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7/December/95 000373

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

HELD AT JOHANNESBURG

CASE NO.: CCT46/95

In the matter of:

**THE NATIONAL ASSEMBLY OF THE
PARLIAMENT OF THE REPUBLIC OF
SOUTH AFRICA**

In re:


**DISPUTE CONCERNING THE CONSTITUTIONALITY OF CERTAIN
PROVISIONS OF THE NATIONAL EDUCATION POLICY BILL, 1995**

**PETITIONERS' FACTUAL INFORMATION IN TERMS OF
RULE 13 PURSUANT TO DIRECTIONS GIVEN BY THE
PRESIDENT OF THE COURT**

I, the undersigned, **BUYISIWE MAUREEN NZIMANDE**, do hereby
make oath and say that:

1.

I am an adult female and a member of the National Assembly
of the Parliament of the Republic of South Africa. I am one
of the Petitioners who signed the Petition which has given
rise to the present application and which was submitted to
the Speaker of the National Assembly in terms of the


R. M. N.

provisions of section 98(9) of the Constitution of the Republic of South Africa, and which has been referred to this Honourable Court for determination in terms of section 98(2)(d) of the Constitution.

2.

I am a member of the Inkatha Freedom Party and serve on the Parliamentary Select Committee (also known as the Portfolio Committee) on Education, which position I have held since its inception.

3.

I have been duly authorised to depose to this affidavit on behalf of those petitioners who are members of the Inkatha Freedom Party for the purpose of placing before this Honourable Court factual information relevant to the questions which this Honourable Court will be asked to determine. The facts deposed to herein fall within my personal knowledge, save where otherwise stated or implied and are to the best of my knowledge and belief true and correct.

4.

I set out hereunder those documents which, in the opinion of the said Petitioners, contain factual evidence and information relevant to the arguments which will be addressed to this Honourable Court on their behalf,



regarding the unconstitutionality of certain of the provisions of the National Education Policy Bill, 1995:

4.1. The National Education Policy Bill as introduced by the Minister of Education in the National Assembly on 13 September, 1995.

4.2. The first page of the Petition signed by at least one-third of the members of the National Assembly and lodged with the speaker of the National Assembly on 13 September, 1995. The second and subsequent pages of this Petition are, with respect, not relevant to the present dispute.

4.3. A document entitled "Memorandum accompanying the Petition to the Speaker in terms of section 98(9) of the Constitution" signed by Mr. M.J. Ellis, M.P. on behalf of the Democratic Party of South Africa and filed with the Speaker on 13 September, 1995, in support of the said Petition.

4.4. A document entitled "Petition" signed by Mr. H. Smit, M.P. on behalf of the National Party and filed with the Speaker on 13 September, 1995 in support of the said Petition.

4.5. The Report of the Committee to Review the



Organisation, Governance and Funding of Schools dated 31 August, 1995, issued by the Department of Education in Pretoria and popularly referred to as "the Hunter Report".

4.6. Copies of the minutes of the meetings of the Portfolio Committee on Education held on 5, 6, 7, 11 and 12 September, 1995.

4.7. The written submissions made to the Portfolio Committee on Education comprising:

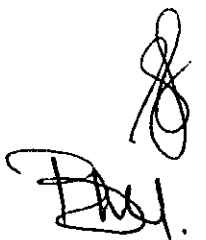
4.7.1. Submissions by NAPTOSA undated but entitled "Comment on the Draft National Education Policy Bill, 1995".

4.7.2. Submissions by SADTU undated but entitled "Statement on the Education Policy Bill and the National Qualifications Framework Bill".

4.7.3. Submissions made by the Committee of University Principals dated 6 September, 1995.

4.7.4. Submissions by COSAS dated 7 September, 1995.

4.7.5. Submissions by COSATU dated 11 September,



1995.

4.7.6. Submissions by NAPTOSA dated 11 September, 1995.

4.8. A written transcription of the debate in the National Assembly on the National Education Policy Bill, held on 13 September, 1995.

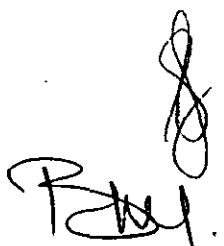
4.9. A written transcription of the debate in the Senate of Parliament on the National Education Policy Bill, held on 14 and 15 September, 1995.

4.10. The so-called "White Paper on Education and Training" as contained in Government Gazette No. 16312 dated 15 March, 1995.

4.11. Government Gazette No. 16839 dated 24 November, 1995 containing the so-called "Draft Education White Paper 2" on "The Organisation, Governance and Funding of Schools - a draft policy document for discussion".

5.

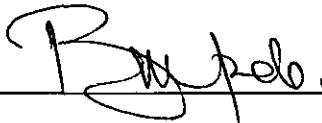
In order not to burden this affidavit unduly, I have not annexed copies of the aforesaid documents as they have already been annexed to the affidavit of PIETER GABRIEL MARAIS deposed to on behalf of the National Party, as



Annexures "A" to "K" respectively.

6.


The Petitioners on behalf of the Inkatha Freedom Party wish to reserve the right to submit to this Honourable Court further factual information or documentation should the need so arise.



D E P O N E N T

The deponent has acknowledged that he knows and understands the contents of this affidavit which was SIGNED and SWORN TO at DURBAN BEFORE ME this 6 day of DECEMBER, 1995, the regulations contained in Government Notices R1258 of the 21st July, 1972 and R1648 of the 16th August, 1977 having been complied with.

SHARON ANN GOATLEY
COMMISSIONER OF OATHS
VAN ONSELEN O CONNELL
405 SALMON GROV. CHAMBERS
407 SMITH STREET, DURBAN
PRACTISING ATTORNEY, R.S.A.



COMMISSIONER OF OATHS

FULL NAMES:

BUSINESS ADDRESS:

CAPACITY:

AREA: