

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1582.

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1582. Ms N Tafeni (EFF) to ask the Minister of Basic Education: to ask the Minister of Basic Education:

(1) Whether it is the policy of her department to permit businesses to operate on school premises in order to supplement the school fund; if not, what is the position in this regard; if so, who has the final authority in her department's policy to authorise and permit the kind of businesses that can be conducted on school premises;

(2) whether she has been informed of any public schools in the Republic and in the Eastern Cape in particular, where both (a) licenced and (b) unlicensed liquor traders operate on school premises; if not, what is the position in this regard, if so, what are the relevant details;

(3) whether her department permits schools to conduct any business on their premises; if not, what is the position in this regard; if so, what are the relevant details;.

(4) (a) how long will it take her department to shut down all liquor businesses operating on public school premises and (b) what actions will be taken against the persons who are involved in the specified activities?

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Response

(1) Section 36(4)(a)(ii) of the South African Schools Act, 1996 (Act No. 84 of 1996), as amended, states that “[a] governing body may, with the approval of the Member of the Executive Council ... allow any person to conduct any business on school property to supplement the school fund”. The operation of any such business must, however, comply with applicable laws.

Section 36(4)(b) of the same Act provides that “[a] governing body may not allow any activity on school property that is hazardous or disruptive to learners or prohibited by this Act”.

Therefore, the final authority to approve the governing body of a public school allowing any person to conduct a business on school property to supplement the school fund is the MEC for Education in the relevant province. Such approval may not be granted where the business to be conducted on school property constitutes an activity that is hazardous or disruptive to learners or prohibited by the South African Schools Act.

The Department of Basic Education (DBE) has confirmed that the operation of a tavern, bottle store or any other liquor-related business on school property should not be permitted, as this would otherwise be inconsistent with the educational and developmental interests of learners and contravene applicable national and provincial liquor legislation and policy.

The National Liquor Policy of 2016 provides that liquor premises, including taverns, should not be situated within a 500m (five hundred metre) radius of schools, places of worship, recreation facilities and other sensitive institutions. This is intended to protect learners from exposure to alcohol and its associated risks.

(2) To date, the DBE has not received any formal reports confirming that licensed or unlicensed liquor traders are operating from within public school premises. Such cases must be brought to the attention of the relevant MEC for Education and Provincial Education Department for urgent investigation and enforcement action in collaboration with law enforcement and local government authorities.

(3) Please see the response to (1) above. The DBE does not condone any commercial activity that undermines the safety or well-being of learners or compromises the integrity of the school environment.

(4) The DBE does not permit or condone liquor businesses operating on school premises under any circumstances. Any such operations are unlawful and must be shut down with immediate effect. As indicated, such cases must, upon discovery, be reported to the relevant MEC for Education and Provincial Education Department, as

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well as local law enforcement authorities, for urgent investigation and enforcement action. Where applicable, appropriate disciplinary and legal action should also be taken against any individuals involved, including school staff and/or School Governing Body members, who permitted such unlawful activities to be undertaken on school premises in contravention with applicable laws.

The DBE remains committed to ensuring that public schools are safe environments conducive to teaching and learning and child development. Community members, parents and learners are encouraged to report any contraventions to the relevant MEC for Education and Provincial Education Department, as well as local law enforcement authorities.