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## **PRESS STATEMENT:**

### **NEW JUDGEMENT AGAINST DEPARTMENT OF BASIC EDUCATION (DBE) SETS DEADLINE FOR DELIVERY OF TEXTBOOKS AND STRESSES NEED FOR OPENESS AND ACCOUNTABILITY**

**4 October 2012**

SECTION27 welcomes the judgment handed down by Judge Kollapen this morning in the matter of SECTION27 versus the Department of Basic Education (DBE). The judgment deals with a continued failure by the DBE and the Limpopo Department of Education to deliver textbooks across Limpopo and to put in place an effective catch-up plan. The fact is that the DBE has repeatedly said that textbooks have been delivered; yet in court they conceded that this was not true.

The judgment confirms the DBE's failure to comply with two court orders on these issues and imposes a deadline of 12 October for final delivery of textbooks for 2012. In addition, the court order handed down requires textbooks for 2013 to be delivered to schools by 15 December 2012. SECTION27 welcomes the fact that the DBE has to report on 2013 textbook delivery. This will prevent a repeat of this year's failure for the grade 4,5,6 and 11 learners who will commence the CAPS curriculum in 2013.

In relation to the catch-up plan the court stated that `the plan is hardly what is contemplated by the court` and reiterated the need for meaningful catch-up involving extra tuition for learners and support for teachers.

However we disagree with the Court's decision not to order an independent verification of textbook delivery for 2012. While we acknowledge the practical challenges in conducting verification at this late stage of the year, we believe that the history of this matter warrants confirmation by an independent party as to the progress of textbook delivery.

While the Court did not grant a punitive costs order against the DBE, the Court acknowledged that this application was necessary in the light of the DBE's failure to respond to SECTION27's repeated requests to meet to discuss our growing concerns about delivery and catch-up. The Court therefore ordered the DBE to pay half of SECTION27's costs in bringing in the application. This matter was brought in the public interest to ensure 100% textbook delivery and adequate support for learners and teachers affected by the DBE's failures.

Finally, we note the comments by Judge Kollapen on the need for good faith cooperation on both sides. SECTION27 has on many occasions indicated its support for this approach. We once more repeat our request for a meeting between the Minister of Basic Education Section27, and other organisations currently involved in litigation against the DBE. The DBE had previously made a public commitment to such a meeting, facilitated by the Nelson Mandela Foundation, but has made no further reference to the meeting for several months.

A copy of Judge Kollapen's order is attached

**For further comment, please contact Mark Heywood, Executive Director on 083 634-8806 or Nikki Stein on 082 528-7232 or Nthabi Poee on 076 612 7188**

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