

FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

Uitgegee op Gesag

No. 117

BLOEMFONTEIN, 19 MARCH 2010
BLOEMFONTEIN, 19 MAART 2010

<p>GENERAL NOTICE 9 OF 2009/2010</p> <p>PUBLICATION OF THE EDUCATION LAWS AMENDMENT BILL</p> <p>It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 147 of the Rules and Orders of the Free State Legislature.</p> <p>Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach him not later than 6 April 2010.</p> <p>TB PHITSANE ACTING SECRETARY: FREE STATE LEGISLATURE</p>	<p>ALGEMENE KENNISGEWING 9 VAN 2009/2010</p> <p>PUBLIKASIE VAN DIE WYSIGINGSWETSONTWERP OP ONDERWYSWETTE</p> <p>Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 147 van die Reëls en Orders van die Vrystaatse Wetgewer.</p> <p>Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om hom nie later as 6 April 2010 te bereik nie.</p> <p>TB PHITSANE WAARNEMENDE SEKRETARIS: VRYSTAATSE WETGEWER</p>
--	--

BILL

To repeal certain laws; to amend certain laws; and to provide for matter incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

Repeal and amendment of laws

1. (1) The laws mentioned in Schedule 1 are hereby repealed to the extent set out in the third column of the Schedule. 5
- (2) The laws mentioned in Schedule 2 are amended to the extent set out in the third column of the Schedule. 10

Short title

2. This Act is called the Education Laws Amendment Act, 2010.

WETSONTWERP

Om sekere wette te herroep; om sekere wette te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat soos volg:-

5 **Herroeping en wysiging van wette**

1. (1) Die wette genoem in Bylae 1 word hierby herroep in die mate soos uiteengesit in die derde kolom van die Bylae.
- 10 (2) Die wette genoem in Bylae 2 word gewysig in die mate soos uiteengesit in die derde kolom van die Bylae.

Kort titel

2. Hierdie Wet heet die Wysigingswet op Onderwyswette, 2010.

SCHEDULE 1**Laws repealed**

Title	No. and year of law	Extent of repeal
Robertson Bursary Trust Ordinance, 1966	No. 19 of 1966	The whole
Free State School Education Act, 2000	No. 2 of 2000	Section 74
Provincial Board of Further Education and Training Act, 2003	No. 6 of 2003	The whole

BYLAE 1**Wette wat herroep is**

Titel	Nr. en jaar van Wet	Omvang van herroepping
Ordonnansie op Robertson Beurstrust, 1966	Nr. 19 van 1966	In geheel
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	Artikel 74
Wet op die Provinsiale Raad van Verdere Onderwys en Opleiding, 2003	Nr. 6 van 2003	In geheel

SCHEDULE 2

Laws amended

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<p>1. The definition of “Constitution” in section 1 is amended by the deletion of the words [(Act No. 108 of 1996)].</p> <p>2. The definition of “reform school” in section 1 is substituted with the definition “secure care” as contained in section 1 of the Children’s Amendment Act, 2007 (Act No. 41 of 2007). “secure care” means the physical containment in a safe and healthy environment -</p> <p style="padding-left: 20px;">(a) of children with behavioral and emotional difficulties; and</p> <p style="padding-left: 20px;">(b) of children in conflict with the law.</p> <p>3. Section 17 of the Free State School Education Act, 2000 is amended by the addition after subsection (3) of the following subsections:</p> <p>“(4) The governing body of a public school may determine the language policy of the school in consultation with the Department, subject to the Constitution, the South African Schools Act, 1996 (Act No. 84 of 1996) and the approval of the Member of the Executive Council.</p>

BYLAE 2

Wette wat gewysig is

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	<p>1. Die omskrywing van “Grondwet” in artikel 1 word gewysig deur die skraping van die woorde [(Wet Nr. 108 van 1996)]</p> <p>2. Die omskrywing van “verbeteringskool” in artikel 1 word vervang met die omskrywing “veilige sorg” soos vervat in artikel 1 van die Kinderwysigingswet, 2007 (Wet Nr. 41 van 2007) “veilige sorg” beteken die fisiese inperking in ‘n veilige en gesonde omgewing -</p> <p>(a) en (b) van kinders wat met die gereg bots.</p> <p>3. Artikel 17 van die Wet op Vrystaat Skoolonderwys, 2000 word gewysig deur die byvoeging nà subartikel (3) van die volgende subartikels:</p> <p>“(4) Die beheerliggaam van ‘n openbare skool kan die taalbeleid van die skool vasstel in oorleg met die Departement, onderhewig aan die Grondwet, die Suid-Afrikaanse Skolewet, 1996 (Wet Nr. 84 van 1996) en die goedkeuring van die Lid van die Uitvoerende Raad.</p>

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<p>(5) The language policy of a public school shall be developed within the framework of the following principles:</p> <p>(a) The education process should aim at the development of a national democratic culture with respect for the country's diverse language communities;</p> <p>(b) Within practical limits, a learner shall have the right to language choice in education;</p> <p>(c) School language policy shall be designed to facilitate the maximum participation of learners in the learning process;</p> <p>(d) Special measures shall be taken to enable a learner to become competent in the language and teaching of their choice and where practicable if there is a place available in the relevant grade the school must admit the learner;</p> <p>(e) Where no school in a school district offers the desired language as a medium of learning and teaching, the Department upon request, may make provision for instruction in the chosen language;</p>

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	<p>(5) Die taalbeleid van 'n openbare skool moet ontwikkel word binne die raamwerk van die volgende beginsels:</p> <p>(a) Die onderwysproses moet mik na die ontwikkeling van 'n nasionale demokratiese kultuur wat die land se onderskeie taalgemeenskappe respekteer;</p> <p>(b) Binne praktiese perke, is leerlinge geregtig op 'n taalkeuse in die onderwys;</p> <p>(c) Die taalbeleid in skole moet ontwerp word om maksimum deelname van leerders in die leerproses te vergemaklik;</p> <p>(d) Spesiale maatreëls sal getref word om leerders in staat te stel om vaardig te raak in die taal van hul keuse en waar dit prakties moontlik is moet skool die leerder toelaat indien daar plek beskikbaar is in die toepaslike graad.</p> <p>(e) As daar geen skool in die distrik is wat die verlangde taal as medium van onderrig aanbied nie, kan die Departement op versoek voorsiening maak vir onderrig in die gekose taal.</p>

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<p>(f) On completion of the ninth grade of education a learner should have acquired satisfactory levels of competence in at least two of the official languages;</p> <p>(g) Special measures shall be taken to promote the status and use of official languages that have previously been neglected or discriminated against by education authorities in the Province;</p> <p>(h) There shall be a duty on all public schools and on the governing body and the Department that educators must acquire the special skills necessary for teaching in a multilingual education environment; and</p> <p>(i) Special measures shall be taken by the governing body to stipulate how the school will promote multilingualism through using more than one language of learning and teaching and approved by the Head of the Department.</p>

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	<p>(f) By voltooiing van die negende graad van onderwys behoort 'n leerder bevredigende vlakke van vaardigheid in minstens twee van die amptelike tale bereik het.</p> <p>(g) Spesiale maatreëls moet getref word om die status en gebruik van amptelike tale te bevorder wat voorheen verwaarloos en waarteen teen gediskrimineer was deur die onderwysowerhede in die Provinsie.</p> <p>(h) 'n Plig berus op alle openbare skole, beheerliggame en die Departement om te verseker dat leerkragte spesiale vaardighede moet bekom wat nodig is vir onderrig in 'n meertalige onderwysomgewing; en</p> <p>(i) Spesiale maatreëls moet getref word deur die beheerliggaam om uit te stippel hoe die skool meertaligheid gaan bevorder deur meer as een leer- en onderrigtaal te gebruik wat deur die Hoof van Onderwys goedgekeur is.</p>

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	(6) If, at any time, the Member of the Executive Council has reason to believe that the language policy of a public school does not comply with the principles set out in subsection (2), the Member of the Executive Council may, after consultation with the district council and the governing body of the school concerned, direct that the language policy of the school be reformulated in accordance with the provisions of subsections (1) and (2).”

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	(6) Indien, te eniger tyd, die Lid van die Uitvoerende Raad rede het om te glo dat die taalbeleid van 'n openbare skool nie voldoen aan die beginsels soos uiteengesit in subartikel (2), kan die Lid van die Uitvoerende Raad, na oorleg met die distrikraad en die beheerliggaam van die skool, gelas dat die taalbeleid van die skool geherformuleer word ooreenkomstig die bepalinge van subartikel (1) en (2).”

MEMORANDUM

PURPOSE

There exist a number of unused or irrelevant pieces of legislation. Some pieces of legislation do no longer serve the purposes for which they were originally passed.

In some cases, national legislation appears to deal adequately with issues that provincial legislation seeks to address.

Rationalisation of legislation is an ongoing process that seeks to rid the legal system of excess, obsolete and inapplicable laws.

Section 1

This section is subdivided into two subsections.

Subsection (1) contains a Schedule in which laws that are repealed and the extent to which they are repealed, are listed. The reasons for the repeal are explained hereunder.

Law	Reasons for repeal
Robertson Bursary Trust Ordinance, 1966	The Ordinance contained discriminatory provisions and the remaining funds will be used for other educational purposes.
Section 74 of the Free State School Education Act, 2000	This matter is already regulate din the South African Schools Act, 1996.
Provincial Board of Further Education and Training Act, 2003	This Act established a bargaining agent for FET Colleges employees. The National Act, FET Colleges Act, 2006 (Act No. 16 of 2006) introduces a similar structure that bargain provincially and nationally on behalf of the FET Colleges employees. It is therefore necessary to have a single structure that bargains uniformly throughout the whole country.

Subsection (2) contains a Schedule in which laws that are amended and to the extent to which they are amended. In this Schedule, various definitions are updated, e.g. “**Constitution**” and “**reform school**”. Furthermore, section 17 is amended to further regulate determination of the language policy of schools.

Section 2

This section gives the short title of the Act.

FINANCIAL IMPLICATIONS

The repeal or amendment does not have any financial implications.

MEMORANDUM

DOEL

Tans bestaan daar 'n aantal ongebruikte of irrelevante stukke wetgewing. Van hierdie wetgewing dien nie meer die doel waarvoor dit oorspronklik aangeneem is nie.

In sommige gevalle blyk nasionale wetgewing voldoende te wees om kwessies te hanteer wat provinsiale wetgewing poog om aan te pak.

Rasionalisering van wetgewing is 'n voortdurende proses wat poog om die regstelsel te stroop van oormatige, uitgediende en ontoepaslike wette.

Artikel 1

Hierdie artikel is onderverdeel in twee subartikels.

Subartikel (1) bevat 'n Bylae waarin wette wat herroep word en die mate waartoe dit herroep word, gelys word. Die redes vir die herroeping word hieronder verduidelik.

Wet	Redes vir herroeping
Ordonnansie op Robertson Beurstrust, 1966	Die ordonnansie het diskriminerende bepalings bevat en die oorblywende fondse sal vir ander opvoedkundige doeleindes aangewend word.
Artikel 74 van die Wet op Vrystaat Skoolonderwys, 2000	Hierdie aangeleentheid word reeds in die Suid-Afrikaanse Skolewet, 1996, gereël.
Wet op die Provinsiale Raad van Verdere Onderwys en Opleiding, 2003	Hierdie Wet het 'n bedingingsagent daargestel vir VOO-kollege werknemers. Die Nasionale Wet, VOO-kollegeswet, 2006 (Wet no.16 van 2006) het 'n soortgelyke struktuur ingestel wat op provinsiale en nasionale vlak namens VOO-kollege werknemers onderhandel. Dit is daarom noodsaaklik om 'n enkel struktuur te hê wat eenvorming regdeur die land kan onderhandel.

Subartikel (2) bevat 'n Bylae waarin wette wat gewysig word en die mate waartoe dit gewysig word. In hierdie Bylae word verskeie definisies van die Wet op Vrystaat Skoolonderwys, 2000, opdateer, bv. "Grondwet" en "verbeteringskool". Verder word artikel 17 gewysig om die bepaling van die taalbeleid van skole verder te reël.

Artikel 2

Hierdie klousule gee die kort titel van die Wet.

FINANSIËLE IMPLIKASIES

Die herroeping of wysiging het geen finansiële implikasies nie.