



Date: 29 June 2022

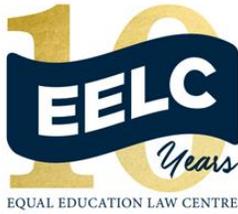
To: Mr ER Mafoko
Chief Director: Infrastructure Planning and Delivery
Department of Basic Education
Per email: Mafoko.r@dbe.gov.za

And: Adv. Charles Ledwaba
Legislative Services
Department of Basic Education
Per email: Ledwaba.C@dbe.gov.za

Dear Sirs

DRAFT AMENDMENTS TO THE REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE (“Norms”) – GOVERNMENT GAZETTE NO.: 46543.

1. We write to you as a collective of seven public interest organisations consisting of the Equal Education Law Centre (“EELC”), Equal Education (“EE”), Legal Resource Centre (“LRC”), SECTION27, Lawyers for Human Rights (“LHR”), Centre for Child Law (“CCL”) and Children's Institute (“CI”) regarding the draft amendments to the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure (“draft amended Norms”) which were published on 10 June 2022 under Government Gazette NO.: 46543.



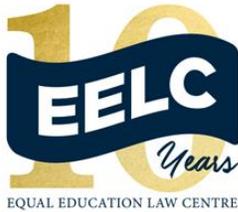
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2. In particular, we wish to raise various issues that relate to, and have a significant bearing on, the ongoing process, namely:

2.1 The failure to ensure meaningful public participation and engagement: To date there has been no mention of the publication of the draft amended Norms on any of the DBE social media platforms. EE first became aware of the publication of the draft amended Norms for public comment through a media outlet on 14 June 2022. At the time, the draft amended Norms were available in only two places, namely on the GCIS website and on the government gazette website, on page 139 of a general Government Notices gazette. We note that following a letter addressed by the EELC and EE on 23 June 2022, raising this concern, the draft amended Norms have since only been made available on the DBE's website. In fact, as a collective, many of us only became aware of the draft amended Norms on 23 June 2022 when they were brought to our attention by the EELC and EE.

2.2 Insufficient time to allow for public comment: The Norms are an important document and as such require thorough and sufficient engagement. In this instance not only were the draft amended Norms not made publicly available, but they were also published at a time that does not allow all affected stakeholders to sufficiently engage with the proposed amendments and/or the public comment process. On 10 June 2022, the school community was well underway with the mid-year examinations and plans for the mid-year school closures. Currently schools are closed and by the time they resume, the commenting period would have closed thus making it impossible for many education stakeholders who are directly affected to consult, comment, and engage with the document. Ordinarily 30 days would be considered a sufficiently reasonable amount of time for such a process, however as a result of the draft amended Norms not being widely published, and some stakeholders only now becoming aware of its publication,



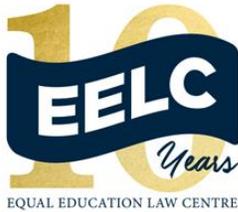
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the timeline within which comments are to be made has been significantly reduced. Even the Portfolio Committee on basic Education allowed for additional time for public comment on the Basic Education Laws Amendment (BELA) Bill, due to factors such as school examinations. The Chairperson outlined the importance of public input and ensuring that laws speak to the needs and the wants of the affected sector. As such, and in order for adequate and effective public participation, as a collective we call for the time period for public comments to be extended to at least **31 July 2022**.

2.3 The inaccessibility of the draft amended Norms: In addition to not being widely available, the current wording of the draft amended Norms is confusing and not user-friendly for the broader public in that it does not make it immediately clear what parts of the existing Norms and Standards are being amended or replaced. The draft amended Norms have also only been published in English, which limits the ability of different communities to engage with the document. The amendments that are proposed in the draft amended Norms have the potential of eroding the crucial gains to deliver school infrastructure that have been made to date and it is, therefore, important that all affected stakeholders are adequately engaged.

- Public participation has many possible facets, and the duty to facilitate it can be fulfilled not in one, but in many different ways. The process of obtaining input from the broader public, it is a critical form of public participation and as such the process ought to allow for representation and participatory democracy. In order for this process to truly meet its purpose, stakeholders must be adequately advised and empowered to take part in the process, which includes accessibility and adequately timed processes.
- In light of the above, we kindly request the following:



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- 4.1 The draft amended Norms be published on the DBE's social media platforms.
- 4.2 That the time period for public comments be extended to 31 July 2022.
- 4.3 That the wording of the draft amended Norms be clarified in order to ensure certainty around what provisions are being amended.
- 4.4 Further that the draft amendments be published and made available in other languages.
5. We kindly request that you confirm receipt of this letter and that you respond hereto by no later than **Friday, 01 July 2022.**

Yours faithfully

EQUAL EDUCATION LAW CENTRE

Tshegofatso Phala

EQUAL EDUCATION

Noncedo Madubedube

LEGAL RESOURCE CENTRE

Ona Xolo

SECTION27

Faranaaz Veriava

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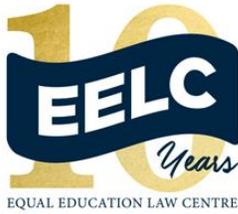
Sharon Ekambaram

CENTRE FOR CHILD LAW

Karabo Ozah

CHILDREN'S INSTITUTE

Paula Proudlock



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