

PROTESOPTREDE VOOR DIE SKOOLHEKKE? WAT NOU?

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DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION

Wat is die regte van Skole tov Protesoptrede
voor Skole ?



Bestaande bepalings in Skolewetgewing

- SA SKOLE WET, 1996 (SASA)– ART 33A bevat net ‘n verbod tov party- politieke aktiwiteite by ‘n skool tydens skooltyd.
- Geen bepaling uitdruklik in SASA tov protesoptrede buite skole wat skole en onderrig ontwrig nie.
- Voorgestelde wysiging in Art 3 van SASA deur BELA:

SAOU



- "(7) Any person who, unlawfully and intentionally interrupts, disturbs, or hinders any school activity, or hinders or obstructs any school in the performance of the school's activities is guilty of an offence and liable, on conviction, to a fine or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.".
- **Artikel 15(3) van die Gauteng Skolewet (GAUTENG SCHOOL EDUCATION ACT NO. 6 OF 1995)** bepaal soos volg: "(3) Any person who hinders or obstructs any official of the department in the performance of his or her functions in terms of this Act or any other applicable law shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months. "
- Die sou tog insluit die verhindering van ondwerwyspersoneel en die Skoolhoof om hulle werk te kan doen.
- Die provinsiale wet bied tot 'n mate beskerming maar is nie so goed bewoord soos die wysingsvoorstel in BELA nie, maar die bepaling kan op gesteun word wanneer daar '

HOD SE PLIG

Artikel 7 van Gautengse Skole Wet – Tydelike sluiting van Skool.

- (1) The Head of Department may close a public school in the case of an emergency if he or she believes on reasonable grounds te lives of learners and staff are endangered or that there is a real danger of bodily injury to them or of damage to property.
- (2) When the Head of Department decides that the school should be reopened, he or she must inform the school governing body and the principal of the date on which the school must reopen.

DIE GRONDWET

- Artikel 17 – Slegs ‘n reg tot vreedsame betoog.
- Openbare geweld is ‘n gemeenregtelike misdryf soos volg gedefinieer:
- “Public violence consists in the unlawful and intentional commission, by a number of people acting in concert, of acts of sufficiently serious dimensions which are intended violently to disturb the public peace or security or to invade the rights of others.”
- Skole bevorder met basiese onderwys die volgende belangrike fundamentele regte wat beskerm moet word:
 - Artikel 28(2) van die Grondwet – Die beste belang van kinders.
 - Artikel 29 (1) – Die reg op basiese onderwys.

STAPPE OF REMEDIES

- Hoofde en BL - Dringende beroep op HOD om in te gryp – Epos of Brief.
- SAPS
- Hoofde kontak ook SAOU omdat ook inbreuk gemaak word op werk van opvoeders.
- BL – kontak FEDSAS.
- Interim: Sekuriteitsmaatreëls en sluit skool indien nodig.
- Kry dringende interdik hofbevel by Hof. Hof moet by bevel die SAPS gelas om saam met die Balju die hofbevel uit te voer.

SAOU

BAIE DANKIE

