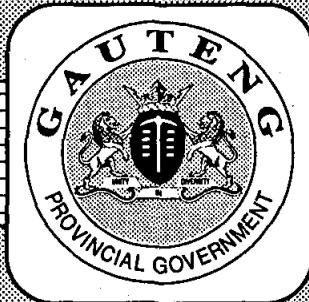


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GENERAL NOTICE • ALGEMENE KENNISGEWING

NOTICE 2273 OF 1998

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF EDUCATION POLICY BILL

Notice is hereby given that the Member of the Executive Council for Education intends to introduce the Gauteng Education Bill in the Legislature as published in this Extraordinary Gazette

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before 29 September 1998 by posting, faxing or handing them in at the following address:

**The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms B Mogotlane)
Private Bag X52
Johannesburg 2000**

Physical address:
**Gauteng Provincial Legislature
Corner President and Loveday Streets
Johannesburg
Tel: No: (011) 498-5553
Fax. No: (011) 498-5719**

GAUTENG PROVINCIAL LEGISLATURE
EDUCATION POLICY BILL, 1998

EDUCATION POLICY BILL, 1998

as introduced

by

MEMBER OF THE EXECUTIVE COUNCIL FOR EDUCATION

BILL

To provide for the determination of provincial education policy; to provide for the establishment of councils to assist in the process of making education policy; to provide for the co-ordination, monitoring and evaluation of education policy; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:

Arrangement of Sections

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Definitions**1. In this Act, unless the context otherwise indicates -**

"district director" means the official contemplated in section 40 of the School Education Act, 1995 (Act No. 6 of 1995);

"education district" means the area designated as an education district by the Member of the Executive Council in terms of section 8 of the School Education Act, 1995 (Act No. 6 of 1995);

"education institution" means any institution providing education, whether early childhood education, primary, secondary, further or higher education, other than a university or technikon, and also an institution providing specialised vocational, adult, distance or community education;

"head of department" means the head of the department responsible for education in the province;

"Member of the Executive Council" means the member of the executive council responsible for education in the province;

"prescribed" means prescribed by regulation and **"prescribe"** has a corresponding meaning;

"provincial department" means the department responsible for education in the province;

"province" means the province of Gauteng; and

"this Act" includes the regulations made under this Act..

Objectives of this Act**2. The objectives of this Act are to facilitate the development of education policy by -**

- (a) designating responsibility for making and implementing education policy;
- (b) determining the areas in respect of which education policy may be made;
- (c) specifying the guidelines in respect of which education policy may be made;
- (d) providing for the establishment of appropriate bodies that will be responsible for advising the Member of the Executive Council on the development of education policy;

- (e) specifying the procedures in respect of which education policy may be made;
- (f) creating an environment within which the public may have access to education policy; and
- (g) ensuring that education policy is effectively monitored and evaluated.

Responsibility for making and implementing education policy

- 3. (1) Subject to this Act or any other law, the Member of the Executive Council is responsible for making policy on any education-related matter for the province.
- (2) Any policy made by the Member of the Executive Council in terms of this Act becomes effective only upon entry of the policy document in the register contemplated in section 16(1).
- (3) Subject to this Act, any other law or applicable national or provincial education policy, the governing body of any education institution may make education policy for its institution.
- (4) The head of department must -
 - (a) co-ordinate the implementation of education policy in the province; and
 - (b) submit -
 - (i) an annual written report to the Gauteng Education and Training Council on the state of education in the province;
 - (ii) quarterly or such other reports as may be reasonably requested by this Council; and
 - (iii) such reports as may be reasonably requested by a Specialist Advisory Council.
- (5) The district director must -
 - (a) co-ordinate the implementation of education policy in the education district; and
 - (b) submit -
 - (i) an annual report to the District Education and Training Council on the state of education in the education district; and
 - (ii) quarterly or such other reports as may be reasonably requested by this Council.

Scope of education policy making

4. Without derogating from the generality of what is provided for in section 3, education policy may be made in respect of the following areas -

(a) learners, including -

- (i) admission criteria;
- (ii) the learners per educator ratio;
- (iii) compulsory attendance at an education institution between specified education levels and ages; and
- (iv) a code of conduct for learners.

(b) employment of educators, including -

- (i) language requirements for gaining employ in the provincial department;
- (ii) registration of educators;
- (iii) recruitment, transfer and secondment of educators;
- (iv) assessment and promotion of educators; and
- (v) the provision of in-service education and training of educators, and educator development programmes.

(c) curriculum issues, including-

- (i) the subjects to be taught at each education level by education institutions;
- (ii) the number of teaching hours to be provided per subject;
- (iii) extramural activities; and
- (iv) the languages of learning and teaching.

(d) governance of education institutions, including -

- (i) the opening, registration procedure and closing of education institutions;
- (ii) the adoption of management systems by education institutions;
- (iii) the duties and responsibilities of educators and heads of education institutions;

- (iv) the establishment of democratically elected student representative councils;
 - (v) the establishment of governing bodies;
 - (vi) the participation and representation of all stakeholders in the governance of all aspects of education;
 - (vii) the monitoring and evaluation of education service provision and performance; and
 - (viii) the facilitation of research aimed at enhancing the quality of education services.
- (e) the financial support for education institutions, including -
- (i) allocation of financial resources to different education institutions;
 - (ii) subsidies and loans to education institutions and the conditions applicable to these subsidies and loans;
 - (iii) fees to be paid to education institutions;
 - (iv) the right-sizing of the number of educators necessary for rendering education services;
 - (v) the allocation of funds for educator development; and
 - (vi) the determination of tender specifications.
- (f) the development of relationships between the provincial department and -
- (i) an organ of state;
 - (ii) international organisations;
 - (iii) the private sector; and
 - (iv) the non-governmental sector.

Guidelines for making education policy

5. (1) All education policy made in terms of this Act must contribute to the development of an education system which -
- (a) promotes democracy and human rights by -

- (i) respecting the right to basic education;
- (ii) ensuring equitable access to education opportunities and the redress of past inequalities in the provision of education;
- (iii) fostering the advancement of persons previously disadvantaged by unfair discrimination;
- (iv) ensuring that the admission requirements at education institutions administered under the auspices of the provincial department do not include language competence testing;
- (v) protecting persons against unfair discrimination within or by the provincial department or by an education institution;
- (vi) fostering the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions;
- (vii) in relation to the rights referred to in sub-paragraph (vi), protecting the rights and duties of parents to provide direction to their children in the exercise of these rights in a manner consistent with the evolving capacity of their children;
- (viii) encouraging freedom of association and the right to assemble, demonstrate and present petitions in a peaceful manner without the threat of violence;
- (ix) allowing all persons, including education institutions, access to information held by the provincial department in so far as such information is required for the exercise or protection of their rights; and
- (x) facilitating the peaceful resolution of disputes amongst all stakeholders in the education sphere.

(b) respects religious, cultural and language rights by -

- (i) promoting respect for the country's diverse communities and traditions;
- (ii) encouraging participation of persons in the cultural life of their choice within an education institution;
- (iii) promoting the status and use of official languages that have previously been neglected or discriminated against;
- (iv) teaching learners in the language of their choice where

reasonably practicable;

- (v) recognising sign language as an official language of communication;
- (vi) enabling learners to become competent in the languages of learning in their education institution;
- (vii) allowing learners, where practicable, to use their language of choice where it differs from the language of learning in their education institution;
- (viii) ensuring that, on completion of the ninth level of learning/education, learners have acquired satisfactory levels of competence in at least two official languages; and
- (ix) encouraging educators to acquire the skills necessary for rendering education services in a multilingual environment.

(c) advances personal development by -

- (i) promoting respect for teaching and learning in education institutions;
- (ii) cultivating skills, disciplines and capacities necessary for the reconstruction and development of the country;
- (iii) recognising the aptitudes, abilities, interests, prior knowledge and experience of learners;
- (iv) providing opportunities for lifelong learning;
- (v) encouraging independent and critical thought;
- (vi) ensuring that persons with barriers to learning are not denied the opportunity to receive education to the maximum of their potential;
- (vii) facilitating the maximum participation of learners in the learning process;
- (viii) promoting gender equality and the advancement of the status of women;
- (ix) combating sexual harassment at education institutions; and
- (x) protecting persons from all forms of physical and mental violence at education institutions.

(d) enhances the quality of education provision by -

- (i) ensuring that education and training is provided within a national qualifications framework;
 - (ii) promoting enquiry, research and the advancement of knowledge;
 - (iii) creating systems to improve standards of education and monitoring and evaluating their implementation; and
 - (iv) encouraging the cost-effective use of education resources and the sustainable implementation of education services.
- (e) encourages public participation in the processes of formulating education policy and stakeholder representation in appropriate decision-making bodies.
- (2) A condition or limitation contained in any education policy made in terms of this Act, must be reasonable and proportionate to the object pursued by that policy.

Establishment of the Gauteng Education and Training Council

6. The Gauteng Education and Training Council is hereby established.

Functions of the Gauteng Education and Training Council

7. The Gauteng Education and Training Council must -

- (a) assist the Member of the Executive Council in developing education policy for the province;
- (b) consider and make recommendations on all legislation related to education before it is introduced in the Provincial Legislature;
- (c) on its own initiative or at the request of the Member of the Executive Council, investigate and consider matters relating to education and report on its findings to the member;
- (d) on its own initiative or upon the request of the Member of the Executive Council, make recommendations to the member on matters regarding education in the province;
- (e) consider and respond to the reports referred to in section 3(4) from the head of department;
- (f) perform any function assigned or delegated to it in terms of this Act or any other law; and

- (g) on or before the last day of March of each year, present a written report on its activities for the previous year to the Member of the Executive Council, which must be tabled in the Provincial legislature by the Member of the Executive Council within 14 days after its receipt.

Establishment of District Education and Training Council

8. The Member of the Executive Council may establish a District Education and Training Council in respect of each education district in the province.

Functions of a District Education and Training Council

9. A District Education and Training Council must -

- (a) on its own initiative or at the request of the Member of the Executive Council, or the district director, investigate and consider matters relating to education in general, and in the education district in particular, and report on its findings to the relevant person or body;
- (b) on its own initiative or upon the request of the district director make recommendations to the district director on matters regarding education in the education district; and
- (c) perform any other function as may be assigned or delegated to it in terms of this Act or any other law.

Establishment of Specialist Advisory Councils

10. The Member of the Executive Council may, after consultation with the Gauteng Education and Training Council, establish Specialist Advisory Councils.

Functions of Specialist Advisory Councils

11. A Specialist Advisory Council must -

- (a) on its own initiative or at the request of the Member of the Executive Council, investigate and consider matters relating to education that fall within its terms of reference and report on its findings to the member;
- (b) consider and make recommendations concerning all legislation that falls within its terms of reference; and
- (c) perform any other function assigned or delegated to it in terms of this Act or any other law.

Composition, sub-committees, procedures and administration of the Gauteng Education and Training Council, a District Education and Training Council and Specialist Advisory Councils

- 12.** (1) The Member of the Executive Council may issue regulations concerning -
- (a) the composition and management of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council and the term of office of their members;
 - (b) the criteria for appointing members to these councils; and
 - (c) the procedures for the appointment and removal of these members, including the determination and filling of vacancies.
- (2) The Gauteng Education and Training Council, a District Education and Training Council or a Specialist Advisory Council may, with the concurrence of the Member of the Executive Council, establish one or more sub-committees to -
- (a) enquire into and report to the relevant council regarding any matter falling within the scope of that council's functions; and
 - (b) perform any other function delegated to it by that council, except that the council may not be completely divested of the function contemplated in section 7(a).
- (3) The councils referred to in subsection (2) may at any time dissolve or reconstitute a sub-committee established in terms of that subsection.
- (4) Subject to this Act, the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council must determine its own procedures for conducting its business, including procedures for -
- (a) the appointment of its office bearers;
 - (b) the appointment of an executive or other appropriate committee to oversee its day to day functioning; and
 - (c) consulting with and hearing representations from any other persons or bodies.
- (5) The provincial department must provide the Gauteng Education and Training Council, the District Education and Training Councils and Specialist Advisory Councils with the administrative support necessary to enable them to perform their functions.

Allowances for members of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

13. (1) A member of the Gauteng Education and Training Council, a District Education and Training Council, or a Specialist Advisory Council, or a member of any sub-committee of these councils, may be paid travelling, subsistence and other allowances in connection with the affairs of these councils.
- (2) The Member of the Executive Council, with the concurrence of the Member of the Executive Council responsible for state expenditure in the province, must determine the terms and conditions applicable to the persons contemplated in subsection (1) and the allowances payable to them.
- (3) The allowances must be paid from monies appropriated for that purpose by the Provincial Legislature.

Recommendations of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

14. (1) If the Member of the Executive Council chooses not to implement a recommendation made by the Gauteng Education and Training Council in terms of section 7(d), or by a Specialist Advisory Council in terms of section 11(b), he or she must provide the relevant council with written reasons for his or her decision.
- (2) If a district director chooses not to implement a recommendation made by a District Education and Training Council in terms of section 9(b), he or she must provide that Council with written reasons for his or her decision.
- (3) The district director must submit a copy of the written reasons contemplated in subsection (2) to the Member of the Executive Council.

Consultation on education policy, legislation and regulations

15. (1) In addition to the procedures contemplated in sections 11(b) and 18 and the provisions of any other applicable law, the Member of the Executive Council must consult with the Gauteng Education and Training Council and, if appropriate, the relevant Specialist Advisory Council prior to -
 - (a) determining education policy;
 - (b) introducing education-related legislation in the Provincial Legislature; and
 - (c) issuing education-related regulations.
- (2) The consultations on the policy document, legislation or regulation

contemplated in subsection (1) -

- (a) must commence at least thirty days prior to finalising the policy document to be entered in the register referred to in section 16(1), the introduction of the legislation in the Provincial Legislature or the issuing of the regulations; and
 - (b) do not preclude prior consultations with other relevant persons or bodies.
- (3) If the public interest requires that policy be made or that a regulation be issued without delay, the consultative process contemplated in subsections (1) and (2) may be dispensed with if the Member of the Executive Council informs the relevant council accordingly prior to making the policy or issuing the regulation.
- (4) The language and religion-related education policies of an education institution which is administered under the auspices of the provincial department may only be made by its governing body and may only be implemented if the governing body has-
- (a) consulted with stakeholders in the education institution; and
 - (b) obtained the concurrence of the head of department.
- (5) If in the course of considering whether to concur with a policy referred to in subsection (4), the head of department is of the opinion that the draft policy does not comply with the provision of this Act or any other law -
- (a) the head of department must send a written notice to the relevant governing body containing a request that it submit written representations on the non-compliance to the head of department; and
 - (b) the governing body must act in accordance with this request within thirty days of the date of the request.
- (6) If upon considering the representations referred to in subsection (5), the head of department finds that the reasons for the non-compliance are not satisfactory, the head of department must in writing advise the governing body of the basis of the findings and direct the governing body regarding-
- (a) the procedure it must follow to comply with the provisions of this Act;
 - (b) the amendments it must make to the policy.
- (7) If the governing body is dissatisfied with the findings or the directions of the head of department, it may refer this decision to the Member of the Executive Council for consideration.
- (8) The referral referred to in subsection (7) must -

- (a) be in writing;
 - (b) be made within thirty days after the date of the written notice referred to in subsection (6);
 - (c) set out the grounds for the referral; and
 - (d) enclose copies of the documents contemplated in subsections (5) and (6).
- (9) Within sixty days after receipt of the referral, the Member of the Executive Council must consider the referral in a manner it considers appropriate and send a written notice of his or her decision to the governing body and the head of department, stating the reasons for its decision.
- (10) The governing body must act in accordance with the decision of the Member of the Executive Council made in terms of sub-section (9).

Register of education policies and access by the public to education policies

16. (1) The head of department must open and maintain a register in the prescribed form of all education policies made by the Member of the Executive Council in terms of this Act.
- (2) All members of the public have the right of access to and to inspect any document containing education policy made in terms of this Act.
- (3) The Member of the Executive Council and the governing body of any education institution must determine the circumstances and manner in which the public may have access to or inspect these education policy documents.
- (4) A fee may not be charged for merely having sight of or inspecting an education policy document.

Monitoring the implementation of education policy

17. (1) If the head of department becomes aware that an education institution which is administered under the auspices of the provincial department is not complying with a policy made in terms of this Act, or in attempting to comply with the policy, it is failing to give adequate effect to the provisions of this Act
- (a) the head of department must send a written notice to the governing body of the education institution containing a request that it submit written representations to the head of department on the non-compliance or failure; and
 - (b) the governing body must act in accordance with this request within

thirty days after the date of the request.

- (2) If upon considering the representations, the head of department is not satisfied with the reasons for the non-compliance or failure, the head of department must send a compliance notice to the governing body.
- (3) The compliance notice referred to in subsection (3) must -
 - (a) be in writing;
 - (b) specify the nature of the non-compliance or failure and the steps it is required to take; and
 - (c) inform the governing body that it has one month from the date of the compliance notice to take the required steps.
- (4) The period within which the required steps as contemplated in sub-section (4) (b) must be taken may be extended by the head of department on good cause by the governing body.
- (5) If the governing body is dissatisfied by the head of department's decision to issue the compliance notice in terms of sub-section (3) or specification of the steps to be taken as contemplated in sub-section (4) (b), it may refer this decision to the Member of the Executive Council for consideration.
- (6) The referral referred to in subsection (6) must -
 - (a) be in writing;
 - (b) be made within thirty days after the date of the compliance notice;
 - (c) set out the grounds for the referral; and
 - (d) enclose copies of the documents contemplated in subsections (1), (2), (3) and (4).
- (7) Within sixty days after receipt of the referral, the Member of the Executive Council must consider the referral in a manner he or she considers appropriate and send a written notice of his or her decision to the governing body and the head of department, stating the reasons for the decision.
- (8) If the Member of the Executive Council does not find in favour of the governing body, the decision made in terms of the sub-section (8) must be taken within thirty days after the date of the Member of the Executive Council's decision.

Regulations

18. (1) The Member of the Executive Council may make any regulation that is necessary or expedient in order to achieve the objects of this Act, including regulations regarding mechanisms and procedures for evaluating the implementation of education policy.
- (2) When intending to make or amend regulations, the Member of the Executive Council must comply with the following procedure :
- The intention to make the regulations must be announced by notice in the Provincial Gazette and at least one other widely circulated means of communication.
 - The notice must specify -
 - that draft regulations have been developed for comment; and
 - where a copy of the draft regulations may be obtained.
 - A period of at least one month from the date of the notice must be allowed for interested parties to comment on the regulations.
 - The comments received and the content of all discussions and consultations must be considered before making the regulations.
- (3) Subsection (2) does not apply to
- regulations which the public interest or an emergency requires that it be made without delay; or
 - a technical amendment, provided that no substantive change to the original text is effected.

Delegation

19. (1) Subject to the provisions of this Act or any other law, the Member of the Executive Council may assign or delegate any powers or functions conferred on him or her in terms of this Act, except those contemplated in sections 3(1), 8, 10, 12(1), 15(9), 17(8) and 18(1) to -
- any person in the employ of the provincial administration; or
 - any council, committee, sub-committee, board or body established in terms of this Act or any other law.
- (2) The head of department must keep a register in the prescribed manner of all assignments or delegations made in terms of this Act.

- (3) Within six months of coming into office, the Member of the Executive Council must review all assignments and delegations made in terms of this Act.

Repeal of laws and transitional arrangements

20. (1) Sections 5, 18, 21, 32 to 46, and 88 of the School Education Act, 1995 (Act No. 6 of 1995), are hereby repealed.
- (2) Despite subsection (1) -
- (a) a policy made or action taken in terms of the repealed provisions of the School Education Act, 1995 (Act No. 6 of 1995) will be regarded as having been done under the corresponding provision of this Act; and
- (b) any regulation issued in terms of the repealed provisions of the School Education Act, 1995 (Act No. 6 of 1995) will be regarded as having been made under the corresponding provision of this Act and continues to have force and effect unless amended or repealed in terms of this Act.
- (3) The policies contemplated in subsection (2) must be included, as soon as it is practicable, in the register referred to in section 16 in the manner referred to in that section.

Short title and commencement

21. This Act is called the Education Policy Act, 1998, and must come into operation on a date to be fixed by the Premier by proclamation in the Provincial Gazette.

**EXPLANATORY MEMORANDUM
EDUCATION POLICY BILL, 1998**

PART A - SOCIAL IMPACT STATEMENT

Reasons for the Bill

- 1 The Bill creates an overarching legislative framework for making policy pertaining to education in the Gauteng Province ("the Province"). This overarching framework enables education policy to be made in respect of clearly defined aspects in accordance with prescribed guidelines. The guidelines, structures and processes envisaged in the Bill will assist in the transformation of the provincial education system in that they encourage goal-directed policy making within a broader public participatory environment. In brief the legislation will enhance the right of every person to basic education.

Possible effects of the Bill

- 2 In terms of this Bill, the primary responsibility for making education policy resides with the Member of the Executive Council responsible for education in the Province ("MEC"). The Bill proposes various Councils at provincial and district level to assist the MEC consider policy proposals. Provision is also made for the governing body of any education institution to make policy. All policy made in terms of this statute would have to conform with the Constitution, 1996, any other relevant statute and applicable policy. This means that policy cannot be made:
 - (a) by any person in respect of matters that he or she is not entitled to make policy on;
 - (b) in a manner that is inconsistent with the rights enshrined in the Constitution, 1996; and
 - (c) in a manner inconsistent with applicable policy.

Principal effect of the Bill

- 3 The principal effect of this Bill is that
 - (a) it indicates the scope for policy making;
 - (b) it provides focus for the process of policy making; and
 - (c) consolidates the legislation affecting policy making in the province.

Provisions ensuring accessibility

- 4 For purposes of ensuring accessibility, provision is made for the head of the department responsible for education in the province (hereinafter referred to as the "head of department") to create and maintain a register of all the policies made in

terms of this Bill. Moreover provision is made for the MEC and the governing body of an education institution to ensure access by the public to policy documents.

PART B - FINANCIAL IMPLICATIONS

- 5 The organisational, staffing or financial implications of this Bill are not substantial as the Department of Education will as far as possible utilise existing human and financial resources.

PART C - SUMMARY OF PROVISIONS

6 Section 1 - Definitions

The Bill provides a definition of key terms.

7 Section 2 - Objectives of this Act

The objectives of this Bill are to designate responsibility for policy making, outline areas in respect of which policy may be made, provide for the establishment of structures and procedures, and encourage public access to education policy.

8 Section 3 - Responsibility for making and implementing education policy

8.1 The MEC is responsible for making policy in the province, subject to the Constitution, 1996, and any other applicable law, and the department of education is responsible for implementing this policy.

8.2 The head of department is responsible for co-ordinating the implementation of education policy and is required to submit reports on a regular basis to the Gauteng Education and Training Council and a Specialist Advisory Council on the state of education in the Province. Similar reporting obligations are placed on a district director in relation to a District Education and Training Council.

9 Section 4 - Scope of education policy making

Policy may be made in respect of -

- (a) learners (for example, admission criteria and code of conduct);
- (b) employment of educators (for example, recruitment, training and promotion);
- (c) curriculum issues (for example, subjects to be taught, and languages of learning and teaching);
- (d) governance of education institutions (for example, management systems and student representative councils);
- (e) financial support of education institutions (for example, fees, subsidies and loans);
- (f) development of relationships (for example, with the private sector, and non-

(governmental organisations).

10 Section 5 - Guidelines for making education policy

10.1 All education policy made in terms of this Bill must contribute to the development of an education system which -

- (a) promotes democracy and human rights;
- (b) respects religious, cultural and language rights;
- (c) advances personal development;
- (d) enhances the quality of education provision;
- (e) encourages public participation in education policy making; and
- (f) provides for stakeholder representation in decision making.

10.2 In the event that a condition or limitation is contained in any policy made in terms of this Bill, provision is made to ensure that it is reasonable and proportionate to the object pursued by that policy.

11 Section 6 - Establishment of the Gauteng Education and Training Council

The Gauteng Education and Training Council is hereby established.

12 Section 7 - Functions of the Gauteng Education and Training Council

The Gauteng Education and Training Council investigates, and considers proposals for education policy and makes recommendations to the MEC in this regard. The Council considers and makes recommendations on all proposed legislation before it is introduced in the Provincial Legislature. The Council submits an annual report to the MEC on its activities for that year and this report has to be tabled in the Provincial Legislature.

13 Section 8 - Establishment of District Education and Training Councils

The MEC may establish a District Education and Training Council in respect of each of its 18 educational districts in the Province.

14 Section 9 - Functions of a District Education and Training Council

This Council on its own initiative or at the request of the MEC, district director or Gauteng Education and Training Council may investigate and consider any matter relating to education and makes recommendations to the district director in this regard. The Gauteng Education and Training Council may also delegate certain functions to the District Education and Training Council to perform.

15 Section 10 - Establishment of Specialist Advisory Councils

The MEC may, after consultation with the Gauteng Education and Training Council, establish a Specialist Advisory Council which has expertise in a specific area of education.

16 Section 11 - Functions of the Specialist Advisory Councils

This Specialist Advisory Council, on its own initiative or at the request of the MEC may investigate, consider, make recommendations, or perform any function that falls within its term of reference.

17 Section 12 - Composition, sub-committees, procedures and administration of the Gauteng Education and Training Council, a District Education and Training Council and Specialist Advisory Councils

- 17.1 The MEC may issue regulations concerning the composition of the various councils to be established in terms of this Bill, and the criteria and procedures for appointing its members.
- 17.2 Any council may establish one or more sub-committees to perform various functions but a council may not divest itself from the function of assisting the MEC develop education policy for the Province.
- 17.3 The councils must establish their own procedures for conducting their work, subject to the provision of this Act.
- 17.4 Provision is made for the provincial department to render administrative support to the councils.

18 Section 13 - Allowances for members of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

The MEC together with the Member of the Executive Council responsible for state expenditure in the Province must determine the terms and conditions (including travelling and subsistence allowances) of members of any council to be established in terms of this Bill.

19 Section 14 - Recommendations of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

If the MEC or district director decides not to implement a recommendation made by any council, they must provide the relevant council with written reasons for this decision.

20 Section 15 - Consultation on education policy, legislation and regulations

- 20.1 The MEC must consult with the Gauteng Education and Training Council, and if appropriate the relevant Specialist Advisory Council, prior to determining policy, and introducing education related legislation or regulations in the Provincial Legislature.
- 20.2 The consultations must commence at least thirty days prior to the determination of policy, introduction of legislation, or the issuing of regulations. However if there is an emergency and public interest so requires, this consultation may be dispensed with if the MEC informs the relevant Council.
- 20.3 A procedure is set out for ensuring that the language and religion-related policies of education institutions administered under the auspices of the provincial department are consistent with departmental policy, the policy of the MEC and the provisions of this Act or any other law. This procedure contains a mechanism which creates a role for the MEC to resolve differences and inconsistencies in these policies.

21 Section 16 - Register of Education Policies and access by the public to education policies

The Head of Department must open and maintain a register of policies made by the MEC in terms of this Bill. The public may have access to these policies.

22 Section 17 - Monitoring the implementation of education policy

Provision is made for the head of department to monitor the implementation of education policy and to issue compliance notices in the event of non-compliance with policy or a failure to appropriately give effect to the provision of this Bill. As a safeguard against interference by the head of department, a mechanism has been created for the MEC to review his/her actions.

23 Section 18 - Regulations

The MEC may make any regulation required to achieve the objects of this Act. The intention to make or amend regulations must be announced by notice in the Provincial Gazette and must specify that draft regulations are available for comment and where they may be obtained. Interested parties have one month to comment. All contributions must be considered by the MEC before finalising regulations.

24 Section 19 - Delegation

The MEC may assign or delegate any powers or functions in terms of this Act except those concerning the making of policy, the establishing of a council or the review of inconsistencies or actions by a Head of Department. The head of department must keep a register of assignments or delegations made in terms of this Bill.

25 Section 20 - Repeal of laws and transitional arrangements

Various provisions in the School Education Act, 1995 (Act No. 6 of 1995) are

repealed. Any action carried out in terms of these repealed sections will be deemed to have been carried out under the corresponding provisions of this Bill.

26 Section 21 - Short title and commencement

This Act is called the Education Policy Act, 1998, and must come into operation on a date to be fixed by the Premier by proclamation in the Provincial Gazette.

KENNISGEWING 2273 VAN 1998
WETSONTWERP OP ONDERWYSBELEID, 1998

Om voorsiening te maak vir die bepaling van onderwysbeleid; om voorsiening te maak vir die daarstelling van verskeie rade om met die proses van beleidmaking in die onderwys behulpsaam te wees; om voorsiening te maak vir die koördinering, monitering en evaluering van onderwysbeleid; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD soos volg deur die Provinciale Wetgewer van Gauteng, Republiek van Suid-Afrika BEPAAL:

Rangskikking van Artikels

Artikels

1. Woordomskrywing
2. Oogmerke van hierdie Wet
3. Verantwoordelikheid vir die daarstelling en implementering van onderwysbeleid
4. Omvang van die daarstelling van onderwysbeleid
5. Riglyne vir die daarstelling van onderwysbeleid
6. Daarstelling van die Onderwys- en Opleidingsraad van Gauteng
7. Werksaamhede van die Onderwys- en Opleidingsraad van Gauteng
8. Daarstelling van Distriksrade vir Onderwys en Opleiding
9. Werksaamhede van 'n Distrikstraad vir Onderwys en Opleiding
10. Daarstelling van Deskundige Adviesrade
11. Werksaamhede van Deskundige Adviesrade
12. Samestelling, subkomitees, procedures en administrasie van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en Deskundige Adviesrade
13. Toelaes vir lede van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad
14. Aanbevelings van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad
15. Raadpleging oor onderwysbeleid, wetgewing en regulasies
16. Register van onderwysbeleid en toegang tot onderwysbeleid vir die publiek
17. Monitering van die implementering van onderwysbeleid

18. **Regulasies**
19. **Delegasie**
20. **Herroeping van wette en oorgangsmaatreëls**
21. **Kort titel en inwerkingtreding**

Woordomskrywings

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken -
 - "distriksdirekteur" die beampete waarna in artikel 40 van die Wet op Skoolonderwys, 1995 (Wet Nr. 6 van 1995) verwys word;
 - "onderwysdistrik" die gebied wat as 'n onderwysdistrik aangewys is deur die Lid van die Uitvoerende Raad kragtens artikel 8 van die Wet op Skoolonderwys, Nr. 6 van 1995;
 - "onderwysinstelling" enige instelling wat onderwys verskaf, hetby vroeë kinderonderrig, primêre, sekondêre, verdere of hoër onderwys, behalwe 'n universiteit of technikon, asook 'n instelling wat gespesialiseerde beroepsgerigte, volwasse, afstands- of gemeenskapsonderrig verskaf;
 - "departementshoof" die hoof van die departement belas met onderwys in die provinsie;
 - "voorgeskrewe" voorgeskryf deur regulasie, en "voorskryf" het 'n ooreenstemmende betekenis;
 - "Lid van die Uitvoerende Raad" die lid van die Uitvoerende Raad belas met onderwys in die Provinsie;
 - "provinsiale departement" die departement belas met onderwys in die provinsie;
 - "provinsie" die provinsie van Gauteng; en
 - "hierdie Wet" ook die regulasies wat kragtens hierdie Wet uitgevaardig word.

Doelwitte van hierdie Wet

2. Die doelwitte van hierdie Wet is om die ontwikkeling van onderwysbeleid te faciliteer deur -
 - (a) verantwoordelikheid vir daarstelling en implementering van onderwysbeleid aan te wys;
 - (b) die areas ten opsigte waarvan onderwysbeleid daargestel kan word, te bepaal;
 - (c) die kriteria ten opsigte waarvan onderwysbeleid daargestel kan word, vas te stel;

- (d) voorsiening te maak vir die daarstelling van geskikte liggame wat daarvoor verantwoordelik sal wees om die Lid van die Uitvoerende Raad oor die ontwikkeling van onderwysbeleid te adviseer;
- (e) die procedures ten opsigte waarvan onderwysbeleid daargestel kan word, te spesifiseer;
- (f) 'n milie te skep waarin die publiek tot onderwysbeleid toegang kan hê; en
- (g) te verseker dat onderwysbeleid doeltreffend gemonitor en geëvalueer word.

Verantwoordelikheid vir die daarstelling en implementering van onderwysbeleid

- 3.(1) Onderworpe aan hierdie Wet of enige ander wet, is die Lid van die Uitvoerende Raad verantwoordelik vir die daarstelling van beleid oor enige onderwysverwante aangeleentheid in die Provincie.
- (2) Enige beleid wat deur die Lid van die Uitvoerende Raad daargestel word kragtens hierdie Wet, tree in werking eers by die intree van die beleidsdokument in artikel 16(1) bedoel.
- (3) Onderworpe aan hierdie Wet, enige ander wet of toepaslike nasionale of provinsiale onderwysbeleid, kan die beheerliggaam van enige onderwysinstelling onderwysbeleid vir daardie instelling daarstel.
- (4) Die departementshoof moet -
 - (a) die implementering van onderwysbeleid in die provinsie koördineer; en
 - (b) die volgende dokumente voorlê -
 - (i) 'n skriftelike jaarverslag aan die Onderwys- en Opleidingsraad van Gauteng oor die stand van onderwys in die Provincie;
 - (ii) kwartaalkse verslae of sodanige ander verslae as wat redelikerwys deur hierdie Raad aangevra mag word; en
 - (iii) sodanige verslae as wat redelikerwys deur 'n Deskundige Adviesraad aangevra mag word.
- (5) Die distriksdirekteur moet -
 - (a) die implementering van onderwysbeleid in die onderwysdistrik koördineer; en
 - (b) die volgende dokumente voorlê -
 - (i) 'n jaarverslag aan die Distrikstraad vir Onderwys en Opleiding oor die stand van onderwys in die distrik; en
 - (ii) kwartaalkse of sodanige ander verslae as wat die Raad redelikerwys kan verwag.

Omvang van die daarstelling van onderwysbeleid

4. Sonder om afbreuk te doen aan die algemeengeldigheid van die bepalings van artikel 2, kan onderwysbeleid ten opsigte van die volgende areas daargestel word -
 - (a) leerders, met inbegrip van -
 - (i) toelatingskriteria;
 - (ii) die verhouding van leerders per opvoeder;
 - (iii) verpligte bywoning van 'n onderwysinstelling tussen bepaalde opvoedingsvlakke en ouderdomme; en
 - (iv) 'n gedragskode vir leerders.
 - (b) indiensneming van opvoeders, met inbegrip van -

- (l) taalvereistes vir toegang tot die onderwysberoep;
- (ii) registrasie van opvoeders;
- (iii) werwing, oorplasing en sekondering van opvoeders;
- (iv) beoordeling en bevordering van opvoeders; en
- (v) die voorsiening van indiens-onderwys en -opleiding van opvoeders, en ontwikkelingsprogramme vir opvoeders.
- (c) leerplanaangeleenthede, met inbegrip van -
 - (i) die vakke wat op elke onderwysvlak by 'n onderwysinstelling aangebied moet word;
 - (ii) die aantal onderrig-ure wat per vak aangebied moet word;
 - (iii) buitemuurse aktiwiteite; en
 - (iv) die voertaal vir onderrig.
- (d) die bestuur van onderwysinstellings, met inbegrip van -
 - (i) die opening, registrasieprocedure en sluiting van onderwysinstellings;
 - (ii) die ingebruikneming van bestuurstelsels deur onderwysinstellings;
 - (iii) die pligte en verantwoordelikhede van opvoeders en hoofde van onderwysinstellings;
 - (iv) die instelling van demokraties-verkose verteenwoordigende leerlingrade;
 - (v) die instelling van bestuursliggame;
 - (vi) die deelname en verteenwoordiging van alle belanghebbendes in die bestuur van alle aspekte van die onderwys;
 - (vii) die monitering en evaluering van diensverskaffing en -lewering in die onderwys; en
 - (viii) die fasilitering van navorsing wat daarop gerig is om die gehalte van onderwysdienste te verbeter.
- (e) die finansiële ondersteuning vir onderwysinstellings, met inbegrip van -
 - (i) toewysing van finansiële hulp aan verskillende onderwysinstellings;
 - (ii) subsidies en lenings aan onderwysinstellings en die voorwaardes verbonde aan sulke subsidies en lenings;
 - (iii) gelde betaalbaar aan onderwysinstellings;
 - (iv) die rasionalisering van die aantal opvoeders wat vir die verskaffing van onderwysdienste benodig word;
 - (v) die toewysing van fondse vir die ontwikkeling van opvoeders; en
 - (vi) bepaling van tenderbepalings.
- (f) die ontwikkeling van verhoudinge tussen die provinsiale departement en -
 - (i) 'n staatsliggaam;
 - (ii) internasionale organisasies;
 - (iii) die private sektor; en
 - (iv) die nie-regeringsektor.

Riglyne vir die daarstelling van onderwysbeleid

5. (1) Alle onderwysbeleid wat kragtens hierdie Wet daargestel word, moet bydra tot die ontwikkeling van 'n onderwysstelsel wat -

- (a) demokrasie en menseregte bevorder deur -
 - (i) die reg op basiese opvoeding te eerbiedig;
 - (ii) billike toegang tot onderwysgeleenthede en die regstelling van historiese ongelykhede in die verskaffing van onderwys te verseker;
 - (iii) mense wat voorheen deur onregverdigte diskriminasie benadeel is, te bevorder;

- (iv) te verseker dat die toelatingsvereistes by onderwysinstellings wat onder die provinsiale departement geadministreer word, nie taalvaardigheidstoetsing insluit nie;
- (v) mense te beskerm teen onregverdige diskriminasie binne of deur die departement belas met onderwys in die Provinsie of deur 'n onderwysinstelling;
- (b) die vryheid van gewete, godsdiens, denke, geloof, menings, uitdrukking en assosiasie in onderwysinstellings te bevorder;
 - (i) met verwysing na die regte in subparagraph (vi) bedoel, die regte en pligte van ouers te eerbiedig om aan hul konders leiding te gee in die uitoefening van hierdie regte op 'n manier wat ooreenstem met die ontwikkelingsvermoë van hul kinders;
 - (viii) die vryheid van assosiasie aan te moedig, asook die reg om, op 'n vredesame wyse en sonder dreigemente van geweld, byeenkomste en demonstrasies te hou en petisies voor te lê;
 - (ii) alle persone, met inbegrip van onderwysinstellings, toegang te gee tot inligting in die besit van die departement belas met onderwys in die Provinsie, in soverre sodanige inligting vir die uitoefening of beskerming van hul regte benodig word; en
 - (iii) die vredesame beslewing van geskille tussen alle belanghebbendes in die onderwys te faciliteer.
- (c) godsdienstige, kulturele en taalregte eerbiedig deur -
 - (i) respek vir die land se uiteenlopende gemeenskappe en tradisies te bevorder;
 - (ii) die deelname van mense in 'n kultuurlewse van hul keuse binne 'n onderwysinstelling aan te moedig;
 - (iii) die status en gebruik van amptelike tale wat voorheen afgeskeep is of waarteen gediskrimineer is, te bevorder;
 - (iv) onderwys in die taal van leerders se keuse te verskaf waar dit redelik en prakties uitvoerbaar is;
 - (v) gebaretaal as 'n amptelike kommunikasietaal te erken;
 - (vi) leerders in staat te stel om vaardig te word in die voertaal/-tale wat in hul onderwysinstelling gebruik word;
 - (vii) leerders toe te laat, waar prakties moontlik, om die taal van hul keuse te gebruik as laasgenoemde van die voertaal in hul onderwysinstelling verskil;
 - (viii) te verseker dat, by voltooiing van die negendevlak van onderwys/opleiding, leerders voldoende vaardigheidsvlakke in ten minste twee amptelike tale bereik het; en
 - (ix) opvoeders aan te moedig om die nodige vaardighede aan te leer om onderwys in 'n veeltalige omgewing te verskaf.
- (d) persoonlike ontwikkeling bevorder deur -
 - (i) respek vir onderwys en onderrig in onderwysinstellings te bevorder;
 - (ii) vaardighede, dissiplines en vermoëns aan te kweek wat nodig is vir die heropbou en ontwikkeling van die land;
 - (iii) die aanleg, vaardighede, belangstellings, vorige kennis en ondervinding van alle leerders te erken;
 - (iv) lewenslange leergeleenthede te skep;
 - (v) onafhanklike en kritiese denke aan te moedig;
 - (vi) toe te sien dat mense met leerbeperkings nie die geleentheid ontsê word om onderwys te ontvang tot die maksimum vlak van hul potensiaal nie;
 - (vii) die maksimum deelname van leerders in die leerproses te faciliteer;

- (viii) geslagsgelykheid en verhoging van die status van vroue te bevorder;
 - (ix) seksuele teistering by onderwysinstellings te beveg; en
 - (x) mense by onderwysinstellings te beskerm teen alle vorms van liggaaamlike en geestelike geweld.
 - (e) die verskaffing van onderwys verbeter deur -
 - (i) te verseker dat onderwys en opleiding binne 'n nasionale kwalifikasie raamwerk verskaf word;
 - (ii) ondersoek, navorsing en die bevordering van kennis aan te moedig;
 - (iii) stelsels te skep om onderwysstandaarde te verbeter, en om die implementering daarvan te monitor en te evalueer; en
 - (iv) die kostedoeltreffende gebruik van onderwyshulpbronne en die houdbare implementering van onderwysdienste aan te moedig.
 - (f) openbare deelname aan die prosesse van die formulering van onderwysbeleid aan te moedig asook die verteenwoordiging van belanghebbendes in gepaste besluitnemende liggame.
- (2) 'n Voorwaarde of beperking wat in enige onderwysbeleid vervat word en wat kragtens hierdie Wet daargestel is, moet redelik en in verhouding tot die doelwit van daardie beleid wees.

Daarstelling van die Onderwys- en Opleidingsraad van Gauteng

6. Die Onderwys- en Opleidingsraad van Gauteng word hiermee ingestel.

Werksaamhede van die Onderwys- en Opleidingsraad van Gauteng

7. Die Onderwys- en Opleidingsraad van Gauteng moet -

- (a) die Lid van die Uitvoerende Raad met die ontwikkeling van onderwysbeleid vir die Provincie bystaan;
- (b) alle wetgewing met betrekking tot onderwysbeleid oorweeg en aanbevelings doen, voordat dit aan Provinciale Wetgewende liggaaam voorgelê word;
- (c) op eie initiatief of op versoek van die Lid van die Uitvoerende Raad enige aangeleentheid met betrekking tot onderwys ondersoek en oorweeg en aan die lid oor sy bevindinge verslag doen;
- (d) op eie initiatief of op versoek van die Lid van die Uitvoerende Raad aanbevelings maak aan die lid oor enige aangeleentheid met betrekking tot onderwys in die Provincie;
- (e) die verslae van die departementshoof waarna in artikel 3(4) verwys word, oorweeg en daarop reageer;
- (f) enige funksie verrig wat kragtens hierdie Wet of enige ander wet daaraan toegewys of gedelegeer is; en
- (g) voor of op die laaste dag van Maart elke jaar 'n skriftelike verslag oor sy werksaamhede vir die vorige jaar aan die Lid van die Uitvoerende Raad voorlê, wat die Lid van die Uitvoerende Raad aan die Provinciale wetgewer moet voorlê binne 14 dae na ontvangs daarvan.

Daarstelling van 'n Distrikstraad vir Onderwys en Opleiding

8. Die Lid van die Uitvoerende Raad kan 'n Distrikstraad vir Onderwys en Opleiding ten opsigte van elke onderwysdistrik in die Provincie daarstel.

Werksaamhede van 'n Distrikstraad vir Onderwys en Opleiding

9. 'n Distrikstraad vir Onderwys en Opleiding moet -

- (a) op eie initiatief of op versoek van die Lid van die Uitvoerende Raad of die distriksdirekteur, enige aangeleentheid met betrekking tot onderwys in die algemeen, en in die onderwysdistrik in die besonder, ondersoek en oorweeg en oor sy bevindings aan die persoon of liggaam, na gelang van die geval, verslag doen;
- (b) op eie initiatief of op versoek van die distriktdirekteur aanbevelings maak aan die distriktdirekteur oor enige aangeleentheid met betrekking tot onderwys in die onderwysdistrik; en
- (c) enige ander funksie verrig wat kragtens hierdie Wet of enige ander wet daaraan toegewys of gedelegeer is.

Daarstelling van Deskundige Adviesrade

10. Die Lid van die Uitvoerende Raad kan, na oorlegpleging met die Onderwys- en Opleidingsraad van Gauteng, 'n Deskundige Adviesraad instel.

Werksamhede van Deskundige Adviesrade

11. 'n Deskundige Adviesraad moet -

- (a) op eie initiatief of op versoek van die Lid van die Uitvoerende Raad aangeleenthede met betrekking tot onderwys wat binne sy verwysingsraamwerk val, ondersoek en oorweeg en oor sy bevindings aan die lid verslag doen;
- (b) enige wetgewing wat binne sy verwysingsraamwerk val, oorweeg en aanbevelings maak; en
- (c) enige ander funksie verrig wat kragtens hierdie Wet of enige ander wet daaraan toegewys of gedelegeer is.

Samestelling, subkomitees, procedures en administrasie van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en Deskundige Adviesrade

12. (1) Die Lid van die Uitvoerende Raad kan regulasies uitvaardig ten opsigte van -

- (a) die samestelling en bestuur van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad;
 - (b) die kriteria vir die aanstelling van lede op hierdie rade; en
 - (c) die procedures vir die aanstelling en verwydering van hierdie lede, met inbegrip van die vul van vakatures.
- (2) Die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding of 'n Deskundige Adviesraad kan, met die instemming van die Lid van die Uitvoerende Raad, een of meer subkomitees saamstel om -
- (a) ondersoek in te stel en verslag te doen aan die betrokke raad oor enige aangeleentheid wat binne die bestek van daardie raad se werksamhede val; en
 - (b) enige ander funksie verrig wat deur daardie raad daaraan gedelegeer is, met dien verstande dat die raad nie volkome ontheft kan word van die funksie in artikel 7(a) bedoel nie.
- (3) Die rade waarna in subartikel (2) verwys is, kan te enige tyd 'n subkomitee wat kragtens daardie subartikel saamgestel is, ontbind of hersaamstel.
- (4) Onderworpe aan hierdie Wet moet die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad hul eie procedures bepaal om hul sake te reël, met inbegrip van -

- (a) die aanstelling van ampsdraers;
 - (b) die aanstelling van 'n uitvoerende komitee of 'n ander gesikte komitee om na hul daaglikse bedrywighede om te sien; en
 - (c) raadpleging met en aanhoor van vertoe van enige ander persone of liggame.
- (5) Die provinsiale departement moet aan die Onderwys- en Opleidingsraad van Gauteng, die Distrikstraad vir Onderwys en Opleiding en Deskundige Adviesraad die nodige administratiewe steun verskaf omhulle in staat te stel om hul funksies te vervul.

Toelaes van lede van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad

13. (1) 'n Lid van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding of 'n Deskundige Adviesraad, of 'n lid van 'n subkomitee van enige van hierdie rade, kan vervoer- en verblyfkoste en ander toelaes in verband met die sake van hierdie rade ontvang.
- (2) Die Lid van die Uitvoerende Raad, met die instemming van die Lid van die Uitvoerende Raad belas met staatsbesteding in die Provincie, moet die bepalings en voorwaardes vasstel wat van toepassing is op die persone in subartikel (1) bedoel, en die toelaes wat aan hulle betaalbaar is.
- (3) Die toelaes moet betaal word uit geldie wat vir daardie doel deur die Provinciale Wetgewer toegewys is.

Aanbevelings van die Onderwys- en Opleidingsraad van Gauteng, 'n Distrikstraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad

- 14.(1) As die Lid van die Uitvoerende Raad besluit om nie 'n aanbeveling wat deur die Onderwys- en Opleidingsraad van Gauteng kragtens artikel 7(d) of deur 'n Deskundige Adviesraad kragtens artikel 11(b) gemaak is, te implementeer nie, moet hy of sy die betrokke raad van skriftelike redes vir die besluit voorsien.
- (2) As 'n distriksdirekteur besluit om nie 'n aanbeveling te implementeer wat kragtens artikel 9(b) deur 'n Distrikstraad vir Onderwys en Opleiding gemaak is nie, moet hy of sy aan daardie Raad skriftelike redes vir die besluit verskaf.
- (3) Die distriktdirekteur moet 'n afskrif van dié skriftelike redes in subartikel (2) bedoel, aan die Lid van die Uitvoerende Raad verskaf.

Raadpleging oor onderwysbeleid, wetgewing en regulasies

15. (1) Benewens die procedures in artikels 11(b) en 18 bedoel, en die bepalings van enige ander wet, moet die Lid van die Uitvoerende Raad die Onderwys- en Opleidingsraad van Gauteng en, indien van toepassing, die Deskundige Adviesraad raadpleeg voordat -
- (a) onderwysbeleid bepaal word;
 - (b) wetgewing in verband met onderwys in die Provinciale Wetgewenda liggaam ter tafel gelê word; en
 - (c) regulasies in verband met onderwys uitvaardig word.
- (2) Die raadpleging in subartikel (1) beoog -
- (a) moet in werking tree minstens dertig dae voordat die beleidsdokument wat in die register ingeskryf moet word soos in artikel 16(1) bedoel, gefinaliseer word, die wetgewing in die Provinciale Wetgewer voorgelê word, of die regulasies uitgevaardig word; en
 - (b) sluit nie vooraf oorlegpleging met enige ander tersaaklike persone of liggame uit nie.

- (3) As die openbare belang verg dat beleid daargestel word of dat 'n regulasie uitgevaardig word sonder versuim, kan afstand gedaan word van die oorlegpleging proses in subartikels (1) en (2) bedoel, mits die Lid van die Uitvoerende Raad die betrokke raad dienooreenkomsdig in kennis stel voordat die beleid daargestel of die regulasie uitgevaardig word.
- (4) Die taal- en godsdiensverwante onderwysbeleid van 'n onderwysinstelling wat onder die provinsiale departement geadministrer word, kan slegs daargestel word deur die beheerliggaam en kan slegs geïmplementeer word as die beheerliggaam -
 - (a) belanghebbers in die onderwysinstelling geradpleeg het; en
 - (b) die instemming van die departementshoof gekry het.
- (5) As die departementshoof in die loop van oorweging om tot 'n beleid toe te stem wat in subartikel (4) beoog word, van oordeel is dat die konsep beleid nie die bepalings van hierdie Wet of enige ander wet nakom nie -
 - (a) moet die departementshoof 'n skriftelike kennisgiving aan die betrokke beheerliggaam stuur met 'n versoek dat dit skriftelike vertoe rig aan die departementshoof oor die nie-nakoming; en
 - (b) die beheerliggaam moet optree ooreenkomsdig hierdie versoek binne dertig dae na die datum van die versoek.
- (6) As die departementshoof na oorweging van die vertoe in subartikel (5) bedoel, bevind dat die redes vir nie-nakoming nie bevredigend is nie, moet die departementshoof skriftelik die beheerliggaam in kennis stel van die basis vir die bevinding en aan die beheerliggaam riglyne verskaf oor -
 - (a) die prosedure wat hulle moet volg ten einde aan die bepalings van hierdie Wet te voldoen;
 - (b) die wysigings wat hulle aan die beleid moet aanbring.
- (7) As die beheerliggaam ontevrede is oor die bevindings van die departementshoof, kan hulle hierdie beslissing na die Lid van die Uitvoerende Raad verwys vir oorweging.
- (8) Die verwysing in subartikel (7) bedoel moet -
 - (a) op skrif wees;
 - (b) binne dertig dae na die datum van die skriftelike kennisgiving in subartikel (6) bedoel, gemaak word;
 - (c) die gronde vir die verwysing uiteensit; en
 - (d) afskrifte van die dokumente in subartikels (5) en (6) bedoel, insluit.
- (9) Binne sesig dae na ontvangs van die verwysing moet die Lid van die Uitvoerende Raad die verwysing oorweeg op 'n manier wat geag word gepas te wees, en 'n skriftelike kennisgiving van sy of haar beslissing aan die beheerliggaam en die departementshoof stuur met die redes vir die beslissing.
- (10) Die beheerliggaam moet optree ooreenkomsdig die beslissing van die Lid van die Uitvoerende Raad wat kragtens subartikel (9) gemaak is.

Register van onderwysbeleid en toegang van die publiek tot onderwysbeleid

- 16 (1) Die departementshoof moet 'n register van alle onderwysbeleidstellings wat deur die Lid van die Uitvoerende Raad kragtens hierdie Wet daargestel word in die voorgeskrewe vorm open en byhou.
- (2) Alle lede van die publiek het die reg op toegang tot en insae in enige dokument wat onderwysbeleid bevat wat kragtens hierdie Wet gemaak is.
- (3) Die Lid van die Uitvoerende Raad en die beheerliggaam van enige onderwysinstelling moet die omstandighede en wyse bepaal waarop die publiek toegang en insae tot die onderwysbeleid dokumente kan kry.
- (4) Geen fooi mag gehef word om bloot insae te hé in 'n onderwysbeleidsdokument nie.

Monitering van die implementering van onderwysbeleid

- 17.(1) As die departementshoof daarvan bewus word dat 'n onderwysinstelling wat onder die provinsiale departement val, nie die bepalings van 'n beleid kragtens hierdie Wet gemaak, nakom nie, of in 'n poging om die beleid na te kom, versium om voldoende uitvoering gee aan die bepalings van hierdie Wet -
- (a) moet die departementshoof 'n skriftelike kennisgewing aan die beheerliggaam van die onderwysinstelling stuur met 'n versoek dat hulle skriftelike vertoe aan die departementshoof rig oor die nie-nakoming of versium; en
 - (b) die beheerliggaam moet optree ooreenkomsdig hierdie versoek binne dertig dae na die datum van die versoek.
- (2) As die departementshoof na oorweging van die vertoe nie tevrede is met die redes vir die nie-nakoming of versium nie, moet die departementshoof 'n nakomingskennisgewing aan die beheerliggaam stuur.
- (3) Die nakomingskennisgewing in subartikel (3) bedoel moet -
- (a) op skrif wees;
 - (b) die aard van die nie-nakoming of versium uiteensit en die stappe wat gedoen moet word; en
 - (c) die beheerliggaam in kennis stel dat dit een maand van die datum van die nakomingskennisgewing het om die vereiste stappe te doen.
- (4) Die tydperk waarbinne die vereiste stappe soos in subartikel (4)(b) bedoel, gedoen moet word, kan deur die departementshoof verleng word met goeie rede van die beheerliggaam.
- (5) As die beheerliggaam ontevrede is oor die departementshoof se besluit om die nakomingskennisgewing kragtens subartikel (3) uit te reik, of die uiteensetting van die stappe in subartikel (4)(b) bedoel, kan hulle die besluit na die Lid van die Uitvoerende Raad verwys vir oorweging.
- (6) Die verwysing in subartikel (6) bedoel moet -
- (a) op skrif wees;
 - (b) gedoen word binne dertig dae na die datum van die nakomingskennisgewing;
 - (c) die gronde vir die verwysing uiteensit; en
 - (d) afskrifte van die dokumente in subartikels (1), (2), (3) en (4) bedoel, insluit.
- (7) Binne sestig dae na ontvangs van die verwysing moet die Lid van die Uitvoerende Raad die verwysing oorweeg op 'n wyse wat gepas geag word, en 'n skriftelike kennisgewing van sy of haar besluit aan die beheerliggaam en die departementshoof stuur met redes vir die besluit.
- (8) As die Lid van die Uitvoerende Raad nie 'n bevinding ten gunste van die beheerliggaam maak nie, moet die besluit kragtens subartikel (8) geneem word binne dertig dae na die datum van die Lid van die Uitvoerende Raad se besluit.

Regulasies

18. (1) Die Lid van die Uitvoerende Raad kan enige regulasie uitvaardig wat noodsaaklik of dienlik is om die doelstellings van hierdie Wet te bereik, met inbegrip van regulasies ten opsigte van mekanismes en procedures om die implementering van onderwysbeleid te monitor en te evalueer.
- (2) Wanneer die Lid van die Uitvoerende Raad beoog om regulasies uit te vaardig of te wysig, moet hy/sy die volgende prosedure nakom:
- (a) Die voorneme om die regulasies te uit te vaardig of te wysig, moet deur middel van kennisgewing in die Provinciale Koerant en in minstens een ander wydverspreide kommunikasiemiddel aangekondig word.
 - (b) Die kennisgewing moet spesifieer -

- (i) dat konsepregulasies vir kommentaar saamgestel is; en
 - (ii) waar 'n afskrif van die konsepregulasies verkry kan word.
 - (c) 'n Tydperk van minstens een maand moet vanaf die datum van die kennisgewing toegelaat word om belanghebbende partye kans te gee om op die regulasies kommentaar te lewer.
 - (d) Die kommentaar wat ontvang is, en die inhoud van alle besprekings en oorlegpleging, moet in ag geneem word voordat die regulasies uitgevaardig word.
- (3) Subartikel (2) is nie van toepassing nie op
- (a) regulasies wat sonder versium uitgevaardig moet word omdat die openbare belang of 'n noodtoestand dit vereis; of
 - (b) 'n tegniese wysiging, met dien verstande dat geen wesenlike verandering van die oorspronklike teks teweeggebring word nie.

Delegasie

19. (1) Onderworpe aan die bepalings van hierdie Wet of enige ander wet, kan die Lid van die Uitvoerende Raad enige bevoegdhede of funksies wat aan hom of haar kragtens hierdie Wet opgedra word, behalwe dié vermeld in artikels 3(1), 8, 10, 12(1), 15(9), 17(8) en 18(1) toewys of deleger aan -
- (a) enige persoon in diens van die provinsiale administrasie; of
 - (b) enige raad, komitee, subkomitee of liggaam wat kragtens hierdie Wet of enige ander wet ingestel is.
- (2) Die departementshoof moet 'n register van alle toewysings en delegasies wat kragtens hierdie Wet gemaak word in die voorgeskrewe vorm byhou.
- (3) Binne ses maande van ampsbetreding moet die Lid van die Uitvoerende Raad alle toewysings en delegasies wat kragtens hierdie Wet gemaak is, hersien.

Herroeping van wette en oorgangsregulasies

20. (1) Artikels 5, 18, 21, 32 tot 46 en 88 van die Wet op Skoolonderwys, 1995 (Wet Nr. 6 van 1995) word hiermee herroep.
- (2) Neteenstaande subartikel (1) -
- (a) word 'n beleid wat gemaak is of 'n optrede wat uitgevoer is ingevolge die herroep van bepalings van die Wet op Skoolonderwys, (Wetnr. 6 van 1995), geag kragtens die ooreenkomslike bepaling van hierdie Wet gedoen te gewees het; en
 - (b) word enige regulasie wat ingevolge die herroep van bepalings van die Wet op Skoolonderwys, (Wet Nr. 6 van 1995) uitgereik is, geag kragtens die ooreenkomslike bepaling van hierdie Wet gedoen te gewees het en sal voortgaan om van krag te wees tensy dit ingevolge hierdie Wet gewysig of herroep word.
- (3) Die beleidsbepalings in subartikel (2) beoog, moet so gou prakties moontlik ingesluit word in die register waarna in artikel 16 verwys word, op die wyse waarna in daardie artikel verwys word.

Kort titel en inwerkintreding

21. Hierdie Wet staan bekend as die Wet op Onderwysbeleid, 1997, en moet in werking tree op 'n datum wat deur die premier bepaal word by wyse van proklamasie in die Provinciale Koerant.

VERDUIDELIKENDE MEMORANDUM

WETSONTWERP OP ONDERWYSBELEID, 1998

DEEL A - SOSIALE IMPAK STELLING

Redes vir die Wetsontwerp

1 Die Wetsontwerp skep 'n oorkoepelende wetgewende raamwerk vir die daarstelling van beleid ten opsigte van onderwys in die provinsie van Gauteng ("die Provinsie"). Hierdie oorkoepelende raamwerk maak dit moontlik om onderwysbeleid te maak ten opsigte van duidelik omskreve aspekte in ooreenstemming met voorgeskrewe riglyne. Die riglyne, strukture en prosesse wat die Wetsontwerp ten doel stel, sal met die herskepping van die provinsiale onderwysstelsel mee help deur dat dit doelgerigte beleidmaking binne 'n breër milieu van openbare deelname bevorder. Kortom gestel, sal die wetgewing die reg van elke persoon op basiese opvoeding bevorder.

Moontlike uitwerking van die Wetsontwerp

2 Kragtens hierdie Wetsontwerp rus die primêre verantwoordelikhed vir die daarstelling van onderwysbeleid op die Lid van die Uitvoerende Raad ("LUR") belas met onderwys in die Provinsie. Die Wetsontwerp stel verskeie Rade op provinsiale en distriksvlak voor om die LUR te help om beleidsvoorstelle te oorweeg. Daar word ook voorsiening gemaak vir die beheerliggaam van enige onderwysinstelling om beleid daar te stel. Alle beleidstellings wat kragtens hierdie statuut daargestel word, moet aan die Grondwet, 1996, enige ander relevante statute en toepaslike beleid voldoen. Dit beteken dat geen beleid daargestel kan word -

- (a) deur enige persoon ten opsigte van aangeleenthede waaroer hy of sy nie geregtig is om beleid te skep nie;
- (b) op 'n wyse wat nie ooreenstem met die regte wat in die Grondwet, 1996 verskans word nie; en
- (c) op 'n wyse wat nie ooreenstem met toepaslike beleid nie.

Hoof uitwerking van die Wetsontwerp

3 Die hoof uitwerking van hierdie Wetsontwerp is dat

- (a) dit die raamwerk vir beleidmaking omskryf;
- (b) dit fokus verskaf vir die beleidmakende proses; en
- (c) dit wetgewing wat 'n invloed het op beleidmaking in die provinsie, konsolideer.

Bepalings wat toeganklikheid verseker

4 Vir die doeleindes van toeganklikheid word voorsiening gemaak vir die departementshoof belas met onderwys in die Provinsie (hierna die "departementshoof" genaem) om 'n register van alle beleidstellings wat kragtens hierdie Wetsontwerp daargestel word, te skep en by te hou. Daarbenewens word voorsiening gemaak vir die LUR en die beheerliggaam van 'n onderwysinstelling om toegang tot beleidsdokumente deur die publiek te verseker.

DEEL B - FINANSIELE IMPLIKASIES

5 Die organisatoriese, personeel- of finansiële implikasies van hierdie Wetsontwerp is nie beduidend nie, aangesien die Departement van Onderwys so ver moontlik bestaande menslike en finansiële hulpbronne sal aanwend.

DEEL C - OPSOMMING VAN BEPALINGS

6 Artikel 1 - Woordomskrywing

Die Wetsontwerp bevat 'n woordomskrywing van sleutel terme.

7 Artikel 2 - Doelwitte van hierdie Wet

Die doelwitte van hierdie Wet is om die verantwoordelikheid vir die daarstelling van onderwysbeleid toe te wys, om die gebiede ten opsigte waarvan beleid gemaak kan word, uiteen te sit, om voorsiening te maak vir die daarstelling van strukture en procedures, en om openbare toegang tot onderwysbeleid aan te moedig.

8 Artikel 3 - Verantwoordelikheid vir daarstelling en implementering van onderwysbeleid

- 8.1 Die LUR is verantwoordelik vir die daarstelling van beleid in die Provinsie, onderworpe aan die Grondwet, 1996 en enige ander toepaslike wet, en die departement van onderwys is verantwoordelik vir die implementering van hierdie beleid.
- 8.2 Die departementshoof is daarvoor verantwoordelik om die implementering van onderwysbeleid te koördineer en moet op 'n gereeld grondslag verslae oor die stand van onderwys in die Provinsie aan die Onderwys- en Opleidingsraad van Gauteng en 'n Deskundige Adviesraad voorle. Soortgelyke verslagdoening verpligte rus op 'n distriksdirekteur met betrekking tot 'n Distrikstraad vir Onderwys en Opleiding.

9 Artikel 4 - Omvang van daarstelling van onderwysbeleid

Beleid kan daargestel word ten opsigte van -

- (a) leerders (bv. toelatingskriteria en gedragskode);
- (b) indiensneming van opvoeders (bv. werwing, opleiding en bevordering);
- (c) leerplanaangeleenthede (bv. vakkeuses en voertale vir onderrig);
- (d) die beheer en bestuur van onderwysinstellings (bv. bestuurstelsels en verteenwoordigende studenteraade);
- (e) finansiële bystand aan onderwysinstellings (bv. gelde, subsidies en lenings); en
- (f) ontwikkeling van verhoudings (bv. met die private sektor, en nie-regeringsorganisasies).

10 Artikel 5 - Riglyne vir die daarstelling van onderwysbeleid

- 10.1 Alle onderwysbeleid wat kragtens hierdie Wetsontwerp daargestel word, moet bydra tot die ontwikkeling van 'n onderwysstelsel wat -

- (a) demokrasie en menseregte bevorder;
- (b) godsdienstige, kulturele en taalregte beskerm;

- (c) persoonlike ontwikkeling bevorder;
- (d) onderwysvoorsiening verbeter;
- (e) openbare deelname by die daarstelling van onderwysbeleid aanmoedig; en
- (f) voorsiening maak vir die verteenwoordiging van belanghebbendes by besluitneming.

10.2 Ingeval 'n voorwaarde of beperking vervat word in enige beleid wat kragtens hierdie Wetsontwerp geskep word, word voorsiening daarvoor gemaak om toe te sien dat dit redelik is en in verhouding is tot die doel wat daardie beleid nastreef.

11 **Artikel 6 - Daarstelling van die Onderwys- en Opleidingsraad van Gauteng**

Die Onderwys- en Opleidingraad van Gauteng word hiermee daargestel.

12 **Artikel 7 - Werksaamhede van die Onderwys- en Opleidingsraad van Gauteng**

Die Onderwys- en Opleidingsraad van Gauteng ondersoek en oorweeg voorstelle vir onderwysbeleid en maak aanbevelings aan die LUR in dié verband. Die Raad oorweeg alle voorgestelde wetgewing voordat dit in die Provinciale Wetgewende liggaaam ter tafel gelê word. Die Raad leê 'n jaarverslag aan die LUR voor aangaande die werksaamhede van daardie jaar en hierdie verslag moet in die Provinciale Wetgewer ter tafel gelê word.

13 **Artikel 8 - Daarstelling van Distrikstraade vir Onderwys en Opleiding**

Die LUR kan 'n Distrikstraad vir Onderwys en Opleiding ten opsigte van elkeen van die 18 onderwysdistrikte in die Provinsie saamstel.

14 **Artikel 9 - Werksaamhede van 'n Distrikstraad vir Onderwys en Opleiding**

Hierdie Raad kan op eie inisiatief of op versoek van die LUR, distriksdirekteur of Onderwys- en Opleidingsraad van Gauteng enige aangeleenthed ten opsigte van onderwys ondersoek en oorweeg, en aanbevelings aan die Distriksdirekteur in dié verband maak. Die Onderwys- en Opleidingsraad van Gauteng kan ook sekere van sy funksies aan die Distrikstraad vir Onderwys en Opleiding deleer.

15 **Artikel 10 - Daarstelling van Deskundige Adviesrade**

Die LUR kan, na oorlegpleging met die Onderwys- en Opleidingsraad van Gauteng, 'n Deskundige Adviesraad daarstel wat oor kundigheid ten opsigte van 'n spesifieke onderwysaangebied beskik.

16 **Artikel 11 - Werksaamhede van Deskundige Adviesrade**

Hierdie Deskundige Adviesraad kan, op eie inisiatief of op versoek van die LUR, enige funksie wat binne sy verwysingsraamwerk val, verrig, ondersoek en oorweeg, of aanbevelings daaroor maak.

17 Artikel 12 - Samestelling, subkomitees, procedures en administrasie vir die Onderwys- en Opleidingsraad van Gauteng, 'n Distriksraad vir Onderwys en Opleiding en Deskundige Adviesrade

- 17.1 Die LUR kan regulasies uitvaardig oor die samestelling van die verskeie rade wat kragtens hierdie Wetsontwerp saamgestel word, asook die kriteria en procedures vir die aanstelling van raadslede.
- 17.2 Enige raad kan een of meer subkomitees aanstel om sekere funksies te verrig, met uitsluiting van die funksie om die LUR met die ontwikkeling van onderwysbeleid vir die Provincie by te staan.
- 17.3 Die rade moet hul eie procedures daarstel waarvolgens hul werk verrig moet word, onderworpe aan die bepalings van hierdie Wet.
- 17.4 Daar word voorsiening gemaak vir die provinsiale departement om administratiewe bystand aan die rade te verskaf.

18 Artikel 13 - Toelaes vir lede van die Onderwys- en Opleidingsraad van Gauteng, 'n Distriksraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad

Die LUR, in samewerking met die Lid van die Uitvoerende Raad belas met staatsbesteding in die Provincie, moet die bepalings en voorwaardes (met inbegrip van reis- en verblyftoelaes) vasstel wat van toepassing is op lede van enige raad wat kragtens hierdie Wetsontwerp daargestel word.

19 Artikel 14 - Aanbevelings van die Onderwys- en Opleidingsraad van Gauteng, 'n Distriksraad vir Onderwys en Opleiding en 'n Deskundige Adviesraad

As die LUR of distrikspresident besluit om nie 'n aanbeveling wat deur enige raad gemaak is, te implementeer nie, moet hulle skriftelike redes vir die besluit aan die betrokke raad verskaf.

20 Artikel 15 - Raadpleging oor Onderwysbeleid, Wetgewing en Regulasies

- 20.1 Die LUR moet die Onderwys- en Opleidingsraad van Gauteng en, indien van toepassing, die betrokke Deskundige Adviesraad raadpleeg voordat beleid daargestel word, en voordat onderwysverwante wetgewing of regulasies in die Provinsiale Wetgewende liggaa ter tafel gelê word.
- 20.2 Hierdie oorlegpleging moet minstens dertig dae voor die daarstelling van beleid, tertafellegging van wetgewing, of uitvaardiging van regulasies 'n aanvang neem. Indien 'n noodgeval egter opduik en dit in openbare belang is, kan afstand gedoen word van hierdie oorlegpleging, mits die LUR die betrokke Raad in kennis stel.
- 20.3 'n Prosedure word uiteengesit om toe te sien dat die godsdiens- en taalbeleid van onderwysinstellings wat onder die onderwysdepartement geadministreer word, ooreenstem met departementele beleid, die beleid van die LUR en die bepalings van hierdie Wet en enige ander wet. Hierdie prosedure bevat 'n mekanisme wat 'n rol vir die LUR skep om verskille en inkonsekwendhede in die beleid op te los.

21 Artikel 16 - Register van Onderwysbeleid en toegang tot onderwysbeleid deur die publiek

Die Departementshoof moet 'n register van beleid wat kragtens hierdie Wetsontwerp deur die LUR daargestel word, open en byhou. Die publiek kan toegang tot hierdie beleid verkry.

22 Artikel 17 - Monitering van die implementering van onderwysbeleid

Voorsiening word gemaak vir die departementshoof om die implementering van onderwysbeleid te monitor en om nakomingskennisgewings uit te reik in geval van nie-nakoming van beleid of versuim om voldoende uitwerking te gee aan die bepalings van hierdie Wetsontwerp. As beveiliging teen inmenging deur die departementshoof is 'n mekanisme vir die LUR geskep om sy/haar optrede te hersien.

23 Artikel 18 - Regulasies

Die LUR kan enige regulasie uitvaardig wat nodig is om die oogmerke van hierdie Wet te bereik. Die voorneme om regulasies te maak of te wysig, moet deur middel van kennisgewing in die Provinciale Koerant aangekondig word en moet spesifiseer dat konsepregulasies vir kommentaar beskikbaar is, asook waar dit verkry kan word. Belanghebbende partye het een maand om kommentaar te lewer. Alle bydraes moet deur die LUR oorweeg word voordat regulasies gefinaliseer word.

24 Artikel 19 - Delegasie

Die LUR kan enige bevoegdhede of funksies kragtens hierdie Wet toewys of deleger, behalwe dié wat betrekking het op beleidmaking, die daarstelling van 'n raad of die hersiening van inkonsekwendhede of optrede deur 'n Departementshoof. Die Departementshoof moet 'n register van toewysings en delegasies kragtens hierdie Wet byhou.

25 Artikel 20 - Herroeping van wette en oorgangsreëlings

Verskeie bepalings van die Wet op Skoolonderwys, 1995 (Wet Nr 6 van 1995) word herroep. Enige optrede wat kragtens daardie herroepde bepalings uitgevoer word, sal geag word uitgevoer te gewees het ingevolge die ooreenstemmende bepalings van hierdie Wetsontwerp.

26 Artikel 21 - Kort titel en inwerkintreding

Hierdie Wet staan bekend as die Wet op Onderwysbeleid, 1998, en moet in werking tree op 'n dag wat die Premier bepaal deur proklamasie in die Provinciale Koerant.

NOTICE 2273 OF 1998**UMTHETHO-SIVIVINYWA WOMGOMO WEMFUNDO, 1998**

Ukwenza amalungiselelo okubeka umgomo wemfundo weprovinsi; ukwenza amalungiselelo okusungula imikhandlu (amakhanseli) ezosiza ekwenzensi imigomo yemfundo; nokwenza amalungiselelo okuthi izinto zihlanganiswa nokuqondiswa kahle, ukuqapha kanye nokuhlola umgomo wemfundo; kanye nokwenza amalungiselelo ezinye izinto ezihambelana nalokhu.

NGAKHOKE KWENZIWA UMTHETHO yiSishayamthetho seProvinsi yaseGauteng ngokulandelayo:

Ukuhleleka kwezigaba**Izigaba**

1. Izincazelol
2. Izinhlosa zaloMthetho (zale-Act)
3. Umsebenzi wokwenza umgomo kanye nokuqikelela ukusebenza kwalo mgomo wemfundo
4. Imikhakha nezindawo okumele kwenziwe kuzo umgomo wemfundo
5. Imikhombandlela (guidelines) yokwenza umgomo wezemfundo
6. Ukusungulwa koMkhandlu wase-Gauteng weMfundu noQeqesho
7. Imisebenzi yoMkhandlu wase-Gauteng weMfundu noQeqesho
8. Ukusungulwa kweMikhandlu yeMfundu noQeqesho yamaDistriki
9. Imisebenzi yeMikhandlu yeMfundu noQeqesho yamaDistriki
10. Ukusungulwa kweMikhandlu yeZeluleko kwimikhakha yesipesheli
11. Imisebenzi yeMikhandlu yeZeluleko kwimikhakha yesipesheli
12. Ukuhleleka, amakomiti amancane (sub-committees), inqubo yawo kanye nokuphathwa koMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye neMikhandlu yeZeluleko kwimikhakha yesipesheli
13. Ama-alawensi (ukukhokhelwa) kwamalunga oMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weDistriki weMfundu noQeqesho, kanye neMikhandlu yeZeluleko kwimikhakha yesipesheli
14. Izincomo (iziphakamiso) zoMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye nemikhandlu yeZeluleko kwimikhakha yesipesheli
15. Ukubonisana ngomgomu wemfundo, umthetho kanye nemitheshwana yenqubo (regulations)

16. Irejista (ukubhaliswa) kwemigomo yemfundo kanye nokuthi umphakathi ukwazi ukuyithola leyo migomo yemfundo
17. Ukuqaphela indlela umgomo wemfundo osetshenziswa ngayo
18. Imitheshwana yenqubo (regulations)
19. Ukunikeza amagunya
20. Ukuchithwa kwemithetho kanye namalungiselelo esikhashana
21. Isihloko esifishane kanye nokuqala ukusebenza

Izincazelو

1. Kulomthetho (kule-Act), ngaphandle kokuba kubekwe ngenye indlela ngaphakathi - "udayirektha wedistriki" kusho umphathi ochazwe esigaben 40 soMthetho weMfundo yeZikole, 1995 (uMthetho No. 6 ka 1995);
 - "idistriki yemfundo" kusho indawo ebekwe njengedistriki yemfundo, yiLungu leKhabhinethi yeProvinsi ngokulandela lsigaba 8 soMthetho weMfundo yeZikole, 1995 (uMthetho No. 6 ka 1995);
 - "isikhungo semfundo" kusho noma yisiphi isikhungo esinika imfundo, noma ngabe imfundo yokukhulisa ingane, iprayimari, isekondari noma imfundo yokuqhubelela phambili, noma imfundo yebanga eliphezulu, ngaphandle kwemfundo yase yunivesithi noma yase theknikhoni, kanye futhi nesikhungo esinika amakhono omsebenzi, imfundo yabadala, imfundo oyifunda ngaphandle kokuya esikoleni (distance) noma imfundo yomphakathi;
 - "inhloko yomnyango (yediphamenti)" kusho inhloko yomnyango wemfundo kuprovinsi;
 - "ilungu leKhabhinethi yeProvinsi" kusho ilungu lekhabinethi elibhekene nomkhakha wemfundo kuprovinsi;
 - "echaziwe" kusho echazwe ngemitheshwana yenqubo (regulations) kanti "echaziwe" inencazelo ehambisanayo;
 - "umnyango (idiphamenti) yeprovinsi" kusho umnyango (idiphamenti) ebhekene nomkhakha wemfundo kuprovinsi;
 - "iprovinci" kusho iprovinsi yaseGauteng; kanti futhi
 - "Lomthetho (le-Act)" ubandakanya nemitheshwana yenqubo eyenziwe ngaphansi kwalo Mthetho (kwale-Act).

Izhinkoso zaloMthetho (le-Act)

2. Izinhinkoso zaloMthetho ukulekelela ukwensiwa Komgomo wemfundo ngokulandelayo -
 - (a) ngokubeka imikhakha okumele kube yiyo ebhekene nokwenza umgomo kanye nokuqikelela ukusebenza komgomo wemfundo;
 - (b) ukubeke imikhakha nezindawo umgomo okumele wenziwe kuzo;

- (c) ukucacisa imikhombandlela (guidelines) yokwenza umgomo;
- (d) ngokwenza ukuthi kusungulwe izakhiwo nezinhlangano ezifanele ukweleka iLungu leKhabhinethi yeProvinsi ngokuthuthukiswa komgomo wemfundo;
- (e) ngokucacisa inqubo yokwenziwa komgomo wemfundo;
- (f) ngokwenza isimo esizokwenza ukuthi umphakahti ukwazi ukufinyelela kumgomo wemfundo; kanye
- (g) nokuqinisekisa ukuthi umgomo wemfundo uqaphelwa kahle futhi uhlole.

Umsebenzi wokwenza umgomo kanye nokuqikelela ukusebenza kwavo

- 3.(1) Ngokulandela IoMthetho (Ie-Act) kanye noma yimuphi omunye umthetho, iLungu leKhabhinethi yeProvinsi, libhekene nokwenza umgomo kunoma yiziphi izinto eziphathele nemfundo kuProvinsi.
- (2) Noma yimuphi umgomo owenziwa yiLungu leKhabhinethi yeProvinsi ngokulandela IoMthetho (Ie-Act), uba yiwo osebenzayo kodwa kuphela uma leyo dokumente ephethe (equkethe) umgomo ifakwa kurejista okukhulunywa ngayo kusigaba 16(1).
- (3) Ngokulandela IoMthetho (Ie-Act), noma ngabe yimuphi omunye umthetho noma umgomo wezemfundo osebenza emkhakheni kazwelonke noma kuprovinci, umkhandlu ophethe kunoma yisiphi isikhungo semfundo, ungenza umgomo wemfundo kuleso sikhungo sawo.
- (4) Inhloko yomnyango kumele -
 - (a) ihlele nokuhienga ukuqala ukusebenza komgomo wemfundo kuprovinci; kanye
 - (b) nokwethula -
 - (i) umbiko wonyaka obhalwe phansi kuMkhandlu wase-Gauteng weMfundu noQeqesho ngesimo sezemfundo kuprovinci;
 - (ii) imibiko yekota noma neminye imibiko njengoba ingahle idingwe yilo Mkhandlu; kanye
 - (iii) neminye imibiko engadingwa wuMkhandlu weZeluleko kwimikhakha yesipesheli.
- (5) Udayirektha wedistriki kumele -
 - (a) aqondise nokuqikelela ukusebenza kumgomo wemfundo kudistriki yemfundo; kanye
 - (b) nokwethula -
 - (i) umbiko wonyaka kuMkhandlu weMfundu noQeqesho weDistriki ngesimo semfundo kudistriki yemfundo; kanye
 - (ii) imibiko yekota noma eminye imibiko njengoba ingahle idingwe wuMkhandlu.

Imikhakha nezindawo okumele kwensiwe kuzo umgomo wemfundo

4. Nangaphandle kokucikela phansi okuningi okubekwe kusigaba 2, umgomo wemfundo ungenziwa maqondana nalemikhakha elandelayo -
 - (a) abafundi, okubandakanya -
 - (i) imibandela yokwamukelwa;
 - (ii) inani labafundi uma kughathaniswa nenani lomfundisi;
 - (iii) ukuphoqeleteka ukuya ezikhungweni (ezikoleni) zemfundo phakathi kwamazinga emfundo kanye neminyaka yobudala; kanye
 - (iv) nenqubo yokuziphatha kwabafundi (code of conduct).
 - (b) ukuqashwa kwabafundisayo, okubandakanya -
 - (i) ulwimi (izilwimi) ezidingeckayo ukuze umuntu aqashwe kumnyango (kudiphamenti) yeprovinsi;
 - (ii) ukubhaliswa (ukurejistwa) kwabafundisayo;

- (iii) ukuhehelwa ukuqashwa (recruitment), kanye namapromoshini (ukukhushulwa ngezikhundla) kwabafundisayo;
- (iv) ukuhlolwa kanye namapromoshini (ukukhushulwa ngezikhundla) kwabafundisayo; kanye
- (v) namalungiselelo emfundo yokuqhubelela phambili noqequesho lwangaphakathi (in-service education and training) lwabafundisayo, kanye nezinhlelo zokuthuthukisa abafundisayo.
- (c) izinto ezipathelene nekharikhylamu (curriculum) ezibandakanya -
 - (i) izifundo okumele zifundiswe (ama-subject) kuulelo nalelo zinga ezikhungweni zemfundo;
 - (ii) inani lamahora okufundisa nge-subject ngayinye;
 - (iii) ezinye izinhlelo ezifundwa uma isikole sesiphumile (extra-mural activities); kanye
 - (iv) nezilimi zokufunda nokufundisa.
- (d) ukuphathwa kewezikhungo semfundo, okubandakanya -
 - (i) ukuvula, inqubo yokubhalisa (yokurejista) kanye nokuvalwa kwezikhungo zemfundo;
 - (ii) ukwamukelwa kwezinqubo zokuphatha (zemenejimenti) yezikhungo zemfundo;
 - (iii) imisebenzi kanye nezibopho zabafundisayo kanye nabaphathi bezikhungo zemfundo;
 - (iv) ukusungulwa kwemikhandlu yabafundi ekhethwe ngenqubo yedimokhrasi;
 - (v) ukusungulwa kwemikhandlu yokuphatha izikole;
 - (vi) ukubamba iqhaza kanye nokumelwa kwayo yonke imikhakha ethintekayo ekuphathweni kwemfundo;
 - (vii) ukubheka nokuhola umsebenzi wemfundo owenziwayo kanye nensebenzo (ukuthi kuqhutshewa kanjani); kanye
 - (viii) nokwenziwa kocwaningo okuhloswe ngalo ukukhuphula izinga (iqophelo) lemfundu.
- (e) ukuxhaswa ngezimali kwezikhungo zemfundo, okubandakanya -
 - (i) ukwabiwa kwemali ezikhungweni zemfundo ezechlukene;
 - (ii) izimali zokwelekelela kanye nazimali zokubolekwa ezikhungweni zemfundo kanye nemibandela yokunikeza lezi zimali nokubolekwa izimali;
 - (iii) izimali ezikhokhwa ngabafundi zesikole ezikhokhwa ezikhungweni zemfundo;
 - (iv) ukuhlelwa kahle kwenani labafundisayo elidingekayo ukwenzela ukunikeza ngemfundo;
 - (v) ukwabiwa kwemali yokuthuthukisa abafundisayo; kanye
 - (vi) nokucacisa izinto ezidingekayo uma kwenziwa noma kunikeza amakontraki emisebenzi (tender specifications).
- (f) ukuthuthukisa ubudlelwane phakathi komnyango (kwediphamenti) omele imfundo kuprovinci kanye -
 - (i) neminye imikhakha kahulumeni;
 - (ii) izinhlangano zamazwe angaphandle;
 - (iii) izinkampani zangasese; kanye
 - (iv) nezinhlangano ezingekho ngaphansi kukahulumeni (NGOs).

Imikhombandela yokwenza umgomo wezemfundo

5.(1) Yonke imigomo yezemfundo eyenziwa ngaphansi kwaloMthetho kumele isize ukuthuthukisa uholelo lwemfundo -

- (a) olukhuthaza inqubo yedimokhrasi ngokulandelayo -

- (i) ngokuhlonipha ilungelo lemfundo eyisisekalo sokuqala (basic education);
 - (ii) ngokuqinisekisa ukuba khona kwamathuba alinganayo emfundweni kanye nokuqeda inqubo yokungalingani ebikhona phambilini ekunikezweni kwemfundo;
 - (iii) ngokuqikalela ukuthuthukiswa nenqubekela-phambili yabantu ebebencishwe amathuba esikhathini esingaphambilini ekunikezweni kwemfundo;
 - (iv) ngokuqinisekisa ukuthi izidingo zokuthathwa ezikhungweni zemfundo kahulumeni eziqhutshwa ngumuyango weprovinsi, kungasetshenziswa umbandela wokuhlolwa ulwazi lolwimi ukwamukelwa noma ukunqabela abafundi;
 - (v) ukuvikela abantu ekubandlululweni okungafanele ngaphakathi noma ngumnyango wezemfundo kuprovinsi, noma kwenziwe izikhungo semfundo;
 - (vi) ukukhuthaza inkululeko kanembeza, yenko, yomcabango, yenkolelo, yombano, yokusho kanye nokuzibandakanya nokuthile ngaphakathi ezikhungweni zemfundo;
 - (vii) maqondana namalungelo okukhulunya ngawo kupharagrafu (vi) evikela amalungelo kanye nemisebenzi yabazali ukuba yimihlahlandela kubantwana babo, ekusebenziseni amalungelo abo ngendlela chambelana nokukhula kwabantwana;
 - (viii) ukukhuthaza ukuthi abantu bakhululeke ukuzibandakanya nabafuna ukuzibandakanya nakho, kanye nelungelo lokuhlangana, ukubhiyoza kanye nokwethula izikhalo ngendlela enokuthula ngaphandle kokwesabisa ngodlame;
 - (ix) ukuvumela bonke abantu, ngisha nezikhungo zemfundo, ithuba lokuthola ulwazi olukudiphamenti (kumyango) wezemfundo kuprovins uma lolo lwazi ludingeka ekusebenziseni amalungelo noma ekuvikeleni amalungelo abo; kanye
 - (x)okusiza ngezixazululo zokuthula ezimpikiswaneni zabo bonke abathintekayo emkhakheni wezemfundo.
- (b) ukuhlonipha inkolo, amasiko kanye namalungelo kwezolimi ngokulandelayo -
- (i) ngokugqquqzeja inhlonipho emiphakathini eyehlukene yezwa kanye namasiko;
 - (ii) ukukhuthaza ukubamba iqhaza kwabantu kwezamasiko ngendlela abazikhethela ngayo esikhungweni semfundo;
 - (iii) ukukhuthaza ukukhushulwa kwesimo kanye nokusetshenziswa kwezilimi ezigunyazwe wumthetho (official languages) ezabe zinganakiwe (zibandlululwa) ngesikhathi esedlule; kanye nokufundisa abafundi ngolimi abazikhethela lona lapho kukhonakala khona;
 - (iv) ukwamukela ulimi lwezimpawu (lwezandla) njengolimi olugunyazwe ngumthetho kwezemfundo;
 - (v) ukwenza abafundi ukuthi babe nolwazi lolwimi ukufinyelela kuqophelo eliphezulu ezilwimini zokufunda kuleso sikhungu sabo semfundo;
 - (vi) ukuvumela abafundi, lapho kukhonakala khona, ukuthi basebenzise ulimi abazikhethela lona uma lolwimi lwehlukile kunolimi lokufunda kuleso sikhungu sabo semfundo;
 - (vii) ukuqinisekisa ukuthi, ekuqedeni lsigaba sesishiyagalolunye (ninth level) sokufunda/ smefundo, abafundi sebefinyelele kumazinga adingekayo olwazi ezilwimini okungenani ezimbili ezigunyazwe ngumthetho; kanye

- (ix) nokugqugquzelabafundisayo ukuthi bathole amakhono adingekayo ekufundiseni ezimweni okusetshenziswa kuzo izilwimi eziningi.
 - (c) ukughubekisa intuthuko yomuntu ngokulandelayo -
 - (i) ngokhuthaza inhlonipho yokufundisa nokufunda ezikhungweni zemfundo;
 - (ii) ukwakha amakhono, imfundiso yokulalela kanye namazinga adingekayo okwakha kabusha nokuthuthukiswa kwezwe;
 - (iii) ukuqaphela ikhono elinzulu elifihlekile (recognising aptitudes), amakhono, izinto umuntu azithokozelayo (interests), ulwazi umuntu avele enalo ngaphambilini (prior knowledge), kanye nezipiliyonizabafundi;
 - (iv) ukusiza ngamathuba okuthi umuntu afunde impilo yakhe yonke;
 - (v) ukukhuthaza ukuthi abantu bakwazi ukuzicabangela ngokwabo kanye nomqondo ohlaziya kanzulu izinto;
 - (vi) ukuqinisekisa ukuthi abantu abakhubazeke ngandlela thize, abavinjelwa (ukunqatshelwa) amathuba okuthola imfundo ngezinga abangangakhona ukufinyelela kulo;
 - (vii) ukusiza ukuthi abafundi bakwazi ukubamba iqhaza ngezinga okungafinyeleleka kulo kunqubo yemfundo;
 - (viii) ukukhuthaza inqubo yokuthi kube nokulingana ngokobulili kanye nesimo sabesifazane;
 - (ix) ukulwisana nokuqeda ubandlululo nokuhlukunyezwa ngokobulili ezikhungweni zemfundo; kanye
 - (x) nokuvikela abantu kuzo zonke izindlela zodlame lomzimba noma lwengqonda ezikhungweni zemfundo.
 - (d) ukuthuthukisa iqophelo (ikhwalithi) yokunikezelwa kwemfundo ngokwenza okulandelayo -
 - (i) ngokuqinisekisa ukuthi imfundo noqeqesho kwenziwa ngaphansi kohlelo nohlaka lomkhakha kazwelonke kwezamakhono (national qualifications framework);
 - (ii) ukukhuthaza ukuthi abantu babenengqondo eqhwanda-qhwandayo, ukwenza ucwaningo, kanye nokuqhubela phambili ulwazi;
 - (iii) ukuqala (ukudala) inqubo ezothuthukisa amazinga emfundo kanye nokuqaphelwa nokuhlolwa kwengubo yokusebenza kwalwo mazinga; kanye
 - (iv) nokukhuthaza ukusetshenziswa kwemithombo yosizo kwezemfundo ngendlela eyongayo kanye nokuqikelela ukusebenza kwezemfundo ngendlela eqhubekela phambili; kanye
 - (e) ukukhuthaza umphakathi ukubamba iqhaza kunqubo yokwenza umgomo wezemfundo kanye nokumelwa kwabathintekayo emikhndlwini ethatha izinqumo.
- (2) Umandela noma umkhawulo oqukethwe kunoma yimuphi umgomo wemfundo owenziwe ngaphansi kwa Mthetho, kumele ube ngonesizathu esibambekayo, kanye nokuhambelana ngokulinganayo ngenhoso yalo mgomo.

Ukusungulwa koMkhandlu wase-Gauteng weMfundo noQeqesho

6. Lapha kusungulwa uMkhandlu wase-Gauteng weMfundo noQeqesho

Imisebenzi yomKhandlu wase-Gauteng weMfundo noQeqesho

7. UMkhandlu wase-Gauteng weMfundo noQeqesho kumele wenze okulandelayo -
- (a) ukusiza iLunga leKhabhinethi yeProvinsi ekuthuthukiseni umgomo wemfundo kuprovinsi;

- (b) ukubhekana kanye nokwenza izincomo (iziphakamiso) kuyo yanke imithetho emayelana nemfundo ngaphambi kokwethulwa kwavo kwisishayamthetho seProvinsi;
- (c) ngokuzisukela kwavo noma ngesicelo seLunga leKhabhinethi yeProvinsi ukuhlola nokubhekana nezinto ezibhekene nemfundo kanye nokubi ngemiphumela yalokhu kulo ilungu;
- (d) ngokuzisukela kwavo noma ngesicelo seLunga leKhabhinethi yeProvinsi ukwenza izincomo elungeni nganoma yiluphi udaba mayelana nemfundo kuProvinsi;
- (e) ukubhekana nokuphendula kumibiko okukhulunywa ngayo kusigaba 2(3) evela kwinhloko yomnyango;
- (f) ukwenza noma yimuphi umsebenzi omiselwe noma ogunyaziwe ngokulandela loMthetho noma omunye umthetho; kanye nokuthi ngosuku lomhlaka noma ngaphambi kosuku lokugcina ku-March kunyaka nonyaka, kwethulwe umbiko obhalwe phansi ngemisebenzi yonyaka odlule, wethulwe kuLunga leKhabhinethi yeProvinsi.

Ukusungulwa koMkhandlu weMfundu noQeqesho weDistriki

8. ILungu leKhabhinethi yeProvinsi lingasungula uMkhandlu weMfundu noQeqesho weDistriki kudistriki nedistriki yemfundu kuprovinsi.

Imisebenzi yemiKhandlu yeMfundu noQeqesho yamaDistriki

9. UMkhandlu weMfundu noQeqesho weDistriki kumele wenze okulandelayo -
- (a) ngokuzisukela ngokwawo noma ngokucelwa yiLungu leKhabhinethi yeProvinsi noma ngudayirektha wedistriki, uphenye kanye nokubhekana nezinto ezibhekene nemfundo ngokunabile, kanye nakudistriki yemfundu, kanye nokubika imiphumela yawo kumuntu noma isakhiwo esifanele;
 - (b) ngokuzisukela ngokwawo noma ngesicelo sikadayirektha wedistriki ukwenza iziphakamiso kudayirektha weprovinsi mayelana nezinto eziqondene nemfundo kudistriki yemfundu; kanye
 - (c) nokwenza noma yimuphi umsebenzi enganikezwa yona noma igunyazwe ukuyenza ngokulandela loMthetho noma omunye umthetho.

Ukusungulwa kwemiKhandlu yeZeluleko kwimikhakha yesipesheli

10. ILungu leKhabhinethi yeProvinsi lingathi ngokubonisana noMkhandlu wase-Gauteng weMfundu noQeqesho, lisungule imiKhandlu yezeluleko kwimikhakha yesipesheli (Specialist Advisory Councils).

Imisebenzi yemiKhandlu yeZeluleko kwimikhakha yesipesheli

11. UMkhandlu weZeluleko kwimikhakha yesipesheli kumele -
- (a) ngokuzisukela ngokwawo noma ngokucelwa yiLungu leKhabhinethi yeProvinsi ungabhekana nezinto ezibhekene nemfundo ezingaphansi kwamgunya awo, ebese ubika ngemiphumela kulunga;
 - (b) ungabhekana kanye nokunikeza iziphakamiso maqondana nomthetho ongaphansi kwamgunya awo; kanye
 - (c) nokwenza noma yimuphi umsebenzi enikezwe wona noma egunyazwe ukuyenza ngaphansi kwaloMthetho noma omunye umthetho.

Ukuhleleka, amakomiti amancane (sub-committees), Inqubo yawo kanye nokuphathwa koMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye nemikhandlu yeZeluleko kwimikhakha yesipesheli

12.(1) Ilungu leKhabhinethi yeProvinsi lingakhapha imitheshwana yenqubo (regulations) mayelana –

- (a) nokwakheka (ukuhleleka) kanye nokuphathwa koMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye noMkhandlu weZeluleko kwimikhakha yesipesheli, kanye nesikhathi sokusebenza kwamalunga awo;
 - (b) imibandela yokuqokwa kwamalunga kule mikhandlu;
 - (c) izinqubo zokuqashwa kanye nokususwa kwalamalungu, okubandakanya inqubo yokugcwala isikhala.
- (2) Umkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki noma uMkhandlu weZeluleko kwimikhakha yesipesheli, kungathi ngokuvumelana neLungu leKhabhinethi yeProvinsi, usungule ikomiti elilodwa noma angaphezulu kwelilodwa, ukwenza okulandelayo –
- (a) ukuba kanye nokubika emkhandlwini ofanele mayelana nanoma yiluphi udaba oluqondene nemisebenzi yomkhandlu; kanye
 - (b) nokwenza noma yimuphi umsebenzi onikezwe umkhandlu, kodwake umkhandlu ngeke waqhelelana kakhulu nomsebenzi okukhulunywa ngawo esigabeni 7(a).
- (3) Imikhandlu ukukhulunywa kusigaba (2) ingahle ipheliswe noma kunini noma kuhlelwie ikomiti elincane (sub-committee) ngokulandela leso sigatshana.
- (4) Ngokulandela loMthetho (le-Act), uMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye noMkhandlu weZeluleko kwimikhakha yesipesheli, kumele inqume ngezinqubo zayo zokuqhuba umsebenzi, okubandakanya –
- (a) ukuqokwa kwabantu abanezikhundla;
 - (b) ukuqashwa kwekomidi eliphetha izinqumo (executive committee) noma amanye amakomidl ukongamela imisebenzi yawo yemihla ngemihla; kanye
 - (c) nezinqubo zokuxhumana kanye nokulalela imibono eyethulwa kuyo, ivela kunoma ngubani noma ngabe yiziphi izinhlangano.
- (5) Umnyango weprovinsi kumele usize uMkhandlu wase-Gauteng weMfundu noQeqesho, iMikhandlu yeMfundu noQeqesho yamaDistriki, kanye neMikhandlu yeZeluleko kwimikhakha yesipesheli, ngabašebebenzi basehhovisi ukwenzela ukuthi bakwazi ukuphetha imisebenzi yabo.

Ama-alawensi (ukukhokhelwa) kwamalungu oMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye noMkhandlu weZeluleko kwimikhakha yesipesheli

- 13.(1) Ilungu loMkhandlu wase-Gauteng weMfundu ngoQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, uMkhandlu weZeluleko kwimikhakha yesipesheli, noma ilunga lekomiti elincane (sub-committee) lalemikhandlu, lingakhokhelwa imali yokuhamba, ama-alawensi okuziphilisa (subsistence) kanye namanye ama-alawensi maqondana nemisebenzi yemikhandlu.**
- (2) Ilungu leKhabhinethi yeProvinsi, ngokuvumelana neLungu leKhabhinethi yeProvinsi elibhekene nezindleko zombuso kuprovinsi, kumele linqume ngesimo sokukhokhwa kwama-alawensi alaba bantu okukhulunywa ngawo kusigatshana (1).**
- (3) Lama-alawensi kumele akhokhwe ezimalini ezibekile lenhoso, zibekwa yiSishayamthetho zeProvinsi.**

Izincomo (iziphakamiso) zoMkhandlu wase-Gauteng weMfundo noQeqesho, uMkhandlu weMfundo noQeqesho weDistriki, kanye nemikhandlu yeZeluleko kwimikhakha yesipesheli

- 14.(1) Uma iLungu leKhabhinethi yeProvinsi likhetha ukungazithathi lezi zincomo (iziphakamiso), ezenziwe wuMkhandlu wase-Gauteng weMfundo noQeqesho ngokulandela isigaba 7(d) noma umkhandlu weZeluleko kwimikhakha yesipesheli ngokulandela isigaba 11(b), kumele linikeze umkhandlu izizathu ezibhalwe phansi ngesinqumo salo.
- (2) Uma udayirektha wedistriki ekhetha ukungazithathi izincomo (iziphakamiso) ezenziwa nguMkhandlu weMfundo noQeqesho weDistriki ngokulandela isigaba 9(b), kumele anikeze umkhandlu izizathu ezibhalwe phansi ngesinqumo sakhe.
- (3) Udayirektha wedistriki kumele anikeze ikhophi yezizathu ezibhalwe phansi njengoba kubekiwe kusigatshana (2), azinikeze iLungu leKhabhinethi yeProvinsi.

Ukubonisana ngomgomo wemfundo, imithetho kanye nemitheshwana yenqubo (regulations)

- 15.(1) Nangaphezu kwezinqubo ezibekiwe kuzigaba zika 11(b) no 18, kanye nokubekwe kunoma yimuphi umthetho osebenza kulokho, iLungu leKhabhinethi yeProvinsi, kumele libonisane noMkhandlu wase-Gauteng weMfundo noQeqesho, kanti lapho okufanele khona libonisane nanoMkhandlu weZeluleko kwimikhakha yesipesheli ofanele, ngaphambi kokwenza okulandelayo –
 - (a) kokubeka umgomo wemfundo;
 - (b) kokwethula imithetho ephathelene nemfundo kuSishayamthetho seProvinsi; kanye
 - (c) nokukhipha imitheshwana yenqubo (regulations) maqondana nemfundo.
- (2) Ukubonisana ngedokumente yomgomo, umthetho, noma imitheshwana yenqubo (regulations) njengoba kubekiwe kusigatshana (1) –
 - (a) kumele kuqale okungenani ezinsukwini ezingamashumi amathathu ngaphambi kokuphetha umgomo okumele ubhaliswe kurejista njengoba kubekiwe kusigaba 16(1), ngaphambi kokwethulwa komthetho kuSishayamthetho seProvinsi, noma ngaphambi kukukhipha imitheshwana yenqubo (regulations); kanye
 - (b) nokuthi lokhu akuvimbili ukubonisana kwangaphambili nanoma yibaphi abantu abathintekayo, noma izinhlangano.
- (3) Uma umphakathi udinga ukuthi umgomo wenziwe noma imitheshwana yenqubo (regulations) ikhishwe ngaphandle kokuchitha isikhathi, inqubo yokubonisana njengoba kubekiwe kuzigatshana zika (1) no (2), kungenzeka ingalandelwa uma iLunga leKhabhinethi yeProvinsi lazisa umkhandlu ofanele ngokufanele ngaphambi kokwenza lowo mgomo noma ukukhipha imitheshwana yenqubo (regulations).
- (4) Imigomo ephathelene nolwimi, inkolo yesikhungu semfundo, esikhangaphansi kolawulo lomnyango weprovinsi, ungenziwa kuphela ngemuva wumkhandlu ophethe lesi sikole kanti futhi kungaqhutshwa ngawo kuphela uma umkhandlu ophethe isikole usuwenze okulandelayo –
 - (a) usubonisene nabo bonke abathintekayo kulesi sikhungo semfundo; kanti futhi
 - (b) usuvunyelwe yinhloko yomyango.
- (5) Uma ngesikhathi sokubhekana nokuthi ngabe angavumelana yini nomgomo okukhulunya ngawo kusigatshana (4), inhloko yomnyango (yediphamenti) ibona ukuthi idraft yomgomo ayihambelana nalokho okubekwe kuloMthetho (le-Act) noma omunye umthetho –
 - (a) inhloko yomyango kumele ithumele inothisi ebhalwe phansi kumkhandlu ophethe isikole, icela ukuthi lowo mkhandlu uletha imibono ebhalwe phansi ngokungahambelani komgomo; kanti futhi

- (b) umkhandlu kumele uthathe amanyathelo okuphendula lesi siculo ezinsukwini ezingamashumi amathathu (30) ukusukela ngosuku twesicelo.
- (6) Uma ngesikhathi sokubhekana nemibono elethiwe njengoba kubekwe kusigatshana (5), inhloko yediphamenti (yomnyango) ithola ukuthi izizathu zokungahambelani nomgomo ngezingagculisi, inhloko yomnyango kumele yeluleko umkhandlu ophethe isikole ngokubhala phansi imiphumela, kanye nokuyala umkhandlu ophethe isikole maqondana nokulandelayo –
- (a) inqubo okumele umkhandlu ophethe isikole uylandele ukwenza okuhambelana nokubekwe kuloMthetho (le-Act);
 - (b) izichibiyelo okumele uzenze kungomo.
- (7) Uma umkhandlu ophethe isikole ungagculiseki yilokho okutholwe yinhloko noma imiyalelo yenhloko yomnyango, ingahambisa lesi sinqumo kuLungu leKhabhinethi yeProvinsi ukuthi ibhekana nakho.
- (8) Ukuhanjwa kwalesi sinqumo kuLungu leKhabhinethi yeProvinsi kumele –
- (a) kwenziwe ngokubhala phansi;
 - (b) kwenziwe zingakapheli izinsuku ezingamashumi amathathu (30) ngemuva kokuthola inothisi ebhalwe phansi okukhulunwa ngayo kusigatshana (6);
 - (c) kumele kuchaze imbangela yokuhambisa lesi sinqumo kuLungu leKhabhinethi yeProvinsi; kanye
 - (d) nokufaka amakhophi amadokumente okukhulunwa ngawo kuzigatshana zika (5) no (6).
- (9) Kungakapheli izinsuku ezingamashumi ayisithupha (60) ngemuva kokulethelwa lesi sinqumo, iLungu leKhabhinethi yeProvinsi, kumele libhekane naleso siculo esilethwe kulo, ngendlela elibona kufanele ngayo, ebese lithumela inothise ebhalwe phansi ngesinqumo salo kumkhandlu ophethe isikole, kanye nenhloko yomnyango, lichaze izizathu zesinqumo salo.
- (10) Umkhandlu ophethe isikole kumele uthathe inyathelo ngokulandela isinqumo seLunga leKhabhinethi yeProvinsi esenziwe ngokulandela isigatshana (9).

Irejista (ukubhaliswa) kwemigomo yemfundo kanye nokuthi umphakathi ukwazi ukuyithola leyo migomo yemfundo

- 16.(1) Inhloko yomnyango (yediphamenti) kumele iqale futhi igcine irejista ngendlela ebekiwe, yayo yonke imigomo eyenziwe yiLungu leKhabhinethi yeProvinsi ngokulandela loMthetho (le-Act).
- (2) Onke amalungu omphakathi anelungelo lokuthola leyo migomo kanye nokuhlola noma yiyiphi idokumente equkethe umgomo wemfundo owenziwe ngaphansi kwaloMthetho (kwale-Act).
- (3) iLungu leKhabhinethi yeProvinsi kanye nomkhandlu ophethe noma yisiphi isikhungo semfundo kumele zibeke izimo kanye nendlela umphakathi ongathola ngayo leyo migomo kanye nokuhlola amadokumente omgomo wemfundo.
- (4) Ngeke kukhokhiswe mali ngokubheka nje noma ngokuhlola idokumente yomgomo.

Ukuqaphela indlela umgomo wemfundo osetshenziswa ngayo

- 17.(1) Uma inhloko yomnyango (yediphamenti) iba nolwazi lokuthi isikhungu semfundo esingaphansi komnyango weprovinsi asilandeli umgomo owenziwe ngaphansi kwaloMthetho, noma uma sizama ukulandela umgomo siyehluleka ukulandela kahle loMthetho –
- (a) inhloko yomnyango kumele ithumele inothisi ebhalwe phansi kumkhandlu ophethe isikole kuleso sikhungu semfundo, enesicelo sokuthi lowo mkhandlu ulethe imibono kunhloko yomnyango (yediphamenti) ngokungahambisana kwavo noma ngokuhluleka kwavo; kanti

- (b) umkhandlu ophethe isikole kumele uthathe amanyathelo ahambisana nalesi siculo kungakapheli izinsuku ezingamashumi amathathu (30) ngemuva kosuku lwesticelo.
- (2) Uma ngesikhathi ibhekana nemibono elethiwe, inhloko yomnyango ingagculisekile ngezizathu zokungalandeli umgomo noma ngokuhluleka; inhloko yomnyango kumele ithumele inothisi kumkhandlu ophethe isikole inothisi yokuthi lowo mhandlu uhambisane nomgomo.
- (3) Inothisi yokuthi uhambisane nomgomo okukhulunywa ngawo kusigatshana (3) kumele -
- (a) yensiwe ngokubhala phansi;
 - (b) ichaze inhlobo yalokho kungahambisana nomgomo, noma ukuhluleka, kanye namanyathelo okumele athathwe yilowo mhandlu; kanye
 - (c) nokwazisa umkhandlu ophethe isikole ukuthi unesikhathi esilingana inyanga eyodwa ukusukela ngosuku okukhishwa ngalo inothisi ukuthi uthathe amanyathelo adingekayo.
- (4) Isikhathi okumele ngaso kube sekuthathwe amanyathelo njengoba kubekiwe kusigatshana (4)(b), singangezelwa yinhloko yomnyango (yediphamenti) uma kunesizathu esizwakalayo esibekwa ngumkhandlu ophethe isikole.
- (5) Uma umkhandlu ophethe isikole ungagculiseki yisinqumo senhloko yomnyango sokukhipha inothisi yokuthi kumele ulandele umgomo ngokulandela isigatshana (3) noma ukuchaza amanyathelo okumele athathwe njengoba kubekiwe kusigatshana (4)(b), ungathatha loludaba uludlulisele kuLungu leKhabhinethi yeProvinsi ukuthi lilucubungule.
- (6) Ukundluliselwa kwalolu daba njengoba kubekiwe kusigatshana (6) kumele -
- (a) kwenziwe ngokubhala phansi;
 - (b) kwenziwe kungakapheli izinsuku ezingamashumi amathathu (30) ngemuva kwenothisi yokuthi kumele ulandele umgomo;
 - (c) kumele uchaze nokuthi kungani udlulisela lolu daba ; kanye
 - (d) nokufaka amakhophi amadokumente okukhulunywa ngawo kuzigatshana zika (1), (2), (3) no (4).
- (7) Ngemuva kwezinsuku ezingu 60 ngemuva kokuba lolu daba ludluliselwe, iLungu leKhabhinethi yeProvinsi kumele libhekane nalolu daba ngendlela elibona kufanele ngayo, ebese lithumela inothisi ngesinqumo salo kumkhandlu ophethe isikole kanye nokunhloko yediphamenti (yomnyango), lichaze izizathu zalo zaleso sinqumo.
- (8) Uma iLungu leKhabhinethi yeProvinsi lingavumelani nomkhandlu ophethe isikole, isinqumo esenziwe ngokulandela isigatshana (8) kumele sithathwe kungakapheli izinsuku ezingu 30, ngemuva kosuku lwestinqumo seLungu leKhabhinethi yeProvinsi.

Imitheshwana yenqubo (regulations)

- 18.(1) iLungu leKhabhinethi yeProvinsi lingenza noma yimipi imitheshwana yenqubo (regulations) edingekayo noma ezokwenza ukuthi izinto zihambe masishane ekufezeni izinhoso zaloMthetho, okubandakanya imitheshwane yenqubo (regulations) maqondana nendlela nenqubo yokuhlolola ukusetshenziswa komgommo wemfundo.
- (2) Lapho iLungu leKhabhinethi yeProvinsi liqonde ukwenza noma ukuchibiyela imitheshwana yenqubo (regulations), iLungu kumele lisebenze ngale nqubo elandelayo:
- (a) Inhoso yokwenza imitheshwana yenqubo (regulations) kumele yazizwe ngenothisi kuGazethi yeProvinsi kanye nenyi indlela esabalaliswa kakhulu yokuxhumana.
 - (b) Umbiko kufanele ucacise -

- (i) ukuthi i-draft yemitheshwana yenqubo yenzelwe ukuthi abantu baphawule ngayo; kanye
 - (ii) nalapho leyo draft yemitheshwana yenqubo (regulations) etholakala khona.
 - (c) Abantu abathintekayo abafuna ukuphawula ngemitheshwana yenqubo (regulations), kumele banikwe isikhathi esingaba yinyanga ukusukela osukwini lenothisi.
 - (d) Izincomo ezitholiwe kanye nokuqukethwe kuzo zonke izingxoxo nokuxhumana kumele kubonelelwwe ngaphambi kokwenza imitheshwana yenqubo.
- (3) Isigatshana (2) asisebenzi -
- (a) kumitheshwana yenqubo umangabe ukubonelela izidingo zomphakathi noma isimo esiphuthumayo sidinga ukuthi izinto zingasabenjezelwa zenziwa masisha; noma
 - (b) kusichibiyelo esisabucikilisho (esitheknikhali), kodwake kuphela uma kungezukushintshwa izinto ezinzulu kumibhalo.

Ukunikeza amagunya (amandla)

- 19.(1) Ngokulandela lokho okubekwe yiloMthetho, noma omunye umthetho, iLungu leKhabhinethi yeProvinsi linganikeza noma amandla athize noma imisebenzi ethize lona elinikezwe yona ngokulandela loMthetho, ngaphandle kwalawo okukhulunywa ngawo kuzigaba zika 3(1), 8, 10, 12(1), 15(9), 17(8), no 18(1).
- (a) kunoma ngubani oqashwe emahhovisi okuphatha kuprovinsi; noma
 - (b) kunoma yimuphi umkhandlu, ikomidi, ikomidi elincane (sub-committee), ibhodi, noma inhlango ethize esungulwe ngokulandela loMthetho (ie-Act) noma omunye umthetho.
- (2) Inhloko yomnyango kumele ugcine irejista ngendlela ebekiwe yawo wonke amandla anikeziwe noma agunyaziwe ngokulandela loMthetho.
- (3) Ezinyangeni eziyisithupha kulelihhovisi, iLungu leKhabhinethi yeProvinsi, kumele libuyekeze onke amagunya namandla anikezelwe ngokulandela loMthetho.

Ukuchithwa kwemithetho kanye namalungiselelo esikhashana

- 20.(1) Izigaba 5, 18, 21, 32 ukuya ku 46 kanye nesika 88 soMthetho weMfundu yeZikole, 1995 (u-Act No 6 ka 1995) lapha ziyachithwa.
- (2) Nangaphandle kwesigatshana (1) -
- (a) umgomu owenziwe noma inyathelo elithathiwe ngokulandela ukuchithwa kwalokho okubekwe kuMthetho weMfundu yeZikole, 1995 (u-Act No 6 ka 1995) kuzothathwa ngokuthi kwenziwe ngaphansi kwalokho okubekwe kuloMthetho; kanye
 - (b) Noma yimiphi imitheshwana yenqubo ekhishwa ngokulandela lezi zigaba ezichithiwe zoMthetho weMfundu yeZikole, 1995 (u-Act No. 6 ka 1995), ziyothathwa njengezenziwe ngaphansi kwalezo zigaba zaloMthetho, kanti futhi zizoqhubeke nokusebenza nokuba namandla, ngaphandle kokuba zichithwe ngokulandela loMthetho.
- (3) Imigomo okukhulunywa ngayo kusigatshana (2), kumele ifakelwe (ibandakanywe) masishane ngendlela okungakhonakala ngayo, kurejista okukhulunywa ngayo kusigaba 16, ngendlela okuchazwe ngayo kuleso sigaba.
- Isihloko esifishane kanye nokuqala ukusebenza**
21. LoMthetho ubizwa ngokuthi uMthetho woMgomo weMfundu, 1998, kanti kumele uqale ukusebenza ngosuku oluyobekwa nguNdunankulu (u-Premier) ngokwenza isimemezelo somthetho (i-proclamation) kuGazethi yeProvinsi.

**IMEMORANDAMU YENCAZELO
UMTHETHO-SIVIVINYWA WOMGOMO WEMFUNDO, 1998**

INGXENE A -ISITATIMENDE MAQONDANA NOMPHUMELA EMIPHAKATHINI

Izizathu zoMthetho-sivivinywa

1 Umthetho-sivivinywa wakha uhlaka nesisekelo somthetho ekwenzeni umgomo wezemfundo kuProvinsi yase-Gauteng ("Provinsi"). Lolu hlaka nesisekelo kwenza ukuthi umgomo wemfundo wenziwe emikhakheni echa zwa ngokucacile ngokulandela imikhombandlela (guidelines) ebekiwe. Imikhombandlela (guidelines), izakhiwo (structures) kanye nezinqubo (processes) okubonelelwa zona kuMthetho-sivivinywa ziyosiza ukwenza izinguqoko kunqubo yezemfundo kuprovinsi ngoba zikhuthaza umgomo owenziwe ngokulandela izinjongo ngaphansi kohlelo nenqubo ekhuthaza ukuthi umphakathi ukwazi ukubamba iqhaza. Ngamafishane nje, umthetho uzothuthukisa llungelo lawo wonke umuntu lokuthola imfundo eyisisekelo sokuqala.

Okungacishe kube yimiphumela yoMthetho-sivivinywa

2 Ngokwalo Mthetho-sivivinywa, umsebenzi omkhulu wokwenza umgomo wemfundo usemahiombe eLungu leKhabhinethi yeProvinsi kwezemfundo emkhakheni weProvinsi ("u-MEC"). UMthetho-sivivinywa uphakamisa ukuthi kuba nemikhandlu emkhakheni weprovinsi kanye na kumadistriki ukusizana no-MEC ukubhekana neziphakamiso zomgomo. Kwenziwa namalungiselelo okuthi imikhandlu ephethe izikole yanoma yiziphi izikhungo zemfundo nayo yenze umgomo. Yonke imigomo oyensiwe ngaphansi kwaloMthetho, kuyomele ihambisan noMthetho-sisekelo, ka 1996, noma yimuphi omunye umthetho osebenza kulumkhakha, kanye nomgomo ngokunjalo. Lokhu kusho ukuthi umgomo ngeke wenziwa -

- (a) yanoma ngubani emikhakheni angafanele ukwenza imigomo kuyo;
- (b) ngendlela engavumelani namalungelo afakwe kuMthetho-sisekelo, ka 1996; kanye
- (c) nangendlela engavumelani nomgomo osebenza kulumkhakha;

Umphumela omkhulu walo Mthetho-sivivinywa

3 Umphumela omkhulu walo Mthetho-sivivinywa ngolandelayo

- (a) ukukhombisa imikhakha nezindawo okumele kwenziwe kuzo umgomo;
- (b) ukubeka izinto nezindawo okumele kugxilwe kuzo kunqubo yokwenza umthetho; kanye
- (c) nokuhlanganisa yonke imithetho ephathelene nokwenziwa komgomo kuprovinsi.

Amalungiselelo aqikelela ukuthi lemigomo iyafinyeleleka nokutholakala

4 Ngezinhoso zokuqinisekisa ukuthi lemigomo ifinyeleleke nokutholakala, kwenziwe amalungiselelo okuthi inhlako yomnyango ebhekene nezemfundo kuprovinsi (ngemuva kwalokho eyobizwa "ngenhloko yomnyango") yakhe futhi igcine iregista yayo yonke imigomo eyensiwe ngokulandela loMthetho-sivivinywa. Nangaphezu kwalokho kwenziwe amalungiselelo okuthi u-MEC kanye nemikhandlu ephethe izikhungo zemfundo baqinissekise ukhuthi umphakathi uthola ithuba lokuthi ukwazi ukufinyelela nokuthola amadokumente alemigomo.

INGXENYE B - IMIPHUMELA KWEZEZIMALI

5 Ezimayelana nokuhlela kwalomsebenzi, ukuqasha abasebenzi noma ezezimali ngalo Mthetho-sivivinywa akukukhulu ngoba iDiphatimenti (uMnyango) weMfundu uyosebenzisa abasebenzi abevelebekhona kanye nemali ekhona kuwo umnyango.

INGXENYE C - ISISHWANKATHELO (ISAMARI) YAMALUNGISELELO (IMIHLINZEKO)

6 Isigaba 1 - Izincazelol

LoMthetho-sivivinywa uhlele ukuthi kube nezincazelozamagama (amathemu) abalulekile.

7 Isigaba 2 - IzinhlosozaloMthetho-sivivinywa

ukubeka imikhakha okumele kube yiyo ebhekene nokwenza umgomo, ukuchaza izindawo okumele kwensiwe kuzo umgomo, kanye nokusungula izakhiwo, izinqubo, kanye nokuqikelela ukuthi umphakathi ukwazi ukufinyelela kulemigomo yemfundo.

8 Isigaba 3 - Umsebenzi wokwenza umgomo kanye nokuqikelela ukusebenza kwalomgomo wemfundo

8.1 Umsebenzi wokwenza umgomo wemfundo usemahlombe ka-MEC kuprovinsi, kodwa ngokulandela uMthetho-sisekelo ka 1996, kanye neminye imithetho esebezena kulomkhakha, kanti idiphatimenti (umnyango) wemfundo yiwa okumele uqikelela ukusebenza kwalomgomo.

8.2 Umsebenzi wokuhlela, ukuhlanganisa kanye nokuqikelela ukusebenza komgomo wemfundo, usemahlombe enhloko yomnyango, kanti futhi kumele ethule imibiko njalo kuMkhandlu wase-Gauteng weMfundunoQeqesho, uMkhandlu weZeluleko emikhakheni yesipesheli, ngesimo semfundo kuProvinsi. Kanti futhi ngokunjalo udayirektha wedistriki naye ubophezeleke ukuthi anike imibiko kuMkhandlu weMfundunoQeqesho weDistriki.

9 Isigaba 4 - Imikhakha nezindawo okumele kwensiwe kuzo umgomo wemfundo

Umgomo wemfundo ungenziwa kulemikhakha elandelayo -

- (a) kwezabafundi (isibonelo, inqubo yokwamukelwa, kanye nenqubo yokuziphatha - code of conduct);
- (b) ukuqashwa kwabafundisayo (isibonelo, indlela abahehwa ngayo ukuzosebenza, uqequesho lwabo kanye namapromoshini - indlela yokukhushulwa ngezikhundla);
- (c) izinto ezibhekene nekharikhyulamu (isibonelo, izifundo - ama-subject azofundiswa, kanye neziwimi zokufunda nokufundisa);
- (d) ukupathwa kwezikhungo zemfundo (isibonelo, izinqubo zokupaththa kanye nemikhandlu emele abafundi);
- (e) izimali ezixhasa izikhungo zemfundo (isibonelo, izimali zesikole ezikhokhwa ngabafundi, izimali zoxhaso kanye nezimali zokubolekwa);
- (f) ukuthuthukiswa kobudlelwane (isibonelo, nezinkampani zangasese ezizimele, kanye nezinhangano ezingekho ngaphansi kukahulumeni - NGOs).

10 Isigaba 5 - Imikhombandlela (guidelines) yokwenza umgomo wezemfundo

10.1 Yonke imigomo eyenziwe ngokulandela loMthetho-sivivinywa kumele isize ekuthuthukiseni inqubo yemfundo ekhuthaza okulandelayo -

- (a) eqhubela phambili inqubo yedimokhrasi kanye namalungelo oluntu;
- (b) inhloniphi yezinkolo, amasiko kanye namalungelo olwimi;
- (c) eqhubela phambili ukuthuthuka kwabantu;
- (d) eqhubela phambili iqophelo (ikhwalithi) yokunikezwa kwemfundo;
- (e) ekhuthaza ukuthi umphakathi ubambe iqhaza ekwenziweni komgomo wemfundo; kanye
- (f) neyenza ukuthi abathintekayo bakwazi ukumelwa ekuthathweni kwezinqumo.

10.2 Uma kuba nesimo noma umkhawulo kunoma yimuphi umgomo owenziwe ngokulandela loMthetho-sivivinywa, kwensiwe amalungiselelo okuqinisekisa ukuthi leso simo noma umkhawulo kube ngonesizathu esizwakalayo, kanti futhi kuhambelane nenhoso yalomgomo.

11 Isigaba 6 - Ukusungulwa koMkhandlu wase-Gauteng weMfundo ngoQeqesho

Lapha kusungulwa uMkhandlu wase-Gauteng weMfundo ngoQeqesho

12 Isigaba 7 - Imisebenzi yoMkhandlu wase-Gauteng weMfundo noQeqesho

UMkhandlu wase-Gauteng weMfundo noQeqesho uphenya, nokubhekana neziphakamiso kumgommo wemfundo, nokwenza izincomo ku-MEC maqondana nalokhu. UMkhandlu ubhekana nokwenza izincomo ngomthetho ohlongozwayo ngaphambi kokuba uthulwe kuSishayamthetho seProvinsi. UMkhandlu wethula umbiko wonyaka ku-MEC ngemisebenzi yawo onyakeni kanti lombiko kumele wethulwe kuSishayamthetho seProvinsi.

13 Isigaba 8 - Ukusungulwa kweMikhandlu yeMfundo noQeqesho yamaDistriki

U-MEC angasungula uMkhandlu weMfundo noQeqesho weDistriki maqondana namadistriki emfundo angu 18 kuprovinsi.

14 Isigaba 9 - Imisebenzi yeMikhandlu yeMfundo noQeqesho yamaDistriki

LoMkhandlu ungathi ngokuziqalela wona noma ngokucelwa ngu-MEC, udayirektha wedistriki, noma uMkhandlu wase-Gauteng weMfundo noQeqesho uphenye, ubhekane nanoma yiluphi udaba oluqondene nemfundo, ebese wenza izincomo kudayirektha wedistriki maqondana nalokhu. UMkhandlu wase-Gauteng weMfundo noQeqesho unganikeza eminye yemisebenzi yawo kuMkhandlu weMfundo noQeqesho weDistriki ukuthi uyenze.

15 Isigaba 10 - Ukusungulwa kweMikhandlu yeZeluleko kwimikhakha yesipesheli

U-MEC angathi ngokubonisana noMkhandlu wase-Gauteng weMfundo noQeqesho, asungule uMkhandlu weZeluleko kwimikhakha yesipesheli, enolwazi lobuchwepheshe emikhakheni ethize yemfundo.

16 Isigaba 11 - Imisebenzi yoMkhandlu weZeluleko kwimikhakha yesipesheli

UMkhandlu weZeluleko kwimikhakha yesipesheli, ungathi ngokuziqalela wona, noma ngokucelwa ngu-MEC uphenye, ubhekane nokwenza izincomo noma wenze noma yimuphi umsebenzi ongaphansi kwamagunya emisebenzi yawo.

- 17 Isigaba 12 - Ukuhleleka, amakomiti amancane (sub-committees) inqubo yawo kanye nokuphathwa koMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye neMikhandlu yeZeluleko kwimikhakha yesipesheli**
- 17.1 U-MEC angakhipha imitheshwana yenqubo (regulations) maqondana nokuhleleka kwemikhakha eyehlukene, ukuthi leyo mitheshwana yenqubo yensiwe ngokulandela loMthetho-sivivinywa, kanye nemibandela nezinqubo zokuqokwa kwamalunga alemikhandlu.
- 17.2 Noma yimuphi umkhandlu ungasungula amakomiti amancane (sub-committees) okwenza imisebenzi ethize, kodwa umkhandlu ngeke waqhela emsebenzini wokusizana no-MEC ekwenzeni umgomo wemfundu kuProvinsi.
- 17.3 Imikhandlu kumele isungule izinqubo zayo zokwenza imisebenzi yayo, kodwa ngokulandela loMthetho.
- 17.4 Kwenziwe amalungiselo okuthi umnyango weprovinsi usize ngabasebenzi basehhovisi ukulekelela imikhandlu.
- 18 Isigaba 13 - Ama-alawensi (ukukhokhelwa) kwamalunga oMkhandlu waseGauteng weMfundu noQeqesho, uMkhandlu weDistriki weMfundu noQeqesho, kanye nemikhandlu yeZeluleko kwimikhakha yesipesheli**
- U-MEC kanye nelunga leKhabhinethi yeProvinsi elibhekene nezindleko zikahulumeni kuProvinsi kumele babeke izimo zokukhokhelwa kwamalunga (okubandakanya ukukhokhela izimali zokuhamba kanye nama-alawensi okuziphilisa), kwamalunga anoma yimuphi umkhandlu ozosungulwa ngaphansi kwaloMthetho.
- 19 Isigaba 14 - Izincomo (iziphakamiso) zoMkhandlu wase-Gauteng weMfundu noQeqesho, uMkhandlu weMfundu noQeqesho weDistriki, kanye nemikhandlu yeZeluleko kwimikhakha yesipesheli**
- Uma u-MEC noma udayirektha wedistriki ethatha isinqumo sokungalandeli izincomo ezenziwe ngumkhandlu, kumele banike lovo mkhandlu izizathu ezibhalwe phansi ngaleso sinqumo.
- 20 Isigaba 15 - Ukubonisana ngomgomu wemfundu, imithetho kanye nemitheshwana yenqubo (regulations)**
- 20.1 U-MEC kumele abonisane noMkhandlu wase-Gauteng weMfundu noQeqesho, kanti lapho okufanele khona abonisane noMkhandlu weZeluleko kwimikhakha yesipesheli, ngaphambi kokwenza umgomo, ukwethula umthetho noma imitheshwana yenqubo (regulations) kuSishayamthetho seProvinsi.
- 20.2 Ukubonisana kumele kusungule ezinsukwini ezingu 30 ngaphambi kokubeka umgomo, kokwethulwa komthetho noma kokukhipha imitheshwana yenqubo (regulations). Kodwake uma kunesimo esiphuthumayo, kanti ngokulandela izidingo zomphakathi kudingeka kanjalo, lokhu kubonisana kungabekelwa eceleni (kungensiwa), uma u-MEC azisa uMkhandlu ofanele.

20.3 Kubekwa inqubo ezoginisekisa ukuthi imigomo yezolwimi, nezenkolo kuzikhungo zemfundo engaphansi kolawulo lwediphamenti (lomnyango) weprovinsi, ihambelana nomgomo womnyango, umgomo ka-MEC kanye nokubekwe kuloMthetho (le-Act) kanye nanoma yimuphi omunye umthatho. Lenqubo ibeke indlela ebeka umsebenzi ka-MEC wokuxazulula umehluko kanye nokungahambelani kwemigomo.

21 Isigaba 16 - Irejista (ukubhaliswa) kwemigomo yemfundo kanye nokuthi umphakathi ukwazi ukuyithola leyo migomo yemfundo

Inhloko yoMnyango kumele isungule futhi igcine irejista yemigomo eyenziwe ngu-MEC ngokulandela loMthetho-sivivinywa. Umphakathi ungaba nethuba lokubona lemigomo.

22 Isigaba 17 - Ukuqaphela indlela umgomo wemfundo osetshenziswa ngayo

Kwenziwe amalungiselelo okuthi inhloko yediphamenti (yomnyango) iqapele ukusetshenziswa komgomo wemfundo kanye nokukhipha amanothisi okuhangahambelani nomgomo uma kukhona ukungahambelani nomgomo, noma ukwehluleka ukulandela loMthetho-sivivinywa kahle. Ukuze kungabi bikho ukuphazanyiswa kwezikhungu yinhloko yomnyango, kubekwa inqubo yokuthi u-MEC abuyekeze amanyathelo athathwa yinhloko.

23 Isigaba 18 - Imitheshwana yenqubo (regulations)

U-MEC angenza imitheshwana yenqubo (regulations) edingekayo ukufeza izinhloso zaloMthetho (le-Act). Inhoso yokwenza imitheshwana yenqubo noma yokuyichibiyela, kumele yaziswe ngenothisi kuGazethi yeProvinsi, kanti futhi kumele ichazele abantu ukuthi i-draft yemitheshwana yenqubo ikhona abantu bangayithola ukuze baphawule ngayo, nokuthi itholakala kuphi leyo-draft. Abathintekayo banesikhathi senyanga eyodwa sokuletha imibono nokuphawula ngayo. Konke okwethulwayo kumele u-MEC abhekane nakho ngaphambi kokuthi aphethe ngemitheshwana yenqubo (regulations).

24 Isigaba 19 - Ukunikeza amagunya

U-MEC anganikeza noma agunyaze noma yiwaphi amandla noma imisebenzi yaloMthetho ngaphandle kokwenziwa komgomo, ukusungulwa komkhandlu noma ukubuyekeza ukungahambelani komgomo noma amanyathelo eNhloko yeDiphamenti (yoMnyango). INhloko yoMnyango kumele igcine irejista yemisebenzi noma amagunya anikezelwa ngaphansi kwalo Mthetho-sivivinywa.

25 Isigaba 20 - Ukuchithwa kwemithetho kanye namalungiselelo esikhashana

Izigaba ezithize zoMthetho weMfundu yeZikole ka 1995 (u-Act No. 6 ka 1995) ziyachithwa. Noma yiwaphi amanyathelo athathwa ngaphansi kwalezi zigaba ezichithwayo, kuyothathwa ngokuthi zithathwe (zenziwe) ngaphansi kwezigaba ezhambelana nalezo kuloMthetho-sivivinywa.

26 Isigaba 21 - Isihloko esifishane kanye nokuqala ukusebenza

LoMthetho (le-Act) izobizwa ngokuthi uMthetho woMgomo weMfundu ka 1998, nakhona kumele uqale ukusebenza ngosuku oluyobekwa nguNduankulu (ngu-Premier) ngokwenza isimemezelo somthetho (i-proclamation), kuGazethi yeProvinsi.

NOTICE 2273 OF 1998

MOLAO-TŠHIŠINYO WA PHOLISI YA THUTO, 1998

Go beakanyetša go bewa ga pholisi ya thuto; go beakanyetša go hiomwa ga dikhanele tše di fapafapanego gore di thuše go mošomo wa go dira pholisi; go beakanyetša tshepedišo, go bea leihlo le go lekola pholisi ya thuto; le go beakanyetša merero yeo e sepedišanago le tšona.

O FETIŠWA ke Lekgotlatheramolao la Gauteng, Repablik ya Afrika Bonwa, ka tsela ye e latelago:

Thulaganyo ya Dikarolo**Dikarolo**

1. Dihlalošo
2. Maikemišetšo a Molao wo
3. Maikarabelo a go dira le go phethagatša pholisi ya thuto
4. Bonabo bja go dira pholisi ya thuto
5. Dikgakollo tša go dira pholisi ya thuto
6. Go hiomwa ga Khansele ya Gauteng ya Thuto le Hlahlo
7. Mešomo ya Khansele ya Gauteng ya Thuto le Hlahlo
8. Go hiomwa ga Khansele ya Thuto le Hlahlo ya Distriki
9. Mešomo ya Khansele ya Thuto le Hlahlo ya Distriki
10. Go hiomwa ga Dikhanele tše di-Specialist tše Maele
11. Mešomo ya Dikhanele tše di-Specialist tše Maele
12. Sebopego, di-subcommittee, ditšela tše go šoma le Tshepedišo ya Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Dikhanele tše di-Specialist tše Maele
13. Dialawense tše maloko a Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele
14. Ditshwayo tsa Khansele ya Thuto le Hlahlo ya Gauteng le Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele
15. Go rerišana mabapi le pholisi ya thuto, molao le melawana ya tshepedišo
16. Rejistara ya dipholisi tše thuto le gore maloko a setšhaba a kgone go ye bona
17. Go bea leihlo go phethagatšo ya pholisi
18. Melawana

19. Phitišetšo
20. Phedišo ya molao le dithulaganyo tša nakwana
21. Leina ka boripana le letšatši la go thoma

Dihlalošo

1. Go Molao, ntle le ge kamano e bontšha ka tsela ye nngwe –

"modaerekotoro wa distriki" go ra gore mohlankedji yo a akantswego go Karol ya 40 ya Molao wa Thuto ya Sekolong, No 6 wa 1995;

"distriki ya thuto" go ra gore lefelo le le belwego bjalo ka distriki ya thuto le bewa ke leloko la Khansele Phethiši leo le amegago ka go latela Karolo ya 8 ya Molao wa Thuto ya Sekolong, No 6 wa 1995;

"institušene ya thuto" go ra gore institušene efe goba efe yeo e fanago ka thuto, go sa kgathalelw gore ke thuto ya digotlane, ya poraemari, ya sekondari, ya go tšwela pele goba ye e phagamego; go sa akaretšwe diunibesithi le dithekrikone, le institušene yeo e fanago ka thuto yeo e kgethegilego ya mošomo, thuto ya ba bagolo, thuto ya go korosponda goba thuto ya motse;

"hiogo ya diphamente" go ra gore hiogo ya diphamente yeo e rwelego maikarabelo a thuto ka gare ga profensi ya Gauteng;

"leloko le le amegago la Khansele Phethiši" leloko la Khansele Phethisi leo le swaraganego le thuto ka Profensing;

"ye e laetšwego" go ra gore e laetšwego ke molawana wa tshepedišo gomme *"go laela"* go na le hlalošo ye e swanago;

"diphamente ya Profensi" go ra gore Diphamente ye setšanego le merero ya thuto ka profenseng;

"profensi" go ra gore prefensi ya Gauteng; le

"Molao wo" go akaretšwa le melawana ye e diriwego ka tlase ga Molao wo.

Maikemišetšo

2. Maikemišetšo a Molao wo, ke go kgontšha go tšeletša pholisi mabapi le merero yeo e amanago le thuto le phethagatšo, ka -
 - (a) go fetišetša maatla a go dira pholisi go merero ya thuto le phethagatšo ya pholisi yeo;
 - (b) go bea mafelo ao mabapi le wona pholisi ya thuto e ka dirwago;
 - (c) go bea tsela yeo mokgwa wo pholisi ya thuto e ka dirwago ka wona;
 - (d) go breakanyetša go hlomiwa ga dibopego tša maleba tše di tlago rwala maikarabelo a go eletša leloko la Khansele Phethiši leo le amegago mabapi le tšeletšo ya pholisi ya thuto;
 - (e) go hlaloša mekgwa yeo pholisi ya thuto e ka dirwago ka yona;
 - (f) go hlola seemo seo maloko a setšhaba a tlago kgona go fihlela pholisi ya thuto; le

(g) go netefatša gore pholisi ya thuto e bewa leihlo le gona e a lekolwa.

Maikarabelo a go dira le go phethagatša pholisi ya thuto

3. (1) Ka tlase ga Molao wo goba molao ofe goba ofe, leloko la Khansele Phethiši leo le amegago le rwele maikarabelo a go dira pholisi mabapi le morero ofe goba ofe wo o amanago le thuto ka Profensing.
- (2) Pholisi efe goba efe yeo e dirilego ke Leloko la Khansele Phethiši ka go latela Molao wo e tia thoma go šoma ge e se n tsentšhwa go rejistara yeo e akantšwego go karolo ya 16(1).
- (3) Ka tlase ga Molao wo, molao ofe goba ofe wo o šomago ka profensing goba lebatong la bosetšhaba, sebopego sa taolo sa institušene ya thuto se ka itirela pholisi ya thuto.
- (4) Hlого ya Diphatelyente e swanetše -
 - (a) lomaganya go tsenywa tirisong ga molawana wa thuto ka mo profenseng; gape
 - (b) e fe -
 - (i) Khansele ya Thuto le Hlahlo ya Gauteng, rapoto ya ngwaga ka ngwaga yeo e ngwadilwego fase, gomme e hlaloša seemo sa thuto ka gauteng;
 - (ii) Khansele dirapoto tša kotara goba dirapoto tše di ka kgopelwago ka mabaka ao a kwagalalgo;
 - (iii) Khansele ya di-Specialist ya ya maele, dirapoto tše e ka di kgopelago ka mabaka ao a kwagalago.
- (5) Modaerekotoro wa distriki o swanetše -
 - (a) lomaganya go tsenywa tirišong ga pholisi ya thuto ka gare ga distriki; gape
 - (b) e fe -
 - (i) Khansele ya Thuto le Hlahlo ya Gauteng, rapoto ya ngwaga ka ngwaga, yeo e hlalošago seemo sa thuto ka gare ga distriki; le fa Khansele dirapoto tša kotara goba dirapoto tše di ka kgopelwago ka mabaka ao a kwagalalgo.

Bonabo bja go dira pholisi ya thuto

4. Re sa fapoge go tseo di bolelwago go karolo ya 2 ka kakaretšo, pholisi ya thuto e ka dirwa mabapi le tše di lateLAGO -
 - (a) baithuti, go akaretšwa le -
 - (i) kraiteria ya kamogelo;
 - (ii) palo ya baithuti ka morutiši;
 - (iii) go tseña sekolo ga kgapeletšo mo mabatong le bogolong bjo bo akantšwego; le
 - (iv) khoutu ya maitshwaro ya baithuti.
 - (b) go hirwa ga barutiši, go akaretšwa -
 - (i) dinyakwa tša maleme tša gore motho a kgone go tsenela profešene ya borutiši;
 - (ii) bolngwadišo bja barutiši;
 - (iii) go kalatša, go transfera le go adimiša barutiši;
 - (iv) tekolo le thatlošo ya barutisi; le
 - (v) peakanyetšo ya thuto le hlahlo ya mošomong ya barutiši, le diprograma tša go kaonafatša barutiši.
 - (c) merero ya kharikilamo, go akaretšwa -
 - (i) dithuto tseo di tlago rutwa go lebato le lengwe le le lengwe la thuto go institušene ya thuto;

- (ii) palo ya dliri tša go ruta tše di tlago beešwa thuto ye nngwe le ye nngwe;
- (iii) merero ya boithabišo;
- (iv) maleme a go ruta le go ithuta.
- (d) taolo ya Institušene ya thuto, go akaretšwa -
 - (i) go bulwa, go ngwadiša le go tswalela institušene ya thuto;
 - (ii) tšhomiošo ya mekgwa ya go maneja ka diinstitušene tša thuto;
 - (iii) mešomo le maikarabelo a barutiši le dihlogo tša diinstitušene tša thuto;
 - (iv) go hlomiwa ga dikhanele tša baithuti tše di kgethilwego ka mokgwa wa demokrase;
 - (v) go hlomiwa ga dibopego;
 - (vi) go tše karolo le go emelwa ga bohole bao ba nago le seabe go taolo ya tšohle tše di amanago le thuto;
 - (vii) go bea leihlo le go lekola kabelo ya tirelo ya thuto le phethagatšo; le
 - (viii) go sepediša mošomo wa go dira resetšhe wo o lebišitšwego go go kaonafatša khwaliti ya tirelo ya thuto.
- (e) thekgo ya tšelete go diinstitušene tša thuto, go akaretšwa -
 - (i) go abela ditšelete go diinstitušene tša thuto;
 - (ii) disaposidi le dikadimo go diinstitušene tša thuto le mabaka ao a tlago šoma go disaposidi le dikadimo tše;
 - (iii) ditefelo tše di tlago lefiwa diinstitušene tša thuto;
 - (iv) go ba le palo ya maleba ya barutiši bao ba tlago fana ka tirelo ya thuto;
 - (v) go fana ka tšelete ya go kaonafatša barutiši; le
 - (vi) go bea mabaka a dithendara.
- (f) go hlola setswalla magareng ga diphamente le -
 - (i) ditho tše dingwe tša mmušo;
 - (ii) mekgatlo ya boditšhabatšhaba;
 - (iii) lefapha la poraefete; le
 - (iv) lefapha leo e sego la mmušo.

Dikgakollo tša go dira pholisi ya thuto

5.(1) Pholisi ya thuto ka moka yeo e dirwago ka go latela Molao wo e swanetše go ba le seabe go mokgwa wa thuto wo o -

- (a) hloholetšago demokrase le ditokelo tša botho ka go -
 - (i) hlompha tokelo ya go hwetša thuto ya motheo;
 - (ii) netefatša tekatekano go hwetša dibaka tša thuto le go šomana le go se lekalekane ga nako yeo e fetilego ge go abelwa thuto;
 - (iii) hloholetšago tšwetšo pele ya bao peleng ba bego ba phaetšwe thoko ke kgethologanyo yeo e sego ya maleba;
 - (iv) netefatšago gore dinyakwa tša kamogelo go diinstitušene tša thuto ka gare ga profensi, ga di akaretše go lekolwa ge eba o tseba leleme leo le itšego;
 - (v) tshireletšago batho kgahlanong le kgethollo yeo e sego ya toka ka gare ga diphamente goba ka diphamente ya thuto ya Profensi goba ka Institušene ya thuto;
 - (vi) hloholetšago tokologo ya monagano, bodumedi, kgopoloo, ponelo, go ikwagatša le go ikamanya le diinstitušene tša thuto;
 - (vii) šireletša ditokelo le maikarabeloa batewadi a go fa bana ba bona tsela ka go phethagatša ditokelo tše ka tsela yeo e sepelelanago le bokgoni bja bana, mabapi le ditokelo tše go boletšwego ka tšona go paragrafo ya (vi);

- (viii) go hlohleletša tokologo ya go ikamanya le tokelo ya go kopana, go dira ditšhupetšo le go fana ka diphethišene ka khutšo, le gona ntle le go tšošetšwa ka boganka.
- (ix) dumelago batho ka moka, go akaretšwa le diinstitušene tša thuto, gore di fihlele tshedimošo yeo e swerego ke diphaternente ya thuto ka gare ga Profensi, go fihlela ka fao tshedimošo e hlokegago gore motho a phethagatše goba a širletše tokelo ya gagwe; gape e
- (x) kgontšhago tharollo ya mathata magareng ga bao ba nago le seabe go thuto, ka mokgwa wa khutšo.
- (b) **hlomphago ditokelo tša bodumedi, khaltšara le ditokelo tša maleme ka go-**
- (i) **hlohleletša hlompho ya metse le ditšo tša batho ba naga ye, ka go fapafapana;**
 - (ii) **hlohleletša batho gore ba tšee karolo go merero ya bona ya khaltšara go diinstitušene tša thuto;**
 - (iii) **hlohleletša seemo le tšomišo ya maleme a semmušo ao peleng a bego a phaetšwe thoko goba a kgethololiwa;**
 - (iv) **ruta baithuti ka ga ka leleme leo ba ikgethelago lona ge e le gore go a kgonega;**
 - (v) **amogela leleme la maswao bjalo ka leleme la šemmušo la ikgokaganya;**
 - (vi) **kgontšha baithuti gore ba kgone go šomiša maleme ao a šomišetšwago thuto go institušene ya thuto;**
 - (vii) **dumelela baithuti fao go kgonegago gore ba šomiše leleme leo ba ikgethelago lona fao le fapanago le leleme la go ithuta ka institušeneng ya go ithuta;**
 - (viii) **netefatša gore ge go se no phethagatšwa lebato la bosenyane la thuto, baithuti ba kgona go šomiša bonnyane maleme a mabedi a bosenyane; le**
 - (ix) **hlohleletša barutiši gore ba hwetše bokgoni bja fana ka tirelo ya thuto go tikologo yeo go bolelwago maleme a mantšhi.**
- (c) **hlohleletšago kaonafatšo ya motho ka go -**
- (i) **hlohleletša hlompho ya go ruta le go ithuta go diinstitušene tša thuto;**
 - (ii) **tšweletša bokgoni, dithuto le botsebi bjo bo hlokegago go lenaneo la kago leswa le tlhabollo;**
 - (iii) **lemoga bokgoni, dikganyogo, le botsebi bja pele le boitemogelo bja baithuti;**
 - (iv) **fana ka dibaka tša bophelo ka moka tša go ithuta;**
 - (v) **hlohleletša go ikemela ga monagano le go kgona go botšiša dipotšišo;**
 - (vi) **netefatša gore batho ba ba nago le bofokodi ga ba tingwe sebaka sa go hwetše thuto go fihlela ka bokgoni bja bona;**
 - (vii) **kgontšha go tšea karolo ga maemo a godimo ka baithuti go mošomo w ago ithuta;**
 - (viii) **hlohleletša go lekalekana ga bong le go tšwetša pele seemo sa basadi;**
 - (ix) **Iwantšha go tlalšwa ka baka la bong go diinstitušene tša thuto; le go šireletša batho kgahlanong le boganka ka moka bja nameng le bja monaganong go diinstitušene tša thuto.**
 - (x) **kaonafatšago kabelo ya thuto ka go -**
- (d) **kaonafatšago kabelo ya thuto ka go -**
- (i) **netefatša gore thuto le hlahlo di abiwa ka gare ga motheo wa dikhwalifikhešene wa setšaba;**
 - (ii) **hlohleletša go nyaka, go dira resetše le go tšwetša pele botsebi;**
 - (iii) **hloma mekgwa ya go kaonafatša seemo sa thuto le go bea leihlo le go lekola phethagatšo; le**

- (iv) go hlohlaleletša tšomiso yeo e sa senyego tšelete ya methopo ya thuto le phethagatšo ya ditirelo tša thuto yeo e tšwelago pele.
- (e) hlohlaleletša go tšea karolo ga maloko a setšaba ge go dirwa pholisi ya thuto le gore bao ba nago le seabe ba be le kemedi go dibopego tša maleba tša go tšea diphetho.
- (2) Lebaka goba lepheko leo le lego go pholisi efe goba efe ya thuto leo le beilwego ka go latela Molao wo, le swanetše go kwagala le go lekana maikemisetšo ao a lebišitšwego go go fihlela pholisi yeo.

Go hlomiwa ga Khansele ya Thuto le Hlahlo ya Gauteng

6. Go hlomiwa Khansele ya Thuto le Hlahlo ya Gauteng.

Mešomo ya Khansele ya Thuto le Hlahlo ya Gauteng

7. Khansele ya Thuto le Hlahlo ya Gauteng e swanetše -

- (a) go thuša leloko leo le amegago la Khansele Phethiši gore le tšweletše pholisi ya thuto ya Profensi;
- (b) lekola molao wo o lego mabapi le pholisi ya thuto le go dira ditshwayo pele o tšweletšwa go Lekgotlatheramolao la Profensi;
- (c) gore ge e rata goba ge e kgopelwa ke leloko la Khansele Phethiši leo le amegago, e thome ka dinyakišo le go lekola morero ofe goba ofe wo o amanago le thuto le go fana ka rapoto mabapi le tše o di hweditšego;
- (d) gore ge e rata goba ge e kgopelwa gore e dire bjalo ke leloko la Khansele Phethiši leo le amegago, e dire ditshwayo go leloko la Khansele Phethiši mabapi le morero ofe goba ofe wo o amanago le thuto;
- (e) go lekola le go araba dirapoto tše o go boletšwego ka tšona go karolo ya 3(4) go tšwa go hlogo ya diphamente;
- (f) go dira mošomo ofe goba ofe wo o filwego goba o fetišeditšwa ka go latela Molao wo goba Molao ofe goba ofe; le
- (g) gore mo letšatšing la mafelelo la Matšhe goba pele ga lona, ngwaga wo mongwe le wo mongwe, e fane ka rapoto ye e ngwadilwego mabapi le mešomo ya yona ya ngwaga woo, go leloko la Khansele Phethiši leo le amegago, gomme rapoto yeo e swanetse go alwa pele ga Lekgotlatheramolao pele go feta matšatši ge e se no amogelwa.

Go hlomiwa ga Khansele ya Distriki ya Thuto le Hlahlo

8. Leloko la Khansele Phethiši le ka hloma Khansele ya Thuto le Hlahlo ya Distriki go distriki ye nngwe le ye nngwe ka gare ga Profensi.

Mešomo ya Khansele ya Thuto le Hlahlo ya Distriki

9. Khansele ya Thuto le Hlahlo ya Distriki e swanetše -

- (a) gore ge e rata goba ge e kgopelwa ke Leloko la Khansele Phethiši, modaerekotoro wa distriki goba wa Khansele ya Thuto le Hlahlo ya Gauteng, e thome ka dinyakišo le go lekola morero ofe goba ofe wo o amanago le thuto ka gare ga distriki ka kakaretšo le go fana ka rapoto go motho goba sebopego sa maleba;
- (b) gore ge e rata goba ge e kgopelwa gore e dire bjalo ke modaerekotoro wa distriki, e dire ditshwayo go modaerekotoro wa distriki mabapi le morero ofe goba ofe wo o amanago le thuto ka gare ga distriki;
- (c) go dira mošomo ofe goba ofe bjalo ka ge o ka fiwa goba wa fetišetšwa go yona ka go latela Molao wo goba molao wo mongwe.

Go hlomiwa ga Dikhanele tša di-Specialist tša Maele

10. Leloko leo le amegago la Khansele le tlare ka morago ga go bonana le Khansele ya Thuto le Hlahlo ya Gauteng, la hloma Khansele goba Dikhanele tša di-Specialist.

Mešomo ya Dikhanele tša di-Specialist tša Maele

11. Khansele ya di-Specialist e swanetše -

- (a) gore ge e rata goba ge e kgopelwa ke leloko la Khansele Phethiši leo le amegago, e thome ka dinyakiššo le go lekola morero ofe goba ofe wo o welago ka tlase ga mešomo ya wona; le go begela leloko leo le amegago, tše di hweditšwego;
- (b) go lekola le dira ditshwayo mabapi le melao ka moka yeo e welago ka ka gare ga mellwanye ya gona ya go šoma; le go
- (c) dira mešomo efe goba efe yeo e fiwago goba e fetišeditšwago yona ka go latela Molao wo goba Molao wo mongwe.

Sebopego, di-subcommittee, ditsela tša go šoma le Tshepedišoya Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Dikhanele tša di-Specialist tša Maele

12.(1) Leloko la Khansele Phethiši le ka fana ka melawana ya tshepedišo mabapi le -

- (a) Sebopego sa Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele le sebaka sa go šoma sa maloko a tšona;
- (b) mokgwa wa go bea maloko a dikhanele tše;
- (c) ditsela tša go kgetha le go tloša maloko, go akaretšwa le go tšeа sephetho mabapi le go tlatša dikgoba.

(2) Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki gammogo le Dikhanele tša di-Specialist tša Maele, di ka re ka tšhomisano le leloko leo le amegago la Khansele Phethiši, tša hloma sub-committee e tee goba go feta gore di -

- (a) nyakišše le go fana ka rapoto go khansele yeo e amegago mabapi le morero ofe goba ofe wo o welago ka tlase ga mešomo ya khansele yeo; le gore e phethagatše mošomo ofe goba ofe wo o fetišeditšwego go yona ke khansele yeo, ntle le gore mošomo wo o akantswego go karolo ya 7(a) o ka se fetišetšwe.
- (b)

(3) Dikhanele tše go boletšwego ka tšona go karolwana ya (2) di ka re mo nakong efe goba efe tša phatlalatša di sub-committee goba tša di hloma gape ka go latela Karolwana yeo.

(4) Ka tlase ga Molao Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki gammogo le Khansele ya di-Specialist ya Maele, di swanetše gore di bee ditsela tša tšona tša go dira mešomo ya tšona, go akaretšwa le -

- (a) go bea baswari ba tšona ba diofisi;
- (b) go bea komiti phethiši goba komiti ye nngwe ya maleba gore e hlakomele mešomo ya yona ya tšatši ka tšatši; le
- (c) ditsela tša go bonana le go thietša dipolelo tše di fiwago ke batho goba dibopego tše dingwe.

(5) Diphatemente ya profensi e swanetše go fa thekgo ya tshepedišo go Khansele ya Thuto le Hlahlo ya Gauteng, Dikhanele tša diDistriki tša Thuto le Hlahlo le Dikhanele tša di-Specialist tša Maele gore di kgone go phethagatše mešomo ya tšona.

Dialawense tša maloko a Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele

- 13.(1) Leloko la Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki goba la Khansele ya di-Specialist ya Maele, goba leloko la sub-committee efe goba efe ya dikhansele tše, leo le sa šomelego mmušo go ya go ile, le tla lefiwa tšelete ya go sepela, ya dijo le dialawense tše dingwe tše di amanago le merero ya dikhansele tše.
- (2) Leloko leo le amegago la Khansele Phethiši, le swanetše gore ka tumelelano le Leloko la Khansele Phethiši leo le swaraganego le tšhomiso ya ditšelete ka Profensing, le bee ditumelelano le mabaka ao a šomago go batho ba go boletšwego ka bona go karolwana ya (1) le dialawense tše ba swanetšego go lefiwa tšona.
- (3) Dialawense di swanetše go lefiwa go tšwa go ditšelete tše di beetšwego thoko ke Lekgotlatheramolao la Profensi.

Ditshwayo tša Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele

- 14.(1) Ge leloko leo le amegago la Khansele Phethiši le ikgethela gore ga le phethagatše ditshwayo tše di dirilwego ke Khansele Thuto le Hlahlo ya Gauteng 7(d) goba di dirilwego ke Khansele ya Maele ya di-Specialist ka go latela karolo ya 11(b), le swanetše le fe khansele yeo e amegago mabaka ao a ngwadilwego fase a sephetho seo le se tšerego.
- (2) Ge modaerekotoro wa distriki a ikgethela gore ga phethagatše tshwayo yeo e dirilwego ke Khansele ya Thuto le Hlahlo ya Distriki ka go latela karolo ya 9(b), o swanetše go fa Khansele mabaka ao a ngwadilwego a sephetho seo.
- (3) Modaerekotoro wa distriki o swanetše go fa Leloko la Khansele Phethiši khopi ya mabaka ao, yeo e akantšwego go karolwana ya (2).

Go rerišana mabapi le pholisi ya thuto, molao le melawana ya tshepedišo

- 15.(1) Ka tlaleletšo go ditsela tše di akantšwego go dikarolo tša 11(b) le 18 goba ditaelo tša molao ofe goba ofe, leloko leo le amegago la Khansele Phethiši le swanetše gore le bonane le Khansele ya Thuto le Hlahlo, gomme ge e le gore go maleba, go bonanwe le Khansele ye e Kgethegilego pele ga -
 - (a) go bea pholisi ya thuto;
 - (b) go tšweletša molao wo o amanago le thuto ka gare ga Lekgotlatheramolao la Profensi; le
 - (c) go tšweletša melawana ya tshepedišo ye e amanago le thuto.
- (2) Go rerišana ka tokomane ya pholisi, molao goba molawana wa tshepedišo mo go akantšwego go karolwana ya (1) -
 - (a) go swanetše go thoma bonnyane matšatši a 30 pele ga phethagatše ya tokomane ya pholisi yeo e swanetšego go ngwadišwa go rejistar yeo go boletšwego ka yona go karolwana ya 16(1), go tšweletša molao go Lekgotlatheramolao goba go fetiša melawana ya tshepedišo; le gona
 - (b) ga go thibele go bonana go gongwe le motho goba sebopego sefe goba sefe.
- (3) Ge go ya ka dinyakwa tsa setšhaba, pholisi goba molawana o swanetše go fetišwa ntle le tikatiko, ditherišano tše di akantšwego go dikarolwana tša (1) le (2), di ka phaelwa thoko ge Leloko la Khansele Phethiši le ka tsebiša Khansele yeo ka mokgwa wa maleba pele le dira pholisi goba le fetiša molawana woo wa tshepedišo.
- (4) Dipholisi tša maleme le tumelo tša di-institušene tša thuto tše di sepedišwago ka tlase ga diphamente ya profensi di ka dirwa fela ke sebopego sa taolo sa institušene yeo gomme di ka phethagatše ge sebopego sa taolo se -

- (a) renišane bao ba nago le seabe go institušene yeo ya thuto; le gona se
 (b) hweditše tumelelo ya hlogo ya diphamente.
- (5) Ge hlogo ya diphamente e sa ntše e lebelelare le taba ya gore e fe tumelelo go pholisi yeo e akantšwego go karolwana ya (4), ya bona gore pholisi yeo e thadilwego e thulana le molao wo goba wo mongwe -
 (a) hlogo ya diphamente e ka romela nothisi go sebolego sa taolo seo se amegago, yeo e swerego kgopelo ya gore sebolego se romele dikemedi tše di ngwadilwego mabapi le dikarolo tše di thulanago le molao, go hlogo ya diphamente; le gore
 (b) sebolego sa taolo se swanetše go šoma ka go latela kgopelo pele go feta matšatši a masometharo ge kgopelo e se no diwa.
- (6) Ge hlogo ya diphamente e se no lekola dikemedi ka go latela karolwana ya (5) ya bona gore mabaka a go se latele Molao ga a kgotsofatshe, hlogo ya diphamente e swanetše gore ka go šomiša lengwalo e eletše sebolego sa taolo ka ga sephetho le go laela sebolego mabapi le -
 (a) tsela yeo se swanetše go ye latela gore se obamele ditaelo tša Molao wo;
 (b) diphethogo tše di swanetše go di dira go pholisi.
- (7) Ge sebolego sa taolo se sa kgotsofala ka ga sephetho le ditaelo tša hlogo ya diphamente, se ka fetišetše sephetho se go Leloko la Khansele Phethiši gore a se lekole.
- (8) Phitišetše yeo go boletšwego ka yona go karolwana ya (7) e swanetše -
 (a) go ngwalwa fase;
 (b) go dirwa pele go feta matšatši a masometharo ka morago ga nothisi yeo e ngwadilwego yeo go boletšwego ka yona go karolwana (6);
 (c) go hialoša mabaka a phitišetše yeo; le
 (d) go akaretše dikhopi tša ditokomane tše di boletšwego ka tšona go dikarolwana tša (5) le (6).
- (9) Leloko la Khansele Phethiši le swanetše gore pele go feta matšatši a masomethela ka morago ga phitišetše le lekole mabaka ao ka tsela yeo le bonago e le maleba gomme le romele nothisi ya sephetho sa lona go sebolego sa taolo le hlogo ya diphamente, le hialoša mabaka a sephetho seo.
- (10) Sebolego sa taolo se swanetše go šoma ka go latela sephetho sa Leloko la Khansele Phethiši seo se dirilwego ka go latela karolwana ya (9).

Rejistara ya dipholisi tša thuto le gore maloko a setšhaba a kgone go ye bona

- 16.(1) Hlogo ya diphamente e swanetše go bula le go boloka rejistara ka tsela ye e laetšwego, gomme rejistara yeo e swanetše go swara dipholisi tša thuto ka moka tše di dirilwego ke leloko la Khansele Phethiši ka go latela Molao wo.
- (2) Maloko a setšhaba ka moka a na le tokelo ya go bona tokomane efe goba efe yeo e swerego pholisi ya thuto yeo e dirilwego ka go latela Molao wo.
- (3) Leloko le le amegago la Khansele Phethiši le sebolego sa taolo sa institušene efe goba efe ya thuto, ba swanetše go bea mabaka le mokgwa wo ka wona setšhaba se ka hwetšago ditokomane tša pholisi ya thuto le go di lekola.
- (4) Motho a ka se se lefišwe fela ka lebaka la gore o o kgopetše go bona ditokomane tša pholisi a ba a di lekola.

Go bea leihlo go phethagatšo ya pholisi

- 17.(1) Ge hlogo e ka lemoga gore institušene ya thuto yeo e welago ka tlase ga diphamente ya profensi ga ye latele pholisi yeo e dirilwego ka tlase Molao wo, go e palelwa ke go phethagatša Molao ka botlalo -
 (a) hlogo ya diphamente e swanetše go romela nothisi yeo e ngwadilwego fase go sebolego sa taolo sa institušene ya thuto yeo e swerego kgopelo ya gore

- se swanetše go fana ka dikemedi go hlogo diphamente ka ga go se latele fao goba go palelwa ke go latela; le Sebopego sa taolo se swanetše go ela kgopelo hloko pele go feta matšatši a masometharo ge e se no amogelwa.
- (2) Ge ka morago ga go lekola dikemedi, hlogo ya diphamente e sa kgotsofala ka ga mabaka a go se latele molao goba go palelwa go dira bjalo, hlogo ya diphamente e swanetše go romela nothisi ya gore go latelwe pholisi, go sebopego sa taolo.
- (3) Nothisi ya gore go latelwe pholisi yeo go boletšwego ka yona go karolwana ya (3) e swanetše -
- (a) go ba e ngwadilwe fase;
 - (b) go hhaloša mohuta wa go palela go latela pholisi le magato ao se swanetšego go a tsea; le
 - (c) go tsebiša sebopego sa taolo gore se na le kgwedi e tee go tlogela ka letšatši la nothisi ya gore go latelwe pholisi, gore se tsee dikgato tseo di hlokegago.
- (4) Nako yeo dikgato tseo di akantšwego go karolwana ya (4)(b) di swanetšego go tšewa ka yona e ka katološwa ke hlogo ya diphamente ge sebopego sa taolo se bontšha mabaka ao a kwagalago.
- (5) Ge sebopego sa taolo se sa kgotsofatsa ke sephetho sa hlogo ya diphamente sa go tšweletša nothisi ya gore go latelwe pholisi ka go latela karolwana ya (3) goba dikgato tseo di hhalošitšwego tseo di swanetšego go tšewa bjalo ka ge go akantšwe go karolwana ya (4)(b), se ka fetišetša sephetho sephetho seo go Leloko la Khansele Phethiši gore le se lekole.
- (6) Phitišetšo yeo go boletšwego ka yona go karolwana ya (6) e swanetše -
- (a) go ngwalwa fase;
 - (b) go dirwa pele go feta matšatši a masometharo ka morago ga nothisi ya go latela pholisi;
 - (c) go hhaloša mabaka a phitišetšo yeo; le
 - (d) go akaretša dikhopi tsa ditokomane tseo go boletšwego ka tšona go dikarolwana tsa (1), (2), (3) le (4).
- (7) Leloko la Khansele Phethiši le swanetše gore pele go feta matšatši a masometshela ka morago ga phitišetšo le lekole mabaka ao ka tsela yeo le bonago e le maleba gomme le romele nothisi ya sephetho sa lona go sebopego sa taolo le hlogo ya diphamente, le hhaloša mabaka a sephetho seo.
- (8) Ge Leloko la Khansele Phethiši le sa dumelane le sebopego sa taolo, sephetho seo se diritwego ka go latela karolwana ya (8) se swanetše go phethagatšwa pele go feta matšatši ka morago ga sephetho sa Leloko la Khansele Phethiši.

Melawana ya tshepedišo

- 18.(1) Leloko le le amegago la Khansele Phethiši le ka dira molawana ofe goba ofe wo o hlokegago gore go fihielwe maikemišetšo a Molao wo, go akaretšwa le melawana ya tshepedišo yeo e amanago le mekgwa le ditšela tsa go bea leihlo le go lekola phethagatšo ya pholisi ya thuto.
- (2) Ge le nyaka go dira goba go fetoša melawana, Leloko Khansele Phethiši le swanetše go latela tsela ye e latelago -
- (a) maikemišetšo a go dira melawana ya tshepedišo a swanetše go tsebišwa ka nothisi go Gazette ya Profensi le ka bonnyane sephatlalatši se sengwe se tee seo se akaretšago batho ba bantšhi.
 - (b) nothisi e swanetše go hhaloša -
 - (i) gore mongwalo wa mathomo wa molawana o tšweleditšwe gore go fiwe ditshwayo; le
 - (ii) gore khopi ya melawana e ka hwetšwa kae.

- (c) Sebaka sa bonnyane kgwedi e tee go tlogela ka letšatši leo nothisi e filwego ka lona se swanetše gore se fiwe batho bao ba nago le kgahlego gore ba fane ka ditshwayo mabapi le melawana.
 - (d) Ditshwayo tše di hweditšwego le tše di boletšwego ka moka le go rerišana, di swanetše go lekolwa pele go dirwa melawana ya tshepedišo.
- (3) Karolwana ya (2) ga e some go -
- (a) melawana yeo go ya ka kgahlego ya setšhaba goba tšhoganetšo e swanetšego go dirwa ntie le tikatiko; goba
 - (b) phethošo ya setegniki, yeo e sa fetošego kgwekgwe ya mongwalo.

Phithišetšo

- 19.(1) Ka tlase ga ditaelo tša Molao wo goba molao wo mongwe, leloko leo le amegago la Khansele Phethiši le ka fana goba la fetišetša maatla le mešomo efe goba efe ya lona, yeo le ye rwešitšego ke Molao wo yeo e akantšwego go dikarolo tša 3(1), 8, 10, 12(1), 15(9), 17(8) le 18(1) go -
- (a) motho mang goba mang yo a šomelago tshepedišo ya profensi; goba
 - (b) khansele, komiti, sub-committee, bota goba sebopego sefe goba sefe seo se hlomilwego ka go latela Molao wo goba molao o mongwe.
- (2) Hlogo ya diphamente e swanetše go boloka rejistara ka tsela ye e laetšwego, yeo e lego mabapi le mešomo le diphitišetšo tše di dirilwego ka go latela Molao wo.
- (3) Leloko la Khansele Phethiši leo le amegago le swanetše gore pele go feta dikgwedi tše tsela ka morago ga go bewa ga lona, le lekole mešomo le diphetišetšo tše di dirilwego ka go latela Molao wo.

Phedišo ya molao le dithulaganyo tša nakwana

- 20.(1) Dikarolo tša 5, 18, 21, 32 go fihla ka 46 le 88 tša Molao wa Thuto ya Sekolong, 1995 (Molao wa No 6 wa 1995) di a fedišwa.
- (2) Re sa phaele thoko karolwana ya (1) -
- (a) pholisi goba Kgato yeo e tšewago ka go latela ditaelo tše di phumotšwego tša Molao wa Thuto ya Sekolong, 1995 (Molao wa No 6 wa 1995), di tla tšewa di dirilwe ka tlase ga ditaelo tse di swanago le tša Molao wo; le
 - (b) gape Molao wo mongwe le wo mongwe wo o ntšitswego go ya ka dikagare tša Molao wa Thuto ya Dikolo wo o fefotšwego, wa 1995 (Molao wa No. 6 wa 1995) o tla tšewa gore o dirilwe go ya ka karolo ye e lebanego nawo ya Molao wo, gomme o tla tswelapele go šoma le go ba le maatla ntie le ge o ka memetlewa goba wa phumulwa go ya Molao wo.
- (3) Dipholisi tše di akantšwego ka tlase ga karolwana ya (2), di swanetše go akaretšwa go rejistara ye go boletšwego ka yona go karolo ya 16 ka tsela ye go boletšwego ka yona go karolo yeo, ka pela ka mo go kgonegago.

Leina ka boripana le letšatši la go thoma go šoma

21. Molao wo o tla bitšwa Molao wa Pholisi ya Thuto, 1998, gomme o tla thoma go šoma ka letšatši leo le beiwego ka proklamešene go Gazette ya Profensi.

**MEMORENDAMO WA HLAŁOŠO
MOLAOKAKANYWA WA THUTO, 1998**

KAROLO A - DITLAMORAGO GO BATHO

Mabaka a Molaokakanywa

1 Molaokakanywa wa thuto o dira sebopego se se akaretšago (overarching legislative framework) sa taolo ya go thewa ga melao ye e amanago le thuto ka Profenseng ya Gauteng ("the Province"). Sebopego se se kgontšha gore molawana wa thuto o dirwe go latela dintilha tše di adilwego ka botlalo go ya ka ditsela tše di belliwego. Ditsela, dibopego le mananeo ao a ukangwago ka gare ga Molao-kakanywa wo di tla thuša go fetoleng tshepetšo ya thuto ya preofense ka ge di tla hlohlleletša melwana ye e nepilego maikemisetšo a rilego le go bjala moya wa gore setshaba se tsenye letsogo. Ka boripana molawana wo o tla kgonagatša tokelo ya motho yo mongwe le yo mongwe go fihlelala thuo ya motheo.

Ditlamorago tše di ka bakwago ke Molaokakanywa

2 Go ya ka Molaokakanywa wo, maikarabelo magolo a go rera molawana wa thuto a ka matsogong a Leloko la Khansele Phethiši ("MEC") leo le šetsanego le merero ya thuto. Molaokakanywa wo o šišnya gore go hlongwe Makgotla a fapafapanego a Profense le a dilete go thuša MEC go sekaseka ditshišinyo tše di ka tsenyeletšwago go molawana. Makgotla-taolo a dikolo a ditheo tsa thuto le wona a filwe toka ya go dira melawana. Melawana ka moka ye e dirilwego go ya ka molao wo e swanetše go sepedišana le Molaotheo, wa 1996, le melwana ye mengwe ye e amanago nawo. Se se ra gore molawana o ka se dirwe-

- (a) ke motho ofe goba ofe yo a se nágo maswanedi a go dira molwana lapheng leo;
- (b) kgahlanong le ditokelo tše di lego ka go Molaotheo, wa 1996;gape
- (c) ka mokgwa woo o lego kgahlanong le molao wo šomago.

Setlamorago se segolo sa Molaokakanywa

3 Setlamorago se segolo sa Molaokakanywa ke gore

- (a) o bontšha bonabo bja go dira pholisi;
- (b) o fana ka tselo go mošomo wa go dira pholisi; le
- (c) tliša molao wo o amanago le pholisi ka gare ga profensi.

Ditaelo tša go netefatša go kcona go tsenela

4 Ka nepo ya gore bohle ba kgone go o fihlelala, go dirilwe thulaganyo ya gore hlogo ya kgoro ye e šetšanego le merero ya thuto ka mo profenseng (yoo go tloga bjale a tla bitswago "hlogo ya diphatemente") e dire le go lota rigistara ya melawana ka moka ye e dirilwego go Molaokakanywa. Godimo ga moo, go dirilwe thulaganyo ya gore MEC le Lekgotla-taolo la setheo sa thuto go netefatša gore setshaba se kgone go fihlelala dingwala tše di amanago le molawana.

KAROLO YA B - DITLAMORAGO TŠA MATLOTLO

5 Thulaganyo, bašomi goba ditšelete tše di amanago le moalo-kakanywa wo ga se mathata a makalo ka ge Kgoro ya Thuto e akanya go šomlša bašomi le ditšelete tše di leng gona ka moo e ka kgonago.

KAROLO YA C - KOPAFATŠO YA DIKGARE

6 Karolo ya 1 - Dihlalošo

Moloakakanywa o hlaša mantšu a bohlakwa

7 Karolo ya 2 - Maikemišetšo a Molaokakanywa

Maikemišetšo a Molaokakanywa ke go fana ka maatia a go dira melao, go hlaša mafapha ao melao e ka dirwago godimo ga wona, go dira dithulaganyo tša go hlongwa ga makgotia le ditsela tše di swanetšego go latelwa, le go hlohlaleletša gore setšhaba se kgone fo fihlelela molwana wa thuto.

8 Karolo ya 3 - Boikarabelo bja go dira le go tsenya tirišong molawana wa thuto

8.1 MEC ke yena a rwelego maikarabelo a go rera melao ka mo profenseng, go latela Molaatheo, wa 1996 le melao ye mengwe ya maleba, mola maikarabelo a go tsenya molawana tirišong e le a kgoro ya thuto.

8.2 Ke maikarabelo a Hlogo ya Kgoro go lomaganya merero ya go tsenya tirišong ga molawana wa thuto, gape yona hlogo e swanetše go fa Lekgotla la Gauteng la Thuto le Tlhahlo le go Khansele ya di-Specialist Maele, pego ka ga seemo sa thuto ka mo Profenseng, kgafetšakgafetsa. Modaerektoro wa Distriki o na le maikarabelo ao a swanago mabapi le go fa dipego go Khansele ya Distriki ya Thuto le Hlahlo.

9 Karolo ya 4 - Bonabo bja Molowana wa Thuto

Melawana e ka dirwa malebana le -

- (a) baithuti (mohl. mabaka a go amogelwa le maitshwaro);
- (b) barutiši/bahlahli (mohl. khilo, tlhahlo le go hlatlošwa mešomong);
- (c) merero ye e amanago le mananeo-thuto (mohl. dithuto tše di ka rutwago, le maleme ao go rutwago ka wona);
- (d) tshepetšo ya ditheo tša thuto (mohl. mekgwa ya taolo le makgotla-kemedi a baithuti);
- (e) thekgo ya mašeleng ya ditheo tša thuto (mohl. ditšelete tša sekolo, diphaphelelo le dikadimo); le
- (f) tlhabollo ya dikgwerano (development of relationships) mohl. le lekala la praebete, mekgatio yeo esego ya mmuso).

10 Karolo ya 5 - Tše di swanetšego go latelwa ge go rerwa/dirwa molwana wa thuto (Guidelines for making education policy)

10.1 Melwana ya thuto ka moka ye e dirilwego go ya ka Molaokakanywa wo e swanetše go thuša thulaganyong ya lenaneo la thuto leo le -

- (a) hlohlaleletšago moyo wa demokrasi le ditokelo tša botho;
- (b) hlomphago ditokelo tša bodumedi, setšo le polelo;
- (c) hlohlaleletšago boikaonafatšo (advances personal development);
- (d) hlohlaleletšago moyo wa thuto;
- (e) hlohlaleletšago setšhaba go tsenya letsogo thulaganyong ya molawana wa thuto; leo gape le
- (f) kgontšhago bao ba nago le kgahlego go ba le kemedi ge go tšewa diphetho.

10.2 Ge go ka direga gore molawana wo mongwe, woo o fetišitšwego go ya ka Molaokakanywa wo, o be le thibelo goba lepheko (condition or limitation), go dirilwe

dithulaganyo go netefatsa gore thibelo goba lepheko leo e be le kwestisegago le gore le sepelelana le nepo ya molawana.

11 Karolo ya 6 - Go hlongwa ga Lokgotla la Gauteng la Thuto le Tlhahlo

Go hiomiwa Khansele ya Thuto le Hlahlo ya Gauteng

12 Karolo ya 7 - Mešomo ya Khansele ya Thuto le Hlahlo ya Gauteng

Mošomo wa Lekgotla la Gauteng la Thuto le Tlhahlo ke go nyaklsisa le go sekaseka ditshisinyo tša molawana wa thuto, le go elelsa MEC (wa thuto) ntheng ye. Lekgotla le sekaseka dintliha tša molwana pele o alwa pele ga Lekgotlatheramelao la profense. Lekgotla le fa MEC pego ya ngwaga ka ngwaga ya ditiragalo tše di diregilego mo ngwageng woo.

13 Karolo ya 8 - Go hlongwa ga Lekgotla Makgotla a diDistriki a Thuto le Tlhahlo

MEC a ka hioma Khansele ya Distriki ya Thuto le Hlahlo la se sengwe le se sengwe sa ditereke tše 18 tša thuto ka mo prefenseng.

14 Karolo ya 9 - Mešomo ya Makgotla aa Thuto le Hlahlo a diDistriki

Lekgotla ka bolona goba ka taelo ya MEC, molaodi wa setereke goba Lekgotla la Gauteng la Thuto le Tlhahlo le ka sekaseka le go amogela ntlha efe goba efe le go dira ditšišinyo go Modaerekoro wa Distriki ntheng yeo. Go feta moo Lekgotla la Gauteng la Thuto le Tlhahlo le ka fa Mošomo wa Lokgotla la Gauteng le Thuto le Tlhahlo maatla a go phetha mešomo ye rilego.

15 Karolo ya 10 - Go hlongwa ga Dikhansele tša di-specialist tša Maele

MEC a ka hioma Dikhansele tša di-specialist tša Maele mererong ye fapafapanego ya thuto, morago ga go reršana le Lekgotla la Gauteng la Thuto le Tlhahlo. Dikhansele tša di-specialist tša Maele le ka re ka bolona goba ka taelo ya MEC la sekaseka, la amogela, la dira ditšišinyo goba la phetha mošomo ofe goba ofe woo elega karolo ya maikarabelo a lona.

16 Karolo ya 11 - Mešomo ya Dikhansele tša di-Specialist tša Maele

Khansele ya di-Specialist e ka nyakišiša, ya lekola, ya dira ditshwayo goba ya dira tiro efe goba efe yeo e welago ka tlase ga meliwane ya yona ya go soma, ge e kgopelwa ke Leloko la Khansele Phethiši goba e itirela ka boyona.

17 Karolo ya 12 - Maloko, dikomiti tša ka fase le ditsela tše di tla latelwago ke Lekgotla la Gauteng la Thuto le Tlhahlo, Mošomo wa Lokgotla la Gauteng le Thuto le Tlhahlo le Dikhansele tša di-specialist tša Maele

17.1 MEC a ka fana ka melawana ye e amanago le go thwalwa ga maloko a makgotla a fapafapanego ao a tla hlongwago go ya ka Molaokakanywa wo, le dinthla tše di tla lebelewago ge go kgethwa maloko.

17.2 Lekgotla lefe goba lefe le ka hioma komiti ya ka fase e tee goba go feta, go phetha mesomo ye e fapafapanego, ka ntie le wa go thuša MEC go rulaganya molawana wa thuto wa Profense.

17.3 Makgotla ka bowana a swanetše go ithulaganyetša ditsela tše di tla latelwago go phetha mešomo ya lekgotla, go ya ka dikagare tša Molao.

17.4 Go dirwa peakanyetšo ya gore diphatelyente ya profensi e fane ka thekgo ya tshepedišo go dikhansele.

18 Karolo ya 13 - Meputso wa maloko a Lekgotla la Gauteng la Thuto le Tlhahlo, Mošomo wa Lokgotla la Gauteng le Thuto le Tlhahlo le Dikhanskele tša di-specialist tša Maele

MEC (wa thuto) mmogo le MEC yoo a setšanego le Ditšhelete tša Mmušo ka mo Profenseng, ba swanetše go bea mabaka a khilo (go sa akaretšwe dinamelwa le "Subsistence allowances") a maloko a lekgotla lefe goba lefe leo le tla hlongwago go ya ka Molaokakanywa, ao esego bašomi ba mmušo ba ka nako tsohle.

19 Karolo ya 14 - Ditšišinyo tša Lekgotla la Gauteng la Thuto le Tlhahlo le Mošomo wa Lokgotla la Gauteng le Thuto le Tlhahlo

Ge MEC goba modaerekoro wa distriki a ka tsea sephetho sa go se amogale tshišinyo ye e dirilwego ke lekgotla, gona o swanetše go fa lekgotla la maleba mabaka ka lengwalo gore ke ka lebaka la eng a tšere sephetho seo.

20 Karolo ya 15 - Therisano ka ga Molawana wa Thuto. le Dintlha tše dingwe tša thuto

20.1 MEC o swanetše go rerišana le Lekgotla la Gauteng la Thuto le Tlhahlo, le Khansele tša di-specialist tša Maele, ge go hlokega, pele a ala molawana goba dintlha tše dingwe tše di amanago le thuto ka go Lekgotlatheramelao la Profense.

20.2 Ditherisano di swanetše go thoma matšatši a 30 pele ga go sekasekwa ga molawana, go alwa ga molawana goba dintlha tše dingwe, goba pele go ntšiwa ditaelo. Le ge go le bjalo, ge go ka hlaga seemo sa tšhoganyetšo goba seo se dirwa kgahlegelong ya setshaba, ditherisano tše bjalo di ka kgafelwa ka thoko ge MEC a tsebišitše lekgotla la maleba.

20.3 Go bewa tsela ya go netefatša gore dipholisi tša maleme le merero yeo e amanago le tumelo ya di-institušene tše di welago ka tlase ga diphatelyente ya profensi, di latela pholisi ya diphatelyente, pholisi ya MEC le ditaelo tša Molao wo goba wo mongwe. Tsela e fa MEC mokgwa wa go rarolla diphapano tša dipholisi.

21 Karolo ya 16 - Registrara ya Melwana ya Thuto le ditsela tše o ka tšona setshaba se ka kgonago go fihlelela melawana ya thuto

Hlogo ya Diphatelyente o swanetše go ba le registrara ya melwana yeo e dirilwego ke MEC go ya ka Molaokakanywa. Setshaba se ka kgonago go fihlelela melwana ye.

22 Karolo ya 17 - Go bea leihlo go phethagatšo ya pholisi

Go beakanyetšwa gore hlogo ya diphatelyente e bee leihlo go phethagatšo ya pholisi ya thuto le go fana ka nothisi ya gore go latelwe pholisi, ge e le gore ga e latelwe, gor Molaokakanywa o šome. Gape go na le mokgwa wa go ipiletša go MEC ge o sa kgotsofatsa ke sephetho sa hlogo

23 Karolo ya 18 - Melawana ya tshepedišo

MEC a ka dira molawana ofe goba ofe woo o hlokegago go fihlelela dinepo tša Molao wo. Maikemišetšo a go dira goba go memetlela melawana a swanetse go phatialatswa ka go dira tsebiso ka Kuranteng ya Mmušo wa Profense, gape go hhaloswe gore sebopego sa melawana yeo se šetše se le gona, kae, gore setshaba se e lekole le go fana ka maikutlo. Bao ba nago le kgahlego ba fiwa kgwedi go ntšha sa mafahleng a bona. Maikutlo ka moka a swanetše go lekolwa ke MEC pele melwana yeo e fetišwa.

24 Karolo ya 19 - Phetišetšo

MEC a ka fana ka maatla go phetha mesomo ofe goba ofe go ya ka Molao, ka ntie le mesomo yeo a amanago le thulaganyo/thero ya molawana goba go hlongwa ga lekgotla. Hlogo ya Kgoro e swanetše go ba le registrara ya mesomo yeo a abitwego go ya ka Molaokakanywa.

25 Karolo ya 20 - Phedišo ya melao le dithulaganyo tša nakwana

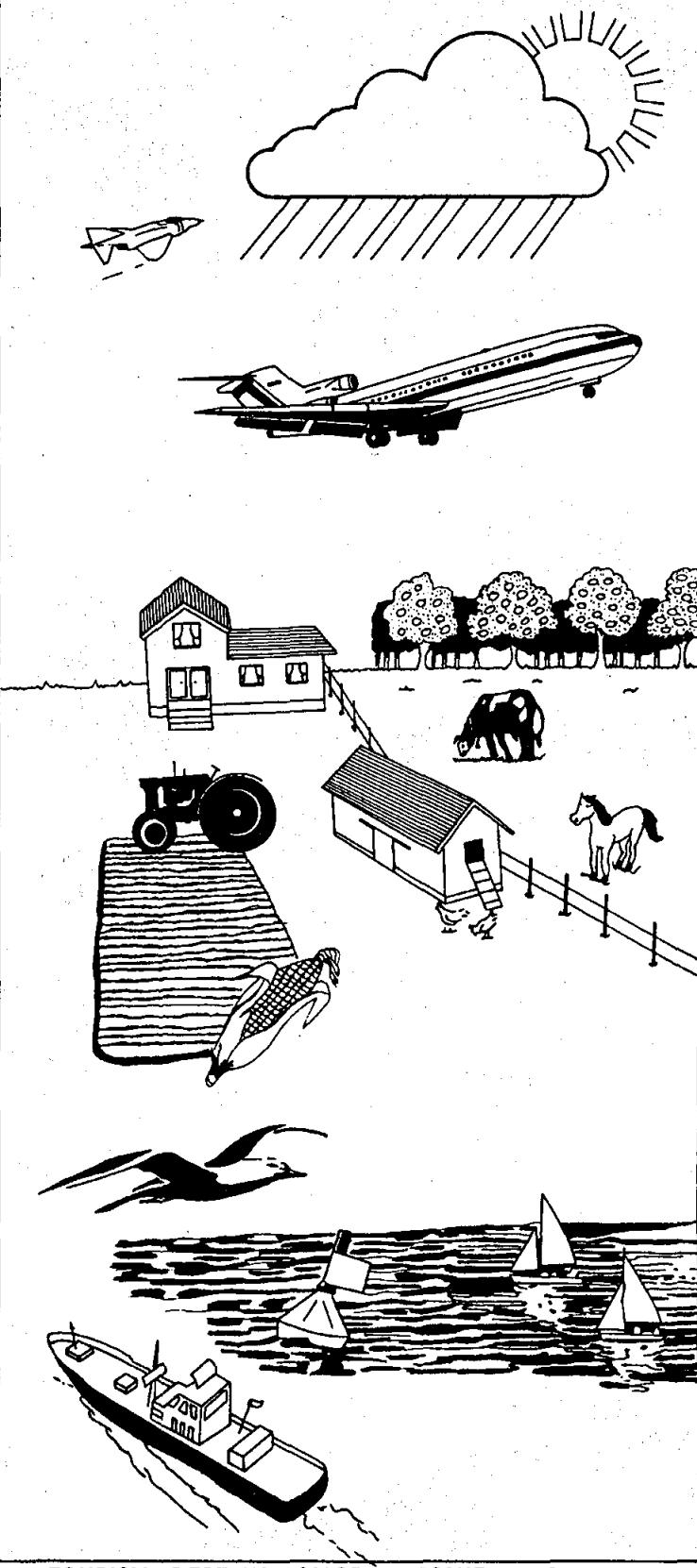
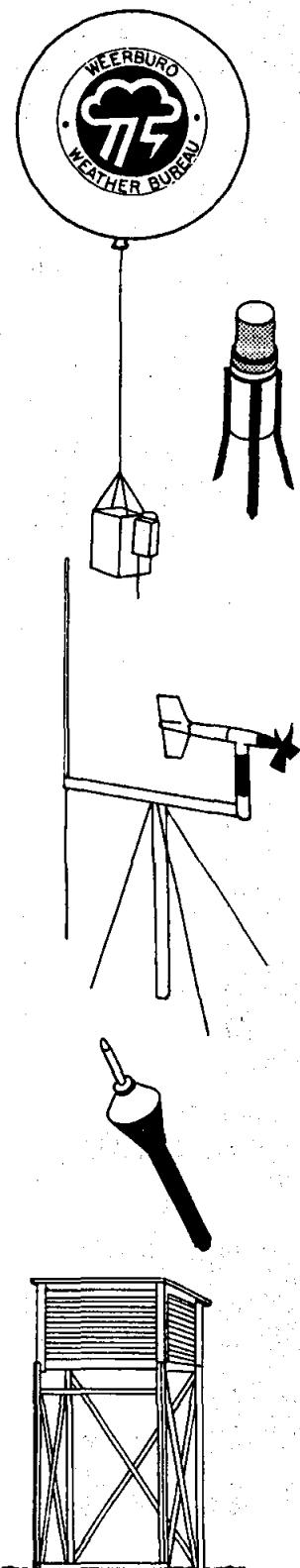
Dikarolo tše fapafapanego tša Molao wa Thuto ya Sekolong, Molao wa No. 6 wa 1995 di fedišitšwe. Go tla tšewa gore kgato efe goba efe yeo e tšerwego go ya ka dikarolo tše di fedišitšwego e tserwe go latela dikarolo tše diswa tša Molaokakanywa tše di tsenego legatong la tse di phumutšwego.

26 Karolo ya 21 - Leina ka boripana le letšatši la go thoma go šoma

Molao wo o tla bitšwa Molao wa Pholisi ya Thuto, 1998, gomme o tla thoma go šoma ka letšatši leo le beiwego ka proklamešene go Gazette ya Profensi.

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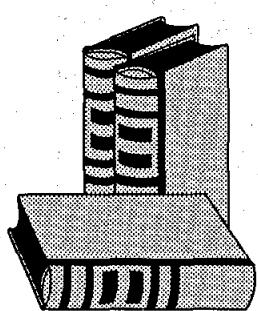
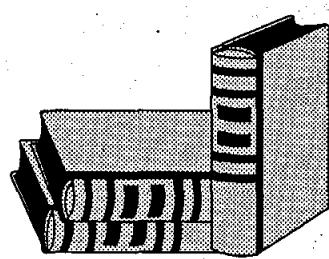
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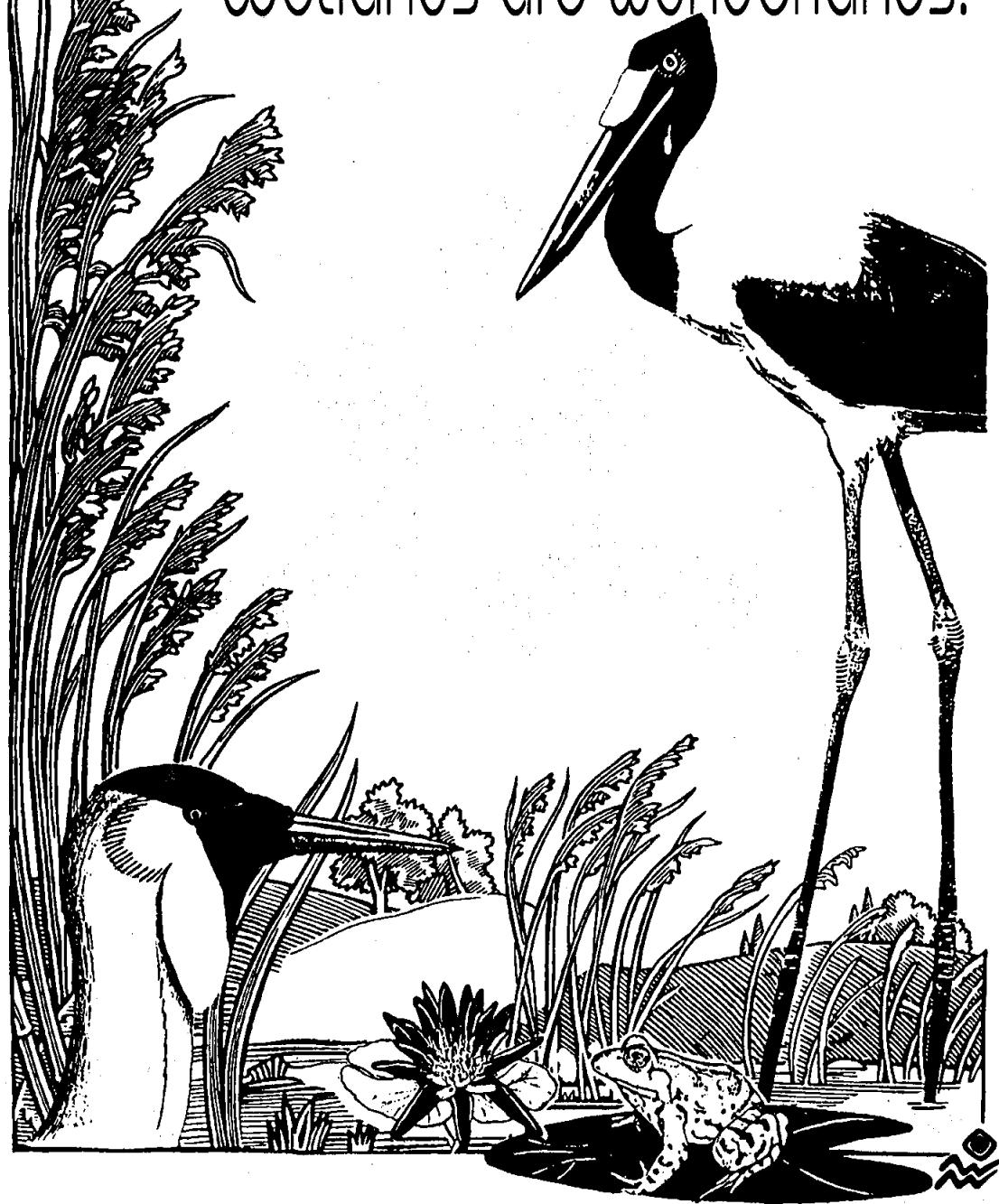
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