

PROVINCIAL NOTICE No. 159 of 2001

REGULATIONS RELATING TO PROVINCIAL EDUCATION AND TRAINING COUNCIL

Under sections 4 and 72 of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, DA Kganare, Member of the Executive Council responsible for Education, hereby -

- (a) establish the Provincial Education and Training Council; and
- (b) determine the Regulations as contained in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Free State School Education Act, 2000 shall have the meaning so assigned to it and, unless the context otherwise indicates -

"member" means a member of the PETC;

"PETC" means the Provincial Education and Training Council and

"the Act" means the Free State School Education Act, 2000 (Act No. 2 of 2000).

Composition

2. (1) The PETC consists of -

- (a) the Head of Education, as a member of the PETC;
- (b) two officials on the establishment of the Department, designated by the responsible Member,
- (c) one person designated by every labour organization in the Province which is represented on the Education Labour Relations Council;
- (d) one person designated by every political party represented in the provincial Legislature;
- (e) one person designated by every university and technikon in the Province;
- (f) one person designated by the responsible Member on account of the person's knowledge of specialized education;
- (g) one person designated by the responsible Member representing Further Education and Training Institutions in the Province;
- (h) one person designated by the National Economic Development and Labour Council with knowledge of education in the Free State;
- (i) three parents designated by the responsible Member;
- (j) chairpersons of committees established by the PETC, excluding the Executive Committee;
- (k) any other persons or representatives of bodies designated by the responsible Member on account of their interest in Education.

Appointment of office-bearers

3. The chairperson and deputy chairperson of the PETC must be nominated by the PETC and be appointed by the responsible Member from members of the PETC who are not officers of the Department.

Term of office

4. (1) The term of office of the members of the PETC is five years.
- (2) The term of office of office-bearers is one year.
- (3) Members and office-bearers are eligible for re-nomination or reappointment for maximum of two terms.

Filling of vacancies

5. (1) The PETC must inform the relevant constituency which a person represented on the PETC in writing when such a person vacates his or her post.
- (2) If a member vacates his or her post, the vacancy must be filled as soon as possible.

Functions of the PETC

6. (1) The PETC must advise the responsible Member on -
 - (i) policy and strategy for the development and implementation of provincial education and training system;
 - (ii) the advancement of an integrated approach to education and training, which includes the links and relationships between general and further education and training higher education, human resource development, adult- basic education and training, education for learners with special education needs, home based education, independent schools and early childhood development;
 - (iii) national education and training goal and priorities;
 - (iv) on implementation of any education and training policy;
 - (v) on further education and training matters; -
 - (vi) the Provincial Examination Board matters;
 - (vii) the budget of the PETC and its committees; and
 - (viii) any other matter as requested by the responsible Member.
- (2) The PETC shall perform any function assigned to or delegated to it in terms of any applicable national and provincial law.

(3) The PETC may -

- (i) request the responsible Member to do an investigation into or research regarding the functions of the PETC;
- (ii) advise the responsible Member on -
 - (a) any aspect of education and training on its own accord; and
 - (b) budget issues in relation to education and training.

(4) In considering its advice to the responsible Member, the PETC must take into account any relevant advice given by a consultative or advisory body on education and training.

(5) The PETC may request the responsible Member to provide reasons in writing if he or she does not accept the advice of the PETC.

(6) The PETC must submit an annual report to the responsible Member on the performance of its functions for publication in the Provincial Gazette.

Information to be provided to the PETC

7. The PETC may request any person or statutory body to submit information it requires for the performance of its functions in terms of these regulations.

Termination of term of office and disqualification of members of the PETC

8. (1) No person may serve as a member of the PETC, if he or she -

(a) has been convicted of any offence and sentenced in respect thereof to imprisonment without the option of fine, unless -

- (i) amnesty or total pardon has been granted to him or her;
- (ii) the period of such imprisonment has expired at least three years before the date of his- or her designation or nomination

(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.

(2) A person shall cease to be a member of the PETC if he or she -

(a) resigns by giving a month written notice to the responsible Member;

(b) is absent from three consecutive meetings of the PETC without leave of the chairperson, or in case of the chairperson without leave of the executive committee of the PETC;

(c) is declared insolvent;

(d) is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine;

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

(f) is no longer a member of the constituency that designated him or her.

(3) The responsible Member may dissolve and reconstitute the PETC in accordance with the provisions of regulation 2, if he or she –

(i) has reason to believe that the PETC cannot perform its duties or that it ceased to function; and

(ii) has requested the members of the PETC to make representations in regard to his or her intention.

Quorum and decisions of PETC

9. (1) The majority of members of the PETC forms a quorum at a meeting.

(2) The decision of the majority of the members present at a meeting of the PETC, shall be a decision of the PETC, and in the event of an equality of votes relating to any matter, the chairperson of the PETC or the person acting as such, as the case may be, shall have a casting vote in addition to his or her deliberative vote.

(3) The PETC may allow any person of its committee to attend a meeting of the PETC and may allow such a person to take part in the proceedings without having the right to vote.

(4) No decision taken by the PETC or act performed under authority of the PETC shall be invalid by reason of –

(a) a vacancy on the PETC; or

(b) the fact that a person, who is not entitled to Sit as a member, was present at the time when the decision was taken or the act was authorized by the required majority of the members.

(5) A decision of the PETC may only be changed if supported by a majority of two-thirds of the members present.

Meetings of the PETC

10. (1) The PETC must have at least two ordinary meetings annually at a place and time to be determined by the chairperson.

(2) The chairperson must convene a special meeting if he or she deems it necessary and upon written request of no less than seven members of the PETC.

(3) Notice of special meeting must be given seven days prior to such meeting.

(4) The chairperson must give written notice to every member of a special meeting and the matter to be dealt with at such a meeting. No other matter shall be dealt with at such a meeting except with the unanimous approval of the PETC.

(5) The chairperson must give 14 days notice of all ordinary meetings.

(6) The PETC may make rules relating to the procedure at its meetings.

Executive committee of the PETC

11. (1) An executive committee for the PETC consists of –

(a) the chairperson of the PETC;

(b) the Head of Education; and

(c) members as determined by the MEC who may not include officers from the Department.

(2) The PETC must determine the functions of the executive committee.

(3) The PETC may dissolve the executive committee for failure to perform its duties.

Committees of the PETC

12. (1) The PETC 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 or representatives of bodies who are not members of the PETC.
- (3) The chairperson of a committee must be appointed by the PETC.
- (4) Members of the committees contemplated in subregulation (2) may be appointed for such period or periods as the PETC may determine.
- (5) The financial-affairs of committees shall be handled by the secretariat, in accordance with the relevant prescripts, subject to the approval of the Executive Committee.

Early Childhood Development Committee

13. The PETC must establish an Early Childhood Development Committee to-
- (a) do research in relation to early childhood development in the context of education and training and
- (b) advise the responsible Member through the PETC on early childhood development matters in the context of education and training.

Adult Basic Education and Training Committee

14. The PETC must establish an Adult Basic Education and Training Committee to-
- (a) do research in relation to adult basic education and training in the context of education and training; and
- (b) advise the responsible Member through the PETC on adult basic education and training matters in the context of education and training.

Administrative functions of the PETC and its committees

15. (1) The administrative functions of the PETC and any of its committees are performed by officials of the Department who are designated by the Head of Education for that purpose.

- (2) The Head of Education must designate a secretary.
- (3) Minutes of the meeting of the PETC must be written by the secretary.
- (4) The minutes must be submitted for confirmation at the next ordinary meeting and if confirmed, it must be signed by the person presiding at that meeting.
- (5) The PETC must provide guidelines for the proceedings of the meetings of its committees.
- (6) The PETC may co-opt any person for a specific duty and for a specific period, as determined by the PETC, to serve on its committees.

Compensation and allowances of council members and committee members

16. (1) Persons in the employ of the State serving as members of the PETC or its committees may be paid subsistence and other expenses according to the relevant legislative provisions and collective agreements.

(2) Persons who are not in the employ of the State may be paid such other compensation in order to cover the member's reasonable subsistence and traveling expenses when attending a meeting of the PETC or a committee thereof, if they are not compensated by the institution who they represent on the PETC.