

PROVINCIAL NOTICE 406 of 1998

GAZETTE NO 5277

The following Provincial Notice is published for general information.

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

The Member of the Provincial Cabinet responsible for Education in the Province of the Western Cape has, in terms of sections 11 and 63 of the Western Cape Provincial School Education Act, 1997 (Act No. 12 of 1997), promulgated the regulations set out in the Schedule.

SCHEDULE

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-

"education council" means an education council established in terms of section 11 of the Act;

"governing body" means a governing body referred to in section 1 of the Act;

"Head of Department" means the Head of Department as defined in section 1 of the Act;

"independent school" means an independent school referred to in section 1 of the Act;

"Member of the Provincial Cabinet" means the Member of the Provincial Cabinet responsible for education in the Province of the Western Cape;

"organised teaching profession" means the organised teaching profession as defined in section 1 of the Act;

"province" means the Province of the Western Cape;

"public school" means a public school referred to in section I of the Act; and

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

2. COMPOSITION OF EDUCATION COUNCIL

(1) Six persons will be designated by the Head of Department in terms of section 11(1)(b) of the Act from his or her personnel as members of the education council concerned.

(2) (a) The number of persons who are to be designated by the Member of the Provincial Cabinet in respect of universities, technikons, technical colleges and colleges of education, respectively, in the province from nominations by the respective institutions in terms of section 11 (1)(c) of the Act as members of the education council concerned, shall be as indicated in the table below:

NUMBER	INSTITUTIONS
1	Universities

1	Technikons
1	Technical Colleges
1	Colleges of Education

(b) The type of institutions as determined by subregulation (2)(a), shall, after mutual consultation, when so requested by the Head of Department, provide him or her with the names and particulars of at least two persons, in order of preference, for each type of institution for submission to the Member of the Provincial Cabinet for designation of one person each in respect of universities, teknikons, technical colleges and colleges of education.

(3) (a) Six persons will be designated by the organised teaching profession in the province from its members in terms of section 11(1)(d) of the Act as members of the education council concerned.

(b) Each teachers' organisation in the province must, when requested by the Head of Department, provide him or her with the names and particulars of at least two persons, in order of preference, from their bodies, for submission to the Member of the Provincial Cabinet for the designation of the prescribed number of members.

(4) (a) Six representatives of governing bodies of public schools in respect of the province, will be designated by the Member of the Provincial Cabinet in terms of section 11 (1)(e) of the Act as members of the education council concerned.

(b) The governing bodies of public schools concerned referred to in subregulation (4)(a), must, after joint consultation, and when requested by the Head of Department, provide him or her with the names and particulars of at least ten persons, in order of preference,

for submission to the Member of the Provincial Cabinet for the designation of the prescribed number of members.

(5) (a) Two representatives of independent schools registered with the education department will be designated by the Member of the Provincial Cabinet in terms of section 11(1)(f) of the Act as members of the education council concerned.

(b) Each representative body of independent schools referred to in subregulation (5)(a) must, when requested by the Head of Department, provide him or her with the names and particulars of at least three persons, in order of preference, for submission to the Member of the Provincial Cabinet for the designation of the prescribed members.

(6) The person who is designated by the Member of the Provincial Cabinet in terms of section 11 (1)(g) of the Act as member of the education council concerned, may be so designated from a list containing the names of at least two persons, in order of preference, submitted by the councils of technical colleges via the Head of Department: Provided that the names submitted are of persons involved in technical colleges.

(7) Four persons will be designated by the Member of the Provincial Cabinet in terms of section 11 (1)(h) of the Act as members of the education council concerned.

3. DISQUALIFICATION OF MEMBERS OF EDUCATION COUNCIL

No person shall be nominated or designated as a member of the education council, if he or she-

(a) has been convicted of any offence and sentenced in respect thereof 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; or

(b) is of unsound mind and has been so declared by an order of court;
or

(c) is an unrehabilitated insolvent or has been declared insolvent; or

(d) is under the age of 21 years; or

(e) is not resident in the province.

4. TERM OF OFFICE OF MEMBERS OF EDUCATION COUNCIL

(1) A member of the education council shall hold office for a period of three years from a date which shall be determined by the Member of the Provincial Cabinet as the date on which the members of such education council shall assume office.

(2) The Member of the Provincial Cabinet may at any time remove a member of the education council from office for reasons deemed sufficient by him or her.

(3) Notwithstanding the provisions of subregulation (1), the Member of the Provincial Cabinet may extend the terms of office of members for a period not exceeding one year.

5. CASUAL VACANCIES IN EDUCATION COUNCIL

(1) A casual vacancy in the education council shall occur when-

(a) a member resigns: Provided that such a member shall, if at all

possible, give written notice thereof to the chairperson of the education council at least one month before the date on which his or her resignation takes effect; or

(b) a member dies; or

(c) a member is absent from three consecutive ordinary meetings of the education council without the permission of the education council;
or

(d) a member is removed from office in terms of regulation 4(2).

(2) The chairperson of the education council shall, at the next ensuing ordinary meeting of the education council after a casual vacancy has occurred, declare that the office of such a member has become vacant as from the date of the meeting.

(3) A casual vacancy shall be filled in the same manner as that in which the member in whose office the casual vacancy has occurred. was nominated or designated.

(4) A person nominated or designated by virtue of subregulation (3). shall hold office for the unexpired period of office of his or her predecessor.

6. QUORUM FOR A MEETING OF EDUCATION COUNCIL

At least one more than half the number of members form a quorum at a meeting, which must include at least three of the persons referred to in regulation 2(3)(a).

7. EXECUTIVE COMMITTEE FOR EDUCATION COUNCIL

(1) An executive committee for the education council shall consist of-

(a) the chairperson of the education council (ex officio);

(b) the Head of Department (ex officio);

(c) not less 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 organised teaching profession, at least one shall be a representative of governing bodies of public schools and at least one shall be a representative of independent schools.

(2) A casual vacancy in the Executive Committee in the office of a member referred to in subregulation (1)(c), shall be filled in the same manner as that in which the member in whose office the casual vacancy has occurred, was appointed.

(3) The Executive Committee shall execute all matters on behalf of the education council when the education council is not in session.

(4) (a) Immediately after every meeting of the Executive Committee, the minutes of such meeting shall be sent by registered post to each member of the education council and, if no objection to the minutes is raised by such members who are not members of the Executive Committee within 21 days of the despatch of such minutes, such members shall be deemed to have approved all the resolutions of the Executive Committee taken at that meeting.

(b) When a member of the education council who is not a member of the Executive Committee, objects to a decision by the Executive Committee, he or she shall raise his or her objections in writing and the Head of Department shall submit the minutes and the objections to the Member of the Provincial Cabinet who shall direct that the resolution be put into effect or that the matter be reconsidered at the next meeting of the full education council.

PROVINCIAL NOTICE 180 OF 2001

GAZETTE NO 5723

The following Provincial Notice is published for general information.

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

The Member of the Provincial Cabinet responsible for Education in the Province of the Western Cape has, in terms of sections 11 and 63 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), promulgated the regulations set out in the Schedule.

SCHEDULE

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 -

"education council" means an education council established in terms of section 11 of the Act;

"governing body" means a governing body referred to in section 1 of the Act;

"Head of Department" means a head of department referred to in section 1 of the Act;

"Independent school" means an independent school referred to in section 1 of the Act;

"Member of the Provincial Cabinet" means the Member of the Provincial

Cabinet responsible for education in the Province of the Western Cape;

"organised teaching profession" means the organised teaching profession as defined in section 1 of the Act;

"province" means the Province of the Western Cape;

"public school" means a public school referred to in section 1 of the Act; and

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

2. COMPOSITION OF EDUCATION COUNCIL

(1) Six persons will be designated by the Head of Department in terms of section 11(1)(b) of the Act from his or her personnel as members of the education council.

(2) (a) The number of persons who are to be designated by the Member of the Provincial Cabinet in respect of universities, technikons, technical colleges and colleges of education, respectively, in the province from nominations by the respective institutions in terms of section 11 (1)(c) of the Act as members of the education council, shall be as indicated in the table below:

NUMBER	INSTITUTIONS
1	Universities

1 Technikons

1 Technical Colleges

1 Colleges of Education

(b) The type of institutions as determined by subregulation (2)(a), shall, after mutual consultation, when so requested by the Head of Department, provide him or her with the name and particulars of one person for each type of institution for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(3) (a) Six persons will be designated by the organised teaching profession in the province from its members in terms of section 11(1)(d) of the Act as members of the education council.

(b) The teachers' organisations in the province must, after mutual consultation, when so requested by the Head of Department, provide him or her with the names and particulars of six persons for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(4) (a) Six representatives of governing bodies of public schools in the province, will be designated by the Member of the Provincial Cabinet in terms of section 11 (1)(e) of the Act as members of the education council.

(b) The governing bodies of public schools referred to in subregulation (4)(a), must, after mutual consultation, when so requested by the Head of Department, provide him or her with the names and particulars of six persons for submission to the Member of the Provincial Cabinet for designation as members of the education council: Provided

that at least one person shall be a representative of governing bodies of public schools for learners with special education needs.

(5) (a) Two representatives of independent schools registered with the education department will be designated by the Member of the Provincial Cabinet in terms of section 11(1)(f) of the Act as members of the education council.

(b) The representative bodies of independent schools referred to in subregulation (5)(a), must, after mutual consultation, when so requested by the Head of Department, provide him or her with the names and particulars of two persons for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(6) (a) One person nominated by the councils of technical colleges in the province, will be designated by the Member of the Provincial Cabinet in terms of section 11(1)(g) of the Act as member of the education council.

(b) The councils of technical colleges in the province, must, after mutual consultation, when so requested by the Head of Department, provide him or her with the name and particulars of one person for submission to the Member of the Provincial Cabinet for designation as member of the education council: Provided that the person is involved in technical colleges.

(7) Four persons will be designated by the Member of the Provincial Cabinet in terms of section 11(1)(h) of the Act as members of the education council.

3. DISQUALIFICATION OF MEMBERS OF EDUCATION COUNCIL

No person shall be nominated or designated as a member of the education council, if he or she -

(a) has been convicted of any offence and sentenced in respect thereof

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; or

(b) is of unsound mind and has been so declared by an order of court;
or

(c) is an unrehabilitated insolvent or has been declared insolvent; or

(d) is under the age of 21 years; or

(e) is not resident in the province.

4. TERM OF OFFICE OF MEMBERS OF EDUCATION COUNCIL

(1) A member of the education council shall be a member of the council for a continuous term of three years from a date which shall be determined by the Member of the Provincial Cabinet as the date on which the members of such education council shall assume membership.

(2) The Member of the Provincial Cabinet may at any time discharge a member of the education council from the council for reasons deemed sufficient by him or her.

(3) Notwithstanding the provisions of subregulation (1), the Member of the Provincial Cabinet may extend the terms of membership of members for a period not exceeding one year.

5. CASUAL VACANCIES IN EDUCATION COUNCIL

(1) A casual vacancy in the education council shall occur when -

(a) a member resigns: Provided that such a member shall, if at all possible, give written notice thereof to the chairperson of the education council at least one month before the date on which his or her resignation takes effect; or

(b) a member dies; or

(c) a member is absent from three consecutive ordinary meetings of the education council without the permission of such education council;
or

(d) a member is discharged in terms of regulation 4(2).

(2) The chairperson of the education council shall, at the next ensuing ordinary meeting of the education council after a casual vacancy has occurred, declare that the membership of the member concerned has ceased as from the date of such meeting.

(3) A casual vacancy shall be filled in the same manner as that in which the member, whose membership has ceased, was nominated or designated.

(4) A person nominated or designated by virtue of subregulation (3), shall obtain membership for the unexpired term of membership of his or her predecessor.

6. QUORUM FOR A MEETING OF EDUCATION COUNCIL

At least one more than half the number of members form a quorum at a meeting, which must include at least three of the persons referred to in regulation 2(3)(a).

7. EXECUTIVE COMMITTEE FOR EDUCATION COUNCIL

(1) An executive committee for the education council shall consist of -

(a) the chairperson of the education council (ex officio);

(b) the Head of Department (ex officio); and

(c) not less 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 organised teaching profession, at least one shall be a representative of governing bodies of public schools and at least one shall be a representative of independent schools.

(2) A casual vacancy in the Executive Committee in the office of a member referred to in subregulation (1)(c), shall be filled in the same manner as that in which the member in whose office the casual vacancy has occurred, was appointed.

(3) The Executive Committee shall execute all matters on behalf of the education council when the education council is not in session.

(4) (a) Immediately after every meeting of the Executive Committee, the minutes of such meeting shall be sent by registered post to each member of the education council and, if no objection to the minutes is raised by such members who are not members of the Executive Committee 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.

(b) When a member of the education council who is not a member of the Executive Committee, objects to a decision by the Executive Committee, he or she shall raise his or her objections in writing and the Head of Department shall submit the minutes and

the objections to the Member of the Provincial Cabinet who shall direct that the resolution be put into effect or that the matter be reconsidered at the next meeting of the full education council.

PROVINCIAL NOTICE 231 OF 2002

GAZETTE NO 5910

The following Provincial Notice is published for general information.

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

The Member of the Provincial Cabinet responsible for Education in the Province of the Western Cape has, in terms of sections 11 and 63 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), promulgated the regulations set out in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Composition of education council
3. Disqualification of members of education council
4. Term of office of members of education council
5. Casual vacancies in education council
6. Quorum of a meeting of education council
7. Executive committee of education council

8. Repeal

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-

"education council" means an education council established in terms of section 11 of the Act;

"Head of Department" means the head of the Western Cape Education Department;

"independent school" means an independent school referred to in section 1 of the Act;

"Member of the Provincial Cabinet" means the Member of the Provincial Cabinet responsible for education in the Province of the Western Cape;

"organised teaching profession" means the organised teaching profession as defined in section 1 of the Act;

"public school" means a public school referred to in section I of the Act; and

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

2. Composition of Education Council

(1) The Head of Department will designate six persons in terms of section 11(1)(b) of

the Act from his or her personnel as members of the education council.

(2) (a) The universities and technikons shall, when so requested by the Head of Department, provide the Head of Department with the name and particulars of one person in respect of their own institution for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(b) The Member of the Provincial Cabinet shall after receiving nominations from the universities and technikons designate persons from the nominations in terms of section 11(1)(c) of the Act as members of the education council, as indicated in the table below:

NUMBER	INSTITUTIONS
1	Universities
1	Technikons

(3) (a) The organised teaching profession shall, when so requested by the Head of Department, provide the Head of Department with the names and particulars of six persons for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(b) The Member of the Provincial Cabinet shall designate six persons from the nominations of the organised teaching profession in terms of section 11(1)(d) of the Act as members of the education council.

(4) (a) Governing bodies of all public schools shall, when so requested by the Head of Department, provide the Head of Department with the name and particulars of one person for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(b) The Member of the Provincial Cabinet shall designate six persons from the nominations in terms of section 11(1)(e) of the Act 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.

(5) (a) Independent schools registered with the Western Cape Education Department shall, when so requested by the Head of Department, provide the Head of Department with the name and particulars of one person for submission to the Member of the Provincial Cabinet for designation as members of the education council.

(b) The Member of the Provincial Cabinet shall designate two persons from the nominations of independent schools in terms of section 11(1)(f) of the Act as members of the education council.

(6) (a) Every council of technical colleges shall, when so requested by the Head of Department, provide the Head of Department with the name and particulars of one person, who is involved in technical colleges for submission to the Member of the Provincial Cabinet for designation as a member of the education council.

(b) The Member of the Provincial Cabinet shall designate one nominee in terms of section 11 (1)(g) of the Act as member of the education council after receiving nominations from the technical colleges.

(7) If any of the institutions referred to in subregulations (2)-(6) fail to make a nomination to the Head of Department by the date indicated in the Provincial Gazette it will be deemed that the institution concerned does not want to make a nomination.

(8) The Member of the Provincial Cabinet will designate six persons him- or herself in terms of section 11(1)(h) of the Act as members of the education council.

(9) The Member of the Provincial Cabinet must appoint members of the education council-

(a) Taking into account that the education council must reflect the racial, gender and geographical composition of the Province of the Western Cape; and

(b) Only after the Standing Committee of the Provincial Parliament responsible for Education had conducted a transparent and open process to evaluate the persons who were nominated, prior to submitting their recommendations to the Member of the Provincial Cabinet.

3. Disqualification of members of Education Council

No person shall be nominated or designated as a member of the education council, if he or she-

(a) has been 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; or

(b) is of unsound mind and has been so declared by an order of court;

or

(c) is an unrehabilitated insolvent or has been declared insolvent; or

(d) is under the age of 21 years; or

(e) is not a South African citizen; or

(f) is not resident in the Province of the Western Cape.

4. Term of office of members of Education Council

(1) A member of the education council shall be a member of the council for a continuous term of three years from a date which shall be determined by the Member of the Provincial Cabinet as the date on which the members of such education council shall assume membership.

(2) Notwithstanding the provisions of subregulation (1), the Member of the Provincial Cabinet may extend the terms of membership of members for a period not exceeding one year.

(3) The Member of the Provincial Cabinet may at any time discharge a member of the education council from the council for reasons deemed sufficient by him or her.

5. Casual vacancies in Education Council

(1) A casual vacancy in the education council shall occur when-

(a) a member resigns: Provided that the member shall, if at all possible, give written notice thereof to the chairperson of the education council at least one month before the date on which his or

her resignation takes effect; or

(b) a member dies; or

(c) a member is absent from three consecutive ordinary meetings of the education council without the permission of the education council;
or

(d) the Member of the Provincial Cabinet discharges a member in terms of regulation 4(3).

(2) After a casual 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 casual vacancy of a member who was nominated or designated shall be filled in the same manner, which was applicable to the member whose membership has ceased.

(4) A person nominated or designated by virtue of sub regulation (3), shall obtain membership for the unexpired term of membership of his or her predecessor.

6. Quorum for a meeting of Education Council

At least one more than half the number of members of the education council form a quorum at a meeting, which must include at least three of the persons of the organised teaching profession.

7. Executive committee of Education Council

(1) An executive committee of the education council shall consist of-

(a) the chairperson of the education council (ex officio);

(b) the Head of Department (ex officio); and

(c) not less 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-

(i) organised teaching profession;

(ii) governing bodies of public schools; and

(iii) independent schools.

(2) If a casual vacancy occurs in the office of an Executive Committee member referred to in subregulation (1)(c), it shall be filled in the same manner, which was applicable when that member was appointed.

(3) The Executive Committee shall be accountable to the education council and shall execute all matters on behalf of the education council when the education council is not in session.

(4) (a) Immediately after every meeting of the Executive Committee, the minutes of the meeting shall be sent by registered post to each member of the education council. If no objection to the minutes is raised by members, who are not members of the Executive Committee within 21 days of the despatch of such minutes, such members shall be deemed to have approved all the resolutions of the Executive Committee taken at that meeting.

(b) When a member of the education council, who is not a member of the Executive

Committee, 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 Member of the Provincial Cabinet. The Member of the Provincial Cabinet 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. Repeal

The Regulations relating to the Education Council for the Province of the Western Cape as published in Provincial Gazette Extraordinary 5723 of 13 June 2001 at Provincial Notice 180/2001, are hereby repealed in its totality.