), within 21 days after a request is submitted and resolve whether to appoint a committee.

(5) Notice of the meeting referred to in subparagraph (4) must be given to all members in writing, at least 14 days before the meeting, and the notice must indicate the reason for convening the meeting.

(6) The member whose disqualification or removal is requested may make representations in writing to the governing body and the committee, and he or she has the right to be heard at any meeting regarding his or her removal.

(7) The finding of the committee must be considered by the governing body and a resolution calling for that member's removal may be adopted in accordance with the constitution of the governing body.

(8) The governing body must notify the centre manager of a resolution referred to in subparagraph (7).

(9) The centre manager must request the relevant electoral officer to determine a date, time and place for a meeting to vote on the removal of the member.

(10) Paragraphs 7(1), (2) and (3) apply, with the necessary changes, to the voting for the removal of a member. The electoral officer must inform the Head of Department and the centre manager of the result, after the votes have been cast.

## Dissolution and recomposition of governing body

18. (1) A governing body may be dissolved if —
- (a) due to the merger of two or more public centres, as contemplated in section 10 of the Act, a single governing body must be established to represent the public centres so merged;
  - (b) a public centre closes down as provided for in section 6 of the Act;
  - (c) a governing body ceases or fails to perform its functions as contemplated in section 14 of the Act;
  - (d) for any reason, the number of members of a governing body falls below one third of the number of members contemplated in paragraph 2(2); or
  - (e) at least two-thirds of learners entitled to vote at the election of learners as members of the governing body, vote in favour of a motion of no confidence in the governing body concerned.
- (2) If a situation referred to in subparagraph (1)(d) or (e) occurs, the governing body must convene an extraordinary meeting within 21 days after the situation is brought to its attention.
- (3) Notice of the meeting, indicating the reason for the extraordinary meeting, must be given to all members in writing, at least 14 days before the meeting.
- (4) The governing-body members present at the meeting constitute a quorum. A resolution is passed if a majority of members who have a right to vote are present and vote in favour thereof.
- (5) Notice of a resolution to proceed with the dissolution of a governing body must be given to the Head of Department and all members of the governing body, and must be published by any other means reasonably practicable at the

public centre to inform people of the dissolution, not later than seven days after the decision of the governing body was taken.

(6) The Head of Department may not take action under section 14 of the Act unless he or she has —

- (a) given notice, in writing, to the governing body of his or her intention to dissolve it and the reasons therefor;
- (b) published a notice by any other means reasonably practicable at the public centre to make known his or her intention;
- (c) given the governing body a reasonable opportunity to make representations relating to the intention to dissolve it;
- (d) given other interested parties an opportunity to make written representations within a period of not fewer than 21 days; and
- (e) considered all representations before taking a decision.

(7) The Head of Department must notify all members of the governing body of a decision to dissolve the governing body, and must publish the decision by any other means reasonably practicable at the public centre, not later than seven days after his or her decision.

(8) The procedure for the dissolution of a governing body referred to in —

- (a) subparagraph (1)(a), is as provided for in section 10 of the Act; and
- (b) subparagraph (1)(b), is as provided for in section 6 of the Act.

(9) The Head of Department determines the date on which a governing body that is being dissolved in terms of subparagraph (1)(c), (d) or (e) ceases to function.

(10) The Head of Department determines the date on which a new governing body must be recomposed where a governing body was dissolved in terms of subparagraph (1)(c), (d) or (e).

### **Guidelines for representative council of learners**

**19.** (1) Learners may elect not more than nine representatives.

(2) The representatives referred to in subparagraph (1), should come from the programmes offered by a public centre.

(3) For the purpose of this paragraph, the centre manager should act as electoral officer.

(4) The electoral officer should determine the date, time and place for a meeting for the nomination and election of the representatives contemplated in section 19(1) of the Act, which should be held within 30 days —

(a) before the expiry of the period of office of the representative council of learners;

(b) of a vacancy occurring; or

(c) of the establishment of a new public centre.

(5) The electoral officer should prepare a notice, similar to Annexure A, indicating the time, date and venue of the nomination and election meeting, and at least 20 days before the meeting, disseminate the notice at the public centre.

(6) The electoral officer should send or hand a copy of the notice referred to in subparagraph (5), to all learners eligible to vote, or use any other means reasonably practicable, to inform learners of the meeting, at least 15 days before the date of the meeting.

- (7) A nomination may be —
- (a) lodged with the electoral officer not more than seven days and not less than 24 hours before the meeting starts, on a nomination form similar to Annexure B and available from the electoral officer, signed by the proposer, seconder and the candidate; or
  - (b) proposed when the meeting starts, provided that another learner present at the meeting seconds the proposal, the candidate accepts the proposal and a nomination form similar to Annexure B is forthwith handed to the electoral officer.
- (8) A candidate should not nominate himself or herself.
- (9) The electoral officer should consider the nominations and may reject the nomination of any candidate who is not nominated in terms of this Notice.
- (10) The electoral officer should announce the names of all candidates whose nominations are accepted.
- (11) If the number of the accepted candidates is —
- (a) fewer than the number of the representatives referred to in subparagraph (1), a new meeting for the nomination and election of candidates should be convened, in terms of this Notice;
  - (b) equal to the number of the representatives referred to in subparagraph (1), the electoral officer should declare the thus accepted candidate or candidates to be duly elected; or
  - (c) more than the number of the representatives referred to in subparagraph (1), an election should be held in terms of this Notice.

### **Election of representative council of learners**

- 20** (1) The majority of the total number of learners on the admission register of the public centre constitutes a quorum during the election meeting of the representatives referred to in paragraph 19(1).
- (2) If on the date of the election meeting a quorum is not present, the electoral officer should determine another date, time and place for the election meeting.
- (3) The electoral officer should prepare a notice, similar to Annexure A, indicating the time, date and venue of the election meeting referred to in subparagraph (2) and should, at least 20 days before the meeting, disseminate the notice at the public centre.
- (4) The electoral officer should send or hand a copy of the notice referred to in subparagraph (3), to all learners, or use any other means reasonably practicable, to inform learners of the meeting, at least 15 days before the date of the meeting.
- (5) If there is no quorum present at the election meeting, the election of the representatives should proceed as contemplated in subparagraphs (6), (7), (8), (9) and (10).
- (6) The electoral officer should issue each learner who wishes to cast his or her vote with a ballot paper on which an official mark or stamp appears to cast his or her vote in secret.
- (7) The electoral officer should reject a ballot paper —
- (a) if the official mark or stamp referred to in subparagraph (6) is absent;



- (b) on which a number of votes cast is more than the number of learner members to be elected in accordance with paragraph 2(2)(c); or
  - (c) if it is completed in such a way that it is, in the opinion of the electoral officer, uncertain for which learner candidate a vote was cast.
- (8) The candidate or candidates for whom the greatest number of votes is recorded should be declared as duly elected by the electoral officer.
- (9) In the case of a tie of votes, and if it affects the result of the poll, the electoral officer should repeat the election until the number of the representatives required to be elected as contemplated in paragraph 19(1), is elected by a majority of votes.
- (10) If the result referred to in subparagraph (8) is not obtained, the electoral officer should determine the result by drawing lots.
- (11) The centre manager should convene the first meeting of the representative council of learners and should preside at that meeting.
- (12) At the first meeting the representatives should elect from their ranks a chairperson, a vice-chairperson and a secretary.
- (13) Members of the representative council of learners should be considered for nomination and election as learner representatives on the governing body.

### **Functions of representative council of learners**

21. The representative council of learners should —
- (a) draft a constitution and submit it to the governing body for approval;
  - (b) act as representatives of their fellow learners;

- (c) serve as a channel of communication between learners, between learners and educators and non-educator staff, and between learners and the centre manager;
- (d) assist in maintaining order at the public centre in accordance with any approved rules of the public centre;
- (e) set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, cooperation and active participation in the public centre's activities;
- (f) promote good relations between learners, between learners and educators and non-educator staff, the public centre and the community;
- (g) promote responsibility and leadership;
- (h) support the total educational programme of the public centre; and
- (i) maintain and refine traditions of a public centre.

**ANNEXURE A**

**Notice of nomination and election meeting**

Election of educators/non-educators/learners as members of the governing body

**NAME OF PUBLIC CENTRE:** .....

Notice is hereby given that a meeting for the nomination and election of candidates for the election of educators/non-educators/learners as members of the governing body for the above-mentioned public centre will be held on ..... (date) at ..... (time) at..... (place).

It shall be determined at ..... (time) on the evening of the nomination and election meeting whether a quorum of enfranchised members is present.

A candidate may also be nominated by lodging with the electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form, duly completed by the proposer, seconder and candidate. For this purpose nominations will be accepted at the centre from ..... (date) until ..... (time) on ..... (date).  
(Nomination forms can be obtained from the centre manager.)

The most recent equity profile of the public centre is included. In terms of the guidelines issued under section 9 of the Adult Education and Training, 2000 (Act 52 of 2000) Act, representivity may be achieved by the nomination and election of members of the governing body in accordance with the equity profile of the public centre.

If more candidates are nominated than the number of members to be elected, a poll will be conducted.

.....  
**DATE**

.....  
**SIGNATURE OF ELECTORAL OFFICER**  
Contact details:  
.....  
.....  
.....

**ANNEXURE B**

**NOMINATION FORM**

Election of educators/non-educators/learners as members of the governing body

(In terms of the guidelines issued under section 9(e) of the Adult Education and Training Act, 2000 (Act 52 of 2000), representivity may be achieved by the nomination and election of members of the governing body in accordance with the equity profile of the public centre.)

**NAME OF PUBLIC CENTRE**

**PROPOSER:**

I, .....

(Full name)

of .....

(Residential address)

being a learner/educator/non-educator of the above-mentioned public centre, hereby propose

.....

(Full name of candidate)

of .....

(Residential address)

as a member of the governing body of the above-mentioned public centre.

.....

**SIGNATURE OF PROPOSER**

**SECONDER:**

I, .....

(Full name)

of .....

(Residential address)

being a learner/educator/non-educator of the above-mentioned public centre, hereby second the above-mentioned proposal.

.....

**SIGNATURE OF SECONDER**

**CANDIDATE:**

I, .....

(Full name)

of .....

(Residential address)

hereby declare that I –

- (a) accept the above-mentioned nomination; and
- (b) am eligible to be a member of the governing body.

.....

**SIGNATURE OF CANDIDATE**

---

**WES-KAAPSE ONDERWYSDEPARTEMENT**

P.N. 103/2012

24 Mei 2012

**WET OP ONDERWYS EN OPLEIDING VIR VOLWASSENES, 2000 (WET 52 VAN 2000)****MINIMUM VEREISTES VIR 'N GRONDWET VAN 'N BEHEERLIGGAAM VAN 'N OPENBARE ONDERWYS EN OPLEIDING VIR VOLWASSENES SENTRUM**

Ek, Donald Arthur Cardross Grant, Provinsiale Minister van Onderwys bepaal hiermee, ingevolge artikel 8(7) van die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000), die volgende minimum vereistes vir 'n grondwet van 'n beheerliggaam van 'n openbare sentrum soos uiteengesit in die Bylae.

Geteken te Kaapstad op hierdie 5de dag van April 2012.

**DONALD ARTHUR CARDROSS GRANT**  
**PROVINSIALE MINISTER VAN ONDERWYS**

## BYLAE

### Definisies

1. In hierdie Kennisgewing het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken —

“**Departement**” die provinsiale departement verantwoordelik vir onderwys in die Provinsie;

“**die Wet**” die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000);

“**grondwet**” 'n grondwet van 'n beheerliggaam soos beoog in artikel 8(7) van die Wet;

“**OOV**” onderwys en opleiding vir volwassenes;

“**Provinsie**” die Provinsie van die Wes-Kaap;

“**Provinsiale Minister**” die Provinsiale Minister verantwoordelik vir onderwys in die Provinsie.

### Naam

2. Die openbare sentrum wat die beheerliggaam ingevolge artikel 8 van die Wet tot stand gebring het, moet geïdentifiseer word onder hierdie hoof in die Grondwet.

### Lede van beheerliggaam

3. (1) Die samestelling van die lede van die beheerliggaam moet wees soos beoog in artikel 8(2), (5) en (6) van die Wet.

(2) Die prosedure vir die nominasie en verkiesing, of koöptering, van 'n lid, insluitende die vul van 'n vakature, moet ingevolge die Wet wees en soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.

- (3) Die verkiesbaarheid of redes vir die diskwalifikasie van 'n lid en die prosedure vir die verwydering van 'n lid moet wees soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.
- (4) Die ampstermyn van 'n lid is soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.
- (5) 'n Lid van die beheerliggaam —
- (a) sal nie geregtig wees op enige vorm van vergoeding vir of in verband met die uitvoering van sy of haar funksies as 'n lid nie; en
- (b) sal daarop geregtig wees om vergoed te word vir nodige uitgawes aangegaan in die uitvoering van sy of haar funksies.

## **Vergaderings**

4. (1) Die beheerliggaam —
- (a) moet 'n gewone vergadering ten minste vier keer per jaar belê;  
en
- (b) mag die volgende belê:
- (i) 'n algemene jaarvergadering eenkeer 'n jaar; en
- (ii) 'n spesiale vergadering op versoek.
- (2) Die meerderheid van die totale getal lede van die beheerliggaam maak 'n kworum uit en moet teenwoordig wees voordat 'n vergadering mag begin of voortgaan.



(3) Indien, op die tyd aangedui vir 'n vergadering om te begin of voort te gaan, en vir 30 minute na daardie tyd, daar nie 'n kworum teenwoordig is nie, moet die vergadering verdaag word en die voorsitter moet 'n ander datum, tyd en plek vir 'n vergadering bepaal en die name van die lede wie teenwoordig was moet in die notules aangeteken word.

(4) Indien daar geen kworum teenwoordig is by die vergadering wat verdaag is ingevolge subparagraaf (3) nie, mag die vergadering voortgaan op die datum waarop dit verdaag is met die lede teenwoordig op die tyd bepaal vir die vergadering.

(5) 'n Mosie voorgestel by 'n vergadering mag nie oorweeg word tensy dit gesekondeer is nie. Die voorsitter kan vereis dat 'n mosie skriftelik ingedien word, in welke geval die voorsitter die mosie aan die vergadering moet voorlees.

(6) 'n Waarnemer of 'n persoon genooi om 'n vergadering van die beheerliggaam by te woon, mag teenwoordig wees by die vergadering van sodanige liggaam en deelneem aan die bespreking, maar sal geen stem hê nie en moet die vergadering verlaat wanneer die beheerliggaam so besluit.

(7) 'n Spesiale vergadering van die beheerliggaam —

(a) mag te eniger tyd deur die voorsitter uitgeroep word met die doel om dringende sake af te handel; en

(b) moet uitgeroep word deur die voorsitter binne 14 dae na —

(i) die ontvangs van 'n versoek vir daardie doel, met bekendmaking van die doel van die spesiale vergadering en geteken deur nie minder nie as drie lede; of

(ii) die aanvaarding van 'n resoluëie deur die beheerliggaam om 'n spesiale vergadering uit te roep.

(8) By die algemene jaarvergadering mag die beheerliggaam —

(a) die nominasie en verkiesing van lede van die beheerliggaam of enige ampsdraer bestuur;

- (b) die lede van enige komitee wat deur die beheerliggaam gestig word, aanstel;
- (c) oorweging skenk en goedkeuring verleen aan die voorafgaande finansiële jaar se:
  - (i) verslag aangaande die algemene bestuur van die openbare sentrum;
  - (ii) jaarlikse finansiële verslae en state van die beheerliggaam; en
  - (iii) die ouditeur se verslag oor die bogemelde state.

### **Kennisgewing van vergaderings**

5. (1) Die voorsitter moet die datum, tyd en plek van 'n vergadering bepaal en die sekretaris moet 'n skriftelike kennisgewing van elke beheerliggaamvergadering voorberei waarin die datum, tyd en plek van die vergadering en die sake wat afgehandel gaan word, aangedui word, en minstens 14 dae voor die vergadering 'n afskrif van die kennisgewing stuur of oorhandig aan elke lid of gebruik maak van enige ander manier wat redelikerwys doenlik is om die lede in te lig van die vergadering.
- (2) Die sekretaris moet 'n skriftelike kennisgewing voorberei waarin die datum, tyd en plek van die vergadering wat verdaag is, aangedui word en moet, minstens 14 dae voor die vergadering, 'n afskrif van die kennisgewing stuur of oorhandig aan elke lid.
- (3) Enige kennisgewing wat skriftelik gegee moet word, mag alternatiewelik op enige ander manier wat redelikerwys doenlik is uitgegee word om dieselfde doel te bereik.

### **Notules**

6. (1) Die sekretaris moet notules hou, of notules laat hou, van die prosedures by beheerliggaamvergaderings.

- (2) By elke vergadering van die beheerliggaam —
- (a) moet die sekretaris die notules van die vorige vergadering lees, tensy dit vooraf uitgestuur is aan die lede deur die sekretaris, en die beheerliggaam moet sodanige notules bevestig; en
- (b) nadat die notules bevestig is, met of sonder enige wysigings, moet die voorsitter die notules onderteken.
- (3) 'n Voorsitter moet die notules aan die Departementshoof voorlê, binne 14 dae na die notules onderteken is.

### **Stemming**

7. (1) 'n Mosie moet beslis word met 'n meerderheid van stemme van die lede teenwoordig en geregtig om te stem, en stemming moet met die opsteek van hande geskied.
- (2) 'n Lid wat geregtig is om te stem, het een stem ten opsigte van enige saak wat aan die beheerliggaam voorgelê is vir sy besluit.
- (3) Indien enige persoon nie in staat is om sy of haar stem uit te bring as gevolg van ongeletterdheid, blindheid of enige ander fisiese gestremdheid, mag die sekretaris, op versoek van die persoon en in die teenwoordigheid van 'n getuie wat daardie persoon benoem het, die stem van daardie persoon uitbring.

### **Ampsdraers**

8. (1) Die beheerliggaam moet ampsdraers, insluitend 'n voorsitter, ondervoor-sitter, tesourier en sekretaris, uit eie geledere verkies.
- (2) Die prosedure vir die nominasie en verkiesing, of koöptering, van 'n ampsdraer, insluitend die vul van 'n vakature, moet wees soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.
- (3) Die verkiesbaarheid of redes vir die diskwalifikasie van 'n lid om as ampsdraer verkies te word en die prosedure vir die verwydering van daardie ampsdraer moet bepaal word deur die beheerliggaam.

(4) 'n Ampsdraer beklee sy of haar amp vir die tydperk soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.

(5) Die ampsdraers mag vergaderings belê, afgesien van die vergaderings van die beheerliggaam, en algemene prosedurereëls vir hulle vergaderings aanvaar.

### **Voorsitter en ondervoorsitter**

9. (1) Die voorsitter moet voorsit by vergaderings van die beheerliggaam insluitend om —

(a) te teken vir betalings of uitgawes op die beheerliggaam se bankrekening; en

(b) enige ander funksies en pligte wat deur die beheerliggaam aan hom of haar opgedra is, of wat algemeen verbind word aan die amp van 'n voorsitter, te verrig.

(2) Die ondervoorsitter moet voorsit by 'n vergadering van die beheerliggaam en die funksies en pligte van die voorsitter verrig wanneer ook al die voorsitter afwesig is of om enige rede nie in staat is om op te tree of daardie funksies en pligte te verrig nie.

(3) Indien beide die voorsitter en die ondervoorsitter afwesig is, of nie in staat is om op te tree of die funksies en pligte van die voorsitter te verrig nie, moet die beheerliggaam deur die opsteek van hande, uit eie geledere 'n lid verkies om as voorsitter op te tree.

### **Sekretaris**

10. Die sekretaris is verantwoordelik vir die administratiewe en sekretariële werksaamhede van die beheerliggaam, en hy of sy moet enige funksie of diens verrig wat aan die sekretaris opgelê word deur die beheerliggaam, met inbegrip van —

- (a) die bywoning van alle vergaderings van die beheerliggaam en die ampsdraers en die optekening van die notules en prosedures by daardie vergaderings;
- (b) die voorsiening aan elke lid of enige ander persoon, op versoek, van 'n afskrif van die aanvaarde notules;
- (c) die oorhandiging van alle notules en ander dokumentasie van die beheerliggaam aan die sentrumbestuurder by ontbinding daarvan of verstryking van sy of haar ampstermyn;
- (d) die veilige bewaring van 'n afskrif van die bevestigde en ondertekende notules van elke vergadering van die beheerliggaam en enige ander komitee van die beheerliggaam by die kantoor van die beheerliggaam; en
- (e) die beheer van die korrespondensie van die beheerliggaam.

## **Tesourier**

11. (1) Die tesourier is verantwoordelik vir die finansiële sake voortspruitend uit die funksionering van die beheerliggaam en vir die verrigting van die funksies en pligte wat deur die beheerliggaam aan die sekretaris opgelê word, en kan insluit —
- (a) die hou en instandhouding van die rekeningkundige en finansiële rekords en state om alle bates, laste, inkomste en uitgawes en enige ander finansiële transaksies en toedrag van sake van die beheerliggaam en sy substrukture en ander liggame onder die gesag van die beheerliggaam te weerspieël;
  - (b) die deponering van alle gelde namens die beheerliggaam ontvang binne drie dae vanaf ontvangs;
  - (c) die indien, wanneer ook al vereis deur die beheerliggaam, maar minstens een keer in elke kwartaal van die finansiële jaar, van die state van sy finansiële sake en stand by die beheerliggaam;

- (d) die voorlegging by die algemene jaarvergadering van die beheerliggaam, van die geouditeerde state van die voorafgaande jaar, 'n begroting vir die volgende finansiële jaar en 'n jaarverslag wat die kernaktiwiteite van die beheerliggaam opsom;
- (e) die medeondertekening vir betalings of uitgawes op die beheerliggaam se bankrekening;
- (f) die behou van elke finansiële verslag en staat vir ten minste drie jaar vanaf die datum daarvan; en
- (g) die voldoening aan enige bepaling wat genoem word of die verskaffing van enige inligting benodig deur die Provinsiale Minister soos beoog in artikel 24 van die Wet.

### **Komitees**

12. (1) Die beheerliggaam mag komitees aanstel om enige van sy funksies te verrig, met uitsondering van die funksies wat aan 'n ampsdraer opgedra is, insluitend om ondersoek in te stel na en verslag te lewer aan die beheerliggaam oor enige saak.
- (2) Die beheerliggaam kan die samestelling en vergaderprosedures van 'n komitee bepaal.

### **Finansies**

13. (1) Die finansiële sake, insluitend die finansiële verslae en state van die openbare sentrum moet onderneem en bestuur word soos beoog in artikel 24 van die Wet en enige versuim om daaraan te voldoen moet hanteer word soos beoog in artikel 25 van die Wet.
- (2) Die beheerliggaam moet 'n rekening in sy naam by 'n bank van sy keuse wat in die Republiek geregistreer is, oopmaak en in stand hou, en —
- (a) alle gelde wat dit ontvang binne drie dae van ontvangs in daardie rekening inbetaal; en

- (b) die uitgawes van en alle betalings namens die beheerliggaam uit daardie rekening betaal.
- (3) Alle betalings of uitgawes uit die beheerliggaam se fondse moet deur die beheerliggaam goedgekeur word, onderteken word deur die voorsitter en medeonderteken word deur die tesourier.
- (4) Die grondwet moet die begin- en afsluitingsdatum van die finansiële jaar van die beheerliggaam aandui.
- (5) Die geouditeerde state en die ouditeur se verslag moet —
- (a) beskikbaar gestel word aan lede vir inspeksie by die openbare sentrum. Lede is ook geregtig op afskrifte van daardie state en die ouditeur se verslag; en
  - (b) by die algemene jaarvergadering van die beheerliggaam voorgelê word vir bespreking en goedkeuring.
- (6) Die beheerliggaam moet voorsiening maak vir die bestuur van aanspreeklikhede, met insluiting van die aanspreeklikheid van 'n lid vir enige skuld, skade, verlies of eis waaraan die openbare sentrum blootgestel is wat mag voortspruit uit 'n lid se optredes of versuim.

### **Ontbinding van die beheerliggaam**

**14.** Die grondwet moet voorsiening maak vir die redes en prosedures vir die ontbinding van die beheerliggaam soos bepaal in die Kennisgewing uitgereik kragtens artikel 9 van die Wet.

## Wysigings

15. (1) Die beheerliggaam kan die grondwet te eniger tyd wysig —
- (a) deur 'n resoluëie sonder teenstem aanvaar deur al die lede van die beheerliggaam op 'n mosie om te wysig wat sonder voorafkennigsewing ter tafel gelê is; of
  - (b) deur 'n resoluëie aanvaar deur ten minste twee derdes van al die lede van die beheerliggaam na kennigsewing van wysiging van daardie mosie aan die lede gegee is.
- (2) 'n Afskrif van sodanige wysiging moet aan die Departementshoof voorgelê word.



**WES-KAAPSE ONDERWYSDEPARTEMENT**

P.N. 104/2012

24 Mei 2012

**WET OP ONDERWYS EN OPLEIDING VIR VOLWASSENES, 2000 (WET 52 VAN 2000)****AANGELEENTHEDE RAKENDE DIE VERKIESING VAN LEDE VAN 'N BEHEERLIGGAAM VAN 'N OPENBARE ONDERWYS EN OPLEIDING VIR VOLWASSENESSENTRUM EN RIGLYNE VIR DIE INSTELLING, VERKIESING EN WERKSAAMHEDE VAN 'N VERTEENWOORDIGENDE RAAD VAN LEERDERS VAN SODANIGE OPENBARE SENTRUM**

Ek, Donald Arthur Cardross Grant, Provinsiale Minister van Onderwys bepaal hiermee, kragtens artikel 9 en 19(2) van die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000), die volgende aangeleentehede betreffende die verkiesing van lede van 'n beheerliggaam van 'n openbare onderwys en opleiding sentrum, en riglyne vir die instelling, verkiesing en werksaamhede van 'n verteenwoordigende raad van leerders van sodanige openbare sentrum, soos uiteengesit in die Bylae.

Geteken te Kaapstad op hierdie 5de dag van April 2012.

**DONALD ARTHUR CARDROSS GRANT**  
**PROVINSIALE MINISTER VAN ONDERWYS**

## BYLAE

### Definisies

1. In hierdie Kennisgewing het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken —

**“Departement”** die provinsiale departement verantwoordelik vir onderwys in die Provinsie;

**“Departementshoof”** die hoof van die provinsiale departement verantwoordlike vir onderwys in die Provinsie;

**“die Wet”** die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000);

**“distrikskiesbeampte”** 'n senior distriksbeampte in enige distrikskantoor van die provinsiale Department sodanig aangewys deur die Departementshoof;

**“gelykheidprofiel”** die ras-, geslags- en gestremdheidprofiel;

**“grondwet”** 'n grondwet van 'n beheerliggaam soos beoog in artikel 8(7) van die Wet;

**“kiesbeampte”** 'n kiesbeampte beoog in paragraaf 5 of 9(1), na gelang van die geval;

**“konstitusie”** die konstitusie van 'n beheerliggaam soos beoog in artikel 8(7) van die Wet;

**“lid”** 'n lid van die beheerliggaam soos beoog in artikel 8(2) van die Wet;

“**OOV**” onderwys en opleiding vir volwassenes soos omskryf in die Wet;

“**Provinsie**” die Provinsie van die Wes-Kaap;

“**Provinsiale Minister**” die Minister verantwoordelik vir onderwys in die provinsie.

### **Samestelling van beheerliggaam**

2. (1) 'n Beheerliggaam bestaan uit die lede soos beoog in artikel 8(2) van die Wet.
- (2) Die getal lede van die beheerliggaam in elk van die kategorieë soos beoog in artikel 8(3) van die Wet, moet as volg bereken word —
- (a) van die opvoeders by die openbare sentrum:
- (i) een verteenwoordiger, in die geval van 'n openbare sentrum waar daar minder as 10 opvoeders is;
  - (ii) twee verteenwoordigers, in die geval van 'n openbare sentrum waar daar meer as 11 en minder as 20 opvoeders is; en
  - (iii) drie verteenwoordigers, in die geval van 'n openbare sentrum waar daar meer as 20 opvoeders is;
- (b) van die personeellede by die openbare sentrum wat nie opvoeders is nie:
- (i) een verteenwoordiger, in die geval van 'n openbare sentrum waar daar minder as 10 personeellede is wat nie opvoeders is nie;
  - (ii) twee verteenwoordigers, in die geval van 'n openbare sentrum waar daar meer as 10 personeellede is wat nie opvoeders is nie; en

- (c) van die leerders by die openbare sentrum:
  - (i) een verteenwoordiger, in die geval van 'n openbare sentrum waar daar minder as 10 leerders is; of
  - (ii) twee verteenwoordigers, in die geval van 'n openbare sentrum waar daar meer as 10 leerders is.

### **Verkiesbaarheid en stemreg van lede**

3. (1) 'n Opvoeder, 'n personeellid wat nie 'n opvoeder is nie en 'n leerder is bevoeg om 'n lid van die beheerliggaam te wees, indien hy of sy —
- (a) nie gediskwalifiseerd is kragtens die bepalings van paragraaf 17 nie; en
  - (b) 'n ingeskrewe leerder by die openbare sentrum is.
- (2) 'n Lid wat geregtig is om te stem ingevolge die Wet en hierdie Kennisgewing, het een stem ten opsigte van elke kandidaat met 'n maksimum getal stemme gelyk aan die getal lede wat ooreenkomstig paragraaf 2 verkies word.

### **Riglyne om verteenwoordiging te bereik**

4. Vir die bereiking van verteenwoordiging van lede van die beheerliggaam —
- (a) mag elke sentrumbestuurder met die aanvang van elke akademiese jaar alle opvoeders, personeellede wat nie opvoeders is nie en leerders by die openbare sentrum versoek om 'n vorm te voltooi om die gelykheidprofiel van die openbare sentrum te boekstaaf;
  - (b) mag 'n kennisgewing beoog in paragraaf 6(3) en 6(4), 'n verwysing insluit na die mees onlangse gelykheidsprofiel van die openbare sentrum en persone in kennis stel dat gelykheid van lede van die beheerliggaam bereik kan word deur die nominasie en verkiesing van lede van die beheerliggaam in ooreenstemming met die gelykheidprofiel van die openbare sentrum; en

- (c) mag die kiesbeampte enige persoon wat die nominasie-en-verkiesingsvergadering beoog in paragraaf 6(2) bywoon, adviseer oor die gelykheidprofiel van die openbare sentrum en die persoon aanmoedig om lede wat die gelykheidprofiel van die openbare sentrum verteenwoordig te nomineer en te verkies.

### **Kiesbeampte**

5. (1) 'n Sentrumbestuurder, uitgesonderd die sentrumbestuurder van die openbare sentrum waar die nominasie en verkiesing van lede van 'n beheerliggaam plaasvind, of enige ander beampte aangewys deur die Departementshoof dien as kiesbeampte vir die nominasie en verkiesing van die lede beoog in artikel 8(3)(a) en (b) van die Wet.
- (2) Die kiesbeampte kan een of meer persone aanstel om by 'n nominasie-en-verkiesingsvergadering behulpsaam te wees.
- (3) Die kiesbeampte tree as voorsitter op by enige vergadering, of deel daarvan, byeengeroep vir doeleindes van die verkiesing van lede van 'n beheerliggaam.

### **Nominasie-en-verkiesingsvergadering van opvoederlede**

6. (1) Die sentrumbestuurder moet redelike kennis gee aan die kiesbeampte van die plaasvind van enige van die aangeleenthede na verwys in subparagraaf (2), ten einde te verseker dat die tydperioede in subparagraaf (2) nagekom word.
- (2) Die kiesbeampte, in oorleg met die sentrumbestuurder, bepaal die datum, tyd en plek vir 'n nominasie-en-verkiesingsvergadering van opvoederlede soos beoog in artikel 8(3)(a) van die Wet, wat binne 30 dae moet plaasvind —
- (a) voor die verstryking van die ampstermyn van die beheerliggaam;
- (b) van die ontstaan van 'n vakature; of
- (c) van die instelling van 'n nuwe openbare sentrum.

- (3) Die kiesbeampte stel 'n kennisgewing op, soos bedoel in Aanhangel A, wat die tyd, datum en plek van die nominasie-en-verkiesingsvergadering aandui en hy of sy moet die sentrumbestuurder ten minste 20 dae voor die vergadering van sodanige kennisgewing voorsien sodat dit versprei kan word aan die opvoeders by die openbare sentrum.
- (4) Die sentrumbestuurder moet ten minste 15 dae voor die datum van die vergadering 'n afskrif van die kennisgewing bedoel in subparagraaf (3) aan alle stemgeregtigde opvoeders oorhandig of versend, of enige manier wat redelikerwys doenlik is gebruik om opvoeders in kennis stel van die vergadering.
- (5) 'n Nominasie mag —
  - (a) nie meer nie as sewe dae en nie minder nie as 24 uur voor die aanvang van die vergadering ingedien word by die kiesbeampte op 'n nominasievorm, bedoel in Aanhangel B en beskikbaar by die sentrumbestuurder, onderteken deur die voorsteller, die sekondant en die kandidaat; of
  - (b) voorgestel word by aanvang van die vergadering, mits 'n ander opvoeder teenwoordig by die vergadering sodanige voorstel sekondeer, die kandidaat die nominasie aanvaar en 'n nominasievorm bedoel in Aanhangel B onverwyld oorhandig word aan die kiesbeampte.
- (6) 'n Kandidaat mag nie homself of haarself nomineer nie.
- (7) Die kiesbeampte moet die nominasies oorweeg en mag die nominasie verwerp van enige kandidaat wat —
  - (a) nie bevoeg is om as lid te dien nie; of
  - (b) nie genomineer is in ooreenstemming met die bepalings van hierdie Kennisgewing nie.

- (8) Die kiesbeampte moet die name van al die kandidate wie se nominasies aanvaar is, bekend maak.
- (9) Indien die getal kandidate wie se nominasies aanvaar is —
- (a) minder is as die getal lede van die spesifieke kategorie bedoel in paragraaf 2(2)(a), word 'n nuwe nominasie-en-verkiesingsvergadering ooreenkomstig die bepalings van hierdie Kennisgewing belê;
- (b) gelyk is aan die getal lede bedoel in paragraaf 2(2)(a), verklaar die kiesbeampte elke aldus aanvaarde kandidaat of kandidate, behoorlik verkose; of
- (c) meer is as die getal lede bedoel in paragraaf 2(2)(a), moet 'n stemming ooreenkomstig hierdie Kennisgewing gehou word.

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

7. (1) Die meerderheid van die totale getal opvoeders op die diensstaat van die openbare sentrum stel 'n kworum daar tydens die stemming by die verkiesing van lede bedoel in paragraaf 2(2)(a).
- (2) Indien daar nie 'n kworum teenwoordig is op die datum van die verkiesing vir die stemming by die nominasie-en-verkiesingsvergadering nie, moet die kiesbeampte, in oorleg met die sentrumbestuurder, 'n ander datum, tyd en plek vir 'n tweede verkiesingsvergadering bepaal.
- (3) Die kiesbeampte stel 'n kennisgewing op, soos bedoel in Aanhangsel A, wat die tyd, datum en plek van die tweede nominasie-en-verkiesingsvergadering aandui en hy of sy moet die sentrumbestuurder, ten minste 20 dae voor die vergadering, van sodanige kennisgewing voorsien sodat dit versprei kan word aan die opvoeders by die openbare sentrum.

- (4) Die sentrumbestuurder moet, ten minste 15 dae voor die datum van die vergadering, 'n afskrif van die kennisgewing bedoel in subparagraaf (3) aan alle stemgeregtigde opvoeders oorhandig of versend, of sodanige opvoeders op enige ander manie wat rederlikerwys doenlik is in kennis stel van die vergadering.
- (5) Indien daar nie 'n kworum teenwoordig is by die tweede nominasie-en-verkiesingsvergadering nie, moet die verkiesing van opvoederlede voortgaan ooreenkomstig subparagraawe (6), (7) (9) en (10).
- (6) Die kiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring, 'n stembrief, waarop 'n amptelike merk of stempel voorkom, uit om sy of haar stem in die geheim uit te bring.
- (7) Die kiesbeampte moet 'n stembrief verwerp indien —
  - (a) die amptelike merk of stempel na verwys in subparagraaf (6) nie voorkom nie;
  - (b) daar meer name voorkom as die getal lede wat verkies moet word ooreenkomstig paragraaf 2(2)(a); of
  - (c) dit so voltooi is dat dit na die oordeel van die kiesbeampte onseker is ten gunste van watter opvoederkandidaat 'n stem uitgebring is.
- (8) Die kandidaat of kandidate vir wie die meeste stemme uitgebring is, moet deur die kiesbeampte as verkose verklaar word.
- (9) In geval van 'n staking van stemme en indien dit die resultate van die verkiesing raak, moet die kiesbeampte die stemprosedure herhaal totdat die getal kandidate wat verkies moet word soos bedoel in paragraaf 2(2)(a), 'n meerderheid van stemme behaal.
- (10) Indien die resultaat bedoel in subparagraaf (8) nie behaal word nie, stel die kiesbeampte die uitslag deur loting vas.



### **Nominasie en verkiesing van personelede wat nie opvoeders is nie**

8. Die prosedure vir die nominasie en verkiesing van opvoederlede is, met die nodige veranderinge, van toepassing op die nominasie en verkiesing van 'n lid bedoel in paragraaf 2(2)(b).

### **Nominasie en verkiesing van leerders**

9. (1) Die sentrumbestuurder is die kiesbeampte vir die nominasie en verkiesing van lede bedoel in paragraaf 2(2)(c).
- (2) Die kiesbeampte bepaal die datum, tyd en plek vir die nominasie-en-verkiesingsvergadering van lede bedoel in paragraaf 2(2)(c), wat binne 30 dae moet plaasvind —
- (a) voor die verstryking van die ampstermyn van die beheerliggaam;
  - (b) van die ontstaan van 'n vakature; of
  - (c) van die instelling van 'n nuwe openbare sentrum.
- (3) Die kiesbeampte stel 'n kennisgewing op, soos bedoel in Aanhangsel A, wat die tyd, datum en plek van die nominasie-en-verkiesingsvergadering aandui en hy of sy moet ten minste 20 dae voor die vergadering, van enige manier wat redelikerwys doenlik is gebruik maak om die leerders by die openbare sentrum in kennis stel van die vergadering.
- (4) 'n Nominasie mag —
- (a) nie meer nie as 7 dae en nie minder nie as 24 uur voor die aanvang van die vergadering, ingedien word by die kiesbeampte op 'n nominasievorm, bedoel in Aanhangsel B en beskikbaar by die kiesbeampte, onderteken deur die voorsteller, die sekondant en die kandidaat; of

- (b) voorgestel word by aanvang van die vergadering, mits 'n ander leerder teenwoordig by die vergadering sodanige voorstel sekondeer, die kandidaat die nominasie aanvaar en 'n nominasievorm bedoel in Aanhangsel B onverwyld oorhandig word aan die kiesbeampte.
- (5) 'n Kandidaat mag nie homself of haarself nomineer nie.
- (6) Die prosedures bedoel in paragrawe 6(7), 6(8), 6(9) en 7 rakende die oorweging, aanvaarding, verwerping, verkiesing en stemming van 'n opvoederlid is, nadat die noodsaaklike veranderinge aangebring is, met die nodige veranderinge, van toepassing op die nominasie en verkiesing van 'n lid bedoel in paragraaf 2(2)(c).

#### **Alternatiewe nominasie- en verkiesingprosedure**

10. (1) Enige kennisgewing skriftelik verlang, mag in die alternatief gegee word op enige ander manier wat redelikerwys doenlik is en wat dieselfde resultate sal behaal.
- (2) Enige proses wat skriftelik moet plaasvind, mag in die alternatief plaasvind op enige ander manier wat redelikerwys doenlik is en wat dieselfde resultate sal behaal.
- (3) Indien enige persoon as gevolg van ongeletterdheid, blindheid of enige ander fisiese gestremdheid nie 'n nominasie kan maak of sy of haar stem kan uitbring nie, mag die kiesbeampte, op versoek van daardie persoon en in die teenwoordigheid van 'n getuie benoem deur daardie persoon, die nominasie of stem van daardie persoon aanteken op die nominasievorm of stembrief vir die kandidate aangedui deur daardie persoon.

#### **Beslissing van kiesbeampte**

11. Die kiesbeampte beslis oor alle aangeleenthede, insluitend enige dispuut, rakende die nominasie en verkiesing van kandidate wat ontstaan gedurende die nominasie en verkiesing van lede, bedoel in paragraaf 2.

### **Distrikskiesbeampte**

12. (1) Enige persoon wat beswaar wil aanteken teen die nominasie en verkiesing van 'n lid of die prosedure wat gevolg is, moet sodanige beswaar skriftelik indien by die distrikskiesbeampte vir 'n beslissing binne sewe dae ná die nominasie-en-verkiesingsvergadering.
- (2) Die distrikskiesbeampte moet alle inligting van toepassing op die aangeleentheid van die kiesbeampte bekom, die beswaar oorweeg en binne sewe dae van ontvangs van die beswaar, skriftelik daarop reageer.
- (3) Appèl mag aangeteken word by die Minister binne 30 dae ná die nominasie-en-verkiesingsvergadering indien die persoon nie tevrede is met die besluit van die distrikskiesbeampte nie.

### **Prosedure na verkiesing**

13. Na die verkiesing van 'n beheerliggaam moet die kiesbeampte —
- (a) alle dokumente, met inbegrip van stembriewe wat by die verkiesing gebruik is, in koeverte plaas en die koeverte verseël;
- (b) daardie koeverte in veilige bewaring hou vir 'n tydperk van ten minste drie maande van die datum van die verkiesing van die betrokke beheerliggaam;
- (c) elke verkose lid skriftelik in kennis stel van sy of haar verkiesing; en
- (d) die Departementshoof en die sentrumbestuurder, in die geval van die verkiesing van opvoeders of personeellede wat nie opvoeders is nie, onverwyld in kennis stel van die nominasie-en-verkiesingsdatum en die name en adresse van die persone verkies as lede.

### **Ampstermyn**

14. (1) Die ampstermyn van 'n lid wat nie 'n leerder is nie, is drie jaar, effektief vanaf die datum van die eerste vergadering van die beheerliggaam byeengeroep ingevolge paragraaf 15(1).

- (2) Die ampstermyn van 'n lid wat 'n leerder is, is een jaar, effektief vanaf die datum van die eerste vergadering van die beheerliggaam byeengeroep soos bedoel in paragraaf 15(1).
- (3) 'n Lid mag herverkies of weer gekoöpteer word, na gelang van die geval, na verstryking van sy of haar ampstermyn.
- (4) 'n Lid, ondanks die verstryking van sy of haar ampstermyn bedoel in subparagraawe (1) of (2), gaan voort om 'n lid te wees tot 'n nuwe beheerliggaam ooreenkomstig hierdie Kennisgewing saamgestel is en 'n vergadering byeengeroep is soos beoog in paragraaf 15.

### **Ampsdraers**

15. (1) Die sentrumbestuurder moet die eerste vergadering van die beheerliggaam byeenroep binne 14 dae nadat hy of sy ingevolge paragraaf 13(d) in kennis gestel is van die name en adresse van opvoeders, en van personeellede wat nie opvoeders is nie, op die beheerliggaam.
- (2) Die beheerliggaam moet tydens die eerste vergadering, uit eie geleedere, ampsdraers, insluitend 'n voorsitter, ondervoorsitter, tesourier en sekretaris, verkies.
- (3) 'n Ampsdraer beklee sy of haar amp vir 'n tydperk van 12 maande van die datum van sy of haar verkiesing en mag herverkies word na verstryking van sy of haar ampstermyn.
- (4) Indien die amp van 'n ampsdraer om enige rede vakant raak, moet die beheerliggaam op die eerste vergadering ná die ontstaan van die vakature een van die lede verkies om die vakature te vul vir die oorblywende tydperk van die ampstermyn van sy of haar voorganger.
- (5) Die sentrumbestuurder sit voor by 'n verkiesing bedoel in subparagraaf (2) of (4).

- (6) Die sentrumbestuurder moet na 'n vergadering waarop enige ampsdraer soos beoog in hierdie Kennisgewing verkies is, die Departementshoof onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam en adres van en die amp waartoe die persoon wat verkies is.

### **Vakature**

- 16.** (1) 'n Vakature ontstaan indien die lid —
- (a) gediskwalifiseerd is ingevolge paragraaf 17;
  - (b) bedank; of
  - (c) te sterwe kom.
- (2) Indien 'n vakature ontstaan, moet die beheerliggaam die sentrumbestuurder en kiesbeamppte versoek om sodanige vakature te vul by wyse van 'n tussenverkiesing ooreenkomstig die nominasie-en-verkiesingsprosedure in hierdie Kennisgewing.
- (3) 'n Lid verkies soos bedoel in subparagraaf (2) verkry lidmaatskap vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger.

### **Diskwalifikasie of verwydering van lid**

- 17.** (1) 'n Persoon is gediskwalifiseerd om as lid verkies te word of om as lid van 'n beheerliggaam aan te bly, indien hy of sy —
- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonniss is, binne of buite die Republiek, indien die gedrag wat 'n misdryf daarstel ook 'n misdryf in die Republiek sal daarstel, maar niemand sal geag gevonniss te wees tot die uitspraak van enige appèl teen die skuldigbevinding of strafoplegging, of tot die appèlperiode verstryk het, tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van daardie liggaam verstryk het;

- (b) geestesongesteld verklaar is deur 'n bevoegde hof;
  - (c) 'n ongerehabiliteerde insolvent is;
  - (d) nie meer binne die spesifieke kategorie van persoon val wat hy of sy verteenwoordig het ten tyde van die verkiesing nie; of
  - (e) sonder die toestemming van die voorsitter afwesig is van drie agtereenvolgende vergaderings van die beheerliggaam.
- (2) 'n Lid van die beheerliggaam mag alleenlik deur die beheerliggaam verwyder word —
- (a) as gevolg van wangedrag, onbekwaamheid of ongeskiktheid;
  - (b) na 'n bevinding tot sodanige effek deur 'n komitee van die beheerliggaam ingestel ingevolge artikel 17 van die Wet;
  - (c) na die aanname, deur 'n meerderheidstem van die beheerliggaam, van 'n resoluëie wat die verwydering van die lid van sy of haar amp verlang; en
  - (d) indien 'n stem ten gunste van die verwydering van daardie lid deur ten minste twee-derdes van die stemgeregtigdes wat by die verkiesing van die kategorie van lid en wie verteenwoordig word deur die lid wie se verwydering oorweeg word, uitgebring word.
- (3) 'n Lid van die beheerliggaam mag skriftelik versoek dat 'n buitengewone vergadering byeengeroep word vir doeleindes van die instelling van 'n komitee om 'n bevinding te maak soos beoog in subparagraaf (2)(b).
- (4) Die beheerliggaam moet 'n vergadering soos versoek in subparagraaf (3), byeenroep binne 21 dae na die inhandiging van 'n versoek ten einde te besluit of 'n komitee daargestel moet word.

- (5) Kennis van die vergadering bedoel in subparagraaf (4) moet skriftelik aan alle lede gegee word, ten minste 14 dae voor die vergadering, en moet die gronde vir die byeenroep van die vergadering aandui.
- (6) Die lid wie se diskwalifikasie of verwydering versoek is, mag skriftelike verhoë aan die beheerliggaam en die komitee rig en het die reg om aangehoor te word by enige vergadering wat te make het met sy of haar diskwalifikasie of verwydering.
- (7) Die beheerliggaam moet die bevinding van die komitee oorweeg en kan 'n resoluë aanneem oor die lid se verwydering ooreenkomstig die prosedures van die grondwet.
- (8) Die beheerliggaam moet die sentrumbestuurder in kennis stel van die resoluë bedoel in (7).
- (9) Die sentrumbestuurder moet die betrokke kiesbeampte versoek om 'n datum, tyd en plek vir n'n vergadering te bepaal om te stem oor die verwydering van die lid.
- (10) Paragraaf 7(1), 7(2) en 7(3) is, met die nodige veranderinge, van toepassing op die stemming vir die verwydering van 'n lid. Na die stemming moet die kiesbeampte die Departementshoof en sentrumbesuurder in kennis stel van die resultate.

### **Ontbinding en hersamestelling van 'n beheerliggaam**

- 18.** (1) 'n Beheerliggaam kan ontbind word indien —
- (a) weens die samesmelting van twee of meer openbare sentrums, soos beoog in artikel 10 van die Wet, 'n enkele beheerliggaam saamgestel moet word wat die saamgesmelte openbare sentrums verteenwoordig;

- (b) 'n openbare sentrum sluit soos bedoel in artikel 6 van die Wet;
  - (c) 'n beheerliggaam ophou of versuim om sy werksaamhede soos beoog in artikel 14 van die Wet, te verrig;
  - (d) om enige rede, die getal lede van die beheerliggaam minder as een-derde van die getal lede soos beoog in paragraaf 2(2) en word; of
  - (e) ten minste twee-derdes van leeders geregtig daarop om te stem by die verkiesing van leeders as lede van die beheerliggaam ten gunste stem van 'n mosie van wantroue in die spesifieke beheerliggaam.
- (2) In die geval van 'n situasie na verwys in subparagraaf (1)(d) of (e), moet die beheerliggaam 'n buitengewone vergadering belê binne 21 dae nadat die aangeleentheid onder sy aandag gebring is.
- (3) Kennis van die vergadering, wat die gronde vir die buitengewone vergadering aandui, moet ten minste 14 dae voor die vergadering skriftelik aan alle lede voorsien word.
- (4) Die lede van die beheerliggaam teenwoordig by sodanige vergadering stel 'n kworum daar. 'n Resolusie is geag aangeneem te wees indien die meerderheid van die lede teenwoordig en stemgeregtig, ten gunste daarvan stem.
- (5) Kennisgewing van 'n resolusie om voort te gaan met die ontbinding van die beheerliggaam moet, nie later nie as sewe dae nadat die besluit geneem is deur die beheerliggaam, aan die Departementshoof en alle lede van die beheerliggaam gegee word en moet gepubliseer word op enige manier wat redelikerwys doenlik is, by die openbare sentrum om die mense in kennis te stel van die ontbinding.



- (6) Die Departementshoof mag nie enige stappe doen kragtens artikel 14 van die Wet nie, tensy hy of sy —
- (a) skriftelik kennis gegee het aan die beheerliggaam van sy of haar voorneme om dit te ontbind en die gronde daarvoor;
  - (b) daardie kennisgewing gepubliseer het op enige manier wat redelikerwys doenlik is, by die openbare sentrum om sy of haar voorneme bekend te maak;
  - (c) die beheerliggaam 'n redelike geleentheid gegee het om vertoë te rig aangaande die voorneme om dit te ontbind;
  - (d) enige ander belanghebbende partye 'n geleentheid gegee het om skriftelike vertoë te rig binne 'n tydperk van nie minder nie as 21 dae; en
  - (e) alle vertoë oorweeg het alvorens 'n besluit geneem is.
- (7) Die Departementshoof moet alle lede van die beheerliggaam in kennis stel van 'n besluit om die beheerliggaam te ontbind en moet, nie later nie as sewe dae na die neem van 'n besluit, dit publiseer op enige manier wat redelikerwys doenlik is, by die openbare sentrum.
- (8) Die prosedure vir die ontbinding van 'n beheerliggaam verwys na in —
- (a) subparagraaf (1)(a), is soos bedoel in artikel 10 van die Wet; en
  - (b) subparagraaf (1)(b), is soos bedoel in artikel 6 van die Wet.
- (9) Die Departementshoof bepaal die datum waarop 'n beheerliggaam, wat ontbind word ingevolge subparagraaf (1)(c), (d) of (e), ophou om werksaamhede te verrig.

- (10) Die Departmentshoof bepaal die datum waarop 'n nuwe beheerliggaam ingestel moet word na die ontbinding van 'n beheerliggaam soos bedoel in subparagraaf (1)(c), (d) of (e).

### **Riglyne vir verteenwoordigende raad van leerders**

- 19.** (1) Leerders mag nie meer as nege verteenwoordigers kies nie.
- (2) Die verteenwoordigers bedoel in subparagraaf (1) behoort om van die programme te kom wat deur 'n openbare sentrum aangebied word.
- (3) Vir doeleindes van hierdie paragraaf behoort die sentrumbestuurder as kiesbeampte op te tree.
- (4) Die kiesbeampte behoort die datum, tyd en plek te bepaal van 'n vergadering vir die benoeming en verkiesing van die verteenwoordigers soos boog in artikel 19(1) van die Wet, wat binne 30 dae gehou behoort te word —
- (a) voor die vervaldatum van die ampstermyn van die verteenwoordigende raad van leerders;
- (b) van 'n vakature wat plaasvind; of
- (c) van die vestiging van 'n nuwe openbare sentrum.
- (5) Die kiesbeampte behoort 'n kennisgewing voor te berei op die patroon van Aanhangsel A, met 'n aanduiding van die tyd, datum en vergaderplek van die nominasie-en-verkiesingsvergadering en, ten minste 20 dae voor sodanige vergadering die kennisgewing by die openbare sentrum versprei.
- (6) Die kiesbeampte moet 'n afskrif van die kennisgewing waarna verwys word in subparagraaf (5) stuur na of oorhandig aan alle leerders wat

- (6) Die kiesbeampte moet 'n afskrif van die kennisgewing waarna verwys word in subparagraaf (5) stuur na of oorhandig aan alle leeders wat geregtig is om te stem, of enige ander manier wat redelikerwys doenlik is benut om leeders aangaande die vergadering in te lig ten minste 15 dae voor die vergaderdatum.
- (7) 'n Nominasie kan —
- (a) gelaat word by die kiesbeampte nie meer as sewe dae en nie minder as 24 uur voor die vergadering begin nie, op 'n nominasievorm gelyk aan Aanhangsel B en beskikbaar van die kiesbeampte, geteken deur die voorsteller, sekondant en die kandidaat; of
- (b) voorgestel word wanneer die vergadering begin, op voorwaarde dat 'n ander leerder teenwoordig by die vergadering die voorstel sekondeer, die kandidaat die voorstel aanvaar en 'n nominasievorm gelyk aan Aanhangsel B onverwyld aan die kiesbeampte oorhandig word.
- (8) 'n Kandidaat behoort nie homself of haarself te nomineer nie.
- (9) Die kiesbeampte behoort die nominasies te kontroleer en mag die nominasie van enige kandidaat verwerp indien sodanige kandidaat nie ingevolge hierdie Kennisgewing genomineer is nie.
- (10) Die kiesbeampte behoort die name van alle kandidate wie se nominasies aanvaar is, bekend te maak.
- (11) Indien die getal aanvaarde kandidate —
- (a) minder is as die getal van die verteenwoordigers waarna verwys is in subparagraaf (1) behoort 'n nuwe vergadering vir die nominasie en verkiesing van kandidate gereël te word ingevolge hierdie Kennisgewing;

- (b) gelyk is aan die getal verteenwoordigers waarna verwys word in subparagraaf (1), behoort die kiesbeampte die kandidate wat so aanvaar is as behoorlik verkies te verklaar; of
- (c) meer is as die getal van die verteenwoordigers soos verwys na in subparagraaf (1), behoort 'n verkiesing ingevolge hierdie Kennisgewing gehou te word.

### **Verkiesing van verteenwoordigende leerderraad**

- 20**
- (1) Die meerderheid van die getal leerders op die toelatingsregister van die openbare sentrum moet 'n kworum uitmaak gedurende die verkiesingsvergadering van die verteenwoordigers waarna in paragraaf 19(1) verwys word.
  - (2) Indien daar op die datum van die verkiesingsvergadering nie 'n kworum teenwoordig is nie, behoort die kiesbeampte 'n ander datum, tyd en plek vir die verkiesingsvergadering te bepaal.
  - (3) Die kiesbeampte behoort 'n kennisgewing voor te berei op die patroon van Aanhangel A, met 'n aanduiding van die tyd, datum en vergaderplek van die verkiesingsvergadering waarna in subparagraaf (2) verwys word en moet, ten minste 20 dae voor die vergadering, 'n afskrif van die kennisgewing by die openbare sentrum versprei.
  - (4) Die kiesbeampte behoort 'n afskrif van die kennisgewing waarna in subparagraaf (3) verwys is, stuur of oorhandig aan alle leerders of van ander metodes gebruik maak wat redelikerwys doenlik is om leerders in kennis te stel van die vergadering, ten minste 15 dae voor die vergadering.
  - (5) Indien daar nie 'n kworum teenwoordig is nie, behoort die verkiesing van verteenwoordigers plaas te vind soos beoog in subparagraawe (6), (7), (8), (9) en (10).

- (6) Die kiesbeampte behoort aan elke leerder wat wil stem 'n goedgekeurde stembriefie te oorhandig waarop die amptelike merk of stempel verskyn om in die geheim te stem.
- (7) Die kiesbeampte behoort 'n stembriefie af te keur indien —
  - (a) geen merk of stempel soos bedoel in subparagraaf (6) daarop verskyn nie;
  - (b) die getal name wat daarop verskyn meer is as die getal leerderlede wat verkies moet word ingevolge paragraaf 2(2)(c); of
  - (c) dit op sodanige wyse voltooi is dat dit, in die opinie van die kiesbeampte, onduidelik is vir watter leerderkandidaat gestem is.
- (8) Die kandidaat of kandidate wat die meeste stemme op hulle verenig het, behoort deur die kiesbeampte verklaar te word as behoorlik verkose.
- (9) In geval daar 'n staking van stemme is en dit die uitslag van die verkiesing beïnvloed, behoort die kiesbeampte die verkiesing te herhaal tot die getal verteenwoordigers wat verkies moet word soos beoog in paragraaf 19(1) deur 'n meerderheid van stemme verkies is.
- (10) Indien die uitslag soos bedoel in subparagraaf (8) nie behaal word nie, behoort die kiesbeampte die uitslag te bepaal deur lootjies te trek.
- (11) Die sentrumbestuurder behoort die eerste vergadering van die verteenwoordigende raad van leerders te belê en sal as voorsitter optree by sodanige vergadering.
- (12) By die eerste vergadering behoort die verteenwoordigers van hulle geledere 'n voorsitter, vise-voorsitter en 'n sekretaris te kies.

- (13) Lede van die verteenwoordigende raad van leerders behoort oorweeg te word vir nominasie en verkiesing as leerderverteenwoordigers op die beheerliggaam.

### **Funksies van verteenwoordigende raad van leerders**

21. Die verteenwoordigende raad van leerders behoort —

- (a) 'n grondwet op te stel en dit voorlê aan die beheerliggaam vir goedkeuring;
- (b) as verteenwoordigers van hul medeleerders op te tree;
- (c) te dien as kommunikasiekanaal tussen leerders, tussen leerders en opvoeders en nie-opvoeders, en tussen leerders en die sentrumbestuurder;
- (d) by te dra tot die handhawing van die goeie orde in die openbare sentrum ooreenkomstig enige goedgekeurde reëls van die openbare sentrum;
- (e) 'n positiewe voorbeeld te stel ten opsigte van dissipline, lojaliteit, respek, stiptelikheid, akademiese deeglikheid, moraliteit, samewerking en aktiewe deelname aan die openbare sentrum se aktiwiteite;
- (f) goeie verhoudinge tussen leerders onderling, tussen leerders en opvoeders en nie-opvoeders, die openbare sentrum en die gemeenskap, te bevorder;
- (g) verantwoordelikheid, en leierskap te bevorder;
- (h) die totale opvoedkundige program van die openbare sentrum te ondersteun; en
- (i) die tradisies van die openbare sentrum te handhaaf en verfyn.

**AANHANGSEL A**

**Kennisgewing van 'n nominasie-en-verkiesingsvergadering**

Verkiesing van opvoeders/nie-opvoederlede/leerders as lede van 'n beheerliggaam

**NAAM VAN OPENBARE SENTRUM:** .....

Kennis geskied hiermee van 'n vergadering vir die nominasie van kandidate en die verkiesing van opvoeders/personeel wat nie opvoeders is nie/leerders as lede van die beheerliggaam vir bogenoemde openbare sentrum op ..... (datum) om ..... (tyd) by..... (plek).

Dit sal om ..... (tyd) tydens die nominasie-en-verkiesingsvergadering bepaal word of 'n kworum van stemgeregtigde lede teenwoordig is.

'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae en nie minder nie as 24 uur voor die aanvang van bogenoemde vergadering, by die kiesbeamppte in te dien. Nominasies sal vir hierdie doel vanaf ..... (datum) tot ..... (tyd) op ..... (datum) by die openbare sentrum aanvaar word.  
(Nominasievorms kan by die sentrumbestuurder verkry word.)

Die mees onlangse gelykheidsprofiel van die openbare sentrum is hierby ingesluit. Ooreenkomstig die riglyne bepaal kragtens artikel 9 van die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000), kan gelykheid bereik word deur die nominasie en verkiesing van lede van die beheerliggaam ooreenkomstig die gelykheidsprofiel van die openbare sentrum.

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal daar tot stemming oorgegaan word.

.....  
**DATUM**

.....  
**HANDTEKENING VAN KIESBEAMPTE**  
Kontakbesonderhede:  
.....  
.....

## AANHANGSEL B

### NOMINASIEVORM

Verkiesing van opvoeders/personeel wat nie opvoeders is nie/leerders as lede van 'n beheerliggaam

(Ooreenkomstig die riglyne bepaal kragtens artikel 9(e) van die Wet op Onderwys en Opleiding vir Volwassenes, 2000 (Wet 52 van 2000), kan gelyke verteenwoordiging bereik word deur die nominasie en verkiesing van lede van die beheerliggaam ooreenkomstig die gelykheidprofiel van die openbare sentrum.)

### NAAM VAN OPENBARE SENTRUM

#### VOORSTELLER:

Ek, .....

(Volle naam)

van .....

(Woonadres)

synde 'n opvoeder/personeelid wat nie 'n opvoeder is nie/leerder van bogenoemde openbare sentrum, stel hiermee

.....

(Volle naam van kandidaat)

van .....

(Woonadres)

voor as lid van die beheerliggaam van bogenoemde openbare sentrum.

.....

### HANDTEKENING VAN VOORSTELLER



**SEKONDANT:**

Ek, .....

(Volle naam)

van .....

(Woonadres)

synde 'n opvoeder/personeellid wat nie 'n opvoeder is nie/leerder van bogenoemde openbare sentrum, sekondeer hiermee bogenoemde voorstel.

.....

**HANDTEKENING VAN SEKONDANT**

**KANDIDAAT:**

Ek, .....

(Volle naam)

van.....

(Woonadres)

verklaar hiermee dat ek –

- (a) bogenoemde nominasie aanvaar; en
- (b) bevoeg is om te dien as 'n lid van die beheerliggaam.

.....

**HANDTEKENING VAN KANDIDAAT**

**ISEBE LEMFUNDO LENTSHONA KOLONI**

P.N. 103/2012

24 Meyi 2012

**UMTHETHO WEMFUNDO NOQEQESHO LWABADALA, 2000 (UMTHETHO 52 KA-2000)****EZONA MFUNO ZISEZANTSI ZOKWAKHIWA KWEBHUNGA LOLAWULO LEZIKO LIKARHULUMENTE**

Mna, Donald Arthur Cardross Grant, uMphathiswa weMfundo kwiPhondo eli, ngokwesiqendu 8(7) soMthetho weMfundo noQeqesho lwaBadala, 2000 (uMthetho 52 ka-2000), ndinenjongo yokumisela ezona mfuno zisezantsi zokwaxhiwa kwebhunga lolawulo leziko likarhulumente njengoko zicacisiwe kwiShedyuli.

Isayinwe eKapa ngalo mhla we-5 ka-Apreli 2012

**DONALD ARTHUR CARDROSS GRANT**  
**UMPHATHISWA WEMFUNDO WEPHONDO**

## ISHEDYULI

### lingcaciso-magama

1. Kwesi Saziso naliphi na igama okanye ibinzana-gama elinikwe intsingiselo kulo Mthetho, linaloo ntsingiselo liyinikiweyo, yaye, ngaphandle kokuba umxholo ophethweyo walatha okunye—

“**AET**” kuthetha imfundo noqeqesho lwabadala;

“**iPhondo**” kuthetha iPhondo leNtshona Koloni;

“**iSebe**” kuthetha isebe lephondo elijongene nezemfundo kweli phondo

“**Lo Mthetho**” kuthetha uMthetho weMfundo noQeqesho lwaBadala, 2000 (uMthetho 52 ka-2000);

“**umgaqo-siseko**” kuthetha umgaqo-siseko webhunga lolawulo njengoko kuchatshazelwe kwisiqendu 8(7) salo Mthetho;

“**uMphathiswa wePhondo**” kuthetha uMphathiswa wePhondo ophathiswe ezemfundo kweli phondo;

### Igama

2. Iziko loluntu elaseka ibhunga lolawulo ngokwisiqendu 8 salo Mthetho, malaziwe (*must be identified*) phantsi kwesi sihloko kuMgaqo-siseko.

### Amalungu ebhunga lolawulo

3. (1) Ukwakhiwa (*composition*) kwamalungu ebhunga lolawulo makube lolo hlobo njengoko kuchatshazelwe kwisiqendu 8(2), (5) no-(6) salo Mthetho.
- (2) Inkqubo yokutyunjwa nokunyulwa okanye ukuchongwa kwelungu (*co-option of a member*), kubandakanywa nokuzaliswa kwesithuba, mayingqinelane nalo Mthetho yaye nanjengoko kuchatshazelwe kwiSaziso esikhutshwe phantsi kwisiqendu 9 salo Mthetho.

- (3) Ukufaneleka ukunyulwa njengelungu (*eligibility*) okanye izizathu zokungafaneleki kwelungu (*disqualification of a member*) nenkqubo yokususwa kwelungu, makwenziwe njengoko kuchatshazelwe kwiSaziso esikhutshwe phantsi kwesiqendu 9 salo Mthetho.
- (4) Ithuba lokubasesikhundleni kwelungu linjengoko kuchatshazelwe kwiSaziso esikhutshwe phantsi kwesiqendu 9 salo Mthetho.
- (5) Ilungu lebhunga lolawulo —
  - (a) aliyi kubanalungelo lalo naluphi na uhlobo lwentlawulo ngenxa okanye enxulumene nokwenza imisebenzi yalo njengelungu; yaye
  - (b) liya kubanelungelo lokubuyiselwa ngeendleko eziyimfuneko ezithe zenziwa xa lisenza umsebenzi walo.

## Intlanganiso

4. (1) Ibhunga lolawulo—
  - (a) malibize intlanganiso eqhelekileyo ubuncinane amaxesha amane ngonyaka; yaye
  - (b) linokubiza:
    - (i) intlanganiso yamalungu onke yonyaka (*annual general meeting*) kube kanye ngonyaka; kunye
    - (ii) nentlanganiso eyodwa xa iceliwe.
- (2) Isininzi samalungu ebhunga lolawulo ewonke senza ikhoram kwaye mayibekho phambi kokuba iqale okanye iqhubeka intlanganiso.
- (3) Ukuba kuthi, ngexesha elibekiweyo lokuqala okanye lokuqhubeka kwentlanganiso, nakwimizuzu eyi-30 emva koko, ingabikho khoram, mayimiswe loo ntlanganiso kwaye usihlalo makabeke omnye umhla, ixesha

nendawo yentlanganiso, yaye amagama amalungu ebekho makafakwe kwimizuzu.

- (4) Ukuba akukabikho khoram nakwintlanganiso eye yamiswa ngokomhlathana (3), ingaqhubeka intlanganiso ngomhla ebimiselwe wona ingamalungu akhoyo ngelo xesha belimiselwe loo ntlanganiso.
- (5) Isiphakamiso (*motion*) esiphakanyiswe entlanganisweni masingaze sithathelwe ngqalelo ngaphandle kokuba besixhasiwe (*seconded*). Usihlalo unokufuna ukuba isiphakamiso singeniswe ngencwadi ebhaliweyo, yaye usihlalo makasifundele intlanganiso isiphakamiso eso.
- (6) Umakhi-mkhanyo okanye umntu ocelwe ukuba abekho kwintlanganiso yebhunga lolawulo unokubakho kwintlanganiso elolu hlobo yaye athathe inxaxheba kwiingxoxo, kodwa akanako ukuvota kwaye uya kuyishiya intlanganiso xa ibhunga lolawulo lisenza isigqibo esilolo hlobo.
- (7) Intlanganiso eyodwa yebhunga lolawulo—
  - (a) inokubizwa nani na ngusihlalo ngenjongo yokuxoxa umbandela ongxamisekileyo; yaye
  - (b) mayibizwe ngusihlalo kwiintsuku eziyi-14—
    - (i) zokufumana isicelo kwilungu esimalunga nale njongo, esichaza injongo yale ntlanganiso iyodwa nesisayinwe ngamalungu angekho ngaphantsi kwesi-3; okanye
    - (ii) zokwamkelwa kwesigqibo libhunga lolawulo elibiza intlanganiso eyodwa.
- (8) Kwintlanganiso yamalungu onke yonyaka ibhunga lolawulo—
  - (a) linokuqhuba ukutyunjwa nokunyulwa kwamalungu ebhunga lolawulo okanye naliphi na ilungu elinokuba sesikhundleni;
  - (b) linokutyumba amalungu ayo nayiphi na ikomiti esekwe libhunga lolawulo; yaye
  - (c) linokuthathela ingqalelo lize lamkele la maxwebhu onyaka-mali ongaphambili:

- (i) ingxelo emalunga nokuphathwa ngokupheleleyo kweziko likarhulumente;
- (ii) iirekhodi zengxelo-mali zonyaka nezitatimente zebhunga lolawulo; kunye
- (iii) nengxelo yomphicothi-zincwadi ngezi zitatimente zikhankanywe apha ngentla.

### **Izaziso zeentlanganiso**

5. (1) Usihlalo uya kumisela umhla, ixesha nendawo yentlanganiso aze unobhala alungise isaziso esibhaliweyo sentlanganiso nganye yebhunga lolawulo, esinika ixesha, umhla, nendawo yentlanganiso nemicimbi ekuza kuxoxwa ngayo kwaye kwiintsuku eziyi-14 phambi kwentlanganiso, athumelele okanye anike ilungu ngalinye ikopi yesaziso okanye asebenzise nayiphi na enye indlela efanelekileyo yokwazisa amalungu ngentlanganiso.
- (2) Unobhala makalungise isaziso esibhaliweyo esinika umhla, ixesha nendawo yentlanganiso eye yamiswa kwaye kufuneka athi, kwiintsuku eziyi-14 phambi kwentlanganiso, athumelele okanye anike ilungu ngalinye ikopi yesaziso.
- (3) Nasiphi na isaziso ekufuneka sikhutshwe sibhaliwe, singathi mhlawumbi sikhutshwe nangoluphi na olunye uhlobo olunokwenzeka nolufanelekileyo ukufikelela kwiziphumo ezifanayo.

### **Imizuzu**

6. (1) Unobhala makagcine imizuzu okanye enze kugcinwe imizuzu yeengxoxo zeentlanganiso zebhunga lolawulo.
- (2) Kwintlanganiso nganye yebhunga lolawulo —
- (a) unobhala makafunde imizuzu yentlanganiso yangaphambili ngaphandle kokuba ibijikelezisiwe kwangaphambili kumalungu ngunobhala, yaye ibhunga lolawulo maliyingqine imizuzu elolu hlobo; yaye

(b) emva kokuba imizuzu ingqiniwe kunye nezilungiso okanye ngaphandle kwezilungiso, usihlalo makayisayine imizuzu.

(3) Usihlalo makayingenise imizuzu kwiNtloko yeSebe kwiintsuku eziyi- 14 emva kokusayina imizuzu elolu hlobo.

### Ukuvota

7. (1) Makwenziwe isigqibo ngesiphakamiso sisininzi seevoti sabo bakhoyo entlanganisweni nabanelungelo lokuvota, kwaye ukuvota makwenziwe ngokuphakanyiswa kwezandla.
- (2) Ilungu linelungelo lokuvota kube kanye ngokumalunga nawo nawuphi na umcimbi phambi kokuba ibhunga lolawulo lenze isigqibo ngawo.
- (3) Ukuba nabani na uthi ngenxa yokuba engafundanga (*illiteracy*), engaboni (*blindness*) okanye ngenxa yako nakuphi na okanye ukukhubazeka emzimbeni, angabinako ukuzivotela ngokwakhe, unobhala unokuthi, xa loo mntu enze isicelo yaye kukho nengqina elibizwe nguloo mntu, amenzele ivoti yakhe loo mntu.

### Amalungu asezikhundleni

8. (1) Ibhunga lolawulo malinyule amalungu aza kungena ezikhundleni, kubandakanywa ukunyula usihlalo, usekela-sihlalo, unondyebo nonobhala, kuloo malungu alo.
- (2) Inkqubo yokutyunjwa nokunyulwa okanye ukuchongwa (*co-option*) kwelungu elisesikhundleni, kubandakanywa ukuzaliswa kwesithuba, makube njengoko kumiselwe kwiSaziso esikhutshwe phantsi kwesiqendu 9 salo Mthetho.
- (3) Ibhunga lolawulo malimisele iikhrayitheriya zokufaneleka ukuba lilungu (*eligibility*), kwakunye nezizathu zokungafaneleki kwelungu ukuba linyulwe njengelisikhundleni (*office-bearer*) nenkqubo yokususwa kwelungu elisesikhundleni.

- (4) Ilungu elisesikhundleni libasesikhundleni okwethuba elimiselwe kwiSaziso esikhutshwe phantsi kwesiqendu 9 salo Mthetho.
- (5) Amalungu asezikhundleni anokubiza iintlanganiso, ngaphandle kweentlanganiso zebhunga lolawulo, aze amkele (*adopt*) imigaqo ngokubanzi yenkqubo yeentlanganiso zawo.

### Usihlalo nosekela-sihlalo

9. (1) Usihlalo makongamele iintlanganiso zebhunga lolawulo yaye enze le misebenzi ilandelayo —
- (a) ukusayinela iintlawulo okanye inkcitho kwi-akhawunti yebhanki yebhunga lolawulo; kunye
  - (b) nokwenza nayiphi na eminye imisebenzi eyabelwe yena libhunga lolawulo okanye enxulumene ngokubanzi nesikhundla sikahlalo.
- (2) Usekela-sihlalo makongamele iintlanganiso yebhunga lolawulo aze enze imisebenzi kasihlalo xa engekho usihlalo okanye ngenxa yaso nasiphi na isizathu esenza angabinako ukwenza imisebenzi yakhe.
- (3) Ukuba bobabini usihlalo nosekela-sihlalo abekho okanye abanako ukwenza imisebenzi yabo, ibhunga lolawulo, malikhethe phakathi kwama-lungu alo, ngokuphakamisa izandla, ilungu emalibambe njengosihlalo.

### Unobhala

10. Unobhala uthwele uxanduva lokwenza umsebenzi wolawulo nowobunobhala webhunga lolawulo yaye makenze nawuphi na umsebenzi awabelweyo unobhala libhunga lolawulo kubandakanywa—
- (a) ukuya kuzo zonke iintlanganiso zebhunga lolawulo nabasezikhundleni, kunye nokubhala imizuzu yeengxoxo zezo ntlanganiso;
  - (b) ukunika ilungu ngalinye okanye nawuphi na umntu owenze isicelo, ikopi yemizuzu eyamkelweyo;



- (c) ukunikezela yonke imizuzu okanye amanye amaxwebhu ebhunga lolawulo kumphathi weziko likarhulumente xa lithe lachithwa okanye xa kuphele ithuba lokubasesikhundleni kwakhe;
- (d) ukugcina ikopi yemizuzu engqiniweyo yaza yasayinwa yentlanganiso nganye yebhunga lolawulo nayo nayiphi na enye ikomiti yebhunga lolawulo kwindawo ekhuselekileyo e-ofisini yebhunga lolawulo okwethuba leminyaka emithathu ukususela kuloo mhla loo mizuzu yangqinwa ngawo; kunye
- (e) nokulawula imbalelwano yebhunga lolawulo.

### Unondyebo

11. Unondyebo uthwele uxanduva lomsebenzi wemicimbi yezemali yebhunga lolawulo, yaye wenza nawuphi na umsebenzi owiselwe unondyebo libhunga lolawulo, nobandakanya—
- (a) ukugcina nokulondoloza iirekhodi neengxelo-mali (*financial records and statements*) ezibonisa zonke ii-asethi, amatyala, ingeniso neenkitho, neminye imicimbi yezemali nobume bemicimbi yebhunga lolawulo nezitraktshana ezingaphantsi kwalo namanye amabhunga asebenza phantsi kwegunya lalo;
  - (b) ukubhankisha zonke iimali ezifunyenweyo egameni lebhunga lolawulo zingaphelanga iintsuku ezintathu zifunyenwe;
  - (c) ukungenisa kwibhunga lolawulo iirekhodi neengxelo-mali zemicimbi yezemali nobume bezemali, nanini na xa zifunwa libhunga lolawulo, kodwa ubuncinane kube kanye kwikota nganye yonyaka-mali;
  - (d) ukungenisa, kwintlanganiso yamalungu onke yonyaka yebhunga lolawulo, iingxelo-mali zonyaka ongaphambili eziphico-thiweyo, ibhajethi yonyaka-mali olandelayo nengxelo yonyaka eshwankathela imisebenzi ephambili yebhunga lolawulo;
  - (e) ukusayinela nayiphi na intlawulo okanye inkcitho eyenziwe kwi-akhawunti yebhanki yebhunga lolawulo;

- (f) ukugcina zonke iirekhodi zemali nezengxelo-mali ubuncinane iminyaka emithathu ukususela kuloo mhla wazo; kunye
- (g) nokuthobela nasiphi na isigqibo esenziweyo okanye ukunika nayiphi na ingcaciso efunwa nguMphathiswa wePhondo phantsi kwesiqendu 24 salo Mthetho.

### **Iikomiti**

- 12.** (1) Ibhunga lolawulo linokunyula iikomiti zokwenza nayiphi na imisebenzi yalo, ngaphandle kwemisebenzi eyabelwe lowo ubambe isikhundla, kubandakanywa ukwenza uphando nokunika ingxelo kwibhunga lolawulo ngawo nawuphi na umbandela.
- (2) Ibhunga lolawulo linokumisela ukwakhiwa kwekomiti kunye neenkqubo zentlanganiselo zekomiti.

### **Ezemali**

- 13.** (1) Imicimbi yezemali, kubandakanywa iirekhodi zemali nezengxelo-mali (*financial records and statements*) zeziko likarhulumente mayiqhutywe ize ilawulwe njengoko kuchatshazelwe kwisiqendu 24 salo Mthetho, kwaye nakuphi na ukungaphumeleli ukuthobela oku makusingathwe ngokungqinelana nesiqendu 25 salo Mthetho.
- (2) Ibhunga lolawulo malivule lize ligcine i-akhawunti egameni lalo kwibhanki elikhetha yona ebhaliswe kwiRiphabliki, yaye —
- (a) malidipozithe zonke iimali elizifumanayo kuloo akhawunti kwiintsuku ezintathu zakuba zifunyenwe; yaye
  - (b) malihlawule zonke iindleko lize lenze zonke iintlawulo egameni lebhunga lolawulo kuloo akhawunti.
- (3) Zonke iintlawulo okanye inkcitho ezenziwe ngeengxowa-mali zebhunga lolawulo mazivunywe libhunga lolawulo, zisayinwe ngusihlalo aze unondyebo angqiniseke oko ngokusayina ngokunjalo naye.

- (4) Umgaqo-siseko mawubonise imihla yokuqala nokuphela konyaka mali webhunga lolawulo.
- (5) Iingxelo-mali eziphicothiweyo (*audited statements*) nengxelo yomphicothi-zincwadi—
  - (a) mazenziwe zifumaneke kumalungu ukwenzela ukuba zihlolwe kwiziko likarhulumente. Amalungu akwanelungelo leekopi zezo ngxelo-mali nengxelo ephicothiweyo yomphicothi-zincwadi; yaye
  - (b) mazingeniswe kwintlanganiso yamalungu onke yonyaka (*annual general meeting*) yebhunga lolawulo ngenjongo yokuba kuxoxwe ngazo yaye zamkelwe.
- (6) Ibhunga lolawulo malibonelele ngolawulo lwamatyala (*management of liabilities*), kubandakanywa ubutyala belungu (*liability of a member*) ngenxa yalo naliphi na ityala, umonakalo, ilahleko okanye ibango elenziwe liziko likarhulumente nelinokubakho ngenxa yezenzo okanye yeemposiso (*omissions*) zelungu.

### Ukuchithwa kwebhunga lolawulo

14. Umgaqo-siseko mawunike izizathu neenkqubo zokuchithwa kwebhunga lolawulo njengoko kuchatshazelwe kwiSaziso esikhutshwe phantsi kwesiqendu 9 salo Mthetho.

### Izilungiso

15. (1) Ibhunga lolawulo linokwenza izilungiso kumgaqo-nkqubo nanini na—
  - (a) ngesigqibo esamkelwe ngokuvota kwawo onke amalungu ebhunga lolawulo ngamxhelo-mnye evotela isiphakamiso sokufakelwa kwezilungiso esandlalwe ngaphandle kokwenziwa kwesaziso kuqala; okanye
  - (b) ngesigqibo esamkelwe ubuncinane sisibini-sesithathu sawo onke amalungu ebhunga lolawulo emva kokuba amalungu enikiwe isaziso sesiphakamiso sokufakela izilungiso.
- (2) Ikopi yezilungiso ezilolu hlobo mayingeniswe kwiNtloko yeSebe.

**ISEBE LEMFUNDO LENTSHONA KOLONI**

P.N. 104/2012

24 Meyi 2012

**UMTHETHO WEMFUNDO NOQEQESHO LWABADALA, 2000 (UMTHETHO 52 KA-2000)****IMBANDELA EMALUNGA NOKUNYULWA KWAMALUNGU EBHUNGA LOLAWULO LEZIKO LIKARHULUMENTE  
NESIKHOKELO SOKUSEKWA, UKUNYULWA NEMISEBENZI YEBHUNGA ELIMELE ABAFUNDI LEZIKO LIKARHULUMENTE**

Mna, Donald Arthur Cardross Grant, uMphathiswa weMfundo kwiPhondo eli ndinenjongo, ngokwesiqendu 9 nesiqendu 19(2) soMthetho weMfundo noQeqesho lwaBadala, 2000 (uMthetho 52 ka-2000), yokuba ndimisele la manyathelo alandelayo amalunga nokunyulwa kwamalungu ebhunga lolawulo leziko likarhulumente kunye nesikhokelo sokusekwa, ukunyulwa nemisebenzi yebhunga elimele abafundi leziko likarhulumente, njengoko kucacisiwe kwiShedyuli.

Isayinwe eKapa ngalo mhla we-5 ka-Apreli 2012.

**DONALD ARTHUR CARDROSS GRANT  
UMPHATHISWA WEMFUNDO WEPHONDO**

## ISHEDYULI

### lingcaciso-magama

1. Kwesi Saziso naliphi na igama okanye ibinzana-gama elinikwe intsingiselo kulo Mthetho, linaloo ntsingiselo liyinikiweyo, yaye, ngaphandle kokuba umxholo ophethweyo walatha okunye—

“**AET**” kuthetha imfundo noqeqesho lwabadala njengoko kucacisiwe kulo Mthetho;

“**igosa lonyulo**” kuthetha igosa lonyulo elichatshazelwe kwimhlathi 5 okanye 9(1), njengoko imeko inganjalo;

“**igosa lonyulo lesithili**” kuthetha igosa lesithili elikhulu kuyo nayiphi na i-ofisi yesithili yeSebe kwiphondo nelityunjwe ngolo hlobo yiNtloko yeSebe;

“**ilungu**” kuthetha ilungu lebhunga lolawulo elichatshazelwe kwisiqendu 8(2) salo Mthetho;

“**iNtloko yeSebe**” kuthetha iNtloko yeSebe yephondo ejongene nezemfundo kweli Phondo;

“**iPhondo**” kuthetha iPhondo leNtshona Koloni;

“**iprofayili yokumelwa ngokulinganayo kwamaqela onke**” kuthetha iprofayili yohlanga, yesini nokukhubazeka;

“**iSebe**” kuthetha isebe lephondo elijongene nezemfundo kweli Phondo;

“**lo Mthetho**” kuthetha uMthetho weMfundo noQeqesho lwaBadala, 2000 (uMthetho 52 ka-2000);

“**umgaqo-siseko**” kuthetha umgaqo-siseko webhunga lolawulo njengoko kuchatshazelwe kwisiqendu 8(7) salo Mthetho;

“**uMphathiswa wePhondo**” kuthetha uMphathiswa wePhondo ophathiswe ezemfundo kweli Phondo.

**Ukwakhiwa kwebhunga lolawulo**

2. (1) Ibhunga lolawulo lakhiwa ngamalungu achatshazelwe kwisiqendu 8(2) salo Mthetho.
- (2) Inani lamalungu ebhunga lolawulo kudidi ngalunye olukhankanywe kwisiqendu 8(3) salo Mthetho, malibalwe ngolu hlobo lulandelayo—
- (a) elivela kootitshala abakwiziko likarhulumente:
- (i) ummeli omnye, ukuba iziko likarhulumente linootitshala abangaphantsi kwabali-10;
  - (ii) abameli ababini, ukuba iziko likarhulumente linootitshala abaphakathi kwe-11 nama-20; okanye
  - (iii) abameli abathathu, ukuba iziko likarhulumente linootitshala abangaphezu kwama-20;
- (b) elivela kubasebenzi abangezotitshala abakwiziko likarhulumente:
- (i) ummeli omnye, ukuba iziko likarhulumente linabasebenzi abangezotitshala abangaphantsi kwe-10; okanye
  - (ii) abameli ababini, ukuba iziko likarhulumente linabasebenzi abangezotitshala abangaphezu kwe-10; yaye
- (c) elivela kubafundi abakwiziko likarhulumente:
- (i) ummeli omnye, ukuba iziko likarhulumente linabafundi abangaphantsi kwe-10; okanye
  - (ii) abameli ababini, ukuba iziko likarhulumente linabafundi abangaphezu kwe-10.

### Ukufaneleka ukunyulwa nelungelo lokuvota kwamalungu

3. (1) Utitshala, umsebenzi ongengotitshala nomfundi ufanelekile ukunyulwa njengelungu lebhunga lolawulo lolawulo, ukuba—
- (a) akakhutshwanga njengongafanelekanga (*not disqualified*) ngokomhlathi 17; yaye
  - (b) ngumfundi obhaliswe kwelo ziko likarhulumente.
- (2) Ilungu elinelungelo lokuvota ngokwalo Mthetho nangokwesi Saziso, linevoti enye ngokumalunga nomgqatswa ngamnye, lize elona nani lininzi leevoti lilingane nenani lamalungu aza kunyulwa ngokungqinelana nomhlathi 2.

### Isikhokelo sokufikelela ekumelweni kwamaqela onke (*representivity*)

4. Ukufikelela ekumelweni kwamaqela onke kumalungu ebhunga lolawulo—
- (a) ngamnye umphathi weziko makathi ekuqaleni konyaka wezifundo ngamnye (*each academic year*) acele bonke ootitshala, abasebenzi abangezotitshala nabafundi kwiziko likarhulumente bazalise ifom yokurekhoda iprofayili yokumelwa ngokulinganayo kwamaqela onke (*equity profile*) yeziko likarhulumente;
  - (b) isaziso esichatshazelwe kumhlathi 6(3) no-6(4) singabandakanya iprofayili yokumelwa ngokulinganayo kwamaqela onke yakutshanje yeziko likarhulumente, yaye sazise nabani na ukuba ukumelwa kwamaqela onke ngamalungu ebhunga lolawulo kunokufikelelwa kuko ngokutyunjwa nokunyulwa kwamalungu ebhunga lolawulo ngokungqinelana neprofayili yokumelwa ngokulinganayo kwamaqela onke yeziko likarhulumente; yaye
  - (c) igosa lonyulo kufuneka lisebise abantu abeze kwintlanganiso yokutyunjwa nokunyulwa kwabameli abachatshazelwe kumhlathi 6(2), ngeprofayili yokumelwa ngokulinganayo kwamaqela onke yeziko likarhulumente elo lize libakhuthaze ukuba batyumbe yaye bakhethe amalungu amele iprofayili yokumelwa ngokulinganayo kwamaqela onke yelo ziko likarhulumente.

## Igosa loNyulo

5. (1) Umphathi weziko, ingenguye umphathi weziko likarhulumente apho kuqhubekela khona ukutyunjwa nokunyulwa kwamalungu ebhunga lolawulo okanye naliphi na elinye igosa elidluliselwe amagunya yiNtloko yeSebe, usebenza njengegosa lonyulo lokutyunjwa nokunyulwa kwamalungu achatshazelwe kwisiqendu 8(3)(a) no-(b) salo Mthetho.
- (2) Igosa lonyulo lingatyumba umntu omnye okanye abangaphezu koko bokuncedisa kwintlanganiso yokutyumba okanye yonyulo.
- (3) Igosa lonyulo malongamele nayiphi na intlanganiso, okanye inxenye yayo, ebizelwe injongo yokutyunjwa nokunyulwa kwamalungu ebhunga lolawulo.

## Intlanganiso yokutyunjwa nokunyulwa kwamalungu angootitshala

6. (1) Umphathi weziko makanike igosa lonyulo isaziso esifanelekileyo (*reasonable notice*) saso nasiphi na isiganeko (*occurrence*) esikhankanywe kumhlathana (2)(a) ukuya ku-(c) ukuqinisekisa ukuba ubude bexesha elikumhlathana (2) liyathotyelwa.
- (2) Igosa lonyulo, ngokuvumelana nomphathi weziko, malimisele umhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwamalungu angootitshala achatshazelwe kwisiqendu 8(3)(a) salo Mthetho, nemayiba-njwe zingadlulanga iintsuku eziyi-30 —
  - (a) ngaphambi kokuphela kwethuba lokubasesikhundleni kwebhunga lolawulo;
  - (b) zokubakho kwesithuba; okanye
  - (c) zokusekwa kweziko likarhulumente elitsha.



- (3) Igosa lonyulo malilungise isaziso njengoko kubonelelwe kwisiHlomelo A, esibonisa ixesha, umhla nendawo yentlanganiso yokutyunjwa nokunyulwa yaye kufuneka kunikwe umphathi weziko isaziso eso, ubuncinane kwiintsuku eziyi-20 phambi kwentlanganiso, ngenjongo yokuba sihanjise kootitshala kwiziko likarhulumente.
- (4) Umphathi weziko makathumele okanye anike ikopi yesaziso esikhankanywe kumhlathana (3) bonke ootitshala abafanelekileyo ukuba bavote, okanye kusetyenziswe ezinye iindlela ezinako ukwenzeka, ukwazisa ootitshala ngentlanganiso, ubuncinane kwiintsuku eziyi-15 phambi komhla wayo.
- (5) Igama elityunjiweyo—
  - (a) linokungeniswa kwigosa lonyulo kwithuba elingekho ngaphezu kweentsuku ezisixhenxe nefuneka lingabi ngaphantsi kweeyure eziyi-24 phambi kokuqala kwentlanganiso kwifom yokutyumba ebonelelweyo kwisiHlomelo B nefumanekayo kumphathi weziko, esayinwe ngumphakamisi wegama, ngumxhasi nomgqatswa; okanye
  - (b) linokuphakanyiswa xa kuqalwa intlanganiso, ngokuxhomekeka ekubeni kukho omnye utitshala kuloo ntlanganiso oxhasa isiphakamiso eso, umgqatswa uyasamkela isiphakamiso yaye ifom yokutyumba ebonelelweyo kwisiHlomelo B inikwa igosa lonyulo ngoko nangoko.
- (6) Umgqatswa akanakuzityumba ngokwakhe.
- (7) Igosa lonyulo kufuneka liqwalasele amagama abo batyunjiweyo lize likukhabe ukutyunjwa kwakhe nawuphi na umgqatswa —
  - (a) ongafanelekanga ukuba asebenze njengelungu; okanye
  - (b) ongatyunjwanga ngokungqinelana nesi Saziso.

- (8) Igosa lonyulo kufuneka libhengeze amagama abo bonke abagqatswa abamagama abo amkelweyo.
- (9) Ukuba inani labagqatswa elamkelekileyo —
- (a) lingaphantsi kwenani lamalungu olo didi luthile lunikwe kumhlathi 2(2)(a), kufuneka kubizwe intlanganiso entsha yokutyunjwa nokukhethwa kwabagqatswa, ngokungqinelana nesi Saziso;
- (b) liyalingana nenani lamalungu olo didi luthile lunikwe kumhlathi 2(2)(a), igosa lonyulo malibhengeze loo mgqatswa okanye abo bagqatswa bamkelweyo ngolu hlobo ukuba banyulwe ngokufanelekileyo; okanye
- (c) lingaphezu kwenani lamalungu olo didi luthile lunikwe kumhlathi 2(2)(a), makuvotwe ngokungqinelana nesi Saziso.

#### **Ukuvota kunyulo lwamalungu angootitshala**

7. (1) Isininzi senani lilonke lootitshala abakwizithuba ezabelwe iziko likarhulumente lenza ikhoram ngethuba lokuvota kunyulo lwamalungu akhankanywe kumhlathi 2(2)(a).
- (2) Ukuba ngomhla wonyulo akukho khoram kwintlanganiso yonyulo lwamalungu, igosa lonyulo malibeke omnye umhla, ixesha nendawo yentlanganiso yonyulo yesibini, lakuba livumelene nomphathi weziko likarhulumente.
- (3) Igosa lonyulo malilungise isaziso njengoko kubonelelwe kwisiHlomelo A, esibonisa ixesha, umhla nendawo yentlanganiso yonyulo lwesibini yaye kufuneka kunikwe umphathi weziko, ubuncinane kwiintsuku eziyi-20 phambi kwentlanganiso, isaziso eso ngenjongo yokuba sihanjiswa kootitshala abakwiziko likarhulumente.

- (4) Umphathi weziko makathumele okanye anike ikopi yesaziso esikhankanywe kumhlathana (3) bonke ootitshala abafanelekileyo ukuba bavote, okanye kusetyenziswe ezinye iindlela ezinako ukwenzeka, ukwazisa ootitshala ngentlanganiso, ubuncinane kwiintsuku eziyi-15 phambi komhla wayo.
- (5) Ukuba akukho khoram kwintlanganiso yesibini, uvoto lwamalungu angootitshala maluqhubeke ngokwemihlathana (6), (7), (9) kunye no-(10).
- (6) Igosa lonyulo malinike utitshala ngamnye onqwenela ukuvota iphepha lokuvota ekukho kulo uphawu olusemthethweni okanye istampu esise-mthethweni ukuba avote ekhusini.
- (7) Igosa lonyulo malilikhabe (*reject*) iphepha lokuvota—
  - (a) ukuba uphawu olusemthethweni okanye istampu esikhankanywe kumhlathana (6) asikho;
  - (b) ukuba inani lamagama avelayo kulo lingaphezu kwenani lamalungu amakanyulwe ngokungqinelana nomhlathi 2(2)(a); okanye
  - (c) ukuba lizaliswe ngohlobo lokuba kukho ukungaqiniseki, ngokoluvo lwegosa lonyulo, ukuba ngowuphi na umgqatswa ongutitshala ekuvotelwa yena.
- (8) Umgqatswa okanye abagqatswa abathe bafumana elona nani likhulu leevoti mababhengezwe njengabanyulwe ngokufunekakileyo ligosa lonyulo.
- (9) Kwimeko yokulingana twatsa kweevoti (*tie of votes*) yaye ukuba oko kuchaphazela isiphumo sovoto, igosa lonyulo maliphinde inkqubo yovoto de inani labagqatswa ekufuneka linyuliwe njengoko kubonelelwe kumhlathi 2(2)(a), libe lelo linyulwe sisininzi seevoti.
- (10) Ukuba isiphumo esikhankanywe kumhlathana (8) asifumaneki, igosa lonyulo maliqinisekise isiphumo ngokwenza amaqashiso (*by drawing lots*).

### **Ukutyunjwa nokunyulwa kwamalungu angezotitshala**

8. Kuya kusetyenziswa inkqubo yokutyunjwa nokunyulwa kwamalungu aziititshala, ize iguqulwe nje apho kuyimfuneko, ekutyunjweni nasekunyulweni kwamalungu akhankanywe kumhlathi 2(2)(b).

### **Ukutyunjwa nokunyulwa kwabafundi**

9. (1) Ukulungiselela ukutyunjwa nokunyulwa kwamalungu akhankanywe kumhlathi 2(2)(c), ngumphathi weziko oligosa lonyulo.
- (2). Igosa lonyulo malibeke umhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwamalungu okukhankanywe kumhlathi 2(2)(c), nemayibanjwe kwiintsuku eziyi-30—
- (a) phambi kokuphela kwethuba lokuba sesikhundleni kwebhunga lolawulo;
- (b) zokubakho kwesithuba; okanye
- (c) zokusekwa kweziko likarhulumente elitsha.
- (3) Igosa lonyulo malilungise isaziso, njengoko kubonelelwe kwisiHlomelo A, esibonisa ixesha, umhla nendawo yentlanganiso yokutyumba nokunyula amalungu yaye kufuneka kusetyenziswe naziphi na iindlela ezinako ukwenzeka, ukwazisa abafundi abakwelo ziko likarhulumente ubuncinane kwiintsuku eziyi-20 phambi kwentlanganiso.
- (4) Igama elityunjiweyo—
- (a) linokungeniswa kwigosa lonyulo kwithuba elingekho ngaphezu kweentsuku ezisixhenxe nelingekho ngaphantsi kweeyure eziyi-24 phambi kokuqala kwentlanganiso kwifom yokutyumba ebonelelweyo kwisiHlomelo B nefumanekayo kumphathi weziko, esayinwe ngumphakamisi wegama, umxhasi nomgqatswa; okanye

- (b) linokuphakanyiswa xa kuqalwa intlanganiso, ngokuxhomekeka ekubeni kukho omnye umfundi kuloo ntlanganiso oxhasa isiphakamiso eso, umgqatswa ongumfundi uyasamkela isiphakamiso yaye ifom yokutyumba ebonelelweyo kwisiHlomelo B inikwa igosa lonyulo ngoko nangoko.
- (5) Umgqatswa akanakuzityumba ngokwakhe.
- (6) Kuya kusebenza iinkqubo ezichatshazelweyo kwimihlathi 6(7), (8), (9) naku-7 ngokumalunga nokuqwalaselwa, ukwamkelwa, ukukhatywa nokunyulwa kwelungu elingutitshala, zize ziguqulwe nje apho kuyimfuneko, ekutyunjweni nakunyulo lwamalungu akhankanywe kumhlathi 2(2) (c).

### **Olunye uhlobo lwenkqubo yokutyumba nokunyula amalungu**

10. (1) Nasiphi na isaziso ekufuneka singeniswe sibhaliwe, singangeniswa nangaluphi na olunye uhlobo olunokwenzeka ukwenzela ukufumana kwa-ezo ziphumo zifanayo.
- (2) Nayiphi na inkqubo ekufuneka iqhutywe ikwifomathi ebhaliweyo, ingaqhuytwa nangaluphi na olunye uhlobo olunako ukwenzeka ukwenzela ukufumana kwa-ezo ziphumo zifanayo.
- (3) Ukuba nabani na ngenxa yokungafundi (*illiteracy*), yokungaboni (*blindness*) okanye yakho nakuphi na ukukhubazeka emzimbeni, akanako ukutyumba umgqatswa okanye ukuvota ngokwakhe, igosa lonyulo lingathi, ngesicelo esenziwe nguloo mntu kukho nengqina elibizwe nguloo mntu, kwifom yokutyumba okanye kwiphepha lokuvota limtyumbele abagqatswa okanye limenzele ivoti loo mntu yokuvotela abagqatswa abatshiwo nguloo mntu.

### **Isigqibo segosa lonyulo**

11. Igosa lonyulo kufuneka lenze isigqibo ngayo yonke le imicimbi, kubandakanywa nayiphi na imbambano, emalunga nokutyunjwa nonyulo lomgqatswa eye yavela ngethuba lentlanganiso yokutyunjwa nokunyulwa kwabagqatswa okuchatshazelwe kumhlathi 2.

### **Igosa lonyulo lesithili**

12. (1) Nabani na onqwenela ukufaka isikhalazo senkcaso (*objection*) ngokumalunga nokutyunjwa nokunyulwa kwelungu okanye inkqubo elandelweyo, makasifake eso sikhalazo ngencwadi ebhaliweyo kwithuba leentsuku ezisixhenxe kwentlanganiso yonyulo, kwigosa lonyulo lesithili, neliya kwenza isigqibo malunga nalo mbandela.
- (2) Igosa lonyulo lesithili malifumane yonke ingcaciso echaphazelekayo ngalo mba kwigosa lonyulo, liqwalasele isikhalazo, lize liphendule ngencwadi ebhaliweyo kwithuba leentsuku ezisixhenxe sifunyenwe isikhalazo.
- (3) Kungafakwa isikhalazo kuMphathiswa kwithuba leentsuku eziyi-30 emva kwentlanganiso yokutyumba nonyulo, ukuba umntu lowo akanelisekanga sisigqibo segosa lonyulo lesithili.

### **Inkqubo emva konyulo**

13. Emva konyulo lwebhunga lolawulo, igosa lonyulo—
- (a) malifake onke amaxwebhu, kubandakanywa namaphepha okuvota, asetyenzisiweyo kunyulo kwiimvulophu eziphawulwe ngokucacileyo lize lizitywine iimvulophu ezo;
- (b) malizigcine ezo mvulophu kulo ngokukhuselekileyo okwethuba leenyanga ezintathu ubuncinane ukususela kumhla wonyulo lwebhunga lolawulo elichaphazelekayo;

- (c) malazise ilungu ngalinye ngencwadi ebhaliweyo ngokunyulwa kwalo; yaye
- (d) malazise iNtloko yeSebe, kuze kwimeko yonyulo lwabasebenzi abangootitshala okanye abangezotitshala, lazise kunye nomphathi weziko ngoko nangoko, ngencwadi ebhaliweyo ngomhla wonyulo kunye nangagama needilesi zabantu abakhethwe njengamalungu.

#### **Ithuba lokuba sesikhundleni**

- 14.** (1) Ilungu elingenguye umfundi lingena esikhundleni okwethuba leminyaka emithathu, ukususela kumhla wentlanganiso yokuqala yebhunga lolawulo ebizwe ngokomhlathi 15(1).
- (2) Ilungu elingumfundi lingena esikhundleni ithuba lonyaka omnye, eliqala ukususela kumhla wentlanganiso yokuqala yebhunga lolawulo ebizwe ngokomhlathi 15(1).
- (3) Ilungu lebhunga lolawulo linokukhethwa kwakhona emva kokuphela kwethuba lokuba sesikhundleni kwalo.
- (4). Kungakhathaliseki kuphela kwethuba lokuba sesikhundleni, ilungu lebhunga lolawulo elikhankanywe kumhlathana (1) okanye (2), liyaqhubeka libe lilungu de kunyulwe ibhunga lolawulo elitsha njengoko kuchatshazelwe kwesi Saziso yaye de kube kubizwe intlanganiso ngokumalunga nomhlathi 15.

#### **Amalungu asezikhundleni**

- 15.** (1). Umphathi weziko makabize intlanganiso yokuqala yebhunga lolawulo kwithuba leentsuku eziyi-14 zokuba azisiwe ngokomhlathi 13(d) ngamagama needilesi zamalungu aziititshala nangezotitshala ebhunga lolawulo.

- (2) Ibhunga lolawulo malithi kwintlanganiso yokuqala, phakathi kwamalungu alo, likhethe amalungu aza kuba sezikhundleni, kubandakanywa usihlalo, usekela-sihlalo, unondyebo nonobhala.
- (3) Umntu osesikhundleni ubasesikhundleni ithuba lonyaka omnye ukususela kumhla wokunyulwa kwakhe, yaye unokunyulwa kwakhona emva kokuphela kwethuba lokubasesikhundleni kwakhe.
- (4) Ukuba kuthi ngaso nasiphi na isizathu, isikhundla salowo usesikhundleni singabinamntu (*becomes vacant*), ibhunga lolawulo, malikhethe, kwintlanganiso yokuqala yalo emva kokuba isithuba senzekile, omnye kumalungu alo ukuba azalise isithuba esingenamntu esithe senzeka okwelo thuba lingaphelanga lalowo ebekweso sikhundla ngaphambi kwakhe.
- (5) Umphathi weziko makongamele unyulo olukhankanywe kumhlathana (2) okanye (4).
- (6) Umphathi weziko makathi emva kwentlanganiso ekunyulwa kuyo nawuphi na umntu omakabe sesikhundleni onyulwa njengoko kuchatshazelwe kwesi Saziso, azise iNtloko yeSebe ngoko nangoko ngencwadi ebhaliweyo ngomhla, igama nedilesi nezikhundla zabantu abanyuliweyo.

### Isithuba

- 16.** (1) Isikhundla selungu siba sesingenamntu ukuba ilungu—
- (a) liba lelingafanelekanga ngokomhlathi 17;
  - (b) liyayeka; okanye
  - (c) liyasweleka.
- (2) Ukuba kudaleka isithuba, ibhunga lolawulo malenze isicelo kumphathi weziko nakwigosa lonyulo sokuzalisa isithuba esingenamntu ngonyulo lovalo-sikhewu (*by-election*) ngokungqinelana nenkqubo yokutyunjwa nokunyulwa ebonelelewe kwesi Saziso.



- (3) Ilungu elinyulwe ngokungqinelana nomhlathana (2), lifumana ubulungu belo thuba lingekapheli lokubasesikhundleni kwalowo ebengaphambi kwalo.

**Ukungafaneleki (*disqualification*) okanye ukukhutshwa (*removal*) kwelungu**

17. (1) Umntu uba ngongafanelekanga ukuba lilungu okanye ukuhlala elilungu lebhunga lolawulo, ukuba—
- (a) ukhe nanini na, wagwetywa ngenxa yolwaphulo-mthetho waza ngenxa yoko wawiselwa isigwebo sokuvallelwa entolongweni (*imprisonment*) engenako ukukhetha ukuhlawula ifayini (*fine*), nokuba kulapha ngaphakathi okanye ngaphandle kweRiphabliki, ukuba ukuziphatha okwenza ulwaphulo-mthetho (*conduct constituting the offence*) bekuza kuba sisenzo solwaphulo-mthetho apha kwiRiphabliki, kodwa akukho mntu unokuthathwa njengowiselwe isigwebo, kude kube kwenziwe isigqibo ngesibheni sokuchasa ukugwetywa okanye sokuwiswa kwesigwebo okanye de kuphele elo xesha lokufaka isibheni: makuqondakale nje ukuthi ukungafaneleki kwelungu phantsi kwalo mhlathana kuyaphela akuba loo mntu ekhululwa ngengqawule engenamiqathango (*free pardon*) okanye ukuba ithuba lokuvallelwa kwakhe entolongweni liphele ubuncinane kwiminyaka emithathu phambi komhla wokutyunjwa kwakhe njengelungu lelo bhunga;
- (b) kuthiwe yinkundla efanelekileyo (*competent court*) ungogula ngengqondo;
- (c) utshone zwabha ematyaleni nangenakuhlanguleka kuwo;
- (d) uyekile ukuba kolo didi luthile lwamalungu awayewamele ngexesha lonyulo; okanye
- (e) akezi kwiintlanganiso ezintathu ezilandelelanayo zebhunga lolawulo ngaphandle kwemvume kasihlalo.

- (2) Ilungu lebhunga lolawulo linokukhutshwa libhunga lolawulo kuphela ngenxa—
  - (a) yesizathu sokuziphatha kakubi, sokungakwazi kusebenza okanye sokungabi nasakhono;
  - (b) yophando olwenziwe yikomiti yebhunga lolawulo enyulwe ngokwe-siqendu 17 salo Mthetho;
  - (c) yokwamkelwa kwesigqibo libhunga lolawulo esicela ukukhutshwa kwelungu kweso sikhundla ngevoti exhasa oko yesininzi samalungu anelungelo lokuvota; yaye
  - (d) yevoti engqinelana nokukhutshwa kwelo lungu, ubuncinane sisibini sesithathu sabavoti abanelungelo lokuvota kolo didi lwamalungu amelwe lilungu elikukhutshwa kwalo kuphantsi koqwalaselo.
- (3) Ilungu lebhunga lolawulo linokuthi, ngencwadi ebhaliweyo, licele ukuba kubizwe intlanganiso yesikhawu yokwenza isiphakamiso sokutyunjwa kwekomiti yokwenza uphando njengoko kuchatshazelweyo kumhlathana (2)(b).
- (4) Ibhunga lolawulo malibize intlanganiso njengoko iceliwe kumhlathana (3), kwithuba leentsuku eziyi-21 emva kokungeniswa kwesicelo lithathe isigqibo sokuba kutyunjwe ikomiti kusini na.
- (5) Makukhutshelwe onke amalungu isaziso esibhaliweyo sentlanganiso ekhankanywe kumhlathi (4), ubuncinane kwiintsuku eziyi-14 phambi kwentlanganiso, yaye isaziso eso masicacise isizathu sokubizwa kwentlanganiso.
- (6) Ilungu ekucelwe ukukhutshwa okanye ukususwa kwalo, linokuvakalisa izimvo zalo ngencwadi ebhaliweyo kwibhunga lolawulo nekomiti yaye linelungelo lokumanyelwa nakweyiphi na intlanganiso emalunga nokususwa kwalo.

- (7) Iziphumo zophando lwekomiti maziqwalaselwe libhunga lolawulo kwaye isigqibo esifuna ukukhutshwa kwelo lungu masamkelwe ngokungqinelana neenkqubo zomgaqo-siseko webhunga lolawulo.
- (8) Ibhunga lolawulo malazise umphathi weziko ngesigqibo esikhankanywe kumhlathana (7).
- (9) Umphathi weziko makacele igosa lonyulo elichaphazelekayo libeke umhla, ixesha nendawo yentlanganiso yokuvotela ukususwa kwelungu.
- (10) Kuya kusebenza imihlathi 7(1), (2) no-(3), ize igululwe nje apho kuyimfuneko, xa kuvotelwa ukususwa kwelungu. Emva kokuba kuvotiwe, igosa lonyulo malazise iNtloko yeSebe nomphathi weziko ngesiphumo.

#### **Ukuchithwa nokwakhiwa kwakhona kwebhunga lolawulo**

18. (1) Ibhunga lolawulo linokuchithwa ukuba—
  - (a) kuthe ngenxa yokudityaniswa kwamaziko karhulumente amabini nangaphezulu, njengoko kuchatshazelwe kwisiqendu 10 salo Mthetho, kufuneka ukuba kusekwe ibhunga lolawulo elinye elimele amaziko karhulumente adityaniswa ngolu hlobo;
  - (b) iziko likarhulumente liyavalwa njengoko kubonelelwe kwisiqendu 6 salo Mthetho;
  - (c) ibhunga lolawulo liyayeka okanye aliphumeleli ukwenza imisebenzi yalo njengoko kuchatshazelwe kwisiqendu 14 salo Mthetho;
  - (d) kuthe ngenxa yaso nasiphi na isizathu, inani lamalungu ebhunga lolawulo langaphantsi kwisinye sesithathu senani lamalungu elibonelelwe kwimihlathi 2(2); okanye

- (e) ubuncinane isibini sesithathu sabafundi abanelungelo lokuvota kunyulo lwabafundi njengamalungu ebhunga lolawulo, sivotela ukuxhasa isiphakamiso sokungalithembi (*motion of no confidence*) ibhunga lolawulo elichaphazelekayo.
- (2) Xa kusenzeka imeko ekhankanywe kumhlathana (1)(d) okanye (e), ibhunga lolawulo malibize intlanganiso yesikhawu zingaphelanga iintsuku eziyi-21 emva kokwaziswa ngaloo meko.
- (3) Isaziso sentlanganiso esicacisa isizathu sokubizwa kwentlanganiso yesikhawu, masikhutshelwe onke amalungu ngenchwadi ebhaliweyo, njengoko kubonelelwe kumgaqo-siseko, ubuncinane kwiintsuku eziyi-14 ngaphambi kwentlanganiso leyo.
- (4) Amalungu ebhunga lolawulo akhoyo kwintlanganiso enza ikhoram. Siyapasiswa isigqibo ukuba isininzi samalungu akhoyo nanelungelo lokuvota ayavumelana naso.
- (5) Isaziso sesigqibo sokuqhubela phambili nokuchithwa kwebhunga lolawulo masinikwe iNtloko yeSebe nawo onke amalungu ebhunga lolawulo kwaye masibhengezwe ngayo nayiphi na enye indlela enokwenzeka nefanelekileyo kwiziko likarhulumente ukwazisa abantu ngesigqibo sokuchithwa kwebhunga lolawulo, zingaphelanga iintsuku ezisixhenxe emva kokuthathwa kwesigqibo sebhunga lolawulo.
- (6) INtloko yeSebe ayinakuthatha manyathelo phantsi kwesiqendu 14 salo Mthetho ngaphandle kokuba—
- (a) inike isaziso ngenchwadi ebhaliweyo ibhunga lolawulo esicacisa injongo yayo yokulichitha ibhunga nezizathu zoko;
- (b) ipapashe eso saziso nangaluphi na olunye uhlobo olunako ukwenzeka nolufanelekileyo kwiziko likarhulumente ukwazisa injongo yalo;

- (c) inike ibhunga lolawulo ithuba elifanelekileyo lokuvakalisa izimvo zalo ngokumalunga nenjongo yokulichitha ibhunga lolawulo;
  - (d) inike amaqela achaphazelekayo ithuba elifanelekileyo lokungenisa izimvo zawo ezibhaliweyo lingaphelanga ithuba elingekho ngaphantsi kweentsuku eziyi-21; yaye
  - (e) ithathela ingqalelo zonke izimvo phambi kokwenza isigqibo.
- (7) INtloko yeSebe mayazise onke amalungu ebhunga lolawulo ngesigqibo sokuchithwa kwebhunga lolawulo kwaye mayisibhengeze isigqibo nangaluphi na olunye uhlobo olunako ukwenzeka nolufanelekileyo kwiziko likarhulumente, zingadlulanga iintsuku ezisixhenxe emva kwesigqibo sayo.
- (8) Inkqubo yokuchithwa kwebhunga lolawulo ekhankanywe —
- (a) kumhlathana (1)(a), injengoko kubonelelwe kwisiqendu 10 salo Mthetho; yaye
  - (b) kumhlathana (1)(b), injengoko kubonelelwe kwisiqendu 6 salo Mthetho.
- (9) INtloko yeSebe mayibeke umhla ibhunga lolawulo elichithwa ngawo ngokwemihlathana (1)(c), (d) okanye (e) wokuyeka ukusebenza kwalo.
- (10) INtloko yeSebe mayibeke umhla ekufuneka ngawo kwakhiwe kwakhona ibhunga lolawulo elitsha apho belichithiwe ibhunga lolawulo ngokwemihlathana (1)(c), (d) okanye (e).

**Isikhokelo sebhunga elimele abafundi**

19. (1) Abafundi banokukhetha ubuninzi abameli abasithoba (9).
- (2) Abameli ekubhekiswa kubo kumhlathana (1), mabathathwe kwiiprogram ezifundiswa liziko likarhulumente.
- (3) Ukulungiselela injongo yalo mhlathana, umphathi weziko makasebenze njengegosa lonyulo.
- (4) Igosa lonyulo, kufuneka limisele umhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwabameli abachatshazelwe kwisiqendu 19(1) salo Mthetho, nekufuneka ibanjwe zingadlulanga iintsuku eziyi-30 —
- (a) phambi kokuphela kwethuba lokubasesikhundleni kwebhunga elimele abafundi;
- (b) lokubakho kwesithuba; okanye
- (c) lokusekwa kweziko likarhulumente elitsha.
- (5) Igosa lonyulo kufuneka lilungise isaziso esifana nesikwisiHlomelo A, esibonisa ixesha, umhla nendawo yentlanganiso yokutyumba nokunyula, ubuncinane kwiintsuku eziyi-20 phambi kwentlanganiso, lize lisisasaze isaziso eso kwiziko likarhulumente.
- (6) Igosa lonyulo kufuneka lithumele okanye linike ikopi yesaziso esikhankanywe kumhlathana (5) bonke abafundi abafanelekileyo ukuba bavote, okanye kusetyenziswe ezinye iindlela ezinako ukwenzeka, ukwazisa abafundi ngentlanganiso, ubuncinane kwiintsuku eziyi-15 phambi komhla wentlanganiso.

- (7) Igama elityunjiweyo —
- (a) linokungeniswa kwigosa lonyulo kwithuba elingekho ngaphezu kweentsuku ezisixhenxe nekufuneka lingabi ngaphantsi kweeyure eziyi-24 phambi kokuqala kwentlanganiso, kwifom yokutyumba efana nesiHlomelo B nefumaneka kwigosa lonyulo, esayinwe ngumphakamisi wegama, ngumxhasi, nangumgqatswa; okanye
  - (b) linokuphakanyiswa xa kuqalwa intlanganiso, ngokuxhomekeka ekubeni kukho omnye umfundi kuloo ntlanganiso oxhasa isiphakamiso eso, umgqatswa uyasamkela isiphakamiso yaye ifom yokutyumba efana nesiHlomelo B inikwa igosa lonyulo ngoko nangoko.
- (8) Umgqatswa makangazityumbi ngokwakhe.
- (9) Igosa lonyulo kufuneka liqwalasele amagama abo batyunjiweyo yaye linako ukukukhaba ukutyunjwa kwakhe nawuphi na umgqatswa ongatyunjwanga ngokwesi Saziso.
- (10) Igosa lonyulo kufuneka libhengeze amagama abo bonke abagqatswa abamagama abo aye amkelwa.
- (11) Ukuba inani labagqatswa elamkelekileyo —
- (a) lingaphantsi kwenani labameli abakhankanywe kumhlathana (1), kufuneka kubizwe intlanganiso entsha yokutyunjwa nokukhethwa kwabagqatswa, ngokungqinelana nesi Saziso;
  - (b) liyalingana nenani labameli abakhankanywe kumhlathana (1), igosa lonyulo malibhengeze umgqatswa owamkelwe ngolo hlobo okanye abagqatswa abamkelwe ngolo hlobo njengabanyulwe ngokufaelekileyo; okanye
  - (c) lingaphezu kwenani labameli abakhankanywe kumhlathana (1), makuvotwe ngokungqinelana nesi Saziso.

## Unyulo lwebhunga elimele abafundi

20. (1) Isininzi senani lilonke labafundi kwirejista yokwamkelwa kwabafundi yeziko likarhulumente kufuneka senze ikhoram ngethuba lentlanganiso yonyulo lwabameli abakhankanywe kumhlathi 19(1).
- (2) Ukuba ngomhla wentlanganiso yonyulo, ikhoram ayikho, igosa lonyulo kufuneka libeke omnye umhla, ixesha nendawo yentlanganiso yonyulo.
- (3) Igosa lonyulo kufuneka lenze isaziso, esifana nesiHlomelo A, esibonisa ixesha, umhla nendawo yentlanganiso yokutyumba nonyulo ekhankanywe kumhlathana (2) yaye kufuneka, ubuncinane kwiintsuku eziyi-20 phambi kwentlanganiso, lihambise isaziso kwiziko likarhulumente.
- (4) Igosa lonyulo kufuneka lithumele okanye ligqithise ikopi yesaziso esikhankanywe kumhlathana (3), kubo bonke abafundi abafanelekileyo ukuba bavote, okanye lisebenzise ezinye iindlela ezifanelekileyo ezinokwenzeka, zokwazisa abafundi ngentlanganiso, ubuncinane kwiintsuku eziyi-15 phambi komhla kwentlanganiso.
- (5) Ukuba akukho khoram kwintlanganiso yonyulo, unyulo lwabameli kufuneka luqhubeke njengoko kuchatshazelweyo kwimihlathana (6), (7), (8), (9) no-(10).
- (6) Igosa lonyulo kufuneka linike umfundi ngamnye onqwenela ukuvota iphepha lokuvota ekukho kulo uphawu olusemthethweni okanye istampu esisemthethweni ukwenzela ukuba avote ekhusini.
- (7) Igosa lonyulo malilikhabe (*reject*) iphepha lokuvota—
- (a) ukuba uphawu olusemthethweni okanye istampu esikhankanywe kumhlathana (6) asikho;



- (b) ekukho kulo inani lamagama avotelwayo angaphezulu kwenani lamalungu amakanyulwe ngokungqinelana nomhlathi 2(2)(c); okanye
  - (c) ukuba lizaliswe ngohlobo lokuba kukho ukungaqiniseki, ngokoluvo lwegosa lonyulo, ukuba ngowuphi na umgqatswa ongumfundi ekuvotelwa yena.
- (8) Umgqatswa okanye abagqatswa abathe bafumana elona nani lininzi leevoti mababhengezwe njengabanyulwe ngokufunekakileyo ligosa lonyulo.
- (9) Kwimeko yokulingana twatsa kweevoti (*tie of votes*) yaye nalapho oko kuchaphazela isiphumo sovoto, igosa lonyulo kufuneka liluphinde unyulo de kukhethwe sisininzi seevoti, inani labameli ekufuneka benyuliwe njengoko kuchatshazelwe kumhlathi 19(1).
- (10) Ukuba isiphumo esikhankanywe kumhlathana (8) asifumaneki, igosa lonyulo kufuneka lifikelele esigqibeni ngesiphumo ngokwenza ivoti yamaqashiso (*by drawing lots*).
- (11) Umphathi weziko kufuneka abize intlanganiso yokuqala yebhunga elimele abafundi kwaye makayichophele ngokwakhe loo ntlanganiso.
- (12) Kwintlanganiso yokuqala kufuneka abameli banyule apho phakathi kwabo usihlalo, usekela-sihlalo nonobhala.
- (13) Amalungu ebhunga elimele abafundi kufuneka athathelwe ingqalelo ekutyunjweni nasekunyulweni njengabameli babafundi kwibhunga lolawulo.

### **Imisebenzi yebhunga elimele abafundi**

#### **21. Ibhunga elimele abafundi kufuneka—**

- (a) lidrafte umgaqo-siseko liwungenise kwibhunga lolawulo lesikolo ukuze uvunywe;
- (b) lisebenze njengabameli babanye abafundi;

- (c) lisebenze njengejelo lonxibelelwano phakathi kwabafundi, phakathi kwabafundi nootitshala, naphakathi kwabafundi nomphathi weziko;
- (d) lincedise ekugcineni ucwangco kwiziko likarhulumente ngokungqinelana nayo nayiphi na imithetho evunyiweyo yeziko likarhulumente;
- (e) libe ngumzekelo omhle onika ithemba ngendlela yokuziphatha, ukuthembeka, intlonipho, ukuxabisa ixesha, ukufunda izifundo ngokuzimisela okukhulu, isimilo, intsebenziswano nokuthatha inxaxheba kwizinto ezenziwa kwiziko likarhulumente;
- (f) likhuthaze ubudlelwane obuhle phakathi kwabafundi, nootitshala nabasebenzi, neziko likarhulumente kunye nabahlali;
- (g) likhuthaze ukwazi ukubanoxanduva (*responsibility*) kunye nobunkokeli;
- (h) linike inkxaso kwiiprogram zemfundo ngokupheleleyo zeziko likarhulumente; yaye
- (i) ligcine kwaye liphucule izithethe elaziwa ngazo iziko likarhulumente.

**ISIHLOMELO A**

**ISaziso seNtlanganiso yoKutyunjwa noNyulo**

Ukunyulwa kootitshala/ kwabasebenzi abangezotitshala /kwabafundi njengamalungu ebhunga lolawulo

**IGAMA LEZIKO LIKARHULUMENTE:** .....

Ngokwenjenje kwaziswa ngentlanganiso yokutyunjwa nokunyulwa kwabagqatswa bonyulo lootitshala/lwabasebenzi abangezotitshala/lwabafundi njengamalungu ebhunga lolawulo leziko likarhulumente elikhankanywe apha ngasentla neya kubanjwa ngowe- .....(umhla) e- .....(ixesha) e-..... (indawo).

Kuya kuqinisekiswa ngo ..... (ixesha) ngokuhlwa kwangale mini yokutyunjwa nokunyulwa ukuba ngaba ikho na ikhoram yamalungu anelungelo lokuvota.

Umgqatswa angatyunjwa ngokufaka kwigosa lonyulo ifom yokutyumba, kungabi ngaphezu kweentsuku ezisixhenxe yaye kungabi ngaphantsi kweeyure eziyi-24 phambi kokuqalisa kwale ntlanganiso ingasentla, ezaliswe ngokupheleleyo nangokufanelekileyo ngumphakamisi wegama, ngumxhasi nangumgqatswa. Ukulungiselela le njongo, amagama abatyunjiweyo aya kwamkelwa kwiziko ukususela nge-.....mhla) de kube yi-..... (ixesha) nge- .....(umhla).

(lifom zokutyumba zingafumaneka kumphathi weziko.)

Kubandakanywe iprofayili yokumelwa ngokulinganayo kwamaqela onke yakutshanje yeziko likarhulumente. Ngokwesikhokelo esikhutshwe phantsi kwesiqendu 9 soMthetho weMfundo noQeqesho lwaBadala, 2000, (uMthetho 52 ka-2000), ukumelwa kwamaqela onke, kunokufikelelwa ngokutyunjwa nonyulo lwamalungu ebhunga lolawulo ngokungqinelana neprofayili yokumelwa ngokulinganayo kwamaqela onke yeziko likarhulumente.

Ukuba kutyunjwe abagqatswa abangaphezu kwenani lamalungu aza kukhethwa, kuya kuqhutywa uvoto.

.....  
**UMHLA**

.....  
**ISIGINITSHA YEGOSA LONYULO**

linkcukacha zoqhagamshelwano:  
.....  
.....  
.....

**ISIHLOMELO B****IFOM YOKUTYUMBA**

Ukunyulwa kootitshala/ kwabasebenzi abangezotitshala/kwabafundi njengamalungu ebhunga lolawulo

(Ngokwesikhokelo esikhutshwe phantsi kweSiquendu 9(e) soMthetho weMfundo noQeqesho lwaBadala 2000 (uMthetho 52 ka-2000), ukumelwa ngokulinganayo kwamaqela, kunokufikelelwa kuko ngokutyunjwa nokunyulwa ngokumelwa ngokulinganayo kwamaqela onke kumalungu ebhunga lolawulo ngokungqinelana neprofayili yeziko likarhulumente.)

**IGAMA LEZIKO LIKARHULUMENTE:** .....

**UMPHAKAMISI:**

Mna,.....

(Igama elipheleleyo)

wase-.....

(Idilesi yendawo yokuhlala)

ongumfundi/ongutitshala/ongumsebenzi ongengotitshala weziko likarhulumente elichazwe apha ngasentla, ngokwenjenje ndiphakamisa

.....

(Igama elipheleleyo lomgqatswa)

wase-.....

(Idilesi yendawo yokuhlala)

njengelungu lebhunga lolawulo leli ziko likarhulumente lichazwe apha ngasentla.

.....

**ISIGINITSHA YOMPHAKAMISI**

**UMXHASI:**

Mna,.....

(Igama elipheleleyo)

wase-.....

(Idilesi yendawo yokuhlala)

ongumfundi/ongutitshala/ongumsebenzi ongengotitshala weziko likarhulumente elikhankanywe apha ngasentla, ngokwenjenje ndixhasa isiphakamiso esikhankanywe apha ngasentla.

.....

**ISIGINITSHA YOMXHASI**

**UMGQATSWA:**

Mna,.....

(Igama elipheleleyo)

wase-.....

(Idilesi yendawo yokuhlala)

ngokwenjenje ndivakalisa ukuba-

- (a) ndiyakwamkelwa ukutyunjwa okukhankanywe apha ngasentla; kwaye
- (b) ndifanelekile ukuba ndibe lilungu lebhunga lolawulo.

.....

**ISIGINITSHA YOMGQATSWA**





