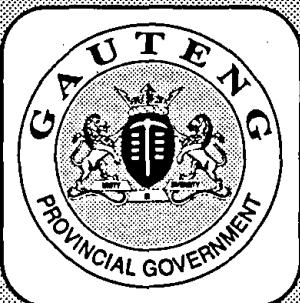


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

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No. 388

GENERAL NOTICE

NOTICE 2773 OF 1997

EXAMINATIONS AND ASSESSMENT BILL, 1997

The Examinations and Assessment Bill is hereby published by the MEC for Education for comments in terms of the Standing Rules of the Gauteng Provincial Legislature.

Members of the Public are invited to submit their comments by 14 September 1997 to—

The Office of the MEC for Education
111 Commissioner Street
Johannesburg
2000.

EXAMINATIONS AND ASSESSMENT BILL, 1997

To provide for an efficient and equitable system for the examination and assessment of learners in the Province, the establishment of an Examinations and Assessment Board to enable public scrutiny of and participation in the development of such a system, and matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng as follows—

Definitions

1. In this Act, unless the context indicates otherwise—

"Board" means the Examinations and Assessment Board established in terms of section 6;

"Constitution" means the Constitution of the Republic of South Africa, Act No. 108 of 1996;

"Council" means the Gauteng Education and Training Council established in terms of section 32(1) of the School Education Act (Gauteng) (Act No. 6 of 1995);

"Department" means the Gauteng department responsible for education;

"Director" means the most senior Departmental officer whose specific responsibility is the implementation of examination and assessment policy;

"Executive Committee" means the Executive Committee of the Board;

"Head of Department" means the most senior officer employed in the Department;

"legislature" means the provincial legislature of the Province of Gauteng;

"member" means a member of the Board;

"national legislation" means an Act of Parliament or delegated legislation made in terms of an Act of Parliament and approved by the National Council of Provinces as contemplated by section 146(6) of the Constitution;

"nominated member" means a member nominated in terms of section 6(2)(a) or (b); and

"Province" means the Province of Gauteng.

Application of Act

2. Subject to the Constitution, the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), the South African Certification Council Act, 1986 (Act No. 85 of 1986) and any applicable norms and standards prescribed in national legislation, this Act shall apply to the development and implementation of examination and assessment policy in the Province.

Principles underpinning examinations and assessment

3. The following principles shall underpin examination and assessment policy and the implementation thereof in the Province—
- (a) Every learner has the right to fair and reasonable examination and assessment practices.
 - (b) Every interested person has the right to information about the examination and assessment policies and plans of the Department subject to the following—
 - (i) the Department may not release any information the disclosure of which may affect the security required in the administration of examination and assessment procedures and instruments; and
 - (ii) the Department may refuse to release information when to do so will hamper the effective and efficient administration of examination and assessment procedures and instruments.
 - (c) Representatives of stakeholders in education in the Province must be consulted with regard to examination and assessment policy.

General powers of Member of Executive Council

4. The Member of the Executive Council must determine examination and assessment policy in the Province.

Duties and functions of Department

5. (1) The Head of Department must be responsible for the implementation of examination and assessment policy in the Province, and—
- (a) must ensure that the implementation of examination and assessment policy is guided by the principles set out in section 3;
 - (b) must deliver annually to the Board in writing the management strategy of the Department with regard to the implementation of examination and assessment policy in the Province; and
 - (c) may issue rules by Notice in the *Provincial Gazette* concerning the implementation of any aspect of examination and assessment policy.
- (2) The Head of Department may not issue any rules in terms of subsection (1)(c) unless at three weeks prior to the publication of the Notice contemplated by that subsection, he or she has delivered a copy of the Notice to the Board.
- (3) The Director must, at each meeting of the Board, report on the current state of implementation of examination and assessment policy in the Province.
- (4) The Director must report to the Board on any further matters in respect of which the Board has, in terms of paragraph (d) of section 10(1), instructed him or her to report.

Establishment of Board

6. (1) The Member of the Executive Council must, within six months of the commencement date, establish a body known as the Examinations and Assessment Board.
- (2) The following persons must be appointed by the Member of the Executive Council as members of the Board after consultation with the Council—
- (a) one person nominated by the Council;
 - (b) nine persons selected from persons nominated in accordance with subsection (3) by organisations representing stakeholders in education and training in the province;

- (c) five persons whom the Member of the Executive Council in his or her sole discretion appoints as members of the Board; and
 - (d) the Head of Department and the Director;
- (3) The Member of the Executive Council must—
- (a) within 30 days of the commencement date, and thereafter at least 60 days before the end of each term of office of the members of the Board, publish a Notice in the *Provincial Gazette* inviting nominations for members of the Board as contemplated in subsection (2)(b), and indicating the form which these nominations must take;
 - (b) state in the Notice contemplated in paragraph (a) the closing date for the submission of nominations in terms of paragraph (a), which date shall be 30 days from the date on which the Notice is published; and
 - (c) make his or her appointments in terms of subsection (2)(b) by Notice in the *Provincial Gazette* published within 30 days of the closing date for the submission of nominations in terms of paragraph (a).

(4) Persons appointed in terms of paragraphs (a) to (c) of subsection (2) must be persons who are, by virtue of their experience or expertise, able to make a valuable contribution to examination and assessment policy in the Province.

(5) Members of the Board must, for the performance of their duties on the Board, be accountable to the MEC.

Term of office of members of Board and appointment of new members of Board

7. Subject to section 8, the term of office of a member appointed in terms of paragraphs (a) to (c) of section 6(2) shall be two years.

Withdrawal of appointment of member by Member of Executive Council and the filling of vacancies on the Board

8. (1) The Member of the Executive Council for Education may, after consultation with the Board, withdraw the appointment of a member—

- (a) if the member so requests;
- (b) if the Board has passed a resolution requesting the Member of the Executive Council to withdraw the appointment of the member and—
 - (i) the member has failed to attend three consecutive meetings of the Board without valid cause;
 - (ii) the member fails to perform his or her functions as a member of the Board; or
 - (iii) the conduct of the member has been prejudicial to the best interests of the Board.

(2) The Member of the Executive Council may not withdraw the appointment of a member unless he or she has given the member an opportunity to make representations relating to such withdrawal.

- (3) Vacancies on the Board must be filled as follows—
- (a) A vacancy relating to the withdrawal of the appointment of a member contemplated in section 6(2)(a) must be filled by appointment by the Member of the Executive Council on recommendation of the Council;
 - (b) A vacancy relating to the withdrawal of the appointment of a member contemplated in paragraphs (b) or (c) of section 6(2) must be filled by appointment by the Member of the Executive Council after consultation with the Council.

- (4) The term of office of a member appointed to fill a vacancy on the board shall end when the term of office of the member whose withdrawal caused the vacancy would have ended.

Co-option of members by Board

9. (1) The Board may, with the consent of the Member of the Executive Council, co-opt any person as a member to assist it in the performance of its functions and duties.

(2) The Board may at any time terminate the membership of a person co-opted in terms of subsection (1).

(3) Co-opted members shall be non-voting members of the Board.

Functions and duties of Board

10. (1) In addition to any other functions and duties assigned to it by law, the Board—

- (a) may make recommendations to the Member of the Executive Council concerning examination and assessment policy in the Province and to the Head of Department concerning the implementation thereof;
- (b) may make recommendations to the Member of the Executive Council on any other matter referred to it by the Member of the Executive Council;
- (c) may make recommendations to the Head of Department on any other matter referred to it by the Head of Department;
- (d) may instruct the Director to report to it on any matter relating to the implementation of examinations and assessment policy in the Province;
- (e) may bring to the notice of the Member of the Executive Council or Head of Department any matter concerning examinations and assessment in the Province;
- (f) may make its own rules regulating its meetings and the meetings of the Executive Committee, and the procedures at such meetings, including the quorum for such meetings;
- (g) must publish an annual report on examination and assessment policy in the Province and the implementation thereof; and
- (h) must produce a report on any matter relating to examination and assessment policy in the Province if requested to do so by the Member of the Executive Council.

(2) The Board may delegate any of its powers to its Executive Committee, but no delegation of a function by the Board shall divest it of the power to perform that function itself.

Recommendations of Board

11. If the Member of the Executive Council decides not to implement a recommendation made by the Board in terms of paragraphs (a) or (b) of section 10(1), he or she must provide the Board with written reasons for his or her decision.

Office bearers, executive committee and administrative officer of Board

12. (1) At the first meeting of the Board, it must elect the following office bearers—

- (a) a Chairperson;
- (b) a Vice-chairperson; and
- (c) a Treasurer.

(2) The Head of Department must preside over the election of a Chairperson of the Board, whereupon the Chairperson must take over the chairing of the meeting.

(3) The office bearers elected in terms of subsection (1) shall be members of the

Executive Committee of the Board.

(4) At the first meeting of the Board, it may elect a maximum of two additional members of the Executive Committee.

(5) The Head of Department must appoint a person designated in terms of section 14 as administrative officer for the Board and the Executive Committee.

(6) The administrative officer must attend and keep minutes of meetings of the Board and the Executive Committee.

(7) When the Executive Committee takes any decision in terms of a function delegated to it by the Board in terms of section 10(2), it must report that decision to the Board at the first meeting of the Board after the decision was taken.

Finances of Board

13. (1) The Board must be funded from money appropriated for this purpose by the Legislature.

(2) The Director must—

(a) control, in accordance with the directions of the Head of Department, all funds of the Board; and

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

Designation of staff by Department

14. The Head of Department must designate such persons in the service of the Department as he or she deems necessary to assist the Board in the performance of its functions and duties.

Meetings of Board

15. (1) The Board must meet at least four times a year.

(2) The Executive Committee must meet at least four times a year.

(3) The proceedings of the Board or of the Executive Committee shall not be invalid by reason only of the fact that there is a vacancy in the Board or the Executive Committee.

Review of Board

16. The existence and composition of the Board, and the harmonisation of its work with other existing and emerging structures which address examination and assessment policy and implementation, must be reviewed annually by the Legislature in the light of developments in national policy and legislation.

Regulations

17. The Member of the Executive Council may make regulations to promote the objects of this Act.

Short title and commencement

18. (1) This Act shall be called the Examinations and Assessment Act, 1997, and subject to subsection (2) shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

(2) Section 5(2) shall come into operation on a different date fixed by the Premier by proclamation in the *Provincial Gazette*.

DRAFT MEMORANDUM EXAMINATIONS AND ASSESSMENT BILL, 1997

A MOTIVATION

In 1996 the Gauteng Department of Education amalgamated the examinations systems which it had inherited from the former apartheid departments. This amalgamation was an important step towards transformation in education in the province. However, there were administrative difficulties in the implementation of the first non-racial examinations: security arrangements were inadequate, staff were poorly prepared, and the technology used was old and inadequate. These difficulties, together with recommendations to resolve them, were reported in the Khumalo Commission of January 1997.

Partly as a response to these recommendations, and partly as a strategy to transform and strengthen good educational practices in the Province, the Department has drafted the Examinations and Assessment Bill.

This legislation sets out the policy and principles underlying the administration of examinations and assessment in the Province. Furthermore, it provides for a system and structures which encourage effective, equitable and accountable administration. An Examinations and Assessment Board will comprise senior officials in the Department and members nominated by stakeholders and appointed by the MEC. This composition brings together experts and professionals in the education field who can make a valuable contribution to examination and assessment policy. In addition, the Board provides an avenue for both public scrutiny and government accountability.

The Board will have a structured formal relationship with the Department, yet enjoy independence from the Department, in that its members will be accountable to the Member of the Executive Council responsible for education.

The Bill sets out policy principles regarding the right of learners to fair and reasonable examination and assessment practices, the right of every interested person to information, and the right of stakeholders to consultation. The Bill also takes cognisance of the South African Qualifications Authority and the National Qualifications Framework.

The Bill does not have major financial implications for the Department. The members of the Board will not receive a salary, although certain expenses for reimbursements and honoraria may be incurred.

B SUMMARY OF PROVISIONS

Section 1: Definitions

The Bill provides a definition of key terms.

Section 2: Application of Act

This Act will comply with the Constitution, the norms and standards prescribed in national legislation such as the South African Qualifications Authority Act and the South African Certification Council Act.

Section 3: Principles underpinning examinations and assessment

The principles of fairness for learners, accountability between the public and the Department, and consultation with education stakeholders underpin examination and assessment policy and implementation. Nonetheless, the Department is instructed to protect sensitive information which, if released, could compromise the validity of the test instrument or the security of the examination process.

Section 4: General powers of Member of Executive Council

The Member of the Executive Council determines examination and assessment policy in Gauteng.

Section 5: Duties and function of Department

The Head of Department has overall responsibility for the implementation of the policy and is guided in this regard by the principles expressed in section 3 above. The Head must prepare a management strategy for the Board, and may issue rules concerning the implementation of any aspect of examination and assessment policy. The Head of Department must make a copy of the Notice containing such rules available to the Board at least three weeks before publication.

The Director (the most senior officer in the Department who has specific responsibility for the implementation of examination and assessment policy) must report to the Board on the current state of implementation, as well as on any further related matters which the Board has instructed him or her to report on in terms of section 10(1)(d). The Department and Board will work together to create a sensible relationship between policy and implementation.

Section 6: Establishment of Board

The Member of the Executive Council must, within 6 months of the Gauteng Legislature passing this Act, establish a body known as the Examinations and Assessment Board. The MEC appoints the seventeen member Board after consultation with the Gauteng Education and Training Council. The members of the Board are accountable to the Member of the Executive Council for the performance of their duties on the Board. The Board will consist of the Head of Department, the Director, five persons appointed by the Member of the Executive Council, one person nominated by the Gauteng Education and Training Council, and nine persons selected from nominees of stakeholder organisations. The Member of the Executive Council will publish a Notice in the Provincial Gazette calling for nominations from organisations representing stakeholders, and the procedure and time periods for nomination and selection are set out in subsection 3. Members of the Board must, by virtue of their experience or expertise, be able to make a valuable contribution to examination and assessment policy in the Province.

Section 7: Term of office of members of Board and appointment of new members of Board

The Head of Department and Director will hold office permanently, while other members will hold office for two years. Membership may be withdrawn in terms of section 8 below.

Section 8: Withdrawal of appointment of member by Member of Executive Council and the filling of vacancies on the Board

The Member of the Executive Council may, after consultation with the Board, withdraw membership from members of the Board if the member so requests, or if the Board passes a resolution requesting the withdrawal on the grounds that the member's performance or conduct is unsatisfactory. Such a member will have an opportunity to make representations with regard to the proposed withdrawal of his or her membership. The Member of the Executive Council fills vacancies by appointing a new member after recommendation of, or consultation with, the Council.

Section 9: Co-option of members of the Board

The Board may co-opt members to assist it in carrying out various duties. Co-opted members have non-voting status.

Section 10: Functions and duties of Board

The key function of the Board is to make recommendations on policy to the Member of the Executive Council and recommendations on implementation to the Head of Department. The Board must publish an annual report on its work and on any other related matter at the request of the Member of the Executive Council.

Section 11: Recommendation of Board

If the Member of the Executive Council decides not to implement a recommendation made by the Board then the Member of the Executive Council must provide the Board with written reasons for that decision.

Section 12: Office bearers, executive committee and administrative officer of Board

The Board will elect its own office bearers - namely, a Chair, Vice-Chair and a Treasurer. These office bearers and two additional members make up the Executive Committee which is responsible for the management of the Board between meetings. The Head of Department must appoint a staff member from the Department to assist the Board in performing its administrative functions.

Section 13: Finances of the Board

The Legislature will appropriate finances for the functioning of the Board. The Director will ensure strict control over these finances and keep records.

Section 14: Designation of Staff by Department

The Head of Department must designate persons in the Department to assist the Board in performing its duties.

Section 15: Meetings of the Board

The Board and Executive Committee must meet at least four times a year. The decisions of the Board or Executive Committee will not be invalid for the sole reason that they have a vacancy.

Section 16: Review of Board

The Legislature will review the work of the Board annually and consider the direction which the Board takes in relation to new developments in national policy and legislation.

Section 17: Regulations

The MEC is empowered to make regulations to promote the objects of this Act.

Section 18: Short title and commencement

The Examinations and Assessment Act will come into operation on a date fixed by the Premier by proclamation in the Provincial Gazette. Section 5(2), which deals with the issuing of rules with regard to implementation of examination and assessment, will, however, come into operation on a different date so fixed.

ALGEMENE KENNISGEWING

KENNISGEWING 2773 VAN 1997

EKSAMINERING- EN EVALUERINGSWETSONTWERP, 1997

Om te voorsien in 'n doeltreffende en regverdig stelsel vir die eksaminering en evaluering van leerlinge in die Provincie, die daarstelling van 'n Eksamining- en Evalueringskommissie ten einde openen die Eksamining- en Evalueringskommissie gevestig ingevolge Artikel 6; bare ondersoek en deelname aan die ontwikkeling van so 'n stelsel en verwante sake te bewerkstellig.

DAAR WORD BEPAAL deur die Provinciale Wetgewer van Gauteng, soos volg:

Woordbepalings

1. In hierdie Wet tensy die samehang andersins te kenne gee—

"Kommissie" beteken die Eksamining-en Evalueringskommissie gevestig ingevolge Artikel 6;

"Grondwet" beteken die Grondwet van die republiek van Suid-Afrika 1996 (Wet 108 van 1996);

"Raad", beteken die Gauteng Onderwys en Opleidingsraad in die lewe geroep ingevolge Artikel 32(1) van die Wet op Skoolonderwys (Gauteng) (Wet nr.6 van 1995);

"Departement" beteken die Gautengse departement verantwoordelik vir onderwys;

"Direkteur" is die mees senior departemente amptenaar wat spesifiek verantwoordelik is die uitvoering van die eksaminering- en evaluatingsbeleid;

"Uitvoerende Komitee" beteken die Uitvoerende Komitee van die Kommissie;

"Departementshoof" beteken die mees senior amptenaar in diens van die Departement;

"Wetgewer" beteken die Provinciale Wetgewer van die Gauteng Provincie;

"Lid" beteken lid van die Kommissie;

"nasionale wetgewing" beteken Wet van die Parlement of gedelegeerde wetgewing in terme van 'n parlementêre wet en bekratig deur die Nasionale Raad van Provincies soos beoog in Artikel 146(6) van die Grondwet;

"Genomineerde lid" beteken 'n lid genomineer ingevolge Artikel 6(2)(a) of (b); en

"Provincie" beteken die Provincie van Gauteng.

Toepassing van die Wet

2. Hierdie Wet sal van toepassing wees op die ontwikkeling en implementering van 'n eksaminering- en evaluatingsbeleid in die Provincie, onderworpe aan die Grondwet, die Wet op die Suid-Afrikaanse Kwalifikasie Owerheidsweë, 1995 (Wet 58 van 1995) en die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet nr.85 van 1986) en enige toepaslike norme en standarde voorgeskryf in staatswetgewing.

Beginsels ter ondersteuning van eksaminering en evaluering

3. Die volgende beginsels sal eksaminering- en evaluatingsbeleid en die implementering daarvan deur die Provinse rugsteun—

- (a) Elke leerling het die reg tot regverdige en redelike eksaminering- en evaluatingspraktyke.
- (b) Elke belanghebbende persoon het die reg tot inligting betreffende eksaminering- en evaluatingsbeleid en planne van die Departement onderworpe aan die volgende—
 - (i) die Departement mag geen inligting vrystel wat deur die openbaarmaking daarvan die sekerheid mag beïnvloed betreffende die administrasie van die eksaminering- en evaluatingsprosedures en middele; en
 - (ii) die Departement mag weier om inligting vry te stel indien dit sodoende die doeltreffende en bekwame administrasie van eksaminering- en evaluatingsprosedures en middele sal verhinder.
- (c) Daar moet beraadslaag word met verteenwoordigers van belanghebbendes in die onderwys in die Provinse ten opsigte van die eksaminering- en evaluatingsbeleid.

Algemene Magte van die Lid van die Uitvoerende Raad

4. Die Lid van die Uitvoerende Raad moet die eksaminering- en evaluatingsbeleid van die Provinse bepaal.

Pligte en funksies van die Departement

5. (1) Die Departementshoof moet verantwoordelik wees vir die implementering van die eksaminering- en evaluatingsbeleid in die Provinse, en—

- (a) moet toesien dat die implementering van die eksaminering- en evaluatingsbeleid geskied ingevolge die beginsels bepaal in Artikel 3;
- (b) moet jaarliks 'n geskrewe bestuurstrategie van die Departement met betrekking tot die implementering van die eksaminering- en evaluatingsbeleid in die Provinse aan die Kommissie voorlê; en
- (c) mag deur Kennisgewing in die Provinciale Staatskoerant reëls uitvaardig betreffende die implementering van enige aspek van die eksaminering- en evaluatingsbeleid.

(2) Die Departementshoof mag geen reëls uitvaardig ingevolge subartikel (1)(c) tensy daar drie weke voor die publikasie van die kennisgewing beoog in daardie subartikel 'n afskrif van die voorgenome kennisgewing aan die Kommissie gelewer is.

(3) Die Direkteur moet by elke vergadering van die Kommissie verslag lewer oor die huidige stand van implementering van die eksaminering- en evaluatingsbeleid in die Provinse.

(4) Die Direkteur moet oor enige verdere aangeleenthede soos deur die Kommissie aan hom of haar voorgeskryf in terme van paragraaf (d) van Artikel 10(1) aan die Kommissie verslag doen.

Daarstelling van Kommissie

6. (1) Die Lid van die Uitvoerende Komitee moet binne ses maande vanaf die aanvangsdatum 'n instansie bekend as die Eksamining- en Evaluingskommissie daarstel.

(2) Die volgende persone moet deur die Lid van die Uitvoerende Raad, na beraadslaging met die Raad, as lede van die Kommissie aangestel word—

- (a) een persoon genomineer deur die Raad;
- (b) nege persone verkies uit persone genomineer ingevolge subartikel (3) deur organisasies wat belanghebbendes in onderwys en opleiding in die Provincie verteenwoordig;
- (c) Vyf persone wat die Lid van die Uitvoerende Raad in sy of haar uitsluitlike diskresie as lede van die Kommissie aanstel;
- (d) die Departementshoof en die Direkteur.

(3) Die Lid van die Uitvoerende Raad moet—

- (a) binne 30 dae vanaf die aanvangsdatum en daarna ten minste 60 dae voor die einde van elke ampstermyn van die lede van die Kommissie, nominasies vir lede van die Kommissie soos beoog in subartikel 2(b) aanvra, en wat die omvang van sodanige nominasies formuleer in 'n kennisgewing in die *Provinsiale Staatskoerant* publiseer;
- (b) in die kennisgewing soos beoog in paragraaf (a) die sluitingsdatum vir die voorlegging van nominasies in terme van paragraaf (a) uiteensit, welke datum 30 dae vanaf publikasie van die kennisgewing moet wees; en
- (c) sy of haar aanstellings in terme van subartikel (2)(b) maak by wyse van kennisgewing in die *Provinsiale Staatskoerant* binne 30 dae vanaf die sluitingsdatum vir die indiening van nominasies in terme van paragraaf (a).

(4) Persone aangestel in terme van paragrawe (a) tot (c) van subartikel (2) moet persone wees wat uit die aard van hul ondervinding of kundigheid in staat sal wees om 'n wesenlike bydrae tot die Eksamining-en Evalueringsbeleid van die Provincie te lewer.

(5) Lede van die Kommissie moet vir die uitvoering van hul pligte op die kommissie, aan die Lid van die Uitvoerende Raad verantwoording doen.

Ampstermyn van lede van die Kommissie en aanstelling van nuwe kommissielede

7. Die ampstermyn van lede soos aangestel ingevolge paragrawe (a) tot (c) van Artikel 6(2) sal twee jaar beloop.

Herroeping van aanstelling van lede deur die Lid van die Uitvoerende Raad en die vul van vakaturen op die kommissie

8.(1) Die Lid van die Uitvoerende Raad mag, na oorlegpleging met die Kommissie, die aanstelling van 'n lid herroep—

- (a) op versoek van die lid;
- (b) waar die Kommissie 'n besluit neem om die LUR te versoek word om die lid se aanstelling te herroep en—
 - (i) die lid versuum om drie agtereenvolgende vergaderings sonder grondige rede by te woon;
 - (ii) die lid versuum om sy of haar pligte na te kom as lid van die Kommissie; of
 - (iii) die optrede van die lid tot nadeel van die Kommissie strek.

(2) Die Lid van die Uitvoerende Raad mag nie die aanstelling van 'n lid terugtrek tensy hy of sy die lid die geleentheid gegee het om vertoë met betrekking tot sodanige onttrekking te rig nie.

(3) Vaktures op die Kommissie moet soos volg gevul word—

- (a) 'n vakture met betrekking tot die onttrekking van 'n lid se aanstelling soos beoog in Artikel 6(2)(a) moet op aanbeveling van die kommissie deur die Lid die Uitvoerende Raad gemaak word;

- (b) 'n vakature met betrekking tot die onttrekking van 'n lid se aanstelling soos beoog in paragraaf (b) of (c) van Artikel 6(2) moet deur die Lid van die Uitvoerende Raad gedoen word na oorlegging met die Kommissie.

(4) Die ampstermyn van 'n lid wat aangestel word in 'n vakature op die kommissie sal verstryk wanneer die ampstermyn van 'n lid wie se onttrekking die vakature veroorsaak het, verstryk.

Koöptering van lede van die Kommissie

9.(1) Die Kommissie mag, met die toestemming van die Lid van die Uitvoerende Raad, enige persoon as lid koöpteer om die kommissie in die uitvoering van sy funksies en werksaamhede by te staan.

(2) Die Kommissie mag te enigertyd die lidmaatskap van 'n persoon in terme van subartikel (1) gekoöpteer, beëindig.

(3) Gekoöpteerde lede sal geen stemreg op die kommissie hê nie.

Funksies en pligte van die kommissie

10.(1) Die Kommissie, benewens enige wetlik voorgeskrewe funksies en pligte aan dit toegedeel—

- (a) mag aanbevelings aan die Lid van die Uitvoerende Raad insake eksaminering- en Evalueringsbeleid in die Provincie maak, asook aan die Departementshoof insake die toepassing daarvan;
- (b) mag aanbevelings aan die Lid van die Uitvoerende Raad maak met betrekking tot enige ander aangeleentheid wat deur die Lid van die Uitvoerende Raad na die Kommissie verwys is;
- (c) mag aanbevelings aan die Departementshoof maak met betrekking tot enige ander aangeleentheid wat deur die Departementshoof na die Kommissie verwys is;
- (d) mag die Direkteur gelas om verslag te doen aan die Kommissie oor enige aangeleentheid met betrekking tot die eksaminering- en evalueringsbeleid in die Provincie;
- (e) mag die aandag van die Lid van die Uitvoerende Raad of Departementshoof vestig op enige aangeleentheid met betrekking tot die eksaminering- en evalueringsbeleid in die Provincie;
- (f) mag sy eie reëls opstel om sy vergaderings en die vergaderings van die Uitvoerende Komitee te reguleer asook die procedures by sodanige vergaderings, insluitende die kworum vir sulke vergaderings;
- (g) moet 'n jaarlikse verslag met betrekking tot eksaminering- en evalueringsbeleid in die Provincie en die toepassing daarvan publiseer; en
- (h) moet 'n verslag oor enige aangeleentheid rakende eksaminering- en Evalueringsbeleid in die Provincie voorlê indien so versoek deur die Lid van die Uitvoerende Raad.

(2) Die Kommissie mag enige van sy magte aan sy Uitvoerende Komitee deleer, maar geen delegering van 'n funksie deur die Kommissie sal hom sy magte ontneem om daardie funksie self uit te voer nie.

Aanbevelings deur die Kommissie

11. Indien 'n Lid van die Uitvoerende Raad besluit om nie 'n aanbeveling deur die Kommissie in terme van paragrawe (a) of (b) van Artikel 10(1) toe te pas nie, moet hy of sy die Kommissie skriftelik in kennis stel vir die rede vir sy of haar besluit.

Aampsdraers, Uitvoerende Komitee en Administratiewe Beamppe van die Kommissie

12.(1) Met die eerste vergadering van die Kommissie moet die volgende aampsdraers verkies word—

- (a) 'n Voorsitter;
- (b) 'n Adjunk Voorsitter; en
- (c) 'n Tesourier.

(2) Die Departementshoof moet voorsit by die verkiesing van 'n voorsittende beamppe van die Kommissie, waarna die voorsittende beamppe die voorsitterstoel sal inneem.

(3) Die aampsdraers wat ingevolge subartikel (1) verkies is, sal lede wees van die Uitvoerende Komitee van die Kommissie.

(4) Die Kommissie mag by sy eerste vergadering 'n maksimum van twee addisionele lede van die Uitvoerende Komitee verkies.

(5) Die Departementshoof moet 'n persoon soos aangewys in terme van Artikel 14 as administratiewe beamppe vir die Kommissie en Uitvoerende Komitee aanstel.

(6) Die administratiewe beamppe moet vergaderings van die Kommissie en Uitvoerende Komitee bywoon en notuleer.

(7) As die Uitvoerende Komitee enige besluit neem in terme van 'n funksie aan hom gedelegeer ingevolge Artikel 10(2), moet daardie besluit by die eerste vergadering van die Kommissie aan die Kommissie gerapporteer word.

Fondse van die Kommissie

13.(1) Die Kommissie moet befonds word met geldte wat vir dié doel deur die Wetgewer bewillig word.

(2) Die Direkteur moet—

- (a) ingevolge die aanwysings van die Departementshoof alle fondse van die Kommissie beheer; en
- (b) sodanige boeke, rekords en state hou soos deur die Departementshoof vereis.

Toewysing van personeel deur Departement

14. Die Departementshoof moet na goeddunke sodanige persone in diens van die Departement aanwys om die Kommissie in die uitvoering van sy funksies en pligte by te staan.

Vergaderings van die Kommissie

15.(1) Die Kommissie moet minstens vier keer per jaar vergader.

(2) Die Uitvoerende Komitee moet minstens vier keer per jaar vergader.

(3) Die verrigtinge van die Kommissie of die Uitvoerende Komitee sal nie ongeldig wees slegs vanweë die feit dat daar 'n vakature in die Kommissie of die Uitvoerende Komitee is nie.

Hersiening van Kommissie

16. Die bestaan en samestelling van die Kommissie en die versoening van sy werkzaamhede met ander bestaande en ontwikkelende strukture wat eksamen- en Evaluatingsbeleid en implementering aanspreek, moet jaarliks deur die Wetgewer hersien word in die lig van verwikkelinge in nasionale beleid en wetgewing.

Regulasies

17. Die Lid van die Uitvoerende Raad mag regulasies uitvaardig ten einde die oogmerke van hierdie Wet te bevorder.

Kort titel en inwerkingtreding

18.(1) Hierdie Wet sal bekendstaan as die Eksamining- en Evalueringswet 1997 en sal ingevolge subartikel (2) in werking tree op 'n datum vasgestel deur die Premier by proklamasie in die *Provinsiale Staatskoerant*.

(2) Artikel 5(2) sal op 'n ander datum in werking tree soos vasgestel deur die Premier by proklamasie in die *Provinsiale Staatskoerant*.

KONSEPMEMORANDUM EKAMINERINGS- EN EVALUERINGSWETSONTWERP, 1997

A MOTIVERING

Die Gauteng Departement van Onderwys het in 1996 die Eksamining-stelsels wat van die vorige apartheid departemente geërf is, saamgesmelt. Hierdie samesmelting was 'n belangrike stap tot omvorming in onderwys in die Provinse. Administratiewe probleme het egter opgeduik in die implementering van die eerste nie-rassige eksamsens: veiligheidsmaatreëls was onvoldoende; personeel was swak voorberei en bestaande tegnologie was verouderd en onvoldoende. Die verslag van die Khumalokommissie het hierdie probleme in sy verslag uitgelig en daarvan saam aanbevelings gemaak.

Die Departement het die Eksamining- en Evalueringwetsontwerp opgestel gedeeltelik in reaksie op hierdie aanbevelings en gedeeltelik om goeie onderwyspraktyke te omvorm en te versterk in die Provinse.

Hierdie wetgewing bepaal die beleid en beginsels onderliggend aan die administrasie van eksaminering en evaluering in die Provinse. Dit maak verder voorsiening vir strukture en 'n stelsel wat effektiewe, onpartydige en toerekenbare administrasie bevorder. 'n Eksamining- en Evalueringskommissie sal uit senior beampies in die Departement en lede genomineer deur belanghebbendes in die onderwys bestaan en deur die Lid van die Uitvoerende Raad aangestel word. Kundiges en beroepsmense op onderwysgebied wat 'n waardevolle bydrae tot die eksaminering- en evaluatingsbeleid kan lewer, word in hierdie samestelling byeengebring. Hierbenewens voorsien die Kommissie 'n kanaal vir beide openbare ondersoek en toerekenbaarheid van die regering.

Die Kommissie sal 'n gestruktureerde formele verhouding met die Departement handhaaf maar nogtans onafhanklik van die departement funksioneer in die sin dat sy lede toerekenbaar sal wees aan die Lid van die Uitvoerende Raad verantwoordelik vir onderwys.

Die Wetsontwerp omskryf beleidsbeginsels onderskeidelik rondom die reg van leerlinge tot regverdige en redelike eksaminering- en evaluatingspraktyke; die reg tot inligting van elke persoon wat belangstel en die reg van belanghebbendes tot oorlegpleging. Die Wetsontwerp neem ook kennis van die Suid-Afrikaanse Kwalifikasie Owerheid en die Nasionale Kwalifikasie Owerheid.

Die Wetsontwerp hou geen wesenlike finansiële implikasie vir die Departement in nie. Die lede van die Kommissie sal nie 'n salaris ontvang nie hoewel sekere uitgawes vir vergoeding en honoraria aangegaan mag word.

B OPSOMMING VAN BEPALINGE

Artikel 1: Definisies

Die Wetsontwerp voorsien 'n definisie van sleuteltermie.

Artikel 2: Toepassing van Wet

Hierdie Wet voldoen aan die Grondwet, en norme en standarde voorgeskryf in nasionale wetgewing soos die Wet op die Suid-Afrikaanse Kwalifikasie Owerheid en die Wet op die Suid-Afrikaanse Sertifiseringsraad.

Artikel 3: Grondliggend beginsels vir eksaminering en evaluering.

Die beginsels van regverdigheid vir leerlinge, toerekenbaarheid tussen die publiek en die Departement en oorlegpleging met onderwysbelanghebbendes is grondliggend aan eksaminering- en evalueringsbeleid en toepassing daarvan.

Artikel 4: Algemene magte van die Lid van die Uitvoerende Raad

Die eksaminering- en evalueringsbeleid word deur die Lid van die Uitvoerende Raad bepaal.

Artikel 5: Pligte en funksie van Departement

Die Departementshoof het volkome verantwoordelikheid vir die toepassing van die beleid en word in hierdie verband gelei deur die beginsels in Artikel 3 hierbo uitgespel. Die Departementshoof moet 'n bestuurstrategie vir die Kommissie opstel en mag bepalings neerlê vir die toepassing van enige aspek van eksamerings- en evalueringsbeleid. Die Departementshoof moet 'n afskrif van die kennisgewing wat sodanige bepalings bevat ten minste drie weke voor publikasie aan die Kommissie beskikbaar stel.

Die Direkteur (die mees senior beampie in die Departement met spesifieke verantwoordelikheid vir die toepassing van eksaminering- en evalueringsbeleid) moet aan die Kommissie verslag doen oor die huidige stand van implementering, asook enige verdere aanverwante sake wat die Kommissie hom of haar opgedra het om te rapporteer in terme van Artikel 10(1)(d). Die Departement en Kommissie sal saamwerk om 'n sinvolle verhouding tussen beleid en implementering te skep.

Artikel 6: Daarstelling van Kommissie

Die Lid van die Uitvoerende Raad moet binne ses maande nadat die Gauteng Wetgewer die wet aangeneem het, 'n ligmaam bekend as die Eksamining- en Evalueringskommissie op die been bring. Na beraadslaging met die Gautengse Onderwys- en Opleidingsraad word die Kommissie van sewentien lede deur die Lid van die Uitvoerende Raad aangestel. Die lede van die Kommissie is aanspreeklik teenoor die LUR vir die uitvoering van hul pligte op die Kommissie. Die Kommissie sal bestaan uit die Departementshoof; vyf persone deur die LUR aangestel; een persoon deur die Gauteng Onderwys en Opleidingsraad genomineer; en nege persone verkies uit genomineerde van belanghebbende organisasies. Die Lid van die Uitvoerende Raad sal nominasies aanvra van organisasie wat belanghebbendes verteenwoordig deur middel van 'n kennisgewing in die *Provinciale Staatskoerant* en die prosedure en tydvakke vir nominasies en keuring word in subartikel 3 uiteengesit. Kommissielede moet ooreenkomsdig hul ondervinding en kundigheid in staat wees om 'n waardevolle bydrae tot die eksaminering- en evalueringsbeleid in die Provinse te lewer.

Artikel 7: Ampstermy van Kommissielede en aanstelling van nuwe Kommissielede

Die Departementshoof en Direkteur sal permanente aanstellings wees terwyl ander lede vir twee jaar aangestel word. Lidmaatskap mag in terme van Artikel 8 hieronder onttrek word.

Artikel 8: Herroeping van aanstelling van lede deur LUR en die vul van vakatures op die Kommissie

Die Lid van die Uitvoerende Raad mag, na beraadslaging met die Kommissie, 'n lid van die Kommissie onttrek indien die lid dit so versoek, of as die Kommissie deur middel van 'n besluit sodanige ontrekking versoek op grond daarvan dat die lid se werkverrigting of optrede onbevredigend is.

Sodanige lid sal geleenthed kry om vertoë te rig met betrekking tot die voorgenome herroeping van sy lidmaatskap. Die Lid van die Uitvoerende Raad stel 'n nuwe lid aan om vakatures te vul na aanbeveling van of beraadslaging met die Raad.

Artikel 9: Koöptering van Kommissielede

Die Kommissie mag lede koöpteer om behulpsaam te wees in die uitvoering van verskeie pligte. Gekoöpteerde lede sal geen stemreg hê nie.

Artikel 10: Funksies en pligte van Kommissie

Die hooffunksie van die Kommissie is om beleidsaanbevelings aan die LUR te maak en aanbevelings oor implementering aan die Departementshoof. Die Kommissie moet jaarliks, op versoek van die Lid van die Uitvoerende Raad, 'n verslag oor sy werksaamhede en enige ander verwante sake publiseer.

Artikel 11: Aanbevelings van Kommissie

Indien die Lid van die Uitvoerende Raad besluit om nie 'n aanbeveling deur die Kommissie te implementeer nie, moet die Lid van die Uitvoerende Raad geskrewe redes vir daardie besluit aan die Kommissie voorlê.

Artikel 12: Ampsdraers, Uitvoerende Komitee en administratiewe beampete van Kommissie

Die Kommissie sal sy eie ampsdraers verkies, naamlik 'n voorsitter, 'n adjunk-voorsitter en 'n tesourier. Die Uitvoerende Komitee sal bestaan uit hierdie beamptes en twee addisionele lede wat tussen vergaderings vir die bestuur van die Kommissie verantwoordelik is. Die Departementshoof moet 'n personeellid van die departement aanstel om die Kommissie in die uitvoering van sy administratiewe funksies by te staan.

Artikel 13: Finansies van die Kommissie

Die Wetgewer sal fondse vir die funksionering van die Kommissie bewillig. Die Direkteur sal rekord hou van en streng beheer oor hierdie fondse uitoefen.

Artikel 14: Toewysing van personeel deur Departement

Die Departementshoof moet personele vanuit die departement aanwys om die Kommissie in die uitvoering van sy pligte by te staan.

Artikel 15: Vergaderings van die Kommissie

Die Kommissie en Uitvoerende Komitee moet ten minste vier keer per jaar vergader. Die besluite van die Kommissie en Uitvoerende Komitee sal nie slegs vanweë 'n vakature ongeldig wees nie.

Artikel 16: Oorsig van Kommissie

Die werksaamhede van die Kommissie sal jaarliks deur die Wetgewer beoordeel word en sal oorweging skenk aan die rigting wat die Kommissie insake nuwe verwikkelinge in nasionale beleid en wetgewing.

Artikel 17: Regulasies

Die Lid van die Uitvoerende Raad is by magte om regulasies uit te vaardig om die oogmerke van die Wet te bevorder.

Artikel 18: Kort titel en inwerkingtreding

Die Eksamining- en Evalueringswet sal in werking tree op 'n datum deur die Premier geproklameer in die *Provinciale Staatskoerant*. Artikel 5(2) wat betrekking het op die uitreiking van regulasies rakende die implementering van eksaminering en evaluering sal egter op 'n verskillende datum in werking tree.

TSEBIŠO-KAKARETŠO

TSEBIŠO 2773 YA 1997

MOLAO KAKANYWA WA DITIHATIHOBO LE TSHEKATSHEKO WA 1997

Go thuša ka mokgwā wa bokgoni le go se hlaole tlhatlhobong le tshekatshekong ya baithuti profinsing, hlomo ya lekgotla la Ditihatihabo le Tshekatsheko go kgonthiša setshaba go sekaseka le go tsea karolo tswelopeleng ya peakanyo ye byalo, le tabeng tše mabapi le seo.

Ye e hlomilwego ke Tlhakamolao wa Gauteng ka tsela ye—

Ditlhathollo

1. Motirong ye, ge tshwaraganyo e sa bontshe se sengwe—

"Lekgotla" le ra Lekgotla la Ditihatihabo le Tshekatsheko le le hlomilwego go ya ka karoto 6;

"Molaotheo" o ra molaotheo wa Rephaboliki ya Afrika Borwa (Tiro 108 ya 1996);

"Lekgotla" le ra Kekgotla la Thuto le katišo la Gauteng le le hlomilwego go ya ka karolo 32(1) ya Tiro ya Dithuto tša Sekolo (Gauteng) (Tiro 6 ya 1995);

"Kgoro" e ra kgoro ya Gauteng ye e rwelego boikarabelo go tša thuto;

"Molaodi" e ra mohlankediy o mogolo go bohole kgorong yeo boikarabelo bya gagwe e lego go diragatša maikešetšso a tlhatlhobon le tshekatshekong;

"Komiti ya Phethišo" e ra komiti Phethišo ya Lekgotla;

"Hlogo ya kgoro" e ra mohlankediy o kwa godimo go bohole yo a thwetšwego ke kgoro;

"Tlhakamolao" ke tlhakamolao ya Profinsi ya Gauteng;

"Tlhakamolao ya Setshaba" e ra molao wa Palamente goba molao -- thomo wo o dirilwego go ya ka molao wa Palamente wa dumellwa ke Lekgotla la Setshaba la Profinsi go ya ka kakanyo ya karolo 146 (6) ya Molaotheo;

"Leloko le le Kgethilwego" le ra leloko le le kgethilwego go ya ka karolo 6(2)(a) goba (b); le

"Profinsi" ke Profinsi ya Gauteng.

Tirišo ya Molao

2. Go ya ka Molaotheo, molao wa khansele ya Afrika Borwa wa bohlatse bya bokgoni 1986 (molao 85 wa 1986) le mohuta ofe goba ofe wo o dirišwag le maeomo a kgethilwego tlhakamolaong wa setshaba, molao wo o tla šomišwa mo tšweletšong pele le tirišong ya tlhatihobon le tshekatshekong ya maikešetšso a profinsi.

Maikemisētšo a o gatellago ditlhathollo le tshekatshekong

3. Melao ye e gatelelagu maikemisetso le tshomiso ya seo ka gare ga Profinsi—
 - (a) Moithuthi yo mongwe le yo mongwe o nale tokelo go tiriso ye botse le go kwagala ya tlhatlhobon le tshekatshekong.
 - (b) Motho yo mongwe le yo mongwe yo a nago le kgathego o nale tokelo go tsa maikemisetso le meano ka ga tsa ditlhathollo le tshekatshekong tsa kgoro ka tlase ga tse di latelago—

- (i) Kgoro ga ya swanelā go lokoila tsebiso yeo phahlalatso ya yona e ka amago tshireletšo ye e nyakegago mo taolong ya tlhatlhobo le tshekatsheko, ditsela le disomiswa; le
- (ii) Kgoro e ka nna ya gana go lokolla tsebiso ge e le gore go dira byalo go ka tshwenyana le ditsela le disomiswa tse di kgonthisago tshepedišo ye e nepagetsego ya tlhatlhobo le tshekatsheko.
- (c) Baemedi ba balefatshetele thutong ya Profinsi ba swanetse go rerishiwa mabapi le maikemisetso a tlhatlhobo le tshekatsheko.

Maatia kakaretso a Lelokola Lekgotla Phethišo

4. Leloko la lekgotla phethiso le swanetse go phetha molao wa Profinsi wa tlhatlhobo le tshekatsheko.

Ditshwanelo le ditiro tsa Kgoro

5. (1) Hlogo ya Kgoro e swanetše go rwala boikarabelo bya go tsenya tirisong molao wa tlhatlhobo le tshekatsheko wa Profinsi le—

- (a) go kgontisa gore go tsenywa tshomisong ga molao wa tlhatlhobole tshekatsheko o hlahlwā ke melao ye e hwetšwago karolong 3;
- (b) swanetše go nea Kgoro ngwaga o mongwe le o mongwe maono o a ngwadilwego a Lekgotla mabapi le go tsenya tirong ga molao wa tlhatlhobo le tshekatsheko mo Profinsing; le
- (c) go tsenya ditaolo ka Tsebišo Lengwalong la Profinsi mabapi le tshomišo ya popego efe goba efe ya molao wa tlhatlhobo le tshekatsheko.

(2) Hlogo ya Kgoro e ka nna ya se ntshe taolo efe goba efe ya temana (1)(c) kwa ntšle feela ge mo bekeng tše tharo pele ga phatlalatšo ya Tsebišo ye e akanywago ke temana a ntshitse Khophi ya Tsebiso ya Lekgotla.

(3) Molaodi o swanetše, kopanong ye nngwele ye nngwe ya Lekgotla a tsebiše ka ga seemo sa nako yeo sa tiriso ya molao wa Profinsi sa tlhatlhobo le tshekatsheko.

(4) Molaodi o swanetse go tsebiša Lekgotla ka ga ditaba tse dingwe tseo Lekgotla go ya ka temana (d) ya kgaolo 10(1) a laetswe go go tsebiša.

Hlomo ya Lekgotla

6.(1) Leloko la Lekgotla Phethišo le swanetse gore mo gare ga kgwedi tše selelago go thomilwe, go hlongwe sehlopha se se tsebyago ka Lekgotla la Tlhatlhobo le Tshekatsheka.

(2) Batho ba ba latelago ba swanetše go hlomphiwa ke Leloko la Lekgotla Phethiso byalo ka maloko a Lekgotla ka morago ga poledišano le Khansele—

- (a) motho yo tee yo a kgethilwego ke Khanseke;
- (b) ba senyane ba ba hlaotšwego go !tswa go batho ba ba kgethilwego go ya ka kardwana (3) ke ba dithulaganyo tše di emelago balefatshetele mo thutong le katišong Profinsing;
- (c) batho ba ba hlano bao leloko la Lekgotla Phethiso ka go ikgethela ga gagwe a ba hlmomago byale ka maloko a Lekgotla; le
- (d) Hlogo ya Kgoro le Molaodi.

(3) Leloko la Lekgotla Phethiso le swanetse go—

- (a) mo matsatsing a 30 go thomisitswe, le morago ga mo, bonyenyane matsatsi a 60 pele ga pheletso ya paka ya ofiso maloko a Lekgotla a phatlalatse Tsebiso Lengwalong la Profinsi a memele maloko a Lekgotla dihlrophong go ya ka kakanyo ya karolwana (2)(b) mme a supiše mokgwa wo dihlropho tse di tla swarwago ka gona;

- (b) Laetše mo Tsebišong ye e akanywago mo temaneng (a) paka ya go tswalelwa ga go tliswa ga dihlropho go ya ka temana (a) yeo paka ya yona e tla bago matšatši a 30 go tloga tsatsing leo Tsebiso a phahlaladitswego ka yona; le
 (c) a dire dihlomo tša gagwe go ya ka karolwana (2)(b) ka Tsebiso Lengwalong la Profinsi le le tla phatlalatswago matsatsi a 30 paka ya go tswalela e se swe ya fihla go neana a dihlropho go ya ka-lemana (a).

(4) Batho ba ba tšewago ya ka-temana (a) go ya go (c) ya karolwana (2) e swanetse ya ba batho bao ka boitemogelo goba botswererere jwa bona ba tla kgonago go neana ka kabelo ye e bohlokwa go malao wa tilhatlhobo le tshekatsheka wa Profinsi.

(5) Maloko a Lekgotla a swanetše go ikarabela go Lekoko la Lekgotla Phethisi mo go tswetsweng pele ga mesomo ya ona.

Paka ya Ofisi ya maloko a lekgotla le go bewa ga maloko a maswa a Lekgotla

7. Go ya karolo 8, paka ya ofisi ya leloko le le kgethilwego go ya kaditemana (a) go ya go (c) ya karolo 6(2) e tla ba mengwaga e mebedi.

Go gogela morago ga peo ya leloko ke Leloko la Lekgotla Phetiši le go tlatswa ga diphatlatiro Lekgotleng

8. (1) Leloko la Lekgotla Phethišo la Thuto le ka nna la, morago ga poledisano le Lekgotla gogela morago peo ya leloko—

- (a) ge leloko le kgopela byalo;
 (b) ge Lekgotla le tsere sephetho sa go kgopela Leloko la Lekgotla Phethišo, go gogela morago peo ya leloko le—
 (i) leloko le paletswe ke go tsenela dikopano tse tharo ka go latelana tsa Lekgotla kwa ntle ga lebaka le le kwagalago;
 (ii) leloko le paletswe ke go dira mesomo ya lona byale ka leloko la Lekgotla;
 (iii) boitshwaro bya leloko e bile byo bo ka senyago kgatlhego tsa Lekgotla.

(2) Leloko la Lekgotla Phethišo ga le a swanelo go gogela morago peo ya leloko a se so a fa leloko sebaka sa go dira boikemelo mabapi le kgogelo morago ye byalo.

(3) Sekgoba sa mesomo Lekgotleng se swanetse go tlatswa ka tsela ye—

- (a) Sekgala-mosomo se se bakilwego ke kgogelo morago ya peo ya leloko yeo e akanywago mo karolong 6(2)(a) se swanetse go tlatswa ka go hlongwa ke Leloko la Lekgotla Phethišo ka keletso ya Lekgotla;
 (b) Sekgoba sa mosomo se se bakilwego ke kgogelo morago ga peo ya leloko se se akanywago ditemaneng (b) goba (c) tsa karolo 6(2) se swanetse sa tlatswa ka peo ke Leloko la Lekgotla Phethišo morago ga poledisano le Lekgotla.

(4) Paka ya ofisi ya leloko le le hiomilwego go tlatsa sekgoba sa mosomo mo lekgotleng e tla fela ge paka ya ofisi ya leloko leo kgogelo morago ya lona e bakilego sekgoba sa mosomo se fedile.

Go memiwa ga maloko Lekgotleng

9. (1) lekgotla le ka nna, ka tumellelo ya Leloko la wekgotla Phethišo, la mema motho ofe goba ofe byale ka leloko go thusa mo tirong ya mediro le ditshwanelo tsa lona.

(2) Lekgotla le ka nna la fedisa boleloko bya motho yo a memilwego nako ye nngwe le ye nngwe go ya ka karolwana (1).

(3) Maloko a a memilwego a tla ba maloko a a sa swanelago go tsenela dihlropho tsa Lekgotla.

Ditiro le ditshwanelo tsa Lekgotla

10.(1) Godimo ga ditiro le ditshwanelo dife goba dife tše di abetswego ka molao, Lekgotla—

- (a) le ka nna la dira dikeletšo go Leloko la Lekgotla Phetišo mabapi le molao wa tlhatlhobo le tshekatsheko ka Profiseng le go Hlogo ya Kgoro;
- (b) le ka nna la dira dikeletso go Leloko la Lekgotla Phetiso ka ga taba efe goba efe yeo le tla bego le e supeditswe ke Leloko la Lekgotla Phetiso;
- (c) le ka dira dikeletso go Hlogo ya Kgoro ka ga taba efe goba efe yeo le tla bego le e supeditswe ke Hlogo ya Kgoro;
- (d) le ka laela Molaodi go le tsebisa ka ga tabaefe goba yeo e amago go tsenywa tirong ga molao wa tlhatlhobo le tshekatsheko Profinsing Phethisi goba Hlogo ya Kgora taba efe goba efe ye e amago ditlhalthobo le tshekatsheko ka Profinsing;
- (e) le ka nna la tsebiša Leloko la Lekgotla Phethisi goba Hlogo ya Kgoro taba efe goba efe ye e amago ditlhalthobo le tshekatsheko ka Profinsing;
- (f) le ka dira melawane ya lona go sepediša dikopano tsa lona le dikopano tša Komiti Phethiši, le ditsela kopanong tše jwale, le khoramo ya kopano tse byalo;
- (g) le swanetše go phatlalatša pego ya ngwaga ka ngwaga ka ga maike miseto a tlhatlhobo le tshekatsheko ka Profising le tiriso ya yona; le
- (h) le swanetše go ntsha pego ka ga taba efe goba efe ya e amago maike misetšo a tlhatlhobo le tshekatsheko profinsing ge le kgopelwa go dira byalo ke Leloko la Lekgotla Phethisi.

(2) Lekgotla le ka nna la neana ka maatla a lona afe goba afe go komiti Phethiši mme ga go neano efe goba efe ya mošomo wo o dirwago ke Lekgotla o ka e paledisago go o šoma ka bo lona.

Keletšo tsa Lekgotla

11. Ge Leloko la Lekgotla Phethiši le phetha go se diriše keletšo ye e dirilwego ke Lekgotla go ya ka temana (a) goba (b) ya karolo 10(1), yena o swanetše go nea Lekotla mabaka ka go ngwala ka ga sephetho sa gagwe.

Badula ofisi komiti phethiši le mmeakanyi wa Lekgotla

12. (1) Mo kopanong ya pele ya Lekgotla, le swanetše go kgetha badula ofisi ba ba latelago—

- (a) Modula setulo;
- (b) Mothuša-modula setulo; le
- (c) Ramatlotlo.

(2) Hlogo ya kgoro e swanetše go laola kgetho ya Modula setulo wa Lekgotla; Leo modula setulo a swanetšego go thoma go laola kopano.

(3) Badula ofisi ba ba hlophilwego go ya ka karolwana (1) e tla ba maloko a komiti Phethišo.

(4) Mo kopanong ya pele ya Lekgotla, le ka nna la kgetha bontšing maloko a mabedi gape a komiti Phethišo.

(5) Hlogo ya kgoro e swanetše go hloma motho yo a kgethilwego go ya ka karolo 14 byale mmeakanyi wa lekgotla le komiti Phethiso.

(6) Mmeakanyi o swanetše go ba gone le go tše a metsotso ya dikopano tsa Lekgotla le komiti Phethiso.

(7) Ge komiti Phethišo e tsea sephetho sefe goba sefe go ya ka tiro ye e efilwego ke Lekgotla go ya ka karolo 10(2) e swanetše go bega sephetho go Lekgotla kopanong ya pele ka morago ga go tsea sephetho.

Ditshelete tsa Lekgotla

13. (1) Lekgotla le swanetše go tlamelwa ka tshelete ye e lebanego lebaka le ke Modina-molao.

(2) Mookamedi o swanetše go—

(a) laola, go ya ka ditsela tsa Hlogo ya Kgoro, matlotlo ohle a Lekgotla; le

(b) laola buka tše byalo, direkhotho le distatamente byale ka ga Hlogo ya Kgoro e tla nyaka.

Kgetho ya bašomi ke Kgoro

14. Hlogo ya Kgoro e swanetše go kgetha batho ba ba byalo mosomong wa Kgoro bao a bonago ba loketše go thuša Lekgotla mo go direng mešomo le ditshwanelo.

Dikopano tsa Lekgotla

15. (1) Lekgotla le swanetše go kopana bonyenyane gane ka ngwaga.

(2) Komiti Phethišo e swanetše go kopana bonyenyane gane ka ngwaga.

(3) Ditherišano tsa Lekgotla goba tsa komiti Phethišo e ka se be tše lefeela ka lebaka feela la gobane go nale sekgoba-mošomo mo Lekgotleng goba Komiti Phethišo.

Tekolo ya Lekgotla

16. Go ba gona le tlhamo ya Lekgotla, le kwano ya mošomo wa Iona le makala a a lego gona le a a hlagelelang go a amago maikemišetšo a tlhatlhobo le tshekatsheko le go tsenywa tirong, a swanetše go lekolwa ngwaga ka ngwaga, ke Badiramolao ka lebaka la ditswelopele maikemišetšong a botšhaba le bodiramolao.

Melawana

17. Leloko la Lekgotla Phethišo le ka nna la dira melawana go ts!wetša pele merero ya Tiro ye.

Thaetlele e Kopana le Thomišo

18. (1) Tiro ye e tla bitšwa Tiro ya Dithlatlhobo le Tshekatsheko 1997, gomme fase ga karolwana (2) e tla tsenywa tirong ka tetšatši le te beilwego ke Tonakgolo ka tsebišo Lengwalong la Profinsi.

(2) Karolo 5(2) e tla tsena tirišong mo pakeng ye nngwe ye e tla beago ke Tonakgolo ka kgoeletso Lengwalong la Profinsi.

MOLAO KAKANYWA WA DITHIHATIHOBO LE TSHEKATSHEKO WA 1997

A THOTLOETSO

Ka 1996 kgoro ya Thuto ya Gauteng e ile ya kopanya mekgwa ya ditlhathihobo yeo e e amagetšego go tšwa dikgorong tša pele tša aparteite. Kopano ye e bile kgato ye e bohlokwa go iša phetogong dithutong ka profinsing. Le ge go le byalo, go bile le mathata a taolo mo go tsenyeng tshomišong ga ditlhobt tše di sa kgetheng mmala; peakanyo tsa polokego di be di se nene, bašomedi ba sa itokisetša gabotse, mme le technology ye e bego e šomišwa e be e le ya kgale le go bego e šomišwa e be e le ya kgale le go se felile. Mathata ohle a, le dikeletšo tša go a rarolla di begilwe mo Khomišeneng ya Khumalo 1997.

Ka utiba e nugwe byale ka karabo keletšone tše, gape ka utiha enngwe byale ka mokgwa wago fetola le go tiša mekgwa ya thuto ye e lokilego ka profinsing, kgoro e akantše "Molaokakanywa wa Ditlhathihobo le Tshekatsheko".

Molaotlhomo wo o aletša maikeisetšo le melao ka fase ga taolo ya ditlhathihobo le tshekatsheko ka profinsing. Go tloga mo, e neana ka dipopego, le ditsela tše di rotloetsago taole ye e somago e sa hlaole e ikarabelago. Lekgotla la Ditlhathihobo le Tshekatsheko la profinsi le tla bopiwa ka bahlankedipušo ba kwa godimo mo kgorong le maloko a a hlophilwego ke balefaditshelete ba beilwe ke Leloko la Lekgotla Phethišo. Popo ye e tiša mmogo ditsebi le ditswiriri makaleng a thuto bao ba ka kgathago tema e e bohlokwa maikeisetšong a tlhatlhobt le tshekatsheko. Godimo ga mo, Lekgotla le neana ka lefelo la setshaba go ka sekaseka le boikarabelo bya mmušo.

Lekgotla te tla ba le bogwerano byo bo bopegilego le kgoro le dutše le ikemetše go tšwa kgorong ka gobane maloko a lona a tla ikarabela go Leloko la Lekgotla Phethišo le le rwelego boikarabelo bya thuto.

Molaokakanywa o beakanya melao ya maikeisetšo mabapi le tokelo ya baithuti ka ga mekgwa ye e lokilego le go kwagala ya tlhatlhobt le tshekatsheko, tokelo ya motho yo mongwe le yo mongwe go hwetša pego, le toke go balefaditshelete go poledišano bohle. Molaokakanywa o ela hloko gape Taolo ya Bohlatse ya Afrika Borwa le Mohlako was Setshaba.

Molaokakanywa ga o na kamego tše kgolo tša ditshelete kgorong. Maloko a Lekgotla a ka se gole le ge e le gore ditefelo tše dingwe le malebo di ka dirwa.

B MABAKA KA KAKARETŠO

Karolo 1: Tlhathollo

Molaokakanywa o neana ka tlhathollo tša mabaka.

Karolo 2: Tirišo ya Tiro

Tiro ye e tla dumellana le Moloatheo, mekgwa le meamo a a hloswago hlakamolaong wa Setshaba byalo ka Tiro ya Taolo ya Bohlatse ya Afrika Borwa, le Tiro ya Khansele ya Bohlatse ya Afrika Borwa.

Karolo 3: Melao ye e gatelago ditlhathihobo le tshekatsheko

Melao ya toka go baithuti, boikarabelo gareng ga setshaba le Kgoro, le poledisano magareng ga balefaditshelete ba thuto ba aletsa maikeisetšo le tiragatšo ya tlhatlhobt le tshekatsheko. Le ge gole bjale Kgoro e laelwa go sireletsa tsebo ye e bohlokwa yeo ge e ka ntshiwa e ka senya bokgonthe ba sediriswa sa teko goba tshireletso ya tshepetšo ya tlhatlhobt.

Karolo 4: Maatla kakaretšo a Leloko la Lekgotla Phethišo

Leloko la Lekgotla Phethišo le tšeа sephetho maikemisetsong a tlhatlhobo le tshekatsheko Gauteng.

Karolo 5: Ditshwanelo le mosomo wa Kgoro

Hlogo ya Kgoro o rwele boikarabelo bohle tiragatsong ya maikemisetso gomme a hlahlwa tabeng ye ke molao ye e hhaloswago karolong 3 mo godimo. Hlogo e swanetše go beakanyetsa Lekgotla ditsela tsa taol mme a ka ntsha melawana ye e amago tiriso ya popego efe goba efe ya molao wa tlhatlhobo le tshekatsheko. Hlogo ya Kgoro e swanetše go bona gore khophi ya Tsebiso ye e nago le melawana ye e hwetswa ke Lekgotla pele ga beke tse tharo e begiwa.

Molaodi (e lego mohlanked mogolo go bohle mo Kgorong yo a nago le maikarabelo a a rileng tiragatšong ya molao wa tlhatlhobo le tshekatsheko) o swanetše go begela lekgotla kaga tirišo ya byale le kaga ditaba tše dingwe gape tšeо Lekgotla le mo laeditsego go di bega go ya ka karolo 10(1)(d). Kgoro le Lekgotla di tla somišana go bopa bogwera byo botse magareng a maikemesitso le tiragatso.

Karolo 6: Hlomo ya Lekgotla

Leloko la Lekgotla Phethišo le swanetse gore mo kgwedding tse tsheletsego tseo Tlhakamalao wa Gauteng o tswaleditse Tiro ye, le hlome sehlopha se se tla tsebyago ka Lekgotla la Thlatlhobole Tshekatsheko. Leloko la Lekgotla Phetiso le hloma. Lekgotla la ba lesome-supra ka morago ga poledisano le Lekgotla la Thutole Katiso la Gauteng. Maloko a Lekgotla a ikarabela go Leloko la Lekgotla Phetiso mabapi le mesomo ya ona Lekgotleng. Lekgotla le tla ba le Hlogo ya Kgoro, Molaodi, batho ba ba hlano ba ba hlomilwego ke Leloko la Lekgotla Phetiso, motho yo tee yo a kgethilwe go ke Lekgotla la Thuto le Katiso la Gauteng, le ba senyane ba ba kgethilwego go tswa go makala a balefaditshelete. Leloko la Lekgotla Phethiso le tla phatlalaltsa Tsebiso Lengwalong la Profinsi a goeletša tshišinyo go tswa makaleng a a emetšego balefaditshelete, le ditsela le pakanako tšeа tshišinyo le kgetho di beakantšwe karolwaneng 3. Maloko a Lekgotla a swanetse ka baka la maitemogelo a ona a kgona go dira kabelo ye e bohlokwa go molao wa tlhatlhobo le tshekatsheko mo Profising.

Karolo 7: Paka ya ofisi ya maloko a Lekgotla le hlomo ya maloko a maswa a Lekgotla

Hlogo ya Kgoro le Molaodi batla dulela saruri ofising ge maloko a mangwe ba tla dula ofising mengwaga e mebedi. Maloko a ka nna a gogelwa morago go ya ka karolo 8 ka mo tlase.

Karolo 8: Kgogelo morago ga tlhomo ya leloko la Leloko la Lekgotla Phethišo le go tlatswa ga sekgoba sa mešomo mo Lekgotleng

Leloko la Lekgotla Phetiso le ka re morago ga poledisano le Lekgotla la gogela maloko morago go tswa Lekgotleng ge leloko le kgopela go dira byalo, goba ge Lekgotla le dira sephetho sa go gogela morago ka mabaka a gore tiro ya leloko goba boitshwaro ga di kgotsofatše. Leloko le byalo le tla ba le sebaka sa go dira boikemelo mabapi le kgogelo morago ya boleloko byo bo šišinywago. Leloko la Lekgotla Phethišo le tlatsa dikgoba mešomo ka go hloma leloko le leswa ka morago ga keletšo ya, goba poledisano le Lekgotla.

Karolo 9: Memo ya maloko a Lekgotlo

Lekgotla le ka nna la mema maloka go thusa go tswaleditsha ditshwanelo tšeа fapafapanego. Maloko a a memilwego a nale maemo a gose vouti.

Karolo 10: Ditiro le ditshwanelo tšeа Lekgotla

Tirokgolo ya Lekgotla ke go dira ditshisinyo maikemisetsong go Leloko la Lekgotla Phethiso le ditshisinyo go direng go Hlogo ya Kgoro. Lekgotla le swanetše go dira pego ya mosomo wa lona ngwaga le ngwaga, le ka ga taba efe efe ka kgopelo ya Leloko le Lekgotla Phethišo.

Karolo 11: Tshisinyo ya Lekgotla

Ge Leloko la Lekgotla Phethišo le phetha go se diragatše tshisinyo ye e dirilwego ke Lekgotla gona Leloko la Lekgotla Phethiso le swanetše go tlamelā Lekgotla ka mabaka a a ngwadilwego a sephetho sea.

Karolo 12: Badula ofisi, komiti Phethiso le bahlankedti taolo ba Lekgotla

Lekgotla le tla ikgethela badula ofisi balona e lego modula setulo mctlatso modula setulo le Rramatlotlo, Badula-ofisi ba le maloko a mangwe a mabedi ba dira komiti Phethiso ye o e ikarabelago bolaoding bya Lekgotla dikopanong.

Hlogo ya kgora eka bea leloka la basomi go tswa kgorong go thusa Lekgotla go dira mesomo ya bolaodi.

Karolo 13: Ditshelete tsa Lekgotla

Bodiramolao bo tla neana ka ditshelete tshomisong ya Lekgotla. Molaodi te tla hlokomedisisa taolo ye e tseneletšego godimo ga ditshelete tše le go swara direkhoto.

Karolo 14: Peo ya basomi ke kgaro

Hlogo ya kgoro e swanetse go bea batho mo kgorong go thuša Lekgotla ka Mešomo ya Iona.

Karolo 15: Dikopano tsa Lekgotla

Lekgotla le komiti Phethiso di swanetše go kopana bonyenyane gane ka ngwaga. Diphetho tsa Lekgotla goba Komiti Phethišo di ka se be tsa lefeela ka lebaka feela la go ba le sekgobamosomo.

Karolo 16: Tekolo ya Lekgotla

Modiramolao otla lekola mosomo wa Lekgotla ngwaga le ngwaga gomme a hlokomedisisa tsela yeo Lekgotla le e tseago mabapi le ditswelopele tše di swa molaong wa sethaba le bodiramolao.

Karolo 17: Melawana

Lelokola Lekgotla Phethiso le filwe maatla a go dira melawana go tswetsa pele maikemišetšo a Tiro ye.

Karolo 18: Thaetlele ye kopana le thomisō

Tiro ya Ditlhathlobo le Tshekatsheko e tla thoma go šoma ka letšatši le le beiwego ke Tonakgolo ka kgoeletso Lengwalong la Profinsi. Karolo 5(2) ye e somago ka go ntsha melawana mabapi le go tsenya tirong ga tlhatlhobo le tshekatsheko, e tla thoma go soma ka tšatši le le fapanego le le beiwego.

INOTHISI KAWONKE-WONKE

INOTHISI 2773 WA 1997

UMTHETHOSIVIVINYO WOKU HLOLA NOKU BUYEKEZA KA 1997

Ukuza kubekhona uhlelo olusebenza kahle futhi nangokulinganayo ngokuHlola nokuBuyekeza abafundi esiFundeni, kuzokusunguwa uMkhanolu wokuHlola nokuBuyekeza ukuze umphakathi ubambe iqhaza ekwaKhiweni kohlelo kanye nokunye Okuhambelana nakho.

Lomthetho uzakushaiwa yiSigungu Esishaya uMthetho sase Gauteng njengokulandelayo-

Izincazelo

1. Ngokwalomthetho, ngaphandle uma inkontilaki (contract) ichayza ngenye indiela—

"uMkhandlu" uchaza ukuHlola nokuBuyekeza okusungulwe ngokwemininingwane yesiqendu 6;

"uMthethosisekelo" uchaza umthethosiselo weNingizimu Africa Yonkana ka 1996 (umthetho 108 ka 1996);

"Ibandla" lichaza Ibandla lezeMfundu kanye nokuLolonga lase Gauteng elisungulwe ngokwesiqendu 32(1) somthetho wezikole kanye neMfunolo (Gauteng) (Umthetho no.6 ka 1995);

"uMnyango" kusho uMnyango wase Gauteng obhekene nezeMfundu;

"uMqondisi" lisho okunguyena omkhulu kubo bonke kuzikhulu zoMnyango omsebezu kungukuhambisa umthetho wokuHlola nokuBuyekeza;

"ikomidi lenkambiso" kusho ikomidi lenkambiso yoMkhandlu;

"Inkloko yoMnyango" kushiwo okuuguyena omkhulu kabonke oqashwe kuMnyango;

"Isishayamthetho" kushiwo isishayamthetho sesiFunda esiFundeni sase Gauteng;

"ilungu" kushiwo ilunga loMkhandlu;

"uMthetho kaZwebonke" kushiwo umthetho wePalamende noma umthetho odluliselwe kuziphathimandla ngokomthetho wePalamende ngokwegunya lesiGungu seziFunda zeZwelonke njengokuqondwe ngesiqendu 146(6) somthethosisekelo;

"iLungu eliphakamisiweyo" kushiwo eliphakomisiweyongokuwesiqendu 6(2)(a) noma (b); futhi

"isiFunda" kushiwo isifundasase Gauteng.

Ukusetshenziswa komthetho

2. Ngokomthethosisekelo, umthetho wokuZuza (ngokweMfundu) ka 1995 (umthetho no.58 ka 1995) wase Ningizcinu Afrika, umthetho wesigungu sokuNikezela ngeziTifiketi, 1986 (umthetho no.85 ka 1986) kanye noma yimaphi amazinga abekiweyo ngokomthetho weZwe, Comthetho uzakusetshenziselwa ukwakhwa kanye nokuhambisa (ukutshala) ingqubo(umthetho) wokuHlola nokuBuyekeza phakathi kwesiFunda.

Imigomo esekela ukuHlola nokuBuyekeza

3. Lemigomo elanolelayo izakumisa umthetho wokuHlola nokuBuyekeza wenkambiso yawo esiFundeni—

- (a) Wonke umfundi unelungelo elimfanele ngokuhlolwe kanye nokubuyekeza.
- (b) Wonke umuntu othandayo unelungelo lokuchazelwa ngemithetho yokuHlola nokuBuyekeza kanyenezinjongo zoMnyango kuphela ngokwalembandela—
 - (i) uMnyango kawufamele ukhiphe incazeko ngalokho okungahle kuthiKameza inkambiso yezingqulo nezijundu zokuHlola nokuBuyekeza; futhi uMnyango unakho ukuthi wenqabe ngoncazeloe engahle ithikameze inkambiso yezingqubo nezijundu zokuHlola nokuBuyekeza.
 - (ii) uMnyango unakho ukuthi wenqabe ngoncazeloe engahle ithikameze inkambiso yezingqubo nezijundu zokuHlola nokuBuyekeza.
- (c) Kufamela kubonisware nalabo abamela ababambe iqhaza esiFundeni mayelana nomthetho wokuHlola nokuBuyekeza.

Amandla jikelele eLungu lesiGungu seziphathimandla

4. Ilungu lesiGungu seziphathimandla kufamela abeke umthetho wokuHlola nokuBuyekeza esiFundeni.

Imisebenzi yoMnango

5. (1) Inhloko yoMnango kufanele ifhekane nokutshala umthetho wokuHlola nokuBuyekeza esiFundeni, futhi—

- (a) kufanele abheke ukuthi inkambiso yomthetho wokuHlola nokuBuyekeza ihambelana nencigomo njengokulotshwe kusigerdu 3;
- (b) unyaka nonyaka kufanele aweze phambi koMkhandlu uhlelo IoMnyango lwenkambiso mayelama nonkambiso yomthetho wokuHlola nokuBuyekeza esiFundeni; futhi
- (c) unakho ukuthi angakhipha imithetho ngeSaziso kuphephandaba IoHulumeni wesifunda mayelana noma yiphi ingxenye yenkambiso yomthetho wokuHlola nokuBuyekeza.

(2) Inhloko yoMnango akufanele akhiphe umthetho ngokwesiqendu (1)(c) ngophandle kwesikhathi esingamaviki amathathu phambi kokukhishwa kwesaziso njengokuqondwe yilesosiqendu, amikezole ngekhopi yeSaziso soMkhandlu.

(3) UMqondisi kufanele ukuthi kuyo yonke imihlangano yomkhandlu aveze umbiko wesimo kulesosikhathi ngemkambiso yomthetho wokuHlola nokuBuyekeza esiFundeni.

(4) UMqondisi kufanele abike kuMkhandlu nganoma yiluphi olunye udaba athungwe ngumkhandlu ngokwesigaba (d) weriqenda 10(1) ukuba abike ngalo.

Ukusungulwa koMkhandlu

6. (1) ILungu lesigungu sezishayamthetho kufanelo, phakathi kwezinganga ezingu 6 kuqaliwe asungule isigungu esaziwa ngokuthi uMkhandlu wokuHlola nokuBuyekeza.

(2) Abantu abalandelayo kufanele bakhethe yilungu lesiGungu lezoshayamthetho njengamalungu oMkhandlu ngemwa kokubonisana nesiGungusezenifundo nokukoLolonga sase Gauteng—

- (a) umuntu oyeshwa ophakanyiswe yisiGungu sezemfundo nokulolonga sase Gauteng;

- (b) abantu abangu qabakhetwe kulabo abaphakamisiwe ngokwesiqendu (3) yimikhanka emele ababambe iqhaza kwezeMfundu nezokuLolonga esiFundeni;
 - (c) abantu abahlanu abakhethwa yiLungu lesiGungu lezishayomthetho ngokombono wakhe ukuthi babe ngamatlungu; kanye
 - (d) inhloko yoMnyango kanye noMqondisi.
- (3) llunga lesiGungu sezishayanthetho kufanele—
- (a) phakathi kwezinsuku ezingu-30 kugaliwe, ngemwa kwalokho okungenani-60 izinsuku ngaphambi kokuphela kwesikhathi sokuphatha ngasinye kumalungu oMkhandlu, akhiphe iSaziso ephephanolaben iSaziso enema iziphakamiso zamalungu oMkhandlu njengokuqondwe kusiqendu (2)(b) kuvezwe nokuthi iziphakamiso zizokwenziwa njami;
 - (b) kubhalwe kuSaziso njengokuqondwe kusigaba (a) usuku lokwala ukufaka igiphakamiso ngokwesigaba (a) lolosuku luzokuba i-30ize- usuku ngemwa kokukhishwa kweSaziso; fathi
 - (c) enze okwakhe ukukhetha ngokwesiqendu (2)(b) ngeSaziso kuphephanoalese lHulumeni wesiFunda elikhishwe phaka kwezinsuku ezingu-30 losuku lokufaka iziphakamiso ngokwesigaba (a).
- (4) Abantu abakhethwe ngokwezigaba (a) kuya ku (c) besiqendu (2) kufanele kube ngabantu okuthi ingokwegunya lado lolwazi kanye nekhono bakwazi ukuphousa ngokuzwakalayo esivivaneni somthetho wokuHlola nokuByekeza esiFundeni.
- (5) Amalungu oMkhandlu kufanele, ngokwenza imisebenzi yabo yoMkhandlu babengaphansi kweLungu lesiGungu Sezishayathetho.

Isikhathi sokuphatha isikhundla samalunga oMkhandlu nokukhetha amalungu amasha oMkhandlu

7. Ngokwesiqendu 8, isikhathi sokuphatha isikhundla yilunga eliKhethwe ngokwesigaba (a) kuya ku (c) lesiqendu 6(2) kuzokuba isinyaka enimibili.

Ukuhoxiswa kokukhethwa kwamakungu yilungu lesiGungu Sezishayamthetho kanye nokugewabiswa kwezikhala zomkhandlu

8. (1) llunga lesiGungu sezeshayamthetho kwezeMfundu linakho ukuthi, ngomwa kokubomisana nokukhandlu, lihoxise ukubekwa kweLungu—
- (a) uma ilungu licela kanjalo;
 - (b) uma uMkhandlu wezo isinqumo Sokweda iLungu lesiGungu SeziShayamthetho ukuthi lihoxise ukubekwa kwalelolungu, kanye—
 - (i) ilungu lihlulekile ukwethamela imihlangano emithathu ngokulandelana ngaphandle kwesizathu esizwakalayo;
 - (ii) ilungu liyoliluleka ukwenza imisebenzi yalo yobulungu; noma
 - (iii) ukuziphatha kwelungu kuyisiKhumbekiso kuzinjongo ezinhle zoMkhandlu.
- (2) llungu lesiGungu Sezishayamthetho akufanele lihoxise ukubekwa kweLungu ngaphandle kokuthi lelolungu linekezwa ithuba lokuziphendulela mayelana nokuhoxiswa.
- (3) Izikhala zoMkhandlu kufanele zigewaliswe njongokulandelayo—
- (a) Isikhala esihambelana nokuhoxiswa kokubekwa kwelungu njengokwesiqende 6(2)(a) kufanele sigewaliswe ngokuthi iLungu lesiGungu Sezishayamthetho libeke elinye ilungu ngokombono wesiGungu;
 - (b) Imikhala mayelana nokuhoxiswa kokubekwa kwelungu njengokwezigaba (b) noma (c) zesiqendu 6(2) kefanele zigewaliswe ngokuthi iLungu lesiGungu Sezishayamthetho libeke elinye ilunga ngemwa kokubomisana nesiGungu.

(4) Isikhathi sesikhundla selungu elibekwe ukugewalisa isikhala kuMkhandlu sizophela uma Kuphela isikhathi saloyo okugewaliswe isikhundla sakwe.

Ukujobeletwa kwamalunga nguMkhandlu

9. (1) UMkhandlu unakho ukuthi ngemvume yeLungu lesiGungu Sezishayamthetho, ujoelele noma wubami abe yilungu ukuncedisa ngemisebenzi.
- (2) UMkhandlu ungaphelisa ubulunga belungu elijobelekwe noma yinimi ngokwesiqendu (1).
- (3) Amalunga ajobelekwe awanalo ilingelo lokwota kuMkhandlu.

Imisebenzi yoMkhandlu

10. (1) Ngaphezu kwanoma yilimphi eminye imisebenzi eyinikezwa nguMthetho, uMkhandlu—

- (a) ungenza iziphakamiso kwiLungu lesiGungu Sezishayamthetho mayelana nomthetho wokuHlola nokuBuyekeza esiFundeni kanye nakuNhloko yoMnyango mayelana nenkambiso yawo;
- (b) ungenza iziphakamiso kwiLungu lesiGungu Sezishayamthetho nganoma yiluphi udaba oludluliselwa kuwo yiLungu lesiGungu Sezishayamthetho;
- (c) ungenza iziphakamiso kuNhloko yoMnyango ngonoma yiliphi olunye udaba oludluliselwe kuwo yinhloko yoMnyango;
- (d) ungalayela uMqondisi ukwenza umbiko kuwo nganoma ejiluphi udaba mayelana nenkamufiso yomthetho wokuHlolan nokuBuyekeza esiFundeni;
- (e) ungaxwayisa iLunga lesiGunga Sezishayamthetho noma iNhloko yoMnyango nganoma yiluphi uduba mayelana nokuHlola kanye nokuBuyekeza esiFundeni;
- (f) ungeza owayo imithetho mayelana nemihlangano kanye nemihlangano yeKomidi lesishayamthetho, kanye nezinquo kuleyo mihangano kanye nonani labantu abadingekayo ukuze kuba nomhangano(quotum);
- (g) kufanele ukhiphe umbiko wonyaka ngomthetho wokuHlola nokuBuyekeza esiFundeni kanye nonkambiso yawo; futhi
- (h) kufanele uveze umbiko nganoma yiluphi udaba mayelana nomthetho wokuHlola nokuBuyekeza kusiFunda uma ucekwe ukuba wenze njalo yiLungu lesiGungu Sezishayamthetho.

(2) UMkhandlu ungadluliselwa noma yimaphi amandla awo ku komidi yawo yezishayamthetho, kodwa akukho usebenzi odluliselwe woMkhandlu ongabangela ukathi ngweme amandla awo okuwnza lowo msebezi.

Iziphakamiso zoMkhandlu

11. Uma iLungu lesiGungu sezishayamthetho linquma ukungasebenzisi isiphakamiso esenziwe nguMkhandlu ngokuwesigaba (a) noma (b) sesiqendu 10(1), kufanele aveze izizathu ezizwakalayo kuMkhandlu ngesinquma sakhe.

Abaphathi-Zikhundla, amalungu ekomidi lasishayamthetho kanye

12. (1) Kumhlangano wokuqala woMkhandlu kufanele ukhethe abaphathi-Zikhundla abalanelayo—

- (a) uMgciniShlalo;
- (b) IphiniShlalo MggiciniShlalo; futhi
- (c) uMgcini-Zimali.

(2) Inhloko yoMkhandlu kufanele ongamele eckukhethwa koMgciniSihlalo woMkhandlu, besekuthi uMgciniSihlalo kube nguyena ophatha uMhlangano.

(3) Abaphathi-Zikhundla abakhetwe ngokwesiqendu (1) kuzokuba ugamlungu ekomidi leshayamthetho loMkhandlu.

(4) Kumhlangano wokuqala woMkhandlu ungakhetha amalungu okugewalisela angevi amabili ekomidi lezishayamthetho.

(5) Inhloko yoMnyango kufanelo ibeke umuntu ehazwe ngokwesiqendu 14 ujengo Mphathi-nkambiso woMkhandlu kanye nekomidi elishaya umthetho.

(6) UMphathi-ukambiso kufanele ahambe imihlangano futhi agcine imizuzu yemihlangano yoMkhandlu kanye nekomidi leshayamthetho.

(7) Una ikomidi leshayamthetho lithatha noma yeziphi izinqumo ngokomsebenzi odluliselwa kulo nguMkhandlu ngokwesiqende 10(2), kufanelo libike lesosinqumo kuMkhandlu kumhlangano wokuqala woMkhandlu ngemwa kokuthi kuthathwe lesosinqumo.

Isimali zoMkhandlu

13. (1) UMKhandlu kufanele ufuzwe ngozimali ezibheke nawo ezipuma kuHulimeni nesiFunda.

(2) UMqondisi kufanelo—

- (a) ahambise kahle ngokwealuleko zenhloko yoMnyango, zonke izimali zoMkhandlu; futhi
- (b) agcine lezozincwadi, imininingwane nezitativende ezingadingwa inhloko yoMnyango.

Ukuhlehoa kwabasebenzi nguMnyango

14. Inhloko yoMnyango kufanele ihlele labobantu abasebenza kuMnyango njongokubona kwakhe ngokwezishingo ukulekela uMkhandlu ngokwenza imisebenzi yawo.

Ukubuyekezwa koMkhandlu

15. (1) UMKhandlu kufanele ukuthi uhlangawe okungenani kane ngonyaka.

(2) Ikomidi leshayamthetho kufanele lihlangane okungenani kane ngonyaka.

(3) Izinqubo zoMkhandlu noma ezeKomidi leshayamthetho ngekeziphele amandla ngenxa yokuthi kukhona isikhala ka Mkhandlu noma iKomidi leshayamthetho.

Ukubuyekezwa koMkhandlu

16. Ubukhona kanye nokuqophisama koMkhandlu, kanye nokuhambisa kahle umsebenzi wavo kanye neminye imikhanka ekhona kanye nevelayo ebhekana nenkambiso yokuHlola nokuBuyekeza, kufanele kubuyekezwe unyaka nonyaka nguthlumeni wesiShayamthetho ngenxa yezinfuthuko kungqubo-nkombiso yeZwe kanye noMthetho.

Imithetho-thethwana(Regulations)

17. ILungu lesiGungu sezishayamthetho angenza imithetho-thethwana ukuphakamisa izinjongo zalo Mthetho.

Isihloko esifushane kanye nesiqalo

18. (1) LoMthetho uzobizwa ngokutha uMthetho wokuHlola kanye nokuBuyekeza ka 1997, futhi ngokwesiqendu (2) uzakuqaliswa ngosuku oluzakubekwa ugu Nolunankulu ngokukhiphe umthetho ephephandaben ikaHalumeni wesiFunda.

(2) Isiqendu 5(2) sizakuqaliswa ngosuku olahlukile olubekwe nguNolunankulu ngoku khipha umthetho kuphephanolaba ikaHulumeni wesiFunda.

**IZINDIKIMBA ZANGESIKHASHANA NGOMTHETHO SIVIVINYO
WEZOKUHLOLA NOKUBUYEKEZA, 1997**

A IZIZATHU

Ngo 1996 uMnyango wezeMfundu wase Gauteng wahlanganisa izinhlelo zokuhlola ezazikada zivele zikhona emiNyanweni yakuqala yobandluulo. LokuHlanganiso bekulingathelo elibalulekile mayelana nenguqoko kwezemfundu esiFundeni. Kodwa-ke kwabakhona izihibe ngokwenkambiso yokuqala yoHlolo olungakhetha bala lamuntu: amalungiselelo okuqaphalisisa abanenele, akababenzbesezingesi eligajabulisi, kanti nomishini ingenele. Lezizihibe, kanye neziphakamiso zokuyilungisa zabikasa kunkomishana ka Khumalo yophenyo ka January 1997.

Nganxanye, ukwenza njongoba kuvele ngokweziphakamiso, nganxanye, njengendlela yokuguqula nokuqinisa izingqubo ezinhle zemfundu esiFundeni, uMnyango uyewabhala umthetho-sivivinyo owasiKhashana wezokuHlola nokuBuyekeza.

Lomthetho uveza ingqubo - nkombiso kanye ncemigomo esekela inkombiso yezinHlolo nokuBuyekeza esiFundeni. Ngaphezu kwalokho wenza ukuthi kubekhona imikhakha nengqubo ekhuthaza inkombiso eqavile esebezena ingokufana kanti futhi ekungathanjekwa kugo. UMkhandlu weziNholo nokuBuyekeza wesiFunda uzokuba izikhulu eziphakeme kuMnyango kanye namalungu aphakanyiswe ngabanibiqhaza fathi bebekwe iLungu lesiGungu sezishayamthetho. Loku kudisliyela kuLangamisa oehwephesa nezingewethi kwezeMfundu abangaphonsa esivivaneni ngezokuHlola kanye nokuBuyekeza. Ngaphezu kwalokho uMkhandlu evenza ukuthi kubekhona indlela yokuthi umphakathi ungazicwasingela, nabaphathi bamele abakwenzayo.

Ngokwemikhakha uMkhandlu uzokuba nobudlehzano nohluyango kodwa ubi uziphetha ngokwako engoxhumene noMnyango, ngokuthi amalungu awo azokuba agaphansi kwelungu lesiGungu sezishayamthetho esiphethe ezeMfundu.

Lomthetho-sivivinyo uweza umthetho ucemigomo ngokwamalungelo abafunsi ukuthi baHlolle futhi baBuyekezwe ngendlela ekahle futhi eyenelisayo; ilungelo lawo wnke umuntu othamba ubuchazelwa; ilungelo laba bambi-qhaza lokubonisana, ngokufanayo. Lomthetho-sivivinyo nyayizwisa imikhakha ehlela ezigaba zokuphumelela(ukuphasa) (o South African Qualifications Authority kanye ne National Qualifications Framework).

Umrhetho-sivivinyo lona ngeka uthwese izinleko ezinkulu kuMnyango. Amalungu oMkhandlu ngeke ahole iholo, noma-ke kvengabakhona izindleko ezithile ekuzofanelo babuyibekwe zona kanye nezobuhloaishwa.

B ISIHLAZIYO SEMIYALO

Isiqendu 1: Izincazelol

Umrhetho-sivivinyo weza incazalo yamagama aqvile.

Isiqendu 2: Ukusebenza Komthetho

Lomthetho uzakuhambelana noMthethosisekelo, inkambiso kanye namazinga njengokubhalwe emthethweni kaZwelonekq njengothetho WeziGaba Zokuthuthuka eNingizimu Afrika kanye noMthetho wesiGungu seZitifiketi eNingizimu Afrika.

Isiqendu 3: Gunigomo emise ezekuHlola nokuBuyekeza

Umgomo wesihele ngabafundi, ubuqotho phakathi komphakathi kanye noMnyango, kanye nokubomisana nababambiqhaza kwezeMfundu yisona sisekelo somthetho kanye nenkanbiso yokuHlola nokuBuyekeza. Noma kunjalo uMnyango uyalwe ukuthi uvikele iminicingwane ejulile ekuthi uma ivedwa ishabalalise ingqikithi yalokho okuhlolwa ngakho noma imfililo yenkambiso yokuHlola.

Isiqendu 4: Amandla-jikelele esiGungu Sezishayamthetho

ILlungu lesiGungu sezishayamthetho uguyena oqopho umthetho wokuHlola kanye nokuBuyekeza e Gauteng.

Isiqendu 5: Imisebenzi YoMnyango

Inhloko yo Mnyango unamandla-jikelele ngokwenkambiso yalomthetho ngokunjalo ongamelwa yinigomo njengokuchazwe kusiqendu 3 ngaphezulu. Inhloko kufanele ilungiselela indlela yokuphatha yoMkhandlu futhi ingakhipha imthetho nganoma yini mayelana nokufeza izinqumo ngokomthetho asezokuHlola nokuBuyekeza. Inhloko yoMnyango kufanele yenza ikhopi yeSaziso equkethe loyo miththetho ifinyelele kuMkhandlu okungenami amaviki amathathu phambi kokuthi ikhishwe.

UMqondidi (okunguyona omkhuku kubo bonke kuMnyango okungumsabenzi wakhe uhusebenzisa lona thetha wokuHlola nokuBuyekeza) kufanele abike kuMkhandlu ngenkambiso yomthetho ngalesosikhathi kanye nokunye Okuhambelana ayalwengakho nguMkhandlu nkuthi anikeze ngombiko ngokwesiqendu 10(1)(d). UMnyango kanye noMkhandlu bazosebenzisana ukwakha ubudlelwano Obuzwakalayo phakathi komthetho kanye nokuwuwloma.

Isiqendu 6: Ukuhlonywa koMkhandlu

ILlungu lesiGungu sezishayamthetho kufanele ukuthi ngaphakathi kwezimnyangaezingu-6 uHulumeni wesiFunda sase Gauteng uphasise lomthetho, uhlome umkhandlu owaziwa ngokuthi ngukekhandle wezokuHlola kanye nokuBuyekeza. ILlungu lesiGungu sezishayamthetho azakubeka amalungu anga-17 ngemuva kokubonisana nesigunguse Zenifundo kanye noku Lolonga sase Gauteng. Amalunga oMkhandlu angaphansi kweLlungu lesiGungu uzi yoMkhandlu. UMkhandlu (amalungu) kuzokubayinhloko yoMnyango, uMqondise, abantu abahlanu ababakwe yilungu lesiGungu Sezishayamthetho; umuntu oyedwa ophakomiswe yisiGungu sezeMfundu nokuLolonga sase Gauteng; kanye nabantu abangu-9 abakhethwe kuziphakanyiswa zezinhlanganano zalabo ababambe iqhaza. ILlungu lesiGungu sezishayamthetho uzokhipha iSaziso kúphaphandaba lika Hulumeni wesiFunda emema bonke abaphakamiswayo ezinhlanganweni ezimele labo ababambe iqhaza, izingqulo kanye nezikhathi zeziphakamiso kanye nokukhetha zibhalwe kusiqendu 3. Amalungu oMkhandlu kufanele ukuthi ngokohlwazi labo kanye nobuchwephesh bakwazi ukuthela esivivaneni ngendlela egeohisayo kumthethonkambiso yokuHlola nokuBuyekeza esiFundeni.

Isiqendu 7: Isikhathi Sokuphatha Isikhundla Samalungu oMkhandlu kanye Nokubekwa Kwamalungu amasha oMkhandlu

Inhloko yoMnyango jkanye noMqondisi Bazophatha izikhundla unomphela kanti amanife amalungu azokuphatha incinyaka emilibili. Amalungu angakhishwa ngokwesiqendu 8 ngenzamsi.

Isigendu 8: Ukuhoxiswa kokubekwa kwamalungu yilungu lesiGungu lezishayamthetho kanye nokugewaliswa kwezikhala kuMkhandlu

iLungu lesiGungu sezishayamthetho linakho, ugomwa kokubonisana noMkhandlu, ukuthi lihoxise amalicela kanjalo, noma uma uMkhandlu ukhipha isinqumo sicela uhoxoso ngezizathu zokuthi umsebenzi walelolungu noma ukuziphatha akukona okwenelisayo. Ilungu elinjalo linakho ukuthi liziphendulele mayelana nalokho kuhoxiswa okuhlongozwayo. Ilungu lesiGungu sezishayamthetho ligewalisa izikhala ngokubeka amalungu amasha ngenuwa kweziphakamiso ze, noma nokubonisana nesiGungu.

Isigendu 9: Ukwengulwa kwamalunga okukhandlu

UMkhandlu unakho ukuthi ungenyyula amalunga ukuze bawusize ukwenza imisebenzi ehlukile. Amalungu enyuliwe awanabo ilungelo lokuvola.

Isigendo 10: Imisebenzi yoMkhandlu

Umsebenzi oqavile woMkhandlu ukwenza iziphakamiso ngomthethonkambiso kulungu lesiGungu Sezishayamthetho kanye neziphakamiso ngokuwuhloma (umthetho) kuhloko yoMnyango. UMkhandle kufanele ukhipha umbiko wonyaka ngokomsebenzi wawo, nanoma yiluphi olunye udaba oluhambelana nakho ngesicelo sekungu lesiGungu Sezishayamthetho.

Isigendu 11: Isiphakamiso SoMkhandlu

Uma iLungu lesiGungu sezishayamthetho linquma ukungasebenzisi isiphakamiso esenziwe nguMkhandlu kufanele ukuthi iLungu lesiGungu Sezishayamthetho linikeze aMkhandlu izizathu ezibhaliwe ngalesosinqumo.

Isigendu 12: Abaphathi Zikhundla Ikomidi elishayamthetho kanye noMphathi-nkambiso woMkhandlu

UMkhandlu uzazikhathela iziphathi-zikhundla zavo-njangosihlalo, a Isandla sikasihlalo kanye noMgeni-Zimali. Lezizophathi-zikhundla kanye namalungu amabili agcwaliselayo enza ikomidi yesishayamthetho ephethe inkambiso yoMkhandlu phakathi kwemihlangano. Inhloko yoMnyango ingabeka umsebenzi osuka kuMnyango ukusiza uMkhandlu ukwenza umsebenzi wawo wenkambiso.

Isigendu 13: Izimali zoMkhandlu

Isishayamthetho(Legislature) sizakulinganisela izimali zokuqhuba umsebenzi woMkhandlu. UMqondisi uzakusebenzisa lezimalingokucophelela okukhulu, fathi ugcine izincwadi.

Isigendu 14: Ukubekwa kwabasebenzi ngokwezigala nguMnyango

Inhloko yoMnyango kufanele ihlela abasebenzi ngokwezigala kuMnyango ukusiza uMkhandlu ngokwenza imisebenzi yawo.

Isigendu 15: Imihlangano yoMkhandlu

UMkhandlu kanye neKomidi alishayo umthetho kufanele bahlanganwe okungenani kane ngonyoka. Izinqumo zoMkhandlu ngeke zingasebenzi (noma ikomidi elishaya umthetho) ngema yesizathu sobuthi banesikhala njekuphela.

Isigendu 16: UkuBuyekezwa koMkhandlu

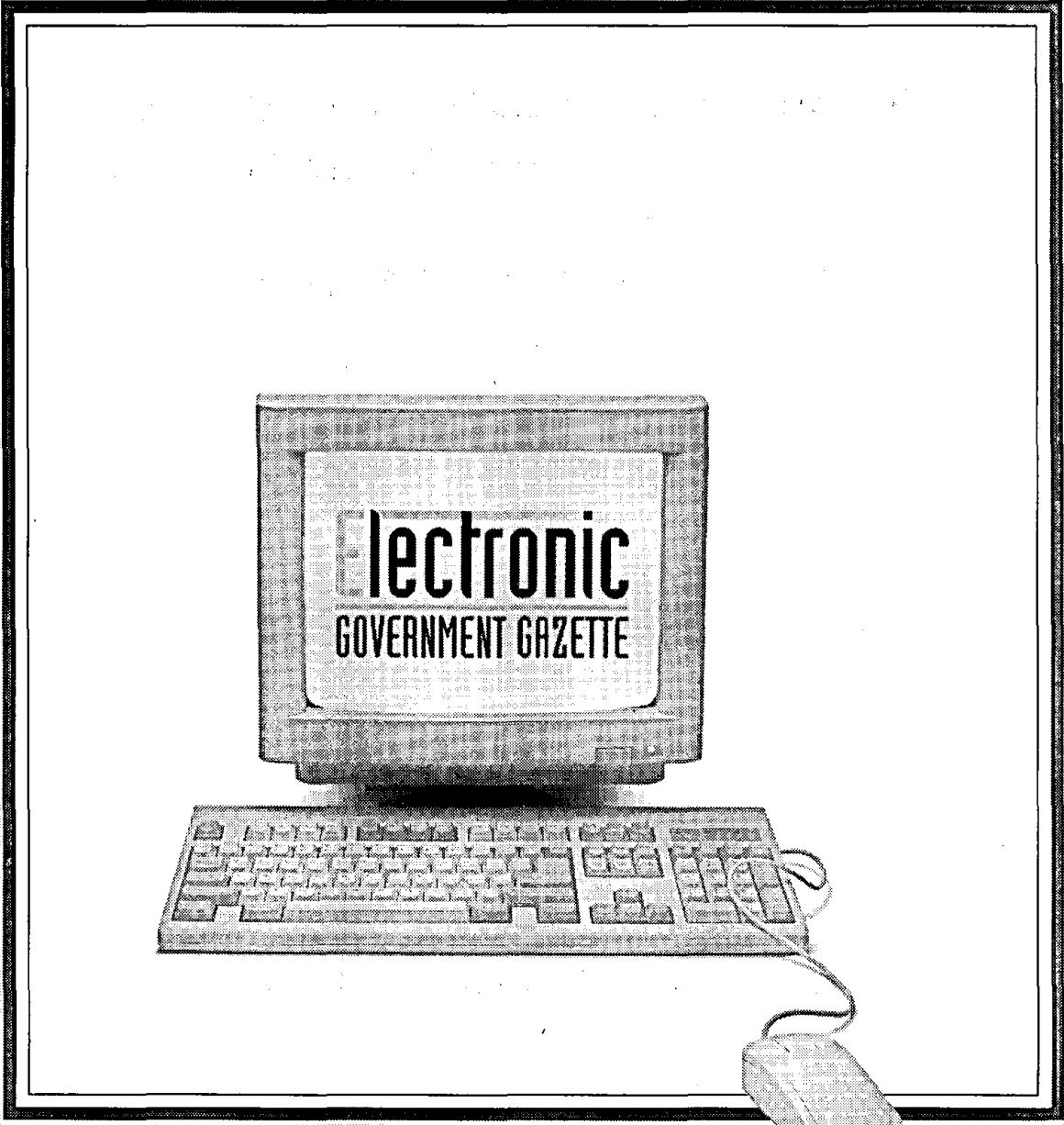
UzishayaMthetho uzobuyekeza umsebenzi wokuMkhandlu unyaka nonyaka lese ubhala indlela elanjwa nguMkhandlu mayelana nalokho okuwelayo ngengqbomthetho yeZwe kanye noMthetho.

Isigendu 17: Imithetho-theshwana

iLungu lesiGungu Sezishayamthetho umkezwe amandla ukwenza imithetho-theshwane ukugqamisa izinjonge zalomthetho.

Isigendu 18: Isihloko esifushane kanye nokugalisa

Umthatho wokuHlola nokuBuyekeza uzakuqala ngosuku olobekwe nguNdunakulu ngokukhipha umthetho kuphephandaba likaHulumeni wesiFundá. Isiqendu 5(2) esiphathelene nokukhipha imithetho-theshwana mayelana nokuqhuba ukuHlola nokuBuyekeza, kona kuzoqala ngosuku oluhlukile ngokubekwa kwalo.



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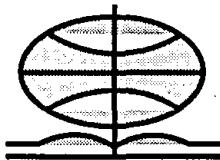
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