

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
EDUCATION LAWS AMENDMENT
BILL**

[B 44—99]

(As agreed to by the Portfolio Committee on Education (National Assembly))

[B 44A—99]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP OP
ONDERWYSWETTE**

[W 44—99]

(Soos gewysig deur die Portefeuljekomitee oor Onderwys (Nasionale Vergadering))

[W 44A—99]

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AMENDMENTS AGREED TO
EDUCATION LAWS AMENDMENT BILL
[B 44–99]

CLAUSE 1

1. On page 4, in line 15, to omit **“written”** and to substitute **“taken”**.
2. On page 4, from line 22, to omit “school **[or technical college]** education” and to substitute “[school **or technical college education]** general”.

CLAUSE 3

1. On page 8, in line 13, to omit “school ‘education’” and to substitute **“[school] general”**.

CLAUSE 6

1. On page 8, in line 45, after “person” to insert:
, excluding a person who is appointed to exclusively perform extra-curricular duties,
2. On page 8, in line 47, after **“services”** to insert:
, including professional therapy and education psychological services,

CLAUSE 8

1. On page 10, after line 49. to add:
(7) The governing body of a public school to be merged, may appeal to the Minister against the decision as contemplated in subsection (1).

CLAUSE 9

1. On page 12, in line 8, after *“principal”*. to insert:
or a person designated by the *Head of Department*

CLAUSE 11

1. On page 12, in line 28, after “filled” to insert:
through a by-election which must be held
2. On page 12, in line 29. after **“28(d)”** to insert:
within 90 days after the vacancy has occurred

CLAUSE 12

1. On page 12, in line 38, after *“body”* to insert:

elected from the categories of persons referred to in section 24(1)(a),
(e), (f), (g), (h) and (i)

CLAUSE 16

1. On page 14, in line 26, to omit “subsection (4)” and to substitute “subsections (4) and (5)”.

CLAUSE 17

Clause rejected.

LONG TITLE

1. On page 2, from the seventeenth line, to omit “and to repeal the provisions dealing with misconduct and incapacity;

AMENDMENTS REJECTED

CLAUSE 5

1. On page 8, in line 30, to omit paragraph *(b)*.
2. On page 8, in line 39, after paragraph *(d)*, to insert:
 - (g) Such national organisations representing principals of institutions providing further education and training as defined in section 1 of the Further Education and Training Act, 1998, (Act No. 98 of 1998), as the Minister may recognize for this purpose.

CLAUSE 8

1. On page 10, in line 24, after “representation” to insert:

and insofar as these representations are rejected, he or she must provide written reasons for rejecting them
2. On page 10, after line 23, to insert:
 - (d) conduct a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such actions.
3. On page 10, in line 42 after “school” to insert:

but if the liabilities of any of the affected schools exceed the assets of these schools, the provincial education department bears the costs of the difference in the mandatory value between the liabilities and the assets of these schools before merging takes place
4. On page 10, after line 49, to insert:
 - (7) The Member of the Executive Council must determine and publish in a provincial *Gazette*, criteria for the merging of public schools.
 - (8) A governing body of the public school to be merged may appeal to the **[Minister]** **Premier** against the decision as contemplated in subsection (1).
5. On page 10, after line 49, to insert:
 - (7) The Member of the Executive Council must determine and publish in a provincial *Gazette*, criteria for the merging of public schools.
 - (8) A governing body of the public school to be merged may appeal to the Minister against the decision as contemplated in subsection (1).

CLAUSE 9

1. On page 12, in line 1, after “Head of Department” to insert “after consultation with the governing body,”.

CLAUSE 15

1. On page 14, in line 19, after “recommendation” to insert:
or a decision not to make decision, as the case may be,
2. On page 14, after line 23, to insert:
 - (e) Before the Head of Department makes an appointment in terms of paragraph (d) he or she must—
 - (i) give notice to the governing body of his or her intention to appoint; and
 - (ii) allow the governing body a further period of 14 days to make a recommendation, as the case may be.

CLAUSE 16

1. On page 14, in line 32, after “Head of Department” to insert:
after consultation with the governing body of the school to which the educator is temporarily transferred and the educator
2. On page 14, in line 34, to omit “stated”,
3. On page 14, in line 34, after “period” to insert “not exceeding six months”.