

IN THE CONSTITUTIONAL COURT
OF SOUTH AFRICA

CASE NO: CCT 46/95

IN THE MATTER OF:

THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SOUTH AFRICA

IN RE: **DISPUTE CONCERNING THE CONSTITUTIONALITY OF THE
NATIONAL EDUCATION POLICY BILL, NO 83 OF 1995**

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

I, the undersigned,

PIETER GABRIEL MARAIS

do hereby make oath and say:

1.

I am a member of the National Assembly of the Republic of South Africa and one of the petitioners who signed the petition in terms of the provisions of Section 98(9) of the Constitution of the Republic of South Africa which the Speaker of the National Assembly has referred to this Honourable Court for determination in terms of Section 98(2)(d) of the Constitution.





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2.

I am the National Party spokesman on education in the National Assembly and I am duly authorised to dispose of this affidavit on behalf of all the petitioners who are members of the National Party with the purpose of placing before this Honourable Court factual information relevant to the questions which are to be determined by this Honourable Court.

Save where otherwise stated or implied the facts disposed herein fall within my personal knowledge and are to the best of my knowledge and belief true and correct.

3.

The following documents annexed hereto are documents which, in the opinion of the petitioners, contain factual evidence and information relevant to the arguments which the petitioners will address this Honourable Court on in regard to the unconstitutionality of certain of the provisions of the National Education Policy Bill no 83 of 1995:

- 3.1 Annexure "A" hereto, being the National Education Policy Bill as introduced by the Minister of Education in the National Assembly of the Republic of South Africa on the 13th September 1995.
- 3.2 Annexure "B" hereto, being 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 the 13th September 1995. It is submitted that the other pages of this document are not relevant to the dispute but copies thereof can be made available upon request if necessary.
- 3.3 Annexure "C" hereto, being 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, MP on behalf of the Democratic Party

M. J. Ellis

of South Africa and filed with the Speaker on the 13th September 1995 in support of Annexure "B".

3.4 Annexure "D" hereto, being a document entitled "Petition" signed by Mr Hennie Smit, MP and the Chief Whip of the National Party, and filed with the Speaker on the 13th September 1995 in support of Annexure "B".

3.5 Annexure "E" hereto, being the "Report of the Committee to Review the Organisation, Governance and Funding of Schools" dated the 31st August 1995 and issued by the Department of Education in Pretoria popularly referred to as the "Hunter Report".

3.6 Annexure "F" hereto, being copies of the Minutes of the meetings of the Portfolio Committee on Education held on the 5th, 6th, 7th, 11th and 12th September 1995 and supplied to the attorneys acting on behalf of the National Party petitioners, Messrs Dyason Inc of Pretoria, by the Secretary of Parliament. To the best of my knowledge and belief these are the only minutes of meetings of the Portfolio Committee on Education which exist but should any other such minutes come to my attention I will seek leave of this Honourable Court to condone the late filing thereof.

3.7 Annexure "G" hereto, written submissions made to the Portfolio Committee on Education supplied to attorneys Dyason by the Secretary of Parliament comprising:

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

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

3.7.3 Submissions by the Committee of University Principles dated the 6th September 1995.

[Handwritten signature]

3.7.4 Submissions by COSAS dated the 7th September 1995.

3.7.5 Submissions by COSATU dated the 11th September 1995.


3.7.6 Submissions by NAPTOSA dated the 11th September 1995.

3.8 Annexure "H" hereto, being a written transcription of the debate in the National Assembly on the 13th September 1995 on the National Education Policy Bill.

3.9 Annexure "I" hereto, being a written transcription of the debates in the Senate of the Republic of South Africa on the 14th and 15th September 1995 on the National Education Policy Bill.

3.10 Annexure "J" hereto, being Government Gazette no 16312 dated the 15th March 1995 containing the "White Paper on Education and Training".

3.11 Annexure "K" hereto, being Government Gazette no 16839 dated the 24th November 1995 containing the "Draft Education White Paper 2" on "The Organisation, Governance and Funding of Schools - a draft policy document for discussion".

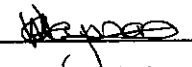

(SIGNED) P G MARAIS

Ek sertifiseer dat voordat ek die voorgeskrewe eed/beweesing algemeen het, ek die volgende vrae aan die verklaarder gestel het. I certify that before following questions and wrote down his/her answers in his/her presence:


- 1. Is u bekend met die inhoud van die verklaaring en begryp u dit? Do you know and understand the contents of the declaration?
JA/NEE YES/NO
- 2. Het u enige beswaar teen die afleg van die voorgeskrewe eed? Do you have any objection to taking the prescribed oath?
JA/NEE YES/NO
- 3. Beskou u die voorgeskrewe eed as bindend vir u gewete? Do you consider the prescribed oath to be binding on your conscience?
JA/NEE YES/NO

Ek sertifiseer dat die verklaarder erken dat hy/sy-vertroud is met die inhoud van die verklaaring en dit begryp. Hierdie verklaaring is bevestig/beweesing voor my en verklaarder se handtekening/duimafdruk/merk is in my teenwoordigheid daarop aangebring. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to/affirmed before me and the deponent's signature/thumb print/mark was placed thereon in my presence.

on this 5th day of DECEMBER


COMMISSIONER OF OATHS

EX OFFICIO: Manager
FULL NAME: Claudia Maria Heyman
ADDRESS: Box 1698
Cape Town
8000

HANDTEKENING/SIGNATURE: 
KOMMISSARIS VAN EDE/COMMISSIONER OF OATH:
CLAUDIA MARIA HEYMAN, VERW/REF: 9/1/8/2, KAAPSTAD/
CAPE TOWN (A10)