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GENERAL NOTICE

NOTICE 361 OF 2009

NATIONAL EDUCATION POLICY ACT 27 OF 1996

CALL FOR COMMENT ON DRAFT REGULATIONS FOR THE ESTABLISHMENT OF THE NATIONAL EDUCATION AND TRAINING COUNCIL

All interested persons and organisations are invited to comment on the Draft Regulations in writing and to direct their comments to:

**The Director-General
Department of Education
Private Bag X895
Pretoria
0001**

For attention: **Mr C Ledwaba**, fax no. (012) 312 6058, tel. no. (012) 312 6314, email ledwaba.c@doe.gov.za.

Kindly provide the name, address, telephone and fax numbers and email address of the person or organisation submitting the comments.

The comments must reach the Department by **30 April 2009**.

The Draft Regulations may also be obtained on www.education.gov.za.


GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION

SCHEDULE

1. Definitions

In these Regulations, any expression to which a meaning has been assigned in the principal Act bears the meaning so assigned thereto, and, unless the context indicates otherwise -
“education and training” means general and further education and training;
“NEPA” means the National Policy Act 27 of 1996; and
“NETC” means the National Education and Training Council contemplated in regulation 2.

2. Establishment of the Council

The National Education and Training Council is hereby established.

3. Functions of the NETC

- (1) The NETC must advise the Minister on any -
 - (a) matter contemplated in section 3 of the NEPA; or
 - (b) matter identified by the Minister.
- (2) The NETC may request the Minister that specific investigation or research related to its functions be done by the Department of Education or any other suitable person or body to be appointed by the Department of Education.
- (3) The NETC must, annually, submit to the Minister a report, for publication in the *Gazette*, on the performance of its functions.

4. Composition of the NETC

- (1) The NETC consists of -
 - (a) a chairperson; and
 - (b) not more than fourteen members.
- (2) The selection of the members must be undertaken in such a manner as to ensure, in so far as it is practically possible, that -
 - (a) the functions of the NETC are performed according to the highest professional standards;
 - (b) the membership, taken as a whole -
 - (i) is broadly representative of the education and training system;

- (iii) appreciates the role of the education and training system in reconstruction and development; and
 - (iv) has known and attested commitment to the interests of education and training; and
- (c) due attention is given to the representativity of the NETC on such relevant grounds as race, gender and disability.

5. Procedure for nomination and appointment of members of the NETC

- (1) The Minister must, by notice in the *Gazette* and in a national newspaper circulating in every province of the Republic, and by any other means that he or she regards necessary, invite nominations for the members of the NETC from -
- (a) national organisations or bodies with a direct and continuing interest in education and training;
 - (b) national consultative or advisory bodies on education and training established by law; and
 - (c) the public.
- (2) The Minister must consider the nominations and, from the persons so nominated, taking into account the provisions of regulation 4, must appoint not more than fourteen members.
- (3) The Minister must appoint the chairperson either from among or from outside the group of nominated persons.
- (4) Taking into account the provisions of regulation 4, the NETC may appoint not more than four co-opted members.

6. Term of office of chairperson and members

- (1) The chairperson and members hold office for a period of three years.
- (2) The chairperson and members may not serve for more than two consecutive terms of office.
- (3) A co-opted member holds office for a period determined by the NETC.

7. Termination of office of chairperson and members

A person ceases to be the chairperson or a member if he or she -

- (a) resigns by giving written notice to the Minister;
- (b) is absent from three consecutive meetings of the NETC without the leave of the chairperson, or, in the case of the chairperson, the leave of the executive committee of the NETC;

- (c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine; or
- (d) is declared to be of unsound mind by a competent authority.

8. **Filling of vacancies**

If a member vacates his or her office, the resultant vacancy must be filled by nomination, appointment or co-option, as the case may be, in accordance with regulations 4 and 5.

9. **Administrative functions of the NETC and its committees**

- (1) The administrative functions of the NETC and any of its committees are performed by officials of the Department of Education who are designated by the Director-General for that purpose.
- (2) The Director-General must designate a secretary, under whose direction the other officials must perform their functions.

10. **Executive committee of the NETC**

- (1) The NETC must appoint an executive committee consisting of the chairperson and five members of the NETC.
- (2) The NETC must determine the functions of the executive committee.
- (3) A decision of the executive committee must be regarded as a decision of the NETC, unless such decision is revoked at the subsequent meeting of the NETC.
- (4) An act performed in consequence of a decision of the executive committee before its revocation is not invalid by reason only of the fact that the decision is revoked by the NETC under subregulation (3).
- (5) A vacancy on the executive committee must be filled by the NETC.

11. **Committees of the NETC**

- (1) The NETC may establish other committees, in addition to the executive committee, to assist in the performance of its functions.
- (2) Any committee other than the executive committee may include persons who are not members of the NETC.
- (3) The chairperson of a committee must be appointed by the NETC.

- (4) Members of the committees contemplated in subregulation (2) may be appointed for such period as the NETC may determine.

12. Meetings of the NETC and its committees

- (1) Meetings of the NETC and its committees should be held at the Department of Education, unless the Director-General agrees otherwise.
- (2) The chairperson must convene a meeting of the NETC at least twice a year or if asked, in writing, to do so by the Minister or at least one third of the members of the NETC.
- (3) Whenever the chairperson is absent from any meeting of the NETC or of a committee, the members present must elect a person from their ranks to preside at that meeting.
- (4) The NETC may make rules relating to -
- (a) the procedure at its meetings and its committees;
 - (b) the quorum for such meetings; and
 - (c) any other matter necessary or expedient for the performance of its functions.
- (5) The proceedings at a meeting of the NETC or of its committees are not invalid by reason only of the fact that a vacancy exists on the NETC or such a committee, as the case may be, at the time of such meeting.

13. Revocation of Regulations

The Establishment of the National Education and Training Council Regulations, published in *Government Gazette* No. 20044 of 30 April 1999, are hereby revoked in their entirety.

14. Short title and commencement

These Regulations shall be called the Regulations for the Establishment of the National Education and Training Council and shall come into operation on the date of publication in the *Gazette*.
