

Government Gazette

Vol. 406, No. 20044, 30 April 1999

Regulation Gazette, No. 6526

No. R. 587

GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION MINISTRY OF EDUCATION

NATIONAL EDUCATION POLICY ACT, 1996 (NO. 27 OF 1996)

ESTABLISHMENT OF THE NATIONAL EDUCATION AND TRAINING COUNCIL

The Minister of Education, acting under section 11 (1)(a) of the National Education Policy Act, 1996 (No. 27 of 1996) hereby provide the regulations in the Schedule, for the establishment of the National Education and Training Council.

**MINISTER OF EDUCATION
APRIL 1999**

SCHEDULE

REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL EDUCATION AND TRAINING COUNCIL (NETC)

Definitions

1. In these Regulations, unless the context shows that another meaning is intended -
 - i. **"education and training"** means all education and training leading to qualification from levels 1 to 4 of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (No. 58 of 1995).
 - ii. **"NETC"** means the National Education and Training Council established by regulation 2; and
 - iii. **"the Act"** means the National Education Policy Act, 1996 (No. 27 of 1996).

Establishment of the Council

2. The National Education and Training Council (NETC) is hereby established.

Functions of the NETC

3. (1) The NETC must
 - a. advise the Minister on
 - i. policy and strategy for the development of the national education and training system;
 - ii. the advancement of an integrated approach to education and training;
 - iii. national education and training goals and priorities;
 - iv. any education and training policy contemplated in section 3 of the Act; and
 - v. any other matter as requested by the Minister; and
 - b. perform any function assigned to or delegated to it in terms of any applicable law.
- (2) The NETC may advise the Minister on

- a. any aspect of education and training on its own initiative; and
- b. the links and relationships between general and further education and training, higher education and human resource development.

(3) In considering its advice to the Minister, the NETC must take into account any relevant advice given by a consultative or advisory statutory body on education and training, whether national or provincial.

(4) The NETC may request the Minister to provide reasons in writing if he or she does not accept the advice given in terms of subregulations (1) and (2).

(5) The NETC must submit a report annually to the Minister on the performance of its functions for publication in the Gazette.

Information to be provided to the NETC

4. (1) The NETC may request any of the following bodies to submit such views or information as the NETC may reasonably require for the performance- of its functions in terms of these Regulations-

- a. the Department of Education;
- b. provincial education departments;
- c. the South African Qualifications Authority, established in terms of the South African Qualifications Authority Act, 1995 (No. 58 of 1995);
- d. the Council on Higher Education, established in terms of the Higher Education Act, 1997 (No. 101 of 1997); or
- e. a national or provincial consultative or advisory statutory body on education and training.

(2) A body contemplated in subregulation (1) must provide the relevant information as requested by the NETC within a reasonable time period.

(3) The NETC may request the Minister that specific investigations 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.

Composition of the NETC

5. (1) The NETC consists of -

- a. a chairperson; and
- b. not more than twenty-nine members.

(2) The selection of the chairperson and 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 and related interests;
 - ii. has a thorough knowledge and understanding of education and training;
 - 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 representivity of the NETC on such relevant grounds as race, gender and disability.

Procedure for nomination and appointment of members to the NETC

6. (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 regarded necessary by him or her, invite nominations for the chairperson and the members of the NETC from -
 - a. national organisations or bodies with a direct and continuing interest in education and training as contemplated in section 11 of the Act;
 - 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 5, must appoint -
 - a. a chairperson; and
 - b. not more than twenty-nine members.
- (3) Taking into account the provisions of regulation 5, the NETC may appoint not more than four co-opted members.

Term of office of chairperson and members

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

Termination of office of chairperson and members

8. 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 an unsound mind by a competent authority.

Filling of vacancies

9. 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 5 and 6.

Administrative functions of the NETC and its committees

10. (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.

Executive committee of the NETC

11. (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) Anything done 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.

Committees of the NETC

12. (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 or periods as the NETC may determine.

Meetings of the NETC and its committees

13. (1) Meetings of the NETC and its committees, unless otherwise agreed to by the Director-General, should be held at the Department of Education.

(2) The chairperson must convene a meeting of the NETC at least twice a year, or if asked to do so in writing by the Minister or by 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 the procedure at its meetings and its committees, including the quorum for such meetings, and 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 a meeting.

Short title and commencement

14. These Regulations shall be called the Establishment of the National Education and Training Council Regulations and shall come into operation on the date of publication thereof.