



PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

## Provincial Gazette Extraordinary

## Buitengewone Provinsiale Koerant

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*As 'n Nuusblad by die Poskantoor Geregistreer*

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(\*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

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**PROVINCIAL NOTICE****PROVINSIALE KENNISGEWING**

The following Provincial Notice is published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

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P.N. 166/2011

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

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6 July 2011

**PROVINCIAL NOTICE**

The following draft Regulations are hereby published for general information:

Regulations relating to the Education Council for the Province of the Western Cape

Any person or organization wishing to comment on the said regulations is requested to lodge such comment in writing before or on 29 July 2011:

- (a) By posting it to:  
Adv. Lynn Coleridge  
Director: Policy Coordination  
Western Cape Education Department  
Private Bag X9114  
Cape Town  
8000
- (b) By e-mail to:  
[lcoleridge@pgwc.gov.za](mailto:lcoleridge@pgwc.gov.za)  
Telephone: 021-4672055  
Fax: 021-467 2996
- (c) By delivering it to:  
Adv. Lynn Coleridge  
Director: Policy Coordination  
Western Cape Education Department  
Grand Central Towers  
Lower Parliament Street  
Cape Town  
8001
- (d) Copies of the draft regulations available on website:  
<http://wcedpolicy.pgwc.gov.za>

## REGULATIONS RELATING TO THE EDUCATION COUNCIL FOR THE PROVINCE OF THE WESTERN CAPE

The Provincial Minister of Education in the Western Cape intends, in terms of sections 11 and 63 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), to make the regulations set out in the Schedule.

### SCHEDULE

#### ARRANGEMENT OF REGULATIONS

1. Definitions
2. Composition
3. Term of office of Members
4. Disqualification and termination of membership
5. Dissolution
6. Vacancies
7. Executive committee
8. Meetings and procedures
9. Repeal
10. Short title

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#### 1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it and, unless the context otherwise indicates—

“**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997);

“**FET college**” means any public college that provides further education and training on a full-time, part-time or distance basis which has been established or declared as a public college in terms of the Further Education and Training Act, 16 of 2006;

“**governing body association**” means a voluntary association of school governing bodies of public schools;

“**independent school**” means a school registered or deemed to be registered in terms of section 30 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997);

“**teacher unions**” means any trade union which is a member of the Education Labour Relations Council;

“**organised business**” means business represented by associations of employers and business and federations of such associations in the Western Cape Province.

#### 2. Composition

The Education Council consists of—

- (1) the chairperson; and vice-chairperson appointed by the *Provincial Minister* in terms of section 11(4)(a) of *the Act*;
- (2) four persons designated by the *Head of Department* from his or her staff in terms of section 11(4)(b) of *the Act*;
- (3) four persons designated by the *Provincial Minister*; and
- (4) the number of persons designated by the *Provincial Minister* out of nominations made from the various categories, as set out below, in accordance with section 11(4)(c) read together with section 11(3)(a), as follows—
  - (a) Each of the universities situated in the province must, when so requested by the *Head of Department*, nominate two persons from their own institutions. The *Provincial Minister* must, after considering the nominations designate two persons as members of the *Education Council*;
  - (b) Each of the *teacher unions* operating in the province may, when so requested by the *Head of Department*, nominate three persons. The *Provincial Minister* must, after considering the nominations designate three persons as members of the *Education Council*.
  - (c) Each of the *governing body associations* represented in the public schools in the province may, when so requested by the *Head of Department*, nominate three persons. The *Provincial Minister* must after considering the nominations designate three persons as members of the *Education Council*. One person designated as such must be a representative of governing bodies of public schools for learners with special education needs.
  - (d) Each of the *independent schools* registered with the Western Cape Education Department may, when so requested by the *Head of Department*, nominate one person. The *Provincial Minister* must after considering the nominations designate one person from the nominations of *independent schools* as a member of the *Education Council*.
  - (e) Each council of a *FET college* in the province may, when so requested by the *Head of Department*, nominate one person, who is involved in *FET colleges*. The *Provincial Minister* must after considering the nominations designate one person as a member of the *Education Council*.

- (f) The members of *organised business* may, when so requested by the *Head of Department*, nominate two persons. The *Provincial Minister* must designate two persons from the nominations of *organised business* as members of the *Education Council*.
- (5) If any institution referred to in sub-regulation (4) fails to make a nomination to the *Head of Department* by the date indicated in the Provincial Gazette it will be deemed that such institution does not want to make a nomination.

### 3. Term of office of members

- (1) A person is a member of the *Education Council* for a maximum term of three years. The *Provincial Minister* must determine the date of appointment of the members of the *Education Council*.
- (2) Notwithstanding the provisions of sub-regulation (1), the *Provincial Minister* may extend the terms of membership of a member for a period not exceeding one year.

### 4. Disqualification and termination of membership

- (1) A person may not be nominated or designated as a member, or shall cease to be a member of the *Education Council*, if he or she—
- (a) is of unsound mind and has been so declared by an order of court;
  - (b) is an unrehabilitated insolvent or has been declared insolvent;
  - (c) is not resident in the Province of the Western Cape; or
  - (d) is convicted of any offence and sentenced to imprisonment without the option of a fine, unless—
    - (i) amnesty or total pardon has been granted to him or her; or
    - (ii) the period of such imprisonment has expired at least three years before the date of his or her designation or nomination.
- (2) The *Provincial Minister* may, after due process, discharge a member of the *Education Council* from the council with reasons.

### 5. Dissolution

- (1) The *Provincial Minister* may dissolve the *Education Council* if—
- (a) the Council has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interest of education; or
  - (b) for any reason the number of members of the Council falls below the quorum referred to in sub-regulation 8(6).
- (2) Where the *Education Council* has been dissolved under sub-regulation (1), it shall cease to function on a date to be determined by the *Provincial Minister*.

### 6. Vacancies

- (1) A vacancy in the *Education Council* shall occur when—
- (a) a member resigns, by giving at least one month's written notice thereof to the chairperson of the *Education Council*;
  - (b) a member dies;
  - (c) a member is absent from three consecutive ordinary meetings of the *Education Council* without the permission of the chairperson of the *Education Council*; or
  - (d) the *Provincial Minister* discharges a member in terms of regulation 4(2).
- (2) After a vacancy has occurred the chairperson of the *Education Council* shall, at the next ordinary meeting of the *Education Council*, declare that the membership of the member concerned has ceased as from the date of such meeting.
- (3) A vacancy of a member who was designated shall be filled in the same manner which was applicable to the member whose membership has ceased.
- (4) A person designated by virtue of sub-regulation (3), shall obtain membership for the unexpired term of membership of his or her predecessor.

### 7. Executive committee

- (1) The executive committee of the *Education Council* shall consist of—
- (a) the chairperson of the *Education Council*;
  - (b) one of the persons designated by the *Head of Department* as a member of the *Education Council* in terms of sub-regulation 2(2); and
  - (c) not fewer than five and not more than seven persons appointed by the *Education Council* from its members, of whom at least one shall be a representative of the *teacher unions*; and another a representative of the *governing body associations*.
- (2) If a vacancy occurs in the office of an executive committee member referred to in sub-regulation (1)(c), it must be filled in the same manner, which was applicable when that member was appointed to the executive committee.

- (3) The executive committee shall be accountable to the *Education Council* and shall execute all matters on behalf of the *Education Council*.
- (4) The minutes of each meeting of the executive committee must be submitted to each member of the *Education Council* no later than seven days, after that meeting. If no objection to the minutes is raised by members, within 21 days of the dispatch of such minutes, such members shall be deemed to have approved all the resolutions of the executive committee taken at that meeting.
- (5) When a member of the *Education Council* objects to a decision by the executive committee, such objection shall be in writing. The *Head of Department* shall submit the minutes and the objections to the *Provincial Minister*. The *Provincial Minister* shall direct that the resolution be put into effect or that the matter be reconsidered at the next meeting of the full *Education Council*.

#### **8. Meetings and procedures**

- (1) The chairperson of the *Education Council* shall determine the date, time and place of a meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof. In the case of a matter requiring urgent attention in the opinion of the chairperson, at least 24 hours' notice may be given.
- (2) The secretary of the *Education Council* shall keep minutes of the proceedings of every meeting and shall provide the *Provincial Minister*, or any officer duly designated by him or her, and each member with a copy of such minutes.
- (3) The minutes of the proceedings of every meeting of the *Education Council* shall at the next ensuing meeting of the *Education Council* be submitted for approval.
- (4) Upon the dissolution of the *Education Council* or the expiry of its term of office, all minutes and other documents of the *Education Council* shall be handed to the Head of Department.
- (5) The *Education Council* shall convene meetings twice a year, and in exceptional circumstances, urgent meetings may be convened by the chairperson.
- (6) At least one more than half the number of members of the *Education Council* forms a quorum at a meeting.

#### **9. Repeal**

The Regulations relating to the *Education Council* for the Province of the Western Cape as published in Provincial Gazette Extraordinary 5910 of 15 July 2002 at Provincial Notice 231 of 2002 are hereby repealed.

#### **10. Short title**

These Regulations are called the Regulations relating to the Education Council for the Province of the Western Cape.

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**PROVINSIALE KENNISGEWING**

Die volgende konsep regulasies word hierby vir algemene inligting gepubliseer:

Regulasies betreffende die Onderwysraad vir die Provinsie Wes-Kaap

P.N. 166/2011

6 Julie 2011

Enige persoon of organisasie wat kommentaar oor die genoemde Regulasies wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 29 Julie 2011:

- (a) deur dit te pos aan:  
Adv. Lynn Coleridge  
Direkteur Beleidskoördinerings  
Wes-Kaapse Onderwysdepartement  
Privaatsak X9114  
Kaapstad  
8000
- (b) deur dit te e-pos aan:  
[lcoleridge@pgwc.gov.za](mailto:lcoleridge@pgwc.gov.za)  
Telefoon: 021 467-2055  
Faksimilee: 021 467-2996
- (c) deur dit af te lewer by:  
Adv. Lynn Coleridge  
Direkteur Beleidskoördinerings  
Wes-Kaapse Onderwysdepartement  
Grand Central Towers  
Benede-Parlementstraat  
Kaapstad  
8000
- (d) Afskrifte van die Regulasies is beskikbaar op die webtuiste:  
<http://wcedpolicy.pgwc.gov.za>

## REGULASIES BETREFFENDE DIE ONDERWYSRAAD VIR DIE PROVINSIE WES-KAAP

Die *Provinsiale Minister* verantwoordelik vir Onderwys in die Wes-Kaapprovinsie beplan, ingevolge artikel 11 en 63 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet No. 12 van 1997), om die regulasies in die Bylae uiteengesit, uit te vaardig.

### BYLAE

#### VOLGORDE VAN REGULASIES

1. Definisies
2. Samestelling
3. Dienstermyn van lede
4. Diskwalifikasie en beëindiging van lidmaatskap
5. Ontbinding
6. Vakatures
7. Uitvoerende komitee
8. Vergaderings en prosedures
9. Herroeping
10. Kort titel

#### 1. Definisies

In hierdie maatreëls het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**die Wet**” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet no. 12 van 1997);

“**VOO-kollege**” dui op enige kollege wat verdere onderwys en opleiding verskaf op 'n voltydse, deelydse of afstandonderrigbasis en wat gestig is of as openbare kollege verklaar is ingevolge die Verdere Onderwys- en Opleidingswet, Wet No.16 van 2006;

“**beheerliggaamvereniging**” dui op 'n vrywillige vereniging van skoolbeheerliggame van openbare skole;

“**onafhanklike skool**” is 'n skool geregistreer of beskou as geregistreer ingevolge artikel 30 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet No. 12 van 1997);

“**onderwyserunies**” dui op enige vakunie wat 'n lid is van die Raad vir Arbeidsverhoudinge in die Onderwys; en

“**georganiseerde sakeondernemings**” is sakeondernemings wat verteenwoordig word deur verenigings van werknemers en sakeondernemings en federasies van sodanige verenigings in die Wes-Kaapprovinsie.

#### 2. Samestelling

Die *Onderwysraad* bestaan uit—

- (1) Die voorsitter en onder-voorsitter aangestel deur die *Provinsiale Minister* ingevolge artikel 11(4)(a) van die *Wet*;
- (2) Vier persone aangewys deur die *Departementshoof* van sy of haar personeel ingevolge artikel 11(4)(b) van die *Wet*;
- (3) Vier persone aangewys deur die *Provinsiale Minister*; en
- (4) Die getal persone aangewys deur die *Provinsiale Minister* uit nominasies wat gemaak is uit die verskillende kategorieë, soos hieronder uiteengesit, in ooreenstemming met artikel 11(4)(c) saamgelees met artikel 11(3)(a) soos volg—
  - (a) Elkeen van die universiteite wat in die provinsie is, moet, wanneer so versoek deur die *Departementshoof*, twee persone vanuit hulle eie inrigting nomineer. Die *Provinsiale Minister* moet, na oorweging van die nominasies, twee persone aanwys as lede van die *Onderwysraad*;
  - (b) Elkeen van die *onderwyserunies* wat in die provinsie opereer mag, wanneer so versoek deur die *Departementshoof*, drie persone nomineer. Die *Provinsiale Minister* moet, na oorweging van die nominasies, drie persone aanwys as lede van die *Onderwysraad*;
  - (c) Elkeen van die *beheerliggaamverenigings* verteenwoordig in die openbare skole in die provinsie mag, wanneer daarom versoek deur die *Departementshoof*, drie persone nomineer. Die *Provinsiale Minister* moet, na oorweging van die nominasies, drie persone aanwys as lede van die *Onderwysraad*. Een persoon wat as sulks aangewys is, moet 'n verteenwoordiger wees van beheerliggame van openbare skole vir leerders met spesiale onderwysbehoefes;
  - (d) Elkeen van die *onafhanklike skole* wat by die Wes-Kaap Onderwysdepartement geregistreer is, mag, indien daarom versoek deur die *Departementshoof*, een persoon nomineer. Die *Provinsiale Minister* moet, na oorweging van die nominasies, een persoon van die nominasies van *onafhanklike skole* as 'n lid van die *Onderwysraad* benoem;
  - (e) Elke raad van 'n *VOO-kollege* in die provinsie mag, wanneer so versoek deur die *Departementshoof*, een persoon nomineer wat betrokke is by *VOO-kolleges*. Die *Provinsiale Minister* moet, na oorweging van die nominasies, een persone aanwys as lid van die *Onderwysraad*;

(f) Die lede van *georganiseerde sakeondernemings* mag, wanneer so versoek deur die *Departementshoof*, twee persone nomineer. Die *Provinsiale Minister* moet twee persone aanwys uit die nominasies van *georganiseerde sakeondernemings* as lede van die *Onderwysraad*.

(5) Indien enige inrigting soos genoem in subregulasie (4) nalaat om 'n nominasie te maak aan die *Departementshoof* teen die datum soos aangedui in die *Provinsiale Koerant*, sal dit geag word dat daardie inrigting nie 'n nominasie wil maak nie.

### 3. Dienstermyn van Lede

(1) 'n Persoon is lid van die *Onderwysraad* vir 'n maksimum termyn van drie jaar. Die *Provinsiale Minister* moet die datum van aanstelling bepaal van die lede van die *Onderwysraad*.

(2) Nieteenstaande die bepalinge van subregulasie (1), mag die *Provinsiale Minister* die lidmaatskaptermyn van 'n lid verleng met 'n tydperk wat nie een jaar oorskry nie.

### 4. Diskwalifikasie en beëindiging van lidmaatskap

(1) 'n Persoon mag nie genomineer of aangewys word as 'n lid nie, of sal ophou om 'n lid te wees van die *Onderwysraad*, indien hy of sy —

(a) nie by sy volle verstand is nie en so verklaar is deur 'n hofbevel;

(b) ongerehabiliteer is, bankrot is, of bankrot verklaar is;

(c) nie in die Wes-Kaapprovinsie woon nie; of

(d) skuldig bevind is aan enige oortreding en gevonnissen is tot tronkstraf sonder die keuse van 'n boete, tensy —

(i) amnestie of totale vryskelding aan hom of haar verleen is, of

(ii) die periode van sulke gevangenisstraf geëindig het ten minste drie jaar voor die datum van sy of haar aanwysing of benoeming.

(2) Die *Provinsiale Minister* mag, na die nodige proses, 'n lid van die *Onderwysraad* uit die raad ontslaan met redes.

### 5. Ontbinding

(1) Die *Provinsiale Minister* mag die *Onderwysraad* ontbind indien —

(a) die Raad nie daarin geslaag het om sy funksies bevredigend uit te voer nie, of op 'n wyse opgetree het wat nie in die beste belang van die onderwys is nie; of

(b) om enige rede die getal lede van die Raad minder geraak het as die kworum waarna verwys word in submattreël 8(6);

(2) Waar die *Onderwysraad* ontbind is volgens subregulasie (1), sal dit ophou om te funksioneer op 'n datum wat bepaal moet word deur die *Provinsiale Minister*.

### 6. Vakatures

(1) 'n Vakature in die *Onderwysraad* sal voorkom indien —

(a) 'n lid bedank met ten minste een maand se geskrewe kennis aan die voorsitter van die *Onderwysraad*;

(b) 'n lid sterf;

(c) 'n lid afwesig is van drie agtereenvolgende gewone vergaderings van die *Onderwysraad*, sonder verlof van die voorsitter van die *Onderwysraad*; of

(d) die *Provinsiale Minister* 'n lid ontslaan ingevolge regulasie 4(2).

(2) Nadat 'n vakature ontstaan het, sal die voorsitter van die *Onderwysraad*, by die volgende gewone vergadering van die *Onderwysraad* verklaar dat die lidmaatskap van die betrokke lid beëindig is vanaf die datum van sodanige vergadering.

(3) 'n Vakature van 'n lid wat aangewys is, sal gevul word op dieselfde manier as wat van toepassing was op die lid wie se lidmaatskap geëindig het.

(4) 'n Persoon aangewys op grond van subregulasie (3) sal lidmaatskap verkry vir die onverstreke termyn van lidmaatskap van sy of haar voorganger.

### 7. Uitvoerende komitee

(1) Die uitvoerende komitee van die *Onderwysraad* sal bestaan uit —

(a) die voorsitter van die *Onderwysraad*;

(b) een van die persone aangewys deur die *Departementshoof* as 'n lid van die *Onderwysraad* ingevolge subregulasie 2(2); en

(c) nie minder as vyf en nie meer as sewe persone aangestel deur die *Onderwysraad* uit sy lede, van wie ten minste een 'n verteenwoordiger sal wees van die *onderwyserunies*; en een ander 'n verteenwoordiger van die *beheerliggaamverenigings*.



- (2) Indien 'n vakature ontstaan in die amp van 'n uitvoerende komiteelid soos bedoel in subregulasie (1)(c), moet dit gevul word op dieselfde manier wat van toepassing was toe daardie lid op die uitvoerende komitee aangestel is.
- (3) Die uitvoerende komitee sal verantwoordelik wees aan die *Onderwysraad* en sal alle sake uitvoer namens die *Onderwysraad*.
- (4) Die notules van elke vergadering van die uitvoerende komitee moet voorgelê word aan elke lid van die *Onderwysraad* nie later nie as sewe dae na daardie vergadering. Indien geen beswaar teen die notule deur lede gemaak word binne 21 dae na die versending van sodanige notules nie, sal lede geag word al die besluite van die uitvoerende komitee wat tydens daardie vergadering geneem is, goed te gekeur het.
- (5) Wanneer 'n lid van die *Onderwysraad* beswaar aanteken teen 'n besluit van die uitvoerende komitee, moet sodanige beswaar op skrif wees. Die *Departementshoof* sal die notules en die besware voorlê aan die *Provinsiale Minister*. Die *Provinsiale Minister* sal daardie resoluë laat bekragtig of bepaal dat die saak heroorweeg word by die volgende vergadering van die volle *Onderwysraad*.

#### 8. Vergaderings en prosedures

- (1) Die voorsitter van 'n *Onderwysraad* sal die datum, tyd en plek vir 'n vergadering vasstel en die sekretaris van sodanige liggaam sal, ten minste 14 dae voor sodanige vergadering elke lid skriftelik daarvan verwittig. In die geval van 'n saak wat dringende aandag verg volgens die mening van die voorsitter, mag ten minste 24 uur kennis gegee word.
- (2) Die sekretaris van die *Onderwysraad* sal notules hou van die verrigtinge van elke vergadering en sal die *Departementshoof*, of enige beampte behoorlik toegewys deur hom of haar, asook elke lid van 'n afskrif van sodanige notule voorsien.
- (3) Die notule van die verrigtinge van elke vergadering van die *Onderwysraad* sal by die volgende vergadering van die *Onderwysraad* vir goedkeuring voorgelê word.
- (4) Met die ontbinding van die *Onderwysraad* of die verstryking van sy dienstermyn, sal alle notules en ander dokumente van die *Onderwysraad* oorhandig word aan die *Departementshoof*.
- (5) Die *Onderwysraad* sal twee keer per jaar vergaderings belê, en in uitsonderlike omstandighede mag dringende vergaderings belê word deur die voorsitter.
- (6) Ten minste een meer as die helfte van die getal lede van die *Onderwysraad* vorm 'n kworum by 'n vergadering.

#### 9. Herroeping

Die Regulasies betreffende die *Onderwysraad* vir die Provinsie van die Wes-Kaap soos gepubliseer in die Buitengewone Provinsiale Koerant 5910 van 15 Julie 2002 by Provinsiale Kennisgewing 231 van 2002 word hiermee herroep.

#### 10. Kort titel

Hierdie Regulasies word genoem die Regulasies betreffende die *Onderwysraad* vir die Provinsie Wes-Kaap.

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**ISAZISO SEPHONDO**

Lo mThetho uYilwayo ulandelayo uyapapashwa ngoko ke ukwenzela ukunika ulwazi ngokubanzi: Imimiselo Ephathelele Kwibhunga Lezemfundo Lephondo Lentshona Koloni

P.N. 166/2011

6 eyeKhala 2011

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo mThetho uYilwayo uxeliweyo, uyacelwa ukuba makabhale amagqabantsintshi phambi okanye ngomhla we-29 ku-July ka-2011.

- (a) Ngokuposela umbhalo apha:  
Adv. Lynn Coleridge  
Director: Policy Co-Ordination Western Cape Education Department  
Private Bag X9114  
Cape Town  
8000
- (b) ngokuthumela kule imeyile:  
[lcoleridge@pgwc.gov.za](mailto:lcoleridge@pgwc.gov.za)  
Ifowuni: 021 467-2055  
Ifeksi: 021 467-2996
- (c) Ngokuzisa ileta apha:  
Adv. Lynn Coleridge  
Director: Policy Co-Ordination Western Cape Education Department  
Grand Central Towers Lower Parliament Street  
Cape Town  
8000
- (d) Iikopi zalo mThetho uYilwayo ziyafumaneka kule webhusayithi:  
<http://wcedpolicy.pgwc.gov.za>

## IMIMISELO EPHATHELELE KWIBHUNGA LEZEMFUNDO LEPHONDO LENTSHONA KOLONI

UMphathiswa wePhondo kwiPhondo leNtshona Koloni, unenjongo, ngokweziqendu 11 no-63 zoMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), yokwenza imimisele ecaciswe kule Shedyuli.

### ISHEDYULI

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#### 1. Iingcaciso-magama

Kule mimisele naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kulo Mthetho, luhlala linaloo ntsingiselo liyinikeyo yaye, ngaphandle kokuba umxholo ophethweyo walatha okanye—

“**lo Mthetho**” kuthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997);

“**ikholeji ye-fet**” kuthetha nayiphi na ikholeji ebonelela ngemfundo noqeqesho oluqhubelekayo ngokusisigxina (*full-time*), ngokungesosigxina (*part-time*) okanye ngokufunda ngembalelwano (*distance basis*) esekwe okanye ebhengezwe njengekholeji karhulumente ngokoMthetho i-*Further Education and Training Act, 16 of 2006*;

“**umbutho wamabhunga olawulo ezikolo**” kuthetha umbutho ojoyinwa ngokuzithandela wamabhunga olawulo ezikolo zikarhulumente;

“**isikolo esizimeleyo**” kuthetha isikolo esibhaliswe okanye esithathwa ngokuba sibhaliswe ngokwesiqendu 30 soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997);

“**umbutho wabasebenzi abangootitshala**” kuthetha nawuphi na umbutho wabasebenzi olilungu leBhunga lezeMfundo lezoBudlelwane eMsebenzini;

“**umbutho wabezoshishino**” kuthetha abezoshishino abamelwe yimibutho yabaqeshi nabezoshishino kunye nentlanganisela yemibutho elolu hlobo kwiphondo leNtshona Koloni.

#### 2. Ukwakhiwa kweBhunga lezeMfundo

IBhunga lezeMfundo liya kwenziwa ngaba—

- (1) usihlalo; kunye nosekelo-sihlalo abatyunjwe nguMphathiswa wePhondo ngokwesiqendu 11(4)(a) *salo Mthetho*;
- (2) abantu abane abatyunjwe yiNtloko yeSebe kubasebenzi bayo ngokwesiqendu 11(4)(b) *salo Mthetho*;
- (3) abantu abane abatyunjwe nguMphathiswa wePhondo; kunye
- (4) nelo nani labantu lityunjwe nguMphathiswa wePhondo kwabo batyunjwa batyunjwe kwiindidi ezahluka-hlukeneyo, njengoko kucacisiwe apha ngasezantsi, ngokungqinelana nesiqendu 11(4)(c) esifundwa kunye nesiqendu 11(3)(a), ngolu hlobo lulandelayo —
  - (a) Nganye yeeyunivesithi ezikweli phondo mayithi, yakuba icelwe ngolo hlobo yiNtloko yeSebe, ityumbe abantu ababini kuloo maziko azo. UMphathiswa wePhondo makathi, emva kokuqwalasela abatyunjwa, atyumbe abantu ababini njengamalungu eBhunga lezeMfundo.
  - (b) Ngamnye wemibutho yootitshala ekweli phondo ungathi, wakuba ucelwe ngolo hlobo yiNtloko yeSebe, utyumbe abantu abathathu. UMphathiswa wePhondo makathi, emva kokuqwalasela abatyunjwa, atyumbe abantu abathathu njengamalungu eBhunga lezeMfundo.
  - (c) Ngamnye wemibutho yamabhunga olawulo (*governing body associations*) emelweyo kwizikolo zikarhulumente kweli phondo ungathi, wakuba ucelwe ngolo hlobo yiNtloko yeSebe, utyumbe abantu abathathu. UMphathiswa wePhondo makathi, emva kokuqwalasela abatyunjwa, atyumbe abantu abathathu njengamalungu eBhunga lezeMfundo. Umntu omnye otyunjwe ngolo hlobo makabe ngummeli wamabhunga olawulo ezikolo zikarhulumente zabafundi abaneemfuno zemfundo ezizodwa.
  - (d) Ngasinye sezikolo ezizimeleyo ezibhaliswe kwiSebe leMfundo leNtshona Koloni singathi, sakuba sicelwe yiNtloko yeSebe ngolo hlobo, sityumbe umntu omnye. UMphathiswa wePhondo makathi, emva kokuqwalasela abatyunjwa, atyumbe umntu omnye kubatyunjwa bezikolo ezizimeleyo njengelungu leBhunga lezeMfundo.

- (e) Ngalinye ibhunga lekholeji ye-FET kwiphondo lingathi, lakuba licelwe yi*Niloko yeSebe* ngolo hlobo, lityumbe umntu omnye othatha inxaxheba kwiikholeji ze-FET. *UMphathiswa wePhondo* makathi, emva kokuqwalasela abatyunjwa, atyumbe umntu omnye njengelungu le*Bhunga lezeMfundo*.
  - (f) Amalungu emibutho yezoshishino (*organised business*) angathi, akuba ecelwe yi*Niloko yeSebe* ngolo hlobo, atyumbe abantu ababini. *UMphathiswa wePhondo* makatyumbe abantu ababini kwabo batyunjwa bemibutho yezoshishino njengamalungu e*Bhunga lezeMfundo*.
- (5) Ukuba naliphi na iziko lemfundo elihankanywe kummiselwana (4) aliphumeleli ukutyumba amagama abantu angeniswa kwi*Niloko yeSebe* ngomhla onikwe kwiGazethi yePhondo, kuya kuthathwa ngokuba iziko elo alifuni kutyumba mntu.

### 3. Ithuba lokubasesikhundleni kwamalungu

- (1) Umntu uba lilungu le*Bhunga lezeMfundo* elona thuba lide iminyaka emithathu. *UMphathiswa wePhondo* makamisele umhla wokubekwa kwamalungu e*Bhunga lezeMfundo*.
- (2) Kungakhathaliseki migaqo yommiselwana (1), u*Mphathiswa wePhondo* unokulandisa ithuba lobulungu lelungu ngethuba elingagqithanga kunyaka omnye.

### 4. Ukungafaneleki kwamalungu nokupheliswa kobulungu

- (1) Umntu makangaze atyunjwe okanye achongwe njengelungu, okanye uya kuyeka ukuba lilungu le*Bhunga lezeMfundo*, ukuba —
  - (a) ugula ngengqondo kwaye ubhengezwe ngolo hlobo ngumyalelo wenkundla;
  - (b) ungotshone zwabha ematyaleni yaye akukho ndlela yakuhlanguleka kuwo okanye ubhengezwe njengotshone ematyaleni;
  - (c) akahlali kwiPhondo leNtshona Koloni; okanye
  - (d) ufunyenwe enetyala ngenxa yalo naluphi na ulwaphulo-mthetho waza wawiselwa isigwebo sokufakwa entolongweni engenako ukukhetha ukuhlawula ifayini, ngaphandle kokuba —
    - (i) unikwe ingqawule okanye uxolelwe ngokupheleleyo; okanye
    - (ii) ithuba lokuvallelwa entolongweni okulolo hlobo liphele ubuncinane kwiminyaka emithathu phambi komhla wokuchongwa okanye wokutyunjwa kwakhe.
- (2) *UMphathiswa wePhondo* unokuthi, emva kwenkqubo esemthethweni, alixotho ilungu le*Bhunga lezeMfundo* kwibhunga ngenxa yezizathu.

### 5. Ukuchithwa kweBhunga

- (1) *UMphathiswa wePhondo* unokulichitha ibhunga lezemfundo ukuba —
  - (a) ibhunga elilolu hlobo aliphumelelanga ukwenza imisebenzi yalo ngokwanelisayo okanye lenze ngohlobo olungalungiseleli ezona mfuno ziphambili zemfundo; okanye
  - (b) ngenxa yaso nasiphi na izizathu inani lamalungu ebhunga lingaphantsi kwekhoram ekhankanywe kummiselwana 8(6);
- (2) Apho i*Bhunga lezeMfundo* liye lachithwa phantsi kommiselwana (1), liya kuyeka ukusebenza ngomhla oya kumiselwa ngu*Mphathiswa wePhondo*.

### 6. Izithuba ezivele kwiBhunga

- (1) Isithuba kwi*Bhunga lezeMfundo* siya kwenzeka xa—
  - (a) ilungu lirhoxa (*resigns*) ngokuthi linike usihlalo we*Bhunga lezeMfundo* isaziso esibhaliweyo esimalunga noko, senyanga enye ubuncinane;
  - (b) ilungu lisweleka;
  - (c) ilungu lingabikho kwiintlanganiso eziqhelekileyo ezintathu ezilandelelanayo ze*Bhunga lezeMfundo* ngaphandle kwemvume kasihlalo we*Bhunga lezeMfundo*; okanye
  - (d) u*Mphathiswa wePhondo* eligxotha ilungu (*discharges a member*) ngokommiselo 4(2).
- (2) Emva kokucela kwesithuba usihlalo we*Bhunga lezeMfundo* uya kuthi, kwintlanganiso eqhelekileyo elandelayo ye*Bhunga lezeMfundo*, abhengeze ukuba ubulungu belo lungu lichaphazelekayo buphelile ukususela kumhla waloo ntlanganiso.
- (3) Isithuba selungu ebilityunjwe siya kuzaliswa kwangolo hlobo lufanayo obelusebenza kwilungu ekuphele ubulungu balo.
- (4) Umntu otyunjwe ngenxa yommiselwana (3), uya kufumana ubulungu belo thuba lingekapheli lobulungu balowo angena endaweni yakhe.

### 7. Ikomiti yolawulo

- (1) Ikomiti yolawulo ye*Bhunga lezeMfundo* iya kwenziwa ngaba —
  - (a) usihlalo we*Bhunga lezeMfundo*;
  - (b) umntu omnye kwabo bantu batyunjwe yi*Niloko yeSebe* njengelungu le*Bhunga lezeMfundo* ngokommiselwana 2(2); kunye

- (c) nabantu abangekho ngaphantsi kwesihlanu yaye bangabi ngaphezu kwesixhenxe abatyunjwe li*Bhunga lezeMfundo* kumalungu alo, ekuya kuthi kuwo omnye wabo ubuncinane abe ngummeli wemibutho yootitshala, aze omnye abe ngummeli wemibutho yamabhunga olawulo ezikolo.
- (2) Ukuba kuthi kuvele isithuba kwi-ofisi yekomiti yolawulo selungu elikhankanywe kummiselwana (1)(c), masizaliswe kwangaloo ndlela ifanayo, eyayisetyenziswe xa kwakutyunjwa elo lungu ukuba libe kwikomiti yolawulo.
- (3) Ikomiti yolawulo iya kuba noxanduva lokuphendula (*accountable to*) kwi*Bhunga lezeMfundo* kwaye iya kwenza yonke imicimbi egameni le*Bhunga lezeMfundo*.
- (4) Imizuzu yentlanganiso nganye yekomiti yolawulo iya kungeniswa kwilungu ngalinye le*Bhunga lezeMfundo* zingaphelanga iintsuku ezisixhenxe emva kwaloo ntlanganiso. Ukuba akukho mba uchaswayo kwimizuzu uphakanyiswa ngamalungu kwiintsuku eziyi-21 zokuthunyelwa kwemizuzu elolo hlobo, loo malungu aya kuthathwa ngokuba azivumile zonke izigqibo zekomiti yolawulo ezithathwe kuloo ntlanganiso.
- (5) Ukuba ilungu le*Bhunga lezeMfundo* liyasichasa isigqibo sekomiti yolawulo, loo nkcaso (*objection*) iya kubhalwa phantsi. INtloko ye*Sebe* iya kungenisa imizuzu nemiba echaswayo ku*Mphathiswa wePhondo*. UMphathiswa we*Phondo* uya kunika umyalelo wokuba isigqibo masiqalise ukusebenza okanye umba lowo uphinde uqwalaselwe kwakhona kwintlanganiso elandelayo ye*Bhunga lezeMfundo* elipheleleyo.

#### 8. Iintlanganiso nemigaqo-nqubo

- (1) Usihlalo we*Bhunga lezeMfundo* uya kumisela umhla, ixesha nendawo yentlanganiso yaye unobhala webhunga elilolu hlobo, uya kuthi, ubuncinane kwiintsuklu eziyi-14 phambi kwentlanganiso elolu hlobo, azise ilungu ngalinye ngencwadi ebhaliweyo ngayo: Makuqondakale nje ukuthi kwimeko yomba ofuna ukuqwalaselwa ngokukhawuleza ngokoluvo lukasihlalo, kunokunikwa inothisi ubuncinane yeeyure eziyi-24.
- (2) Unobhala we*Bhunga lezeMfundo* uya kugcina imizuzu yeengxoxo zentlanganiso nganye yaye uya kunika u*Mphathiswa wePhondo*, okanye naliphi na igosa elityunjwe ngokufanelekileyo nguye, nelungu ngalinye ikopi yemizuzu elolo hlobo.
- (3) Imizuzu yeengxoxo zentlanganiso nganye ye*Bhunga lezeMfundo* iya kuthi kwintlanganiso elandelayo yebhunga lezemfundo ingeniswe ngenjongo yokuba yamkelwe.
- (4) Ngethuba lokuchithwa kwe*Bhunga lezeMfundo* okanye lokuphela kwethuba lokusebenza kwalo, yonke imizuzu kunye namanye amaxwebhu ebhunga lezemfundo, aya kunikezelwa kwiNtloko ye*Sebe*.
- (5) I*Bhunga lezeMfundo* liya kubiza iintlanganiso kabini ngonyaka, yaye kukwiimeko ezizodwa apho kuya kubizwa iintlanganiso ezingxamisekileyo ngusihlalo.
- (6) Ubuncinane makabe ngaphezulu ngomntu omnye kwisiqingatha senani lamalungu e*Bhunga lezeMfundo* enza ikhoram entlanganisweni.

#### 9. Ukutshintshiswa kwemimiselo

IMimiselo ephathelele kwi*Bhunga lezeMfundo* lePhondo leNtshona Koloni njengoko ipapashwe kwiGazethi yePhondo eYodwa 5910 yowe-15 Julayi 2002 kwiSaziso sePhondo 231 sika-2002 ngokwenjenje iyatshintshiswa.

#### 10. Igama elifutshane

Le Mimiselo iya kubizwa ngokuba yiMimiselo ephathelele kwi*Bhunga lezeMfundo* lePhondo leNtshona Koloni.





