

**NOTICE NO 2
GAZETTE NO 179**

DEPARTMENT OF EDUCATION

**REGULATIONS FOR THE ESTABLISHMENT OF THE PROVINCIAL EDUCATION
AND TRAINING COUNCIL PREAMBLE**

The Member of the Executive Council for Education has under section 105, read with section 29 (7) of the School Education Act (Mpumalanga), 1995 (Act No. 8 of 1995), made these regulations for the establishment of the Education and Training Council.

**CHAPTER ONE
DEFINITIONS**

1. In these regulations, any expression to which a meaning has been assigned in the Act, shall have the meaning so assigned thereto, and, unless the context otherwise indicates-

"code of conduct for the Council" means a set of rules governing the conduct of members of the Council as the Member of the Execution Council may from time to time determine;

"designated organisation" means an organisation designated by the Member of the Executive Council in terms of regulation 3;

"recognised educators' organisation" means an organisation recognised by the Head of Department and whose membership consists of educators;

"recognised learners' organisation" means an organisation recognised by the Head of Department and whose membership consists of learners;

"recognised non-school based educator's organisation" means an organisation recognised by the Head of Department and whose membership consists of educators employed in posts which are not on the establishment of the school.

Composition of Education and Training Council

2. The following persons shall be appointed by the Member of the Executive Council as members of the Education and Training Council: One representative nominated by each designated organisation representing the following constituencies in the province-

(a) district council;

- (b) educators';
- (c) learners';
- (d) training centres and technical colleges;
- (e) organised commerce and industry;
- (f) organised labour;
- (g) non-governmental education organisations;
- (h) private educational institutions;
- (i) private or independent schools;
- (j) governing bodies of public schools;
- (k) governing bodies of public educational institutions;
- (l) parents; and
- (m) subject to subregulations (i) and (ii), such persons as the Member of the Executive Council in his or her discretion may appoint as members:
 - (i) Persons appointed in terms of subregulation (m) shall be persons who are, by virtue of their experience or expertise, able to make a valuable contribution to education in the province;
 - (ii) the total number of persons appointed in terms of subregulation (m) shall be less than 20% of the total number of members of the Council at the time of the appointment of such persons.

Designation of organisations for membership of Council

3. (1) The Member of the Executive Council may, on written application by an organisation representing a constituency contemplated in regulation 2, declare it to be a designated organisation if-

- (a) it has a written constitution which provides for the membership of the organisation in a manner which does not violate the provisions of section 8 of the Constitution; and
- (b) he or she is satisfied that the organisation represents a significant proportion of the relevant constituency in the province.

(2) If the Member of the Executive Council rejects an application by an organisation to be declared a designated organisation, he or she shall provide that organisation with written reasons for the decision to reject the application.

(3) The designation of an organisation shall be valid for a period of two years.

(4) On the expiry of the period of two years contemplated in subregulation (3) an organisation may reapply for designation in terms of subregulation (1).

(5) After 1 January 1997, any decision by the Member of the Executive Council to declare an organisation to be a designated organisation shall be taken after consultation with the Council.

Withdrawal of designation of organisation

4. (1) The Member of the Executive Council may, after consultation with the Council, withdraw the designation of an organisation-

(a) if the organisation so requests;

(b) if the organisation ceases to be qualified for designation in terms of regulation 3 (1); or

(c) if a representative of the organisation has failed to attend three consecutive meetings of the Council and the Council has passed a resolution requesting the Member of the Executive Council to withdraw the designation of the organisation.

(2) The Member of the Executive Council may not withdraw the designation of an organisation unless he or she has given the organisation an opportunity to make representations relating to any decision to withdraw its designation.

Qualifications

5. A person shall be competent to be a member of the Council if he or she-

(a) is not a minor, except in the case of a learner representative;

(b) is a South African citizen;

(c) is not subject to an order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective;

(d) is not subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act No. 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other

country or territory by a competent court or authority of such country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;

(e) agrees to accept and abide by the code of conduct for the Council; and

(f) has not been convicted of any offence under this Act, or of any other offence whatsoever in respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than three months, irrespective of whether such imprisonment was wholly or partly suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least five years before the date of his or her appointment as a member.

Term of office and vacation of office

6. (1) A member of the Council shall hold office for a period of two years.

(2) Any person whose term of office as a member of the Council has expired shall be eligible for reappointment but not for more than two consecutive terms.

(3) Notwithstanding the provisions of subregulation (1), the term of office of any member of the Council may at any time be terminated by the Member of the Executive Council after consultation with or at the request of the organisation, institutions, body or person who nominated such member.

(4) A member of the Council may resign his or her office by giving notice in writing to the secretary, who shall inform the Head of Department accordingly.

(5) A member of the Council shall vacate his or her office if-

(a) he or she is convicted of an offence and-

(i) is sentenced to imprisonment without the option of a fine; or

(ii) fined and the offence is of such a nature that his or her continued membership is undesirable;

(b) he or she has been absent without notice or reason acceptable to the Council for three consecutive ordinary meetings;

(c) he or she is found guilty of improper conduct;

(d) he or she does not properly execute or has not properly executed his or her functions as a member of the Council;

(e) he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act No. 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;

(f) he or she is subject to any order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective.

(6) A vacancy on the Council caused by the death of, or the vacation of office by a member, or the termination under subregulation (3) of the term of office of a member shall be filled for the unexpired portion of the period of office of that member in accordance with the relevant provision of regulation 2.

(7) Notwithstanding the provisions of subregulation (1) the Member of the Executive Council may for such period as he or she may determine extend the term of office of the members of the Council.

Executive committee of the Council

7. (1) At the first meeting of the Council it shall elect an executive committee consisting of the following members-

(a) A chairperson;

(b) a vice-chairperson;

(c) a treasurer;

(d) a public relations officer; and

(e) a liaison officer.

(2) In addition to the duties of the executive committee of the Council referred to in section 30 (2) of the Act, the executive committee of the Council shall assist the Council in the performance of its functions and such other functions as the Council may assign to it.

Administration of finance

8. The Council shall-

(1) Control in accordance with the directions of the Head of Department all money received by it; and

(2) keep such books, records and statements as may be required by the Head of Department.

Designation of staff

9. The Head of Department shall designate such person in the service of the department as he or she deems necessary to perform the work relating to the performance of the functions of the Council.

Meetings

10. The Council and the executive committee shall each meet at least four times a year.

Minutes of meetings

11. The minutes of the proceedings of every meeting of the Council and the executive committee shall be kept, and shall at all reasonable times be open to inspection by the Head of the Department and members of the designated organisations at the office of the secretariat.

Constitution of Council

12. The Council shall, by a majority of two thirds of its members, adopt a constitution not inconsistent with the provisions of this Act.

Repeal of regulations

13. The regulations listed in column one of the Schedule are hereby repealed to the extent set out in column two of the Schedule.

SCHEDULE 2

SCHEDULE OF REGULATIONS TO BE REPEALED

Title No. and year of Regulations	Extent of repeal
Coloured Persons Education Act, 1963 (Act No. 47 of 1963) Regulation No. 1898 of 21 November 1963	Chapter C.
Indians Education Act, 1965 (Act No. 61 of 1965) Regulation No. 2576 of 9 November 1990	The whole.
Education and Training Act, 1979	

(Act No. 90 of 1979)
Regulation No. 957 of 1 May 1981 as
amended by
Regulation No. 2364 of 25 November 1988 The whole.