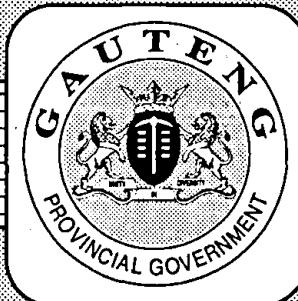


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

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No. 419

GENERAL NOTICE

NOTICE 3574 OF 1997

EDUCATION POLICY BILL, 1997

The Education Policy 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 30 November 1997 to—

The Chairperson of the Standing Committee
Gauteng Legislature
corner of Rissik and President Streets
JOHANNESBURG
2001

EDUCATION POLICY BILL, 1997

To provide for the determination of education policy; to provide for the establishment of various councils to assist in the process of making education policy; to provide for the coordination, monitoring and evaluation of education policy; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, Republic of South Africa, as follows:

Purpose

1. The purpose of *this Act*¹ is to facilitate the development of education policy by –
 - (a) designating responsibility for policy making on education-related matters and its implementation;
 - (b) to determine the areas in respect of which education policy may be made;
 - (c) to specify the criteria in respect of which education policy may be made;
 - (d) providing for the establishment of appropriate bodies that will be responsible for advising the *Member of the Executive Council* on the development of education policy;
 - (e) to specify the procedures in respect of which education policy may be made;
 - (f) to create an environment within which the public may have access to education policy; and
 - (g) to ensure that education policy is effectively monitored and evaluated.

Statement of responsibility for making and implementing education policy

2. (1) Subject to *this Act* or any other law, the *Member of the Executive Council* is responsible for the making of policy on any education-related matter for the Province².
- (2) Subject to this Act, any other law or applicable national or provincial education policy, the governing body of any *education institution* may make education policy for its institution³.
- (3) The head of the department must –
 - (a) co-ordinate the implementation of education policy in the *province*; and
 - (b) submit –
 - (i) an annual written report to the Gauteng Education and Training Council on the state of education in the Province; and
 - (ii) quarterly or such other reports as may be requested by this Council.

Scope of education policy making

3. Without derogating from the generality of what is provided for in section 2, education policy may be made in respect of the following areas –
 - (a) learners, including –
 - (i) admission criteria;
 - (ii) the learners per educator ratio;
 - (iii) compulsory attendance at an *education institution* between specified education levels and ages; and
 - (iv) a code of conduct for learners.

¹ The italicization of words denote that these words have been defined in section 17.

² In terms of this provision, the policy-making powers of the MEC are circumscribed by –

- (a) the Constitution and all other relevant statutes; and
- (b) the consultative processes referred to in section 11(3).

³ The effect of this provision is that the policy-making powers of an *education institution* are circumscribed by –

- (a) the Constitution, other statutes and other applicable policies; and
- (b) the consultative processes referred to in section 11(3).

- (b) educators, including –
 - (i) language requirements for entry into the teaching profession;
 - (ii) registration of educators;
 - (iii) recruitment, transfer and secondment of educators;
 - (iv) assessment and promotion of educators; and
 - (v) the provision of in-service education and training of educators, and educator development programmes.
- (c) curriculum issues, including –
 - (i) the subjects to be taught at each education level by an *education institution*;
 - (ii) the number of teaching hours to be provided per subject;
 - (iii) extramural activities; and
 - (iv) the languages of learning and teaching.
- (d) governance of *education institutions*, including –
 - (i) the opening, registration procedure and closing of *education institutions*;
 - (ii) the adoption of management systems by *education institutions*;
 - (iii) the duties and responsibilities of educators and heads of *education institutions*;
 - (iv) the establishment of democratically elected student representative councils;
 - (v) the establishment of governing bodies;
 - (vi) the participation and representation of all stakeholders in the governance of all aspects of education;
 - (vii) the monitoring and evaluation of education service provision and performance; and
 - (viii) the facilitation of research aimed at enhancing the quality of education services.
- (e) the financial support for *education institutions*, including –
 - (i) allocation of financial resources to different *education institutions*;
 - (ii) subsidies and loans to *education institutions* and the conditions applicable to these subsidies and loans;
 - (iii) fees to be paid to *education institutions*;
 - (iv) the right-sizing of the number of educators necessary for rendering education services;
 - (v) the allocation of funds for educator development; and
 - (vi) tender specifications.
- (f) the development of relationships between the department responsible for education in the Province and –
 - (i) other organs of the state;
 - (ii) international organisations;
 - (iii) the private sector; and
 - (iv) the non-governmental sector.

Guidelines for making education policy

- 4.(1) All education policy made in terms of *this Act* must contribute to the development of an education system which –
- (a) promotes democracy and human rights by –
 - (i) respecting the right to basic education;
 - (ii) ensuring equitable access to education opportunities and the redress of past inequalities in the provision of education;
 - (iii) fostering the advancement of persons previously disadvantaged by unfair discrimination;
 - (iv) ensuring that the admission requirements at state *education institutions* do not include language competence testing;

- (v) protecting persons against unfair discrimination within or by the department responsible for education in the Province or by an *education institution*;
 - (vi) fostering the freedoms of conscience, religion, thought, belief, opinion, expression and association within *education institutions*;
 - (vii) encouraging freedom of association and the right to assemble, demonstrate and present petitions in a peaceful manner without the threat of violence;
 - (viii) allowing all persons, including *education institutions*, access to information held by the department responsible for education in the Province in so far as such information is required for the exercise or protection of their rights; and
 - (ix) facilitating the peaceful resolution of disputes amongst all stakeholders in the education sphere.
- (b) respects religious, cultural and language rights by –
- (i) promoting respect for the country's diverse communities and traditions;
 - (ii) encouraging participation of persons in the cultural life of their choice within an *education institution*;
 - (iii) promoting the status and use of official languages that have previously been neglected or discriminated against; and
 - (iv) teaching learners in the language of their choice where reasonably practicable;
 - (v) recognising sign language as an official language of communication;
 - (vi) enabling learners to become competent in the language(s) of learning in their *education institution*;
 - (vii) allowing learners, where practicable, to use their language of choice where it differs from the language of learning in their *education institution*;
 - (viii) ensuring that, on completion of the ninth level of learning/education, learners have acquired satisfactory levels of competence in at least two official languages; and
 - (ix) encouraging educators to acquire the skills necessary for rendering education services in a multilingual environment.
- (c) advances personal development by –
- (i) promoting respect for teaching and learning in *education institutions*;
 - (ii) cultivating skills, disciplines and capacities necessary for the reconstruction and development of the country;
 - (iii) recognising the aptitudes, abilities, interests, prior knowledge and experience of learners;
 - (iv) providing opportunities for lifelong learning;
 - (v) encouraging independent and critical thought;
 - (vi) ensuring that no physically or mentally impaired person is denied the opportunity to receive an education to the maximum of his or her potential;
 - (vii) facilitating the maximum participation of learners in the learning process;
 - (viii) promoting gender equality and the advancement of the status of women;
 - (ix) combatting sexual harassment at *education institutions*; and
 - (x) protecting persons from all forms of physical and mental violence at *education institutions*.
- (d) enhances educational provision by –
- (i) ensuring that education and training is provided within a national qualifications framework;
 - (ii) promoting enquiry, research and the advancement of knowledge;
 - (iii) creating systems to improve standards of education and monitoring and

- (iv) evaluating their implementation; and
(e) encouraging the cost-effective use of education resources and the sustainable implementation of education services.

(2) A condition or limitation contained in any education policy made in terms of *this Act*, must be reasonable and proportionate to the object pursued by that policy.

Establishment of the Gauteng Education and Training Council

5. (1) The Gauteng Education and Training Council is hereby established.

(2) The Gauteng Education and Training Council must –

 - (a) assist the *Member of the Executive Council* in developing education policy for the Province;
 - (b) consider all legislation related to education policy before it is introduced in the Provincial Legislature;
 - (c) on its own initiative or at the request of the *Member of the Executive Council* investigate and consider any matter relating to education and report on its findings to the member;
 - (d) on its own initiative or upon the request of the *Member of the Executive Council* make recommendations to the member on any matter regarding education in the Province;
 - (e) consider the reports referred to in section 2(3) from the head of the department responsible for education in the Province;
 - (f) perform any function assigned or delegated to it in terms of *this Act* or any other law; and
 - (g) on the last day of March of each year present a written report on its activities for that calendar year to the *Member of the Executive Council*.

Establishment of a District Education and Training Council

6. (1) The *Member of the Executive Council* may establish a District Education and Training Council in respect of each *education district* in the Province.

(2) A District Education and Training Council must –

 - (a) on its own initiative or at the request of the *Member of the Executive Council*, the *district director*, or of the Gauteng Education and Training Council, investigate and consider any matter relating to education in the education district and report on its findings to the relevant person or body as the case may be;
 - (b) on its own initiative or upon the request of the *district director* make recommendations to the *district director* on any matters regarding education in the education district;
 - (c) subject to the directions of the Gauteng Education and Training Council perform any function delegated to it by the Gauteng Education and Training Council; and
 - (d) perform any other function as may be assigned or delegated to it in terms of *this Act* or any other law.

Establishment of Specialist Advisory Council(s)

7. (1) The *Member of the Executive Council* may, after consultation with the Gauteng Education and Training Council, establish a Specialist Advisory Council(s).

(2) A Specialist Advisory Council must –

 - (a) on its own initiative or at the request of the *Member of the Executive Council* investigate and consider any matter relating to education that falls within its terms of reference and report on its findings to the Member;
 - (b) consider and make recommendations concerning all legislation relating to education policy in the Province that falls within its terms of reference; and
 - (c) perform any other function assigned or delegated to it in terms of *this Act* or any other law.

Composition, sub-committees and procedures for the Gauteng Education Training Council, a District Education and Training Council and Specialist Advisory Councils

8. (1) The *Member of the Executive Council* may issue regulations concerning –
 - (a) the composition of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council;
 - (b) the criteria for appointing members to these councils;
 - (c) the procedures for the appointment and removal of these members, including the determination and filling of vacancies.
- (2) The Gauteng Education and Training Council, a District Education and Training Council or a Specialist Advisory Council may, with the concurrence of the *Member of the Executive Council*, establish one or more sub-committees to –
 - (a) enquire into and report to the relevant council regarding any matter falling within the scope of that council's functions; and
 - (b) perform any other function delegated to it by that council, except that the function contemplated in ~~section 5(2)(a)~~ may not be delegated.
- (3) The councils referred to in subsection (2) may at any time dissolve or reconstitute a sub-committee established in terms of that subsection.
- (4) Subject to *this Act*, the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council must determine its own procedures for conducting its business, including –
 - (a) the appointment of its office bearers;
 - (b) the appointment of an executive or other appropriate committee to oversee its day to day functioning; and
 - (c) the procedures for consulting with and hearing representations from any other person(s) or bodies.

Allowances of members of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

9. (1) A member of the Gauteng Education and Training Council, a District Education and Training Council, or a Specialist Advisory Council, or a member of any sub-committee of these councils, who is not in the full-time employment of the state, may be paid travelling, subsistence and other allowances in connection with the affairs of these councils.
- (2) The *Member of the Executive Council*, with the concurrence of the Member of the Executive Council responsible for state expenditure in the Province, must determine the terms and conditions applicable to the persons contemplated in ~~subsection (1)~~ and the allowances payable to them.
- (3) The allowances must be paid from monies appropriated for that purpose by the Provincial Legislature.

Recommendations of the Gauteng Education and Training Council and a District Education and Training Council

10. If the *Member of the Executive Council* or the district director chooses not to implement a recommendation made by the Gauteng Education and Training Council or the District Education and Training Council in terms of ~~section 5(2)(d), 6(2)(b) or 7(2)(b)~~, they must provide the relevant council with written reasons for their decision and a copy of this must be submitted to the *Member of the Executive Council*.

Consultation on education policy, legislation and regulations

11. (1) In addition to the procedures contemplated in sections 8 and 14 and the provisions of any other law, the *Member of the Executive Council* must consult with the Gauteng Education and Training Council and, if appropriate, the relevant Special Advisory

- Council prior to –
- (a) determining education policy;
 - (b) introducing education-related legislation in the Provincial Legislature; and
 - (c) issuing education-related regulation.
- (2) The consultations contemplated in subsection (1) –
- (a) must commence at least 30 days prior to the determination of the policy, introduction of the legislation or the issuing of the regulations. However, if public interest requires that policy be made or that a regulation be issued without delay, this consultative process may be dispensed with if the *Member of the Executive Council* informs the relevant council accordingly prior to issuing the regulation; and
 - (b) do not preclude prior consultations with any other relevant person or bodies.
- (3) The language- and religion-related education policies of an *education institution* can only be made –
- (a) after consultation with the department responsible for education in the Province; and
 - (b) with the concurrence of the *Member of the Executive Council*.

Register of education policies and access by the public to education policies

- 12.(1) The head of the department responsible for education in the Province must open and maintain a register in the *prescribed* form of all education policies made by the *Member of the Executive Council* in terms of *this Act*.
- (2) All members of the public have the right to have access to and to inspect any document containing education policy made in terms of *this Act*.
- (3) The *Member of the Executive Council* and the governing body of any *education institution* must determine the circumstances and manner in which the public may have access to or inspect the education policy documents.
- (4) The determination referred to in subsection (3) may not specify a fee for merely having sight of or inspecting the education policy document.

Regulations

- 13.(1) The *Member of the Executive Council* may make any regulation that is necessary or expedient in order to achieve the objects of *this Act*, including regulations regarding mechanisms and procedures for monitoring and evaluating the implementation of education policy.
- (2) When intending to make or amend regulations, the *Member of the Executive Council* must comply with the following procedure unless the public interest requires the regulations to be made without delay –
- (a) The intention to make the regulations must be announced by notice in the Provincial Gazette and at least one other widely circulated means of communication.
 - (b) The notice must specify –
 - (i) that draft regulations have been developed for comment; and
 - (ii) where a copy of the draft regulations may be obtained.
 - (c) A period of at least one month from the date of the notice must be allowed for interested parties to comment on the regulations.
 - (d) The comments received and the content of all discussions and consultations must be considered before making the regulations.
- (3) Subsection (2) does not apply to an amendment to correct a textual error.
- (4) Any regulation affecting state revenue or expenditure may only be made with the concurrence of the *Member of the Executive Council* responsible for provincial expenditure.

Delegation

- 14.(1) Subject to the provisions of *this Act* or any other law, the *Member of the Executive Council* may assign or delegate any powers or functions conferred on him or her in terms of *this Act*, except those contemplated in **Sections 2(1), 6(1), 7(1), 8(1) and 13(1)** to –
- (a) any person in the employ of the provincial administration; or
 - (b) any council, committee, sub-committee, board or body established in terms of *this Act* or any other law;
- (2) The head of the department responsible for education in the Province must keep a register in the *prescribed* manner of all assignments or delegations made in terms of *this Act*.
- (3) Within six months of coming into office, the *Member of the Executive Council* must review all assignments and delegations made in terms of *this Act*.

Repeal of laws and transitional arrangements

- 15.(1) Sections 5, 18, 21, 32 - 46 and 88 of the School Education Act, 1995 (Act No 6 of 1995), are hereby repealed.
- (2) Despite **subsection (1)** –
- (a) a policy made or action taken in terms of the repealed provisions of the School Education Act, 1995 (Act No 6 of 1995) will be regarded as having been done under the corresponding provision of *this Act*; and
 - (b) any regulation issued in terms of the repealed provisions of the School Education Act, 1995 (Act No 6 of 1995) will be regarded as having been made under the corresponding provision of *this Act* and continues to have force and effect unless amended or repealed in terms of *this Act*.
- (3) The policies contemplated in subsection (2) must be included in the register referred to in section 12 in the manner referred to in that section as soon as it is practicable.

Definitions

16. In *this Act*, unless the context otherwise indicates –
- "district director"** means the official contemplated in Section 40 of the Schools Education Act, No 6 of 1995⁴;
- "education district"** means the area designated as an education district by the *Member of the Executive Council* in terms of Section 8 of the Schools Education Act, No 6 of 1995;
- "education institution"** means any institution providing education, whether early childhood education, primary, secondary, further or higher education, other than a university or technikon, and also an institution providing specialised vocational, adult, distance or community education;
- "head of department"** means the head of the *provincial department*;
- "Member of the Executive Council"** means the member of the Executive Council responsible for education in the Province;
- "prescribed"** means prescribed by regulation and "prescribe" has a corresponding meaning;
- "provincial department"** means the department responsible for education in the Province;
- "province"** means the province of Gauteng; and
- "this Act"** includes the regulations made under *this Act*.

⁴ In terms of the Schools Education Act, No 6 of 1995, a "district director" is defined as –

"the officer of the department responsible for the administration of education in a particular education district".

Interpretation and application

17. Any person interpreting and applying *this Act* must give a liberal construction to its provisions, in a manner that –
(a) is consistent with the purpose of *this Act* as set out in section 1; and
(b) accounts for the particular purpose, role and circumstances of a particular education policy.

Short title and commencement

18. *This Act* is called the Education Policy Act, 1997, and will come into operation on a date determined by provincial proclamation published in the Provincial Gazette.

EXPLANATORY MEMORANDUM**EDUCATION POLICY BILL, 1997****INTRODUCTION**

- 1 The Education Policy Bill creates an overarching legislative framework for the making of policy pertaining to education in the Gauteng Province ("the Province"). This overarching framework enables education policy to be made in respect of clearly defined aspects in accordance with prescribed guidelines. The guidelines, structures and processes envisaged in the Bill will assist in the transformation of the provincial education system in that they encourage goal-directed policy making within a broader public participating environment. In brief the legislation will enhance the right of every person to basic education.
- 2 In terms of this Bill, the primary responsibility for making education policy resides with the member of the Executive Council ("MEC") responsible for education in the Province. The Bill proposes various Councils at provincial and district level to assist the MEC consider policy proposals. Provision is also made for the governing body of any education institution to make policy. All policy made in terms of this statute would have to conform with the Constitution, 1996, any other relevant statute and applicable policy. This means that policy cannot be made —
 - (a) by any person in respect of matters that he or she is not entitled to make policy on;
 - (b) in a manner that is inconsistent with the rights enshrined in the Constitution, 1996; and
 - (c) in a manner inconsistent with applicable policy;
- 3 For purposes of ensuring accessibility, provision is made for the head of the department responsible for education in the province (hereinafter referred to as the "head of department") to create and maintain a register of all the policies made in terms of this Bill. Moreover provision is made for the MEC and the governing body of an education institution to ensure access by the public to policy documents.
- 4 The organisational, staffing or financial implications of this Bill are not substantial as the Department of Education will as far as possible utilise existing human and financial resources.

SUMMARY OF PROVISIONS

5 Section 1 - Purpose

The purpose of this Bill is to designate responsibility for policy making, outline areas in respect of which policy may be made, provide for the establishment of structures and procedures, and encourage public access to education policy.

6 Section 2 - Statement of responsibility for making and implementing education policy

- 6.1 The MEC is responsible for making policy in the province, subject to the Constitution, 1996 and any other applicable law, and the department of education is responsible for implementing this policy.
- 6.2 The head of department is responsible for co-ordinating the implementation of education policy and is required to submit reports on a regular basis to the Gauteng Education and Training Council on the state of education in the Province.

7 Section 3 - Scope of Education Policy Making

Policy may be made in respect of -

- (a) learners (eg. admission criteria and code of conduct);
- (b) educators (eg. recruitment, training and promotion);
- (c) curriculum issues (eg. subjects to be taught, and languages of learning and teaching);
- (d) governance of education institutions (eg. management systems and student representative council's,);
- (e) financial support of education institutions (eg. fees, subsidies and loans);
- (f) development of relationships (eg. with the private sector, and non-governmental organisations)

8 Section 4 - Guidelines for making education policy

- 8.1 All education policy made in terms of this Bill must contribute to the development of an education system which -
 - (a) promotes democracy and human rights;
 - (b) respects religious, cultural and language rights;
 - (c) advances personal development;
 - (d) enhances educational provision;
 - (e) encourages public participation in education policy making; and
 - (f) provides for stakeholder representation in decisions making.

8.2 In the event that a condition or limitation is contained in any policy made in terms of this Bill, provision is made to ensure that it is reasonable and proportionate to the object pursued by that policy.

9 Section 5 - *Establishment of Gauteng Education and Training Council*

The Gauteng Education and Training Council investigates, and considers proposals for education policy and makes recommendations to the MEC in this regard. The Council considers all proposed legislation before it is introduced in the Provincial Legislature. The Council submits an annual report to the MEC on its activities for that year.

10 Section 6 - *Establishment of District Education and Training Council*

The MEC may establish a District Education and Training Council in respect of each of its 18 educational districts in the Province. This Council on its own initiative or at the request of the MEC, district director or Gauteng Education and Training Council may investigate and consider any matter relating to education in its district and makes recommendations to the District Director in this regard. The Gauteng Education and Training Council may also delegate certain functions to the District Education and Training Council to perform.

11 Section 7 - *Establishment of Specialist Advisory Councils*

The MEC may after consultation with the Gauteng Education and Training Council establish a Specialist Advisory Council which has expertise in a range of educational matters. This Specialist Advisory Council, on its own initiative or at the request of the MEC may investigate, consider, make recommendations, or perform any function that falls within its term of reference.

12 Section 8 - *Composition, sub-committees and procedures for the Gauteng Education Training Council, a District Education and Training Council and Specialist Advisory Council*

- 12.1 The MEC may issue regulations concerning the composition of the various councils to be established in terms of this Bill, and the criteria and procedures for appointing its members.
- 12.2 Any council may establish one or more sub-committees to perform various functions excluding the function of assisting the MEC develop education policy for the Province.
- 12.3 The councils must establish their own procedures for conducting their work, subject to the provision of this Act.

13 Section 9 - *Allowances of members of the Gauteng Education and Training Council, the District Education and Training Council and a Specialist Advisory Council*

The MEC together with the Member of the Executive Council responsible for state expenditure in the Province must determine the terms and conditions (including travelling and subsistence allowances) of members of any council to be established in terms of this Bill who are not full time employees of the State.

14 **Section 10 - Recommendations of the Gauteng Education and Training Council and a District Educational Council**

If the MEC or district director decides not to implement a recommendation made by any council, then they must provide the relevant council with written reasons for this decision.

15 **Section 11 - Consultation on Education Policy, Legislation and Regulations**

- 15.1 The MEC must consult with the Gauteng Education and Training Council, and if appropriate the relevant Specialist Advisory Council, prior to determining policy, and introducing education related legislation or regulations in the Provincial Legislature.
- 15.2 The consultations must commence at least 30 days prior to the determination of policy, introduction of legislation, or the issuing of regulations. However if there is an emergency and public interest so requires, this consultation may be dispensed with if the MEC informs the relevant Council.

16 **Section 12 - Register of Education Policies and access by the public to education policies**

The Head of Department must open and maintain a register of policies made by the MEC in terms of this Bill. The public may have access to these policies.

17 **Section 13 - Regulations**

The MEC may make any regulation required to achieve the objects of this Act. The intention to make or amend regulations must be announced by notice in the Provincial Gazette and must specify that draft regulations are available for comment and where they may be received. Interested parties have one month to comment. All contributions must be considered by the MEC before finalising regulations.

18 **Section 14 - Delegations**

The MEC may assign or delegate any powers or functions in terms of this Act except those concerning the making of policy or the establishing of a council. The Head of Department must keep a register of assignments or delegations made in terms of this Bill.

19 **Section 15 - Repeal of laws and transitional arrangements**

Various provisions in the School Education Act, 1995 are repealed. Any action carried out in terms of these repealed sections will be deemed to have been carried out under the corresponding provisions of this Bill.

20 **Section 16 - Definitions**

The Bill provides a definition of key terms.

ALGEMENE KENNISGEWING

KENNISGEWING 3574 VAN 1997

WETSONTWERP OP ONDERWYSBELEID, 1997

Om voorsiening te maak vir die bepaling van onderwysbeleid; om voorsiening te maak vir die daarstelling van verskeie rade om by te dra tot die proses van beleidmaking in onderwys; om voorsiening te maak vir die koördinering, monitering en evaluasie van onderwysbeleid; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinciale Wetgewer van Gauteng, Republiek van Suid-Afrika, soos volg:

Doeleind

1. Die doel van *hierdie Wet*¹ is om die ontwikkeling van onderwysbeleid te fasiliteer deur -
 - (a) verantwoordelikheid te bepaal vir beleidmaking oor onderwysverwante sake en die implementering daarvan;
 - (b) die areas te bepaal ten opsigte waarvan onderwysbeleid gemaak kan word;
 - (c) die kriteria te vas te stel ten opsigte waarvan onderwysbeleid gemaak kan word;
 - (d) voorsiening te maak vir die daarstelling van gepaste liggeme wat verantwoordelik sal wees om die *lid van die Uitvoerende Raad* te adviseer oor die ontwikkeling van onderwysbeleid;
 - (e) die procedures te bepaal ten opsigte waarvan onderwysbeleid gemaak kan word;
 - (f) 'n omgewing te skep waarin die publiek kan toegang hê tot onderwysbeleid; en
 - (g) toe te sien dat onderwysbeleid doeltreffend gemonitor en evalueer word.

Verantwoordelikheidstelling vir die maak en implementering van onderwysbeleid

- 2.(1) Behoudens *hierdie Wet* of enige ander wet, is die *lid van die Uitvoerende Raad* verantwoordelik vir die maak van beleid oor enige onderwysverwante aangeleentheid in die Provincie².
- (2) Behoudens hierdie Wet, enige ander wet of toepaslike nasionale of provinsiale onderwysbeleid, kan die beheerliggaam van enige *onderwysinstelling* onderwysbeleid maak vir daardie instelling³.
- (3) Die hoof van die departement moet -
 - (a) die implementering van onderwysbeleid in die provinsie koördineer; en
 - (b) die volgende dokumente voorlê -
 - (i) 'n skriftelike jaarverslag aan die Raad op Onderwys en Opleiding van Gauteng oor die stand van onderwys in die Provincie; en
 - (ii) kwartaalverslae of ander verslae wat deur hierdie Raad aangevra word.

Omvang van die maak van onderwysbeleid

3. Sonder om afbreuk te doen aan die algemeenheid van die bepalings van artikel 2, kan onderwysbeleid in die volgende gebiede gemaak word -

¹ Woorde wat kursief gedruk is, word omskryf in artikel 17.

² Kragtens hierdie bepaling word die beleidmakende bevoegdhede van die LUR beperk deur -

- (a) die Grondwet en alle ander relevante statute; en
- (b) die raadplegende prosesse in artikel 11(3) bedoel.

³ Die uitwerking van hierdie bepaling is dat die beleidmakende bevoegdhede van 'n *onderwysinstelling* beperk word deur -

- (a) die Grondwet, ander relevante statute en ander toepaslike beleidstukke; en
- (b) die raadplegende prosesse in artikel 11(3) bedoel.

- (a) leerders, met inbegrip van -
 - (i) toelatingskriteria;
 - (ii) die verhouding van leerders per opvoeder;
 - (iii) verpligte bywoning van 'n *onderwysinstelling* tussen bepaalde opvoedingsvlakke en ouderdomme; en
 - (iv) 'n gedragskode vir leerders.
- (b) opvoeders, met inbegrip van -
 - (i) taalvereistes vir toegang tot die onderwysberoep;
 - (ii) registrasie van opvoeders;
 - (iii) werwing, oorplasing en sekondering van opvoeders;
 - (iv) beoordeling en bevordering van opvoeders; en
 - (v) die voorsiening van indiens onderwys en opleiding van opvoeders, en ontwikkelingsprogramme vir opvoeders.
- (c) leerplan aangeleenthede, met inbegrip van -
 - (i) die vakke wat op elke onderwysvlak by 'n *onderwysinstelling* aangebied word;
 - (ii) die aantal leer ure wat per vak aangebied word;
 - (iii) buitemuurse aktiwiteite; en
 - (iv) die voertaal vir onderwys.
- (d) die bestuur van *onderwysinstellings*, met inbegrip van -
 - (i) die oopmaak, registrasie prosedure en toemaak van *onderwysinstellings*;
 - (ii) die aanvaarding van bestuurstelsels deur *onderwysinstellings*;
 - (iii) die pligte en verantwoordelikhede van opvoeders en hoofde van *onderwysinstellings*;
 - (iv) die instelling van demokraties verkose verteenwoordigende leerlingrade;
 - (v) die instelling van bestuursliggame;
 - (vi) die deelname en verteenwoordiging van alle belanghebbers in die bestuur van alle aspekte van onderwys;
 - (vii) die monitering en evaluering van onderwys diensverskaffing en -lewering; en
 - (viii) die fasilitering van navorsing wat gemik is op die verbetering van die gehalte van onderwysdienste.
- (e) die finansiële ondersteuning vir *onderwysinstellings*, met inbegrip van -
 - (i) toewysing van finansiële hulp aan verskillende *onderwysinstellings*;
 - (ii) subsidies en lenings aan *onderwysinstellings* en die voorwaardes verbonde aan sulke subsidies en lenings;
 - (iii) geldte betaalbaar aan *onderwysinstellings*;
 - (iv) die rasionalisering van die aantal opvoeders benodig vir die verskaffing van onderwysdienste;
 - (v) die toewysing van fondse vir ontwikkeling van opvoeders; en
 - (vi) tender bepalings.
- (f) die ontwikkeling van verhoudings tussen die departement belas met onderwys in die Provinsie en -
 - (i) ander staatsorgane;
 - (ii) internasionale organisasies;
 - (iii) die privaatsektor; en
 - (iv) die nie-regeringsektor.

Riglyne vir die maak van onderwysbeleid

- 4.(1) Alle beleid wat kragtens *hierdie Wet* gemaak word, moet bydra tot die ontwikkeling van 'n onderwyssstelsel wat -
- (a) demokrasie en menseregte bevorder deur -
 - (i) die reg op basiese opvoeding te eerbiedig;
 - (ii) toe te sien na billike toegang tot onderwysgeleenthede en die regstelling

- (iii) van historiese ongelykheid in die verskaffing van onderwys; die bevordering van mense wat voorheen benadeel is deur onregverdige diskriminasie;
 - (iv) toe te sien dat die toelatingsvereistes by staats-*onderwysinstellings* nie taalvaardigheid toetsing insluit nie;
 - (v) mense te beskerm teen onregverdige diskriminasie binne of deur die departement belas met onderwys in die Provinsie of deur 'n *onderwysinstelling*;
 - (vi) die vryheid van gewete, godsdiens, denke, geloof, opinie, uitdrukking en assosiasie binne *onderwysinstellings* te bevorder;
 - (vii) die vryheid van assosiasie en die reg op byeenkoms, demonstrasie en om petisies voor te lê op 'n vreedsame wyse sonder dreigemente van geweld, aan te moedig;
 - (viii) alle persone, met inbegrip van *onderwysinstellings*, togang te gee tot inligting wat deur die departement belas met onderwys in die Provinsie gehou word, in soverre sulke inligting nodig is vir die uitoefening of beskerming van hul regte; en
 - (ix) die vreedsame beslegting van geskille tussen alle belanghebbers in die onderwys sfeer te faciliteer.
- (b) eerbiedig godsdienstige, kulturele en taalregte deur -
- (i) respek vir die land se diverse gemeenskappe en tradisies te bevorder;
 - (ii) deelname van mense in die kultuurlewe van hul keuse binne 'n *onderwysinstelling* aan te moedig;
 - (iii) die status en gebruik van amptelike tale wat voorheen afgeskeep is of waarteen gediskrimineer is, te bevorder;
 - (iv) onderwys te verskaf in die taal van leerders se keuse waar dit redelik prakties uitvoerbaar is;
 - (v) gebaretaal as 'n amptelike taal van kommunikasie te erken;
 - (vi) leerders in staat te stel om vaardig te word in die voertaal in hul *onderwysinstelling*;
 - (vii) leerders toe te laat, waar prakties moontlik, om die taal van hul keuse te gebruik as dit verskil van die voertaal in hul *onderwysinstelling*;
 - (viii) toe te sien dat, by voltooiing van die negendevlak van onderwys, leerders voldoende vaardighedsvlakke in ten minste twee amptelike tale aangeleer het; en
 - (ix) opvoeders aan te moedig om die nodige vaardighede aan te leer om onderwys te verskaf in 'n veeltalige omgewing.
- (c) bevorder persoonlike ontwikkeling deur -
- (i) respek vir onderwys in *onderwysinstellings* te bevorder;
 - (ii) vaardighede, dissiplines en vermoëns aan te kweek wat nodig is vir die heropbou en ontwikkeling van die land;
 - (iii) die aanleg, vaardighede, belangstellings, vorige kennis en ondervinding van alle leerders te erken;
 - (iv) lewenslange leergeleenthede te skep;
 - (v) onafhanklike en kritiese denke aan te moedig;
 - (vi) toe te sien dat geen fisies of geestelik gestremde persoon die geleentheid ontnem word om onderwys te ontvang tot die beste van sy of haar potensiaal nie;
 - (vii) die maksimum deelname van leerders in die leerproses te faciliteer;
 - (viii) geslagsgelykheid en die bevordering van die status van vroue te bevorder;
 - (ix) seksuele teistering by *onderwysinstellings* te beveg; en
 - (x) mense te beskerm teen alle vorms van fisiese en geestelike geweld by *onderwysinstellings*.

- (d) verbeter die verskaffing van onderwys deur -
 - (i) toe te sien dat onderwys en opleiding verskaf word binne 'n nasionale kwalifikasie raamwerk;
 - (ii) ondersoek, navorsing en die bevordering van kennis aan te moedig;
 - (iii) stelsels te skep om standaarde van onderwys te verbeter, en om die implementering daarvan te monitor en te evalueer; en
 - (iv) die koste-effektiewe gebruik van onderwys hulpbronne en die houbare implementering van onderwysdienste aan te moedig.
 - (e) moedig openbare deelname aan in die proses van die formeulering van onderwysbeleid en verteenwoordiging van belanghebbers in gepaste besluitmakende liggeme.
- (2) 'n Voorbehoud of beperking in enige beleid vervat wat kragtens *hierdie Wet* gemaak is, moet redelik en proporsioneel tot die doel van daardie beleid wees.

Daarstelling van die Raad op Onderwys en Opleiding van Gauteng

- 5.(1) Die Raad op Onderwys en Opleiding van Gauteng word hierby geskep.
- (2) Die Raad op Onderwys en Opleiding van Gauteng moet -
 - (a) die *lid van die Uitvoerende Raad* help om onderwysbeleid vir die Provincie te ontwikkel;
 - (b) alle wetgewing met betrekking tot onderwysbeleid oorweeg voordat dit in die Provinciale Wetgewer ter tafel gelê word;
 - (c) op eie initiatief of op versoek van die *lid van die Uitvoerende Raad* enige aangeleentheid met betrekking tot onderwys ondersoek en oorweeg en oor hul bevindings verslag doen aan die lid;
 - (d) op eie initiatief of op versoek van die *lid van die Uitvoerende Raad* aanbevelings maak aan die lid oor enige aangeleentheid met betrekking tot onderwys in die Provincie;
 - (e) die verslae in artikel 2(3) bedoel van die departementshoof belas met onderwys in die Provincie oorweeg;
 - (f) enige werksaamheid uitvoer wat daaraan toegewys of gedelegeer is kragtens *hierdie Wet* of enige ander wet; en
 - (g) op die laaste dag van Maart elke jaar 'n skriftelike verslag oor hul werksaamhede van daardie kalenderjaar aan die *lid van die Uitvoerende Raad* voorlê.

Daarstelling van 'n Distriksraad op Onderwys en Opleiding

- 6. (1) Die *lid van die Uitvoerende Raad* kan 'n Distriksraad op Onderwys en Opleiding daarstel ten opsigte van elke *onderwysdistrik* in die Provincie.
- (2) 'n Distriksraad op Onderwys en Opleiding moet -
 - (a) op eie initiatief of op versoek van die *lid van die Uitvoerende Raad, die distrikspresident*, of die Raad op Onderwys en Opleiding van Gauteng enige aangeleentheid met betrekking tot onderwys in die onderwysdistrik ondersoek en oorweeg en oor hul bevindings verslag doen aan die persoon of liggaam, na gelang van die geval;
 - (b) op eie initiatief of op versoek van die *distrikspresident* aanbevelings maak aan die *distrikspresident* oor enige aangeleentheid met betrekking tot onderwys in die onderwysdistrik;
 - (c) behoudens die riglyne van die Raad op Onderwys en Opleiding van Gauteng, enige werksaamheid uitvoer wat daaraan gedelegeer is deur die Raad op Onderwys en Opleiding van Gauteng;
 - (d) enige ander werksaamhede uitvoer wat daaraan toegewys of gedelegeer is kragtens *hierdie Wet* of enige ander wet.

Daarstelling van Deskundige Adviesraad/rade

7. (1) Die *lid van die Uitvoerende Raad* kan, na oorlegpleging met die Raad op Onderwys en Opleiding van Gauteng, 'n Deskundige Adviesraad of -rade instel.
- (2) 'n Deskundige Adviesraad moet -
- (a) op eie inisiatief of op versoek van die *lid van die Uitvoerende Raad* enige aangeleentheid met betrekking tot onderwys wat binne hul verwysingsraamwerk val, ondersoek en oorweeg en oor hul bevindings verslag doen aan die *lid*;
 - (b) enige wetgewing ten opsigte van onderwysbeleid in die Provinse wat binne hul verwysingsraamwerk val, oorweeg en aanbevelings maak; en
 - (c) enige ander werksaamhede uitvoer wat daaraan toegewys of gedelegeer is kragtens *hierdie Wet* of enige ander wet.

Samestelling, subkomitees en procedures vir die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding en Deskundige Adviesraad

8. (1) Die *lid van die Uitvoerende Raad* kan regulasies uitvaardig oor -
- (a) die samestelling van die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding en 'n Deskundige Adviesraad;
 - (b) die kriteria om lede vir hierdie rade aan te wys;
 - (c) die procedures om hierdie lede aan te stel en te verwyder, met inbegrip van die vul van vaktures.
- (2) Behoudens hierdie Wet, die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding of 'n Deskundige Adviesraad kan, met die instemming van die *lid van die Uitvoerende Raad*, een of meer subkomitees instel om-
- (a) ondersoek te doen en verslag te doen aan die raad oor enige aangeleentheid wat binne die bestek van daardie raad se werksaamhede val; en
 - (b) enige ander werksaamhede uitvoer wat daaraan gedelegeer is deur daardie raad, met dien verstande dat die werksaamhede in artikel 5(2)(a) bedoel, nie gedelegeer kan word nie.
- (3) Die rade in subartikel (2) bedoel, kan te eniger tyd ontbind of 'n subkomitee hersaamstel wat kragtens daardie subartikel saamgestel is.
- (4) Die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding en 'n Deskundige Adviesraad moet hul eie procedures bepaal om hul sake te reël, met inbegrip van -
- (a) die aanstelling van ampsdraers;
 - (b) die aanstelling van 'n uitvoerende komitee of 'n ander gepaste komitee om na hul daagliks bedrywighede om te sien;
 - (c) die procedures om enige ander persone of liggeme te raadpleeg en vertoë aan te hoor.

Toelaes van lede van die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding en 'n Deskundige Adviesraad

9. (1) 'n Lid van die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding of 'n Deskundige Adviesraad, of 'n lid van 'n subkomitee van enigeen van hierdie rade wat nie in voltydse diens van die staat is nie, kan vervoer-, verblyf- en ander toelaes betaal word in verband met die sake van hierdie rade.
- (2) Die *lid van die Uitvoerende Raad*, met die instemming van die *lid van die Uitvoerende Raad* belas met staatsbesteding in die Provinse, moet die voorwaardes bepaal wat van toepassing is op die persone in subartikel (1) bedoel, en die toelaes wat aan hulle betaalbaar is.
- (3) Die toelaes moet betaal word uit gelde wat vir daardie doel toegewys is deur die Provinciale Wetgewer.

Aanbevelings van die Raad op Onderwys en Opleiding van Gauteng en 'n Distriksoord op Onderwys en Opleiding

10. As die *lid van die Uitvoerende Raad* of die *distriksoordirekteur* besluit om nie 'n aanbeveling van die Raad op Onderwys en Opleiding van Gauteng of 'n Distriksoord op Onderwys en Opleiding kragtens artikel 5(2)(d), 6(2)(b) of 7(2)(b) gemaak, te implementeer nie, moet hulle die raad van skriftelike redes voorsien vir die besluit, en 'n afskrif daarvan moet aan die *lid van die Uitvoerende Raad* voorgelê word.

Raadpleging oor onderwysbeleid, wetgewing en regulasies

11. (1) Benewens die prosedures in artikels 8 en 14 bedoel, en die bepalings van enige ander wet, moet die *lid van die Uitvoerende Raad* die Raad op Onderwys en Opleiding van Gauteng en, waar toepaslik, die Deskundige Adviesraad raadpleeg voordat hy of sy -
- (a) onderwysbeleid bepaal;
 - (b) wetgewing in verband met onderwys in die Provinciale Wetgewer ter tafel lê;
 - (c) regulasies in verband met onderwys uitvaardig.
- (2) Die raadpleging in subartikel (1) beoog -
- (a) moet 'n aanvang neem ten minste 30 dae voor die bepaling van die beleid, indiening van die wetgewing of uitvaardiging van die regulasies. As die openbare belang egter verg dat beleid gemaak moet word of dat regulasies uitgevaardig word sonder versuim, kan afstand gedoen word van die raadplegingsproses, mits die *lid van die Uitvoerende Raad* die raad dienooreenkomsdig inlig voordat die regulasie uitgevaardig word;
 - (b) sluit nie vooraf raadpleging van enige ander relevante personele of liggeme uit nie.
- (3) Die taal- en godsdiens gerigte onderwysbeleid van 'n *onderwysinstelling* kan slegs gemaak word -
- (a) na oorlegpleging met die departement belas met onderwys in die Provincie; en
 - (b) met die instemming van die *lid van die Uitvoerende Raad*.

Register van onderwysbeleid en toegang van die publiek tot onderwysbeleid

12. (1) Die hoof van die departement belas met onderwysbeleid in die Provincie moet 'n register in die voorgeskrewe vorm open en hou van alle vorms van onderwysbeleid wat deur die *lid van die Uitvoerende Raad* gemaak word kragtens *hierdie Wet*.
- (2) Alle lede van die publiek het die reg op toegang tot en insae in enige dokument wat onderwysbeleid bevat wat kragtens *hierdie Wet* gemaak is.
- (3) Die *lid van die Uitvoerende Raad* en die beheerliggaam van enige *onderwysinstelling* moet die omsandighede en wyse bepaal waarop die publiek toegang en insae tot die onderwysbeleid dokumente kan kry.
- (4) Die bepaling in subartikel (3) bedoel mag nie 'n fooi vasstel om bloot insae te hê in 'n onderwysbeleid dokument nie.

Regulasies

13. (1) Die *lid van die Uitvoerende Raad* kan enige regulasie uitvaardig wat noodsaaklik of dienlik is om die doelstellings van *hierdie Wet* te bereik, met inbegrip van regulasies ten opsigte van mekanisme en prosedure om die implementering van onderwysbeleid te monitor en te evalueer.
- (2) Wanneer hy of sy beoog om regulasies te maak of te wysig, moet die *lid van die Uitvoerende Raad* voldoen aan die volgende prosedure, tensy die openbare belang verg dat die regulasies sonder versuim uitgevaardig word -
- (a) Die voorneme om die regulasies te maak, moet aangekondig word by kennisgewing in die Provinciale Koerant en ten minste een ander wyd verspreide kommunikasiemiddel.
 - (b) Die kennisgewing moet spesifiseer -
 - (i) dat konsepregulasies opgestel is vir kommentaar; en

- (ii) waar 'n afskrif van die konseptregulasies verkry kan word.
- (c) 'n Tydperk van ten minste een maand moet vanaf die datum van die kennisgewing toegelaat word om belanghebbende partye kans te gee om op die regulasies kommentaar te lewer.
- (d) Die kommentaar wat ontvang is, en die inhoud van alle besprekings en radpleging, moet in ag geneem word voordat die regulasies gemaak word.
- (3) Subartikel (2) is nie van toepassing op 'n wysiging om 'n kontekstuele fout reg te stel nie.
- (4) Enige regulasie wat staatsinkomste of -besteding beïnvloed, mag slegs gemaak word met die instemming van die *lid van die Uitvoerende Raad* belas met provinsiale besteding.

Delegasie

14. (1) Behoudens die bepalings van *hierdie Wet* of enige ander wet, kan die *lid van die Uitvoerende Raad* enige bevoegdhede of werksaamhede wat aan hom of haar opgelê word kragtens *hierdie Wet*, behalwe dié in artikels 2(1), 6(1), 7(1), 8(1) en 13(1) bedoel, toewys of deleger aan -
- (a) enigiemand in diens van die provinsiale administrasie; of
 - (b) enige raad, komitee, subkomitee, raad of liggaam wat ingestel is kragtens *hierdie Wet* of enige ander wet;
- (2) Die hoof van die departement belas met onderwys in die Provincie met 'n register in die voorgeskrewe vorm hou van alle toewysings en delegasies wat kragtens *hierdie Wet* gemaak word.
- (3) Binne ses maande van ampsbetreding moet die *lid van die Uitvoerende Raad* alle toewysings en delegasies wat kragtens *hierdie Wet* gemaak is, hersien.

Herroeping van wette en oorgangsmaatreëls

15. (1) Artikels 5, 18, 21, 32-46 en 88 van die Wet op Skoolonderwys, 1995 (Wet 6 van 1995) word hierby herroep.
- (2) Afgesien van subartikel (1), word 'n beleid wat gemaak is of 'n werksaamheid wat uitgevoer is kragtens die herroepde bepalings van die Wet op Skoolonderwys, 1995, geag kragtens die ooreenkomsstige bepalings van *hierdie Wet* gedoen te wees.
- (3) Die beleidsbepalings in subartikel (2) beoog, moet so gou prakties moontlik ingesluit word in die register waarna in artikel 12 verwys word op die wyse waarna in daardie artikel verwys word.

Woordomskrywing

16. In *hierdie Wet*, tensy uit die samehang anders blyk, beteken -

"distriksdirekteur" die beampete wat beoog word in artikel 40 van die Wet op Skoolonderwys, Nr 6 van 1995⁴:

"onderwysdistrik" die gebied wat as 'n onderwysdistrik aangewys is deur die *lid van die Uitvoerende Raad* kragtens artikel 8 van die Wet op Skoolonderwys, Nr 6 van 1995;

"onderwysinstelling" enige instelling wat onderwys verskaf, hetsoe vroeë kinderonderrig, primêre, sekondêre, verdere of hoër onderwys, behalwe 'n universiteit of technikon, asook 'n instelling wat gespesialiseerde beroepsgerigte, volwasse, afstand- of gemeenskapsonderwys verskaf;

⁴ In terme van die Wet op Skoolonderwys, Nr 6 van 1995 word 'n **"distriksdirekteur"** omskryf as - "die beampete van die departement belas met die administrasie van onderwys in 'n bepaalde onderwysdistrik".

"hoof van die departement" die hoof van die provinsiale departement;

"voorgeskrewe" voorgeskryf by regulasie, en **"voorskryf"** het 'n ooreenstemmende betekenis;

"Lid van die Uitvoerende Raad" die lid van die Uitvoerende Raad belas met onderwys in die Provincie;

"provinsiale departement" die departement belas met onderwys in die provinsie;

"provinsie" die provinsie Gauteng;

"hierdie Wet" ook die regulasies wat kragtens *hierdie Wet* uitgevaardig is.

Interpretasie en toepassing

17. Enigiemand wat *hierdie Wet* interpreteer en toepas, moet 'n liberale konstruksie aan die bepalings daarvan gee, op 'n wyse wat -
- (a) konsekwent is met die doel van *hierdie Wet*, soos uiteengesit in artikel 1; en
 - (b) rekening hou met die bepaalde doel, rol en omstandighede van 'n bepaalde onderwysbeleid.

Kort titel en inwerkingtreding

18. *Hierdie Wet* staan bekend as die Wet op Onderwysbeleid, 1997, en tree in werking op 'n dag wat bepaal word by provinsiale proklamasie gepubliseer in die Provinsiale Koerant.

VERDUIDELIKENDE MEMORANDUM**WETSONTWERP OP ONDERWYSBELEID, 1997****INLEIDING**

- 1 Die Wetsontwerp op Onderwysbeleid stel 'n oorkoepelende wetgewende raamwerk daar vir die maak van beleid ten opsigte van onderwys in die provinsie Gauteng ("die Provinsie"). Hierdie oorkoepelende raamwerk maak dit moontlik om onderwysbeleid te maak ten opsigte van duidelik bepaalde aspekte in ooreenstemming met voorgeskrewe riglyne. Die riglyne, strukture en prosesse wat die Wetsontwerp ten doel stel, sal mee help met die transformasie van die provinsiale onderwysbeleid deurdat dit doelgerigte beleidmaking bevorder binne 'n breër openbare deelname omgewing. In kort sal die wetgewing die reg van elke persoon op basiese opvoeding bevorder.
- 2 Kragtens hierdie Wetsontwerp rus die primêre verantwoordelikheid om onderwysbeleid te maak, op die lid van die Uitvoerende Raad ("LUR") belas met onderwys in die Provinsie. Die Wetsontwerp stel verskeie Rade op provinsiale en distriksvlak voor om die LUR te help om beleidsvoorstelle te oorweeg. Daar word ook voorsiening gemaak vir die beheerliggaam van enige onderwysinstelling om beleid te maak. Alle beleid wat kragtens hierdie statut gemaak word, sal moet voldoen aan die Grondwet, 1996, enige ander relevante statute en toepaslike beleid. Dit beteken dat beleid nie gemaak kan word -
 - (a) deur enigiemand ten opsigte van aangeleenthede waaroor hy of sy nie geregtig is om beleid te maak nie;
 - (b) op 'n wyse wat nie ooreenstem met die regte wat verskans word in die Grondwet, 1996 nie; en
 - (c) op 'n wyse wat nie ooreenstem met toepaslike beleid nie.
- 3 Vir die doeleindes van toeganklikheid word voorsiening gemaak vir die hoof van die departement belas met onderwys in die Provinsie (hierna die "hoof van die departement" genoem) om 'n register van al die beleid wat kragtens hierdie Wetsontwerp gemaak word, te open en te hou. Daarbenewens word voorsiening gemaak vir die LUR en die beheerliggaam van 'n onderwysinstelling om toegang tot beleidsdokumente deur die publiek te verseker.
- 4 Die organisatoriese, personeel- of finansiële implikasies van hierdie Wetsontwerp is nie noemenswaardig nie, aangesien die Departement van Onderwys so ver moontlik bestaande menslike en finansiële hulpbronne sal gebruik.

OPSOMMING VAN BEPALINGS

5 Artikel 1 - Doel

Die doel van hierdie Wetsontwerp is om die verantwoordelikheid vir beleidmaking toe te wys, om die gebiede ten opsigte waarvan beleid gemaak kan word, uiteen te sit, om voorsiening te maak vir die daarstelling van strukture en procedures, en om openbare toegang tot onderwysbeleid aan te moedig.

6 Artikel 2 - Verantwoordelikhedstelling vir die maak en implementering van onderwysbeleid

- 6.1 Die LUR is verantwoordelik vir beleidmaking in die Provincie, met voorbehoud van die Grondwet, 1996 en enige ander toepaslike wet, en die departement van onderwys is verantwoordelik vir die implementering van die beleid.
- 6.2 Die hoof van die departement is verantwoordelik vir die koördinering van die implementering van onderwysbeleid en moet op 'n gereelde grondslag verslae voorlê aan die Raad op Onderwys en Opleiding van Gauteng oor die stand van onderwys in die Provincie.

7 Artikel 3 - Omvang van die maak van onderwysbeleid

Beleid kan gemaak word ten opsigte van -

- (a) leerders (bv. toelatingskriteria en gedragskode);
- (b) opvoeders (bv. werwing, opleiding en bevordering);
- (c) curriculum aangeleenthede (bv. vakkeuses en voertaal);
- (d) bestuur van onderwysinstellings (bv. bestuurstelsels en verteenwoordigende studenterade);
- (e) finansiële bystand aan onderwysinstellings (bv. geld, subsidies en lenings);
- (f) ontwikkeling van verhoudings (bv. met die privaatsektor, en nie-regeringsorganisasies).

8 Artikel 4 - Riglyne vir die maak van onderwysbeleid

- 8.1 Alle onderwysbeleid wat kragtens hierdie Wetsontwerp gemaak word, moet bydra tot die ontwikkeling van 'n onderwysstelsel wat -
 - (a) demokrasie en menseregte bevorder;
 - (b) godsdienstige, kulturele en taalregte beskerm;
 - (c) persoonlike ontwikkeling bevorder;
 - (d) onderwysvoorsiening aanhelp;
 - (e) openbare deelname in die maak van onderwysbeleid aanmoedig; en

- (f) voorsiening maak vir die verteenwoordiging van belanghebbers in besluitmaking.

8.2 As 'n voorwaarde of beperking vervat word in enige beleid wat kragtens hierdie Wetsontwerp gemaak is, word voorsiening gemaak om toe te sien dat dit redelik is en proporsioneel tot die oogmerk van daardie beleid.

9 **Artikel 5** - **Daarstelling van die Raad op Onderwys en Opleiding van Gauteng**

Die Raad op Onderwys en Opleiding van Gauteng ondersoek en oorweeg voorstelle vir onderwysbeleid en maak aanbevelings aan die LUR in dié verband. Die Raad oorweeg alle voorgestelde wetgewing voordat dit in die Provinciale Wetgewer ter tafel gelê word. Die Raad lê 'n jaarverslag aan die LUR voor aangaande die werksaamhede van daardie jaar.

10 **Artikel 6** - **Daarstelling van Distrikstraad op Onderwys en Opleiding**

Die LUR kan 'n Distrikstraad op Onderwys en Opleiding instel ten opsigte van elkeen van die 18 onderwysdistrikte in die Provincie. Dié Raad kan op eie inisiatief of op versoek van die LUR, distriksdirekteur of Raad op Onderwys en Opleiding van Gauteng enige aangeleentheid ten opsigte van onderwys in die distrik onderwoek en oorweeg, en maak in dié verband aanbevelings aan die Distriksdirekteur. Die Raad op Onderwys en Opleiding van Gauteng kan ook sekere funksies deleer aan die Distrikstraad op Onderwys en Opleiding om uit te oefen.

11 **Artikel 7** - **Daarsteling van Deskundige Adviesrade**

Die LUR kan na oorlegpleging met die Raad op Onderwys en Opleiding van Gauteng 'n Deskundige Adviesraad daarstel wat deskundigheid het op 'n wye reeks onderwysaangeleenthede. Hierdie Deskundige Adviesraad, op eie inisiatief of op versoek van die LUR, kan enige funksie wat binne hul verwysing val, uitvoer, ondersoek, oorweeg of aanbevelings maak.

12 **Artikel 8** - **Samestelling, subkomitees en procedures vir die Raad op Onderwys en Opleiding van Gauteng, 'n Distrikstraad op Onderwys en Opleiding en Deskundige Adviesraad**

- 12.1 Die LUR kan regulasies uitvaardig oor die samestelling van die verskeie rade wat kragtens hierdie Wetsontwerp opgerig word, asook die kriteria en prosedure vir die aanstelling van raadslede.
- 12.2 Enige raad kan een of meer subkomitees instel om sekere funksies te verrig, behalwe die funksie om die LUR te help om onderwysbeleid vir die Provincie te ontwikkel.
- 12.3 Die rade moet hul eie prosedures instel om hul werk te verrig, behoudens die bepalings van hierdie Wet.

13 **Artikel 9** - **Toelaes vir lede van die Raad op Onderwys en Opleiding van Gauteng, die Distrikstraad op Onderwys en Opleiding en 'n Deskundige Adviesraad**

Die LUR tesame met die Lid van die Uitvoerende Raad belas met staatsbesteding in die

Provinsie moet die voorwaardes (met inbegrip van reis- en verblyftoelaes) bepaal van lede van enige raad wat kragtens hierdie Wetsontwerp saamgestel word en wat nie volydse werknemers van die Staat is nie.

14 **Artikel 10 - Aanbevelings van die Raad op Onderwys en Opleiding van Gauteng en 'n Distrikstraad op Onderwys en Opleiding**

As die LUR of distriksdirekteur besluit om nie 'n aanbeveling wat deur enige raad gemaak is, te implementeer nie, moet hulle aan die betrokke raad skriftelike redes vir die besluit verskaf.

15 **Artikel 11 - Raadpleging oor Onderwysbeleid, Wetgewing en Regulasies**

15.1 Die LUR moet die Raad op Onderwys en Opleiding van Gauteng, en indien van toepassing die betrokke Deskundige Adviesraad, raadpleeg voordat beleid vasgestel word, en voordat onderwysverwante wetgewing of regulasies in die Provinciale Wetgewer ter tafel gelê word.

15.2 Die oorlegpleging moet 'n aanvang neem ten minste 30 dae voor die bepaling van beleid, tertafellegging van wetgewing, of uitvaardiging van regulasies. As daar egter 'n noodgeval is en die openbare belang dit verg, kan afstand gedoen word van hierdie oorlegpleging, mits die LUR die betrokke Raad in kennis stel.

16 **Artikel 12 - Register van Onderwysbeleid en toegang deur die publiek tot onderwysbeleid**

Die Hoof van die Departement moe 'n register open en hou van beleid wat deur die LUR gemaak word kragtens hierdie Wetsontwerp. Die publiek kan toegang kry tot hierdie beleid.

17 **Artikel 13 - Regulasies**

Die LUR kan enige regulasie uitvaardig wat nodig is om die oogmerke van hierdie Wet te bereik. Die voorname om regulasie te maak of te wysig, moet by kennisgiving in die Provinciale Koerant aangekondig word en moet bepaal dat konsepregulasies beskikbaar is vir kommentaar en waar dit ontvang sal word. Belanghebbende partye het een maand om kommentaar te lewer. Alle bydraes moet deur die LUR oorweeg word voordat die regulasies gefinaliseer word.

18 **Artikel 14 - Delegasie**

Die LUR kan enige bevoegdhede of funksies kragtens hierdie Wet toewys of deleger, behalwe dié aangaande beleidmaking of die daarstelling van 'n raad. Die Hoof van die Departement moet 'n register hou van toewysings en delegasies kragtens hierdie Wet.

19 **Artikel 15 - Herroeping van wette en oorgangsmaatreëls**

Verskeie bepalings van die Wet op Skoolonderwys, 1995 word herroep. Enige werkzaamhede wat uitgevoer is kragtens daardie herroepete bepalings sal geag word uitgevoer te wees kragtens die ooreenstemmende bepalings van hierdie Wetsontwerp.

20 **Artikel 16 - Woordomskrywing**

Die Wetsontwerp verskaf omskrywings van sleutelwoorde.

INOTHISI KAWONKE-WONKE

INOTHISI 3574 WA 1997

UMTHETHO SIVIVINYO WOMGOMO WEMFUNDO, 1997

Ukuba khona kokunqunywa komgomo wemfundo; ukuba khona kokuqaliswa kwemikhndluyeyhlukene ukusiza enqubweni yokwenza umgomo wemfundolukuba khona kokusebenzisana, ukuqapha kanye nokuhlolamgomo wemfundo; kanye nokuba khona kwezindaba ezithintene nalokhu.

KUMELWE KUBE USHAYWE yiSishayamthetho Sesifundazwe sase-Gauteng, ezweni laseNingizimu Afrika, kanje:

Inhloso

1. Inhloso yaloMthetho ukulekelela intuthuko yomgomo wemfundo ngoku -

- (a) khomba isibophosokwenza umgomo ngemfundo -nezindaba ezimayelana nayo kanye nokuqaliswa kwavo;
- (b) nquma izigaba lezo umgomo wemfundo ozokwenziwa kuzo;
- (c) cacisa isimo sokunquma umgomo ozokwenziwa;
- (d) ngokwenza kube nesiqaliso esifanele semikhndluyezobophezeleka ukululeka amalungu afanele Omkhandlu Omkhulu ngentuthuko yomgomo wemfundo;
- (e) cacisa izindlela umgomo wemfundo ozokwenziwa ngazo;
- (f) kwakha isimo okuzothi kuso umphakathi ukwazi ukuba nethuba emgomwewni wemfundo; kanye
- (g) nokuqinisekisa ukuthi umgomo wemfundo ubhekwa kahle futhi uyahlolwa.

Isitamente sesibophosokwenza kanye nokuqalisumgomo wemfundo

- 2. (1) Ngokuya ngalokhu okanye omunye umthetho, ilungu loMkhandlu Omkhulu linesibophosokwenzeni umgomo nganoma yikuphi okuthintene nemfundo eSifundazweni.
- (2) Ngokuya kwalomthetho, noma yimuphi omunye umthetho noma umgomo osebenzayo weSifundazwe noma kaZwelonke, umkhandlu wokuphatha wanoma yisiphi isikhungo ungawenza umgomo wemfundo esikhungweni sawo.
- (3) Inhloko yomnyango kumele -
 - (a) ihlele ukaqaliswa komgomo wemfundo esifundazweni; kanye
 - (b) nokwethula -
 - (i) umbiko wonyaka obhalwe phansi emkhandlwini Wokufundisa Nokuqeqesha eGauteng ngesimo semfundo esifundazweni Kanti.
 - (ii) imibiko yanyonganthalu okanye eminye imibiko nyengoba ingase ifunwe yiloMkhandlu.

Ilungelo lokwenza umgomo wemfundo

- 3. Ngaphandle kokujivaza okuningi okuvezwaesigabeni 2, umgomo wemfundo ungenziwamayelana nalokhu okulandelayo -
 - (a) abafundi, okufaka -
 - (i) indlela yokuthathwa;
 - (ii) abafundi ngokwesilinganiso sofundisayo;
 - (iii) ukuya esikoleni okupheqelevwe phakathi kwamazinga emfundo kanye neminyaka; kanye
 - (iv) nomthetho wendlela yokuziphatha kwabafundi.
 - (b) abafundisayo, kufaka -
 - (i) izidingo zolimi ekungeneni ekufundeleni ukufundisa;
 - (ii) ukubhaliswa kwabafundisayo;
 - (iii) ukuhehwa, ukuthunyelwa kanye nokwenzisa umsebenzi isikhashana

- (iv) kwabafundisayo;
 (v) ukuhloliwa kanye nokukhushulwa kwabafundisayo; kanye nokuba khona kokuvuselela ekufundiseni nasekuqequesheni abafundisayo, kanye nokuba khona kwezinhlelo zokuthuthukisa abafundisayo.
- (c) izindaba zezinhlelo zokufundisa, okufaka -
 (i) isifundo okumele sifundiswe kulelo nalelo zinga esikhungweni semfundo;
 (ii) inani lamahora okufundisa ngesifundo ngasinye
 (iii) eminye imisebenzi engaphandle kokufundisa; kanye nezilimi zokufunda nokufundisa.
- (d) ukuphathwa kwesikhungo semfundo, okufaka -
 (i) ukuvula, inqubo yokubhalisa kanye nokuvalwa kwezikhungo zemfundo;
 (ii) ukwamukelwa wezindlela zokuphatha okwenziwa yizikhungo zemfundo;
 (iii) imisebenzi kanye nezibopho zabafundisayo kanye nabaphathi bezikhungo zemfundo;
 (iv) ukusungulwa komkhandlu wabafundi okhethwe ngentando yeningi;
 (v) ukusungulwa kwemikhandlu yokuphatha izikole;
 (vi) ukungenelela kanye nokumela bonke abathintekayo ekuphathweni kwakho konke emfundweni;
 (vii) ukubheka nokuhlola umsebenzi wemfundo owenziwayo kanye nensebenzo; kanye
 (viii) nokwenziwa kocwaningo okuhloswe ngalo ukukhuphula izinga lomsebenzi wemfundo.
- (e) ukuxhaswa ngokwezimali kwezikhungo zemfundo, okufaka -
 (i) ukwabiwa kwemali ezikhungweni zemfundo ezechlukene
 (ii) izimali zokwelekelela kanye nezikweleti ezikhungweni zemfundo kanye nemibandela kulezizimali nasezikweletini;
 (iii) izimali zesikole ezikhokhwa ezikhungweni zemfundo;
 (iv) ukuhlelwa kahle kwenani labafundisayo elidingekela ukwenza umsebenzi wokufundisa;
 (v) ukwabiwa kwemali yokuthuthukisa abafundisayo; kanye
 (vi) nokubeka izilinganiso.
- (f) ukuthuthukisa ubudlelwane phakathi komnyango omele imfundo eSifundazweni kanye -
 (i) neminye imikhakha kahulumeni;
 (ii) izinhlangano zamazwe aphesheya;
 (iii) izinkampani zangasese; kanye
 (iv) nezinkampani ezingekho ngaphansi kukahulumeni.

Imihlahlandlela yokwenza umgomo wemfundo

- 4.(1) Wonke umgomo wemfundo owenziwa ngokuya kwalomthetho kumele usize ngokuthuthukisa uhlelo lwemfundo olu -
 (a) khuthaza intando yeningi kanye namalungelo abantu ngoku -
 (i) hlonipha ilungelo lemfundu eyisisekelo;
 (ii) qinisekisa ukuba khona kwamathuba alinganayo emfundweni kanye nokulungisa ukungalingani okwaba khona phambilini esimisweni semfundo;
 (iii) ukukhuthaza inqubekela phambilini kubantu phambilini ababencishwe amathuba ngenxa yokubandlulula okwakungenaqiniso;
 (iv) qinisekisa ukuthi izidindo zokuthathwa ezikhungweni zikahulumeni

- (v) zemfundo akufakwa ukuhlolwa kokwazi ulimi;
 (vi) vikela abantu ekubandulululweni okungafanele ngaphakathi noma ngumnyango obhekele imfundu eSifundazweni noma kwenziwe izikhungo semfundo;
- (vii) ukukhuthaza inkululeko kanembeza, yenko, yomcabango, yenkolelo, yombono, yokusho kanye nokuhlanganyela ngaphakathi ezikhungweni zemfundo;
- (viii) ukuqguqguzela inkululeko yokuhlanganyela kanye nelungelo lokuhlangana, ukubhiyoza kanye nokwethula izikhalo ngendlela enokuthula ngaphandle kokwesabisa ngodlame;
- (ix) ukuvumela bonke abantu, ngisho nezikhungo zemfundo, ithuba lokuthola ulwazi olusemnyangweni obhekele imfundu eSifundazweni uma lololwazi ludingakala ekwenzeni umsebenzi noma ekuvikeleni amalungelo abo; kanye
 (x) nokusiza ngesixazululo esinokuthula ekuphambaneni kwabo bonke abathintekayo emkhakheni wezemfundo.
- (b) ukuhlonipha inkolo, isiko kanye namalungelo olimi ngoku -
 (i) gqugquzelia inhlonipho emiphakathini eyehlukene yezwe kanye namasiko;
 (ii) ukukhuthaza ukungenelela kwabantu esikweni mpilo lokuzikhethela bona esikhungweni semfundo;
 (iii) ukukhuthaza umumo kanye nokusetshenzisa kwezilimi ezisemthethweni ezabe zinganakiwe okanye zibndlululwa; kanye
 (iv) nokufundisa abafundi ngolimi abalukhethayo lapho kungenzeka khona;
 (v) ukwazisa ulimi lwezimpawu njengolimolusemthethweni lokuxhumana;
 (vi) ukwenza abafundi babe nekhono ezilimini zokufunda esikhungweni sabo semfundo;
 (vii) ukuvumela abafundi, lapho kungenzeka khona, ukuthi basebenzise ulimi lwabo abaluthandayo uma kwehluka olimini lokufundaesikhungweni sabo semfundo;
 (viii) ukuqinisekisa ukuthi, ekuqedeni isigaba sesishiyagalolunye sokufunda/ukufundisa, abafundisebethole amazinga adingekayo olwazi okungenani ngezilimi ezimbili ezisemthethweni; kanye
 (ix) nokugquqquzelia abafundisayo ukuthi bathole amakhono adingekayo ekufundiseni ezimweni ezinezilimi eziningi.
- (c) ukuqhube ka nentuthuko yomuntu ngoku -
 (i) khuthaza inhlonipho yokufundisa nokufunda ezikhungweni zemfundo;
 (ii) ukwakha amakhono, imfundiso yokulalela kanye namazinga adingekayo okwakha kabusha nokuthuthukiswa kwezwe;
 (iii) ukwazisa ukufaneleka, amandla, uthando, ulwazi olwedlule kanye nokwazi umsebenzi kwabafundi;
 (iv) ukuveza amathuba esikhathi eside sokufunda;
 (v) ukukhuthaza ukuzimela nomcabango obanzi;
 (vi) ukuqinisekisa ukuthi akekho umuntu okhubazeke ngomzimba okanye ngengqondo ovinjelwa ithuba lokuthola imfundu kuze kufike emandleni akhe;
 (vii) ukusiza kube nokusebenza kwabafundi enquubweni yokufunda;
 (viii) ukukhuthaza ukulingana ngokobulili kanye nokuthuthuka kwezinga labesifazane;
 (ix) ukuqedwa ukucwaswa ngokobulili ezikhungweni zemfundo; kanye
 (x) nokuvikela abantu kuzo zonke izindlela zodlame lomzimba noma lwengqondo ezikhungweni zemfundo.

- (d) ukukhulisa isimiso semfundo ngoku -
 (i) qinisekisa ukuthi ukufundisa nokuqequesha kuyenziwa ohlakeni lukazwelonke lokufaneleka;
 (ii) ukukhuthaza ukububa, ukucubungula kanye nokuthuthukiswa kolwazi;
 (iii) ukudala izinhlelo zokwenza ngcono amazinga emfundo kanye nokubheka kanye nokuhlola ukuqaliswa kwabo; kanye
 (iv) ukukhuthaza ukusetshenziswa okuyikho kwezinto zokufundisa nokufunda kanye nokuqaliswa okuqinile kwemisebenzi yemfundo.
- (e) ukukhuthaza ukungenelela kwemiphakathi enqubweni yokwakha umgomo wemfundo kanye nokumelwa kwabathintekayo emikhandlwini ethatha izinqumo ezifanele.
- (2) Umandela noma umkhawulo okunomayimuphi umgomo wemfundo ngokuya ngaloMthetho, kumele uhambe kahle nangokulingana ngokohlelo lwalowo mgomo.

Ukusungulwa komkhandlu wokufundisa nokuqequesha eGauteng

5. (1) UMkhandlu Wokufundisa Nokuqequesha eGauteng uyasungulwa lapha.
 (2) UMkhandlu Wokufundisa Nokuqequesha eGauteng kumele -
 (a) usize ilungu lomkhandlu omkhulu ekuthuthukiseni umgomo wemfundo eSifundazweni;
 (b) ukubheka yonke imithetho emayelana nomgomo wemfundo ngaphambi kokwethulwa kwabo kwisishayamthetho seSifundazwe;
 (c) ngokuzisukela kwabo noma ngesicelo selunga loMkhandlu Omkhulu kuhlolwe noma kunqunywe noma yiluphi udaba oluthinta imfundo futhi kubikwe okutholakele kulo ilungu;
 (d) ngokuzisukela kwabo noma ngesicelo selunga loMkhandlu Omkhulu kwenziwe izincomo elungeni nganoma yiluphi udaba mayelana nemfundo eSifundazweni;
 (e) ukubheka imibiko ebalulwe esigabeni 2(3) evela kwinhloko yomnyango obhekele imfundo eSifundazweni;
 (f) ukwenza noma yimuphi umsebenzi omiselwe noma obekiwe ngokuya kwaloMthetho noma ngabe omunye umthetho;kanye
 (g) nasosukwini lokugcina lukaMashi unyaka nonyaka kwethulwe umbiko obhaliwe ngemisebenzi yalowonyaka elungeni loMkhandlu Omkhulu.

Ukusungulwa komkhandlu wokufundisa nokuqequesha esifundeni

6. (1) Ilungu loMkhandlu Omkhulu lingasungula Umkhandlu Wesifunda Wokufundisa Nokuqequesha ngokwesifunda ngasinye eSifundazweni.
 (2) Umkhandlu Wesifunda Wokufundisa Nokuqequesha kumele -
 (a) ngokuzisukela kwabo noma ngesicelo selunga loMkhandlu Omkhulu, umqondisi wesifunda, noma Umkhandlu waseGauteng Wokufundisa Nokuqequesha, uhlole noma unqume noma yiluphi udaba oluthinta imfundo esifundeni futhi kubikwe okutholakele kumuntu ofanele noma umkhandlu kubeyiloko okungezeneka;
 (b) ngokuzisukela kwabo noma ngesicelo sikamqondisi wesifunda kwenziwe izincomo kumqondisi wesifunda nganoma yiluphi udaba mayelana nemfundo eSifundeni;
 (c) Ngokuya ngeziqondiso zomkhandlu waseGauteng Wokufundisa Nokuqequesha wenza noma yimuphi umsebenzi omiselwe wona ngumkhandlu waseGauteng Wokufundisa Nokuqequesha;kanye
 (d) nokwenza noma yimuphi umsebenzi omiselwe noma obekiwe ngokuya kwaloMthetho noma ngabe omunye umthetho.

Ukusungulwa koMkhandlu(im) Ebhekene Nokweluleka

7. (1) Ilungu lomkhandlu omkhulu linga, emva kokuthintana nomkhandlu waseGauteng Wokufundisa Nokuqequesha, lingaqlisa umkhandlu (imikhandlu) ebhekene nokweluleka.
- (2) Umkhandlu Obhekene Nokweluleka kumele -
- (a) ngokuzisukela kwavo noma ngesicelo selunga loMkhandlu Omkhulu kuhlolwe noma kunqunywe noma yiluphi udaba oluthinta imfundo ewela ngaphakathi kwezimiso futhi kubikwe okutholakele eluhgeni;
 - (b) unqumefuthi wenze izincomo ezimayelana nayo yonke imithetho evumelana nomgomo wemfundo esifundazweni leyo ewela ngaphansi kwezimiso; kanye
 - (c) nokwenza noma yimuphi umsebenzi omiselwe noma obekiwe ngokuya kwalomthetho noma ngabe omunye umthetho.

Ukwakheka, kwamakomiti amancane kanye nezindlela zomkhandlu Wokufundisa Nokuqequesha eGauteng, uMkhandlu Wesifunda Wokufundisa Nokuqequesha kanye Nemikhandlu Ebhekene Ukweluleka

8. (1) Ilungu lomkhandlu omkhulu lingakhipa imithetho mayelana -
- (a) nokwakheka Komkhandlu waseGauteng Wokufundisa Nokuqequesha, Umkhandlu Wesifunda Wokufundisa Nokuqequesha kanye Nomkhandlu Obhekene Nokweluleka;
 - (b) indlela yokuqasha amalungu alemikhandlu;
 - (c) izinqubo zokuqasha kanye nokuguduza lamalungu, okufaka nokunquma kanye nokugcwaliswa kwezikhala.
- (2) Ngokuya kwalomthetho, Umkhandlu waseGauteng Wokufundisa Nokuqequesha, Umkhandlu Wesifunda Wokufundisa Nokuqequesha okanye Umkhandlu Obhekene Nokweluleka unga, ngokuvumelana nelungu lomkhandlu omkhulu, sungula ikomidi elilodwa noma amakomidana amaningi uku -
- (a) ukubuzakanye nokubika emkhandlwini ofanele mayelana nanoma yiluphi udaba oluvela emisebenzini yomkhandlu; kanye
 - (b) nokwenza noma yimuphi umsebenzi omiswe ngumkhandlu, ngaphandle kokuthi umsebenzi ocatshangwayo esigabeni 5(2)(a) ngeke umiselwe ukwenziwa.
- (3) Imikhandlu ebalwe esigatshaneni (2) ingase ipheliswe noma nini okanye kwakhiwe kabusha ikomidi elisungulwe ngokwaleso sigatshana.
- (4) Umkhandlu waseGauteng Wokufundisa Nokuqequesha, Umkhandlu Wesifunda Wokufundisa Nokuqequesha okanye Umkhandlu Obhekene Nokweluleka kumele unqume izinqubo zawo zokwenza umsebenzi, okufaka -
- (a) ukuqashwa kwamalungu aphethe ihhovisi;
 - (b) ukuqashwa kwekomidi elikhulu noma amanye amakomidi ukubheka imisebenzi yawo yemihla ngemihla; kanye
 - (c) nezinqubo zokuxhumana kanye nokulalela abamele abavela kunoma ngubani noma ngabe yiypshi imikhandlu.

Isibonelelo kumalungu omkhandlu Wokufundisa Nokuqequesha eGauteng, Omkhandlu Wokufundisa Nokuqequesha Esifundeni kanye nawoMkhandlu Obhekene Nokweluleka

9. (1) Ilungu lomkhandlu waseGauteng Wokufundisa Nokuqequesha, Umkhandlu Wesifunda Wokufundisa Nokuqequesha okanye Umkhandlu Obhekene Nokweluleka, okanye ilungu lanoma yiliphi ikomidi elincane lalemikhandlu, elingaqashiwe ngokugcwele nguhulumeni, lingakhokhelwa ezokuhamba, okwezindleko kanye nokunye ukubonelewa mayelana nezindaba zalemikhandlu.
- (2) Ilungu lomkhandlu omkhulu, ngokuvumelana nelungu lomkhandlu omkhulu

elibhekene nezindleko zikahulumeni esifundazweni, kumele linqume imibandela kubantu abacatshangwa esigatshaneni(1) kanye nangezibonelelo abakhokhetwa zona.

- (3) Izibonelelo kumele zikhokhwe ngezimali ezifanele nangenhoso zikhokhwe isishayamthetho sesifundazwe.

Izincomo zomkhandlu Wokufundisa Nokuqequesha eGauteng, Nomkhandlu Wokufundisa Nokuqequesha Esifundeni kanye Nomkhandlu Obhekene Nokweluleka

10. Uma ilungu lomkhandlu omkhulu noma umqondisi wesifunda ekhetha ukungaziqalisu izincomo ezenziwe Ngumkhandlu waseGauteng Wokufundisa Nokuqequesha okanye UmkhandluWesifunda Wokufundisa Nokuqequesha ngokwesigaba 5(2)(d), 6(2)(b) noma 7(2)(b), kumele banike umkhandlu ofanele izizathu ezibhalwe phansi ngesinqumo sabo kanti umfanekiso walokho kumele uthunyelwe elungwini lomkhandlu omkhulu.

Ukubonisana ngomgomo wemfundo, imithetho emisiwe nezimiselo

11. (1) Ukwengeza ezunqubweni ezithathwa ezigabeni 8 no 14 kanye nasezimiselweni zanoma yimuphi umthetho, ilungu lomkhandlu omkhulu kumele lixhumane Nomkhandlu wasegauteng Wokufindisa Nokuqequesha futhi, uma kwenzeka, nomkhandlu obhekene nokweluleka ngaphambi koku -
- (a) nquma umgomo wemfundo;
 - (b) kokwethula imithetho emisiwe ephathelene nemfundo kuSishayamthetho Sesifundazwe; kanye
 - (c) nokushaya izimiselo ezimayelana nemfundo.
- (2) Ukubonisana okuhambisana nesigaba (1) -
- (a) kumele kuqale okungenani ezinsukwini ezingamashumi amathathu ngaphambi kokunquma ngomgomo, ukwethulwa komthetho omisiwe okanye ukushaya izimiselo. Kodwa-ke, uma isidindo somphakathi sidinga ukuthi umgomo wenziwe noma ukuthi isimiselo sishaywe ngaphandle kokuchitha isikhathi, lendlela yokubonisana ingadluliswa uma ilungu lomkhandlu omkhulu lazisa ngendlela umkhandlu ofanele ngaphambi kokushaya isimiselo somthetho.
 - (b) ungavimbeli ukubonisana kwangaphambili nanoma ngubani okanye imikhandlu.
- (3) Ulimi - kanye nenkolo emayelana nemigomo ehambisana nemfundo esikhunngweni semfundo kungenziwa kuphela -
- (a) emva kokubonisana nomnyango omele imfundo eSifundazweni; kanye
 - (b) ngokuvumelana nelungu lomkhandlu omkhulu.

Ukubhaliswa kwemigomo yemfundo kanye nethuba lomphakathi ekubhekeni imigomo yemfundo

12. (1) Inhloko yomnyango ebhekeli imfudno esifundazweni kumele ivule futhi igcine incwadi yokubhalisa ngendlela ehleliwe yayo yonke imigomo eyenzwe yilungu lomkhandlu omkhulu ngokuya ngalomthetho.
- (2) Wonke amalungu omphakathi anelungelo lokuba nethuba nokuhlola noma yimuphi umqulu ophethe umgomo wemfundo ngokuya ngalomthetho.
- (3) Ilungu lomkhandlu omkhulu kanye nomkhandlu wokuphatha noma yisiphi isikhungo semfundo kumele libheke izimo kanye nendlela umphakathi ongathola ngayo ithuba noma lokuhlola imibhalo yomgomo wenfundo.
- (4) Ukuthatha izinqumo okubalulwe esigatshaneni (3) ngeke kunqume imali yokuphonsa ihlo nje nomayokuhlola umqulu womgomo wemfundo.

Izimiselo

13. (1) Ilungu lomkhandlu omkhulu lingenza noma yisiphi isimiselo esidingeckayo noma elilingene ukuze kufinyelelwu enhlosweni yalomthetho, okufaka izimiselo

- ezimayelana namasu kanye nezinqubo zokubheka nokuhlola ukusethenziswa komgomo wemfundo.
- (2) Lapho kuqondwe ukwenza noma ukushibiyela izimiselo, ilungu lomkhandlu omkhulu kumele lihambisane nalenqubo elandelayo ngaphandle uma okufunwa ngumphakathi kudinga izimiselo ukuthi zenziwe ngaphandle kokuchitha isikhathi
- (a) Inhliso yokwenza izimiselo kumele yazizwe ngesaziso Kumqulu Kahulumeni wokukhipha izindaba okanye enye indlela eba zni yokuhamisa umbiko.
 - (b) Umbikokufanele ucacise -
 - (i) ukuthi izimiselo ezhlongozwayo zenzelwe iziphakamiso; kanye
 - (ii) nokuthi yikuphi lapho izimiselo ezhlongozwayo zingatholwa khona.
 - (c) Isikhathi esingaba yinyanga kusukela osukwini Iwesaziso kumele sibe khona ukunika abanothando ukuthi bancome ngezimiselo.
 - (d) Izincomo ezitholiwe kanye nokuqukethwe kwakho konke okudingidiwe kanye nokubonisana kumele kucatshangwe ngaphambi kokwenza izimiselo.
- (3) Isigatshana (2) asisebenzi esichibiyelweni ukulungisa iphutha elisembhalweni.
- (4) Noma yisiphi isimiselo asithinta imali yombuso nomaizindleko kungenziwa kuphela ngokuvumelana nelungu lomkhandlu omkhulu elibhekele incithakalo yesifundazwe.

Ukunikwa igunya

14. (1) Ngokuya ngesimiso salomthetho noma omunye umthetho, ilungu lomkhandlu omkhulu lingakhetha noma linike igunya noma yimaphi amandla noma imisebenzi enikwe lona ngokuya ngalomthetho, ngaphandle kwalabo ababalwe ezigaben 2(i), 6(1), 7(1), 8(1) kanye nesigaba 13(1) ku -
- (a) kunoma ngubani oqashwe emahhovisi esifundazwe; noma
 - (b) kunoma yimuphi umkhandlu, ikomidi, ikomidi elincane, isigungu noma umkhandlu osungulwe ngokuya kwalomthetho noma omunye umthetho;
- (2) Inhloko yomnyango obhekele imfundu esifundazweni kumele ugcine incwadi yokubhalisa ngendlela ebekiwe yakho konke okwenziwayo noma yabanikwe igunya okwenziwe ngokwalomthetho.
- (3) Ezinyangeni eziyisithupha kulelihhovisi, ilungu lomkhandlu omkhulu kumele libhuke konke okwenziwayo kanye namagunya anikeziwe enziwe ngokwalomthetho.

Ukuchithwa kwemithetho kanye nezinhlelo zesikhashana

15. (1) Izigaba 5, 18, 21, 32 - 46 kanye nesika 88 Emthethweni WEzikole, ka 1995 (Umthetho ongunombolo 6 ka 1995), lapha ziyachithwa.
- (2) Phezu kwasigaba (1), umgommo owenziwe noma isinyathelo esithathiwe ngokuya kwezimiso zokuchitha koMthetho Wezikole, ka 1995, kuyothathwa ngokuthi kwensiwe ngaphansi kwesimiso esivumelana nalomthetho.
- (3) Imigomo evumelana nesigatshana (2), kumele ifakwe encwadini yokubhalisa echazwe esigaben 12 ngendlela okubiniswe ngayo kuleso sigaba uma nje ususebenza.

Izincazelol

16. Kulomthetho, ngaphandle uma ingqikithi ikhombisa -

"umqondisi wesifunda" kusho umphathi ochazwe esigaben 40 somthetho wemfundo wezikole, Umthetho 6 ka 1995;

"isifunda semfundo" kusho indawo emiswe njengesifunda semfundo imiswa yilungu lomkhandlu omkhulu ngokuya ngesigaba 8 somthetho wemfundo wezikole, Umthetho 6ka 1995;

"isikhungo semfundo" kusho noma yisiphi isikhungo esinika imfundo, noma ngabe imfundo yokukhulisa ingane, eyebanga eliphansi, eyebanga eliphezulu, eyokuqhuba noma imfundo ephakeme, ngaphandle kwenyubesi noma ithekhnikhoni, kanye futhi nesikhungo esinika amakhono omsebenzi, abadala, imfundo eqhelile noma yomphakathi;

"inhloko yomnyango" kusho inhloko yomnyango esifundazweni

"ilungu lomkhandlu omkhulu" kusho ilungu lomkhandlu elibhekele imfundo esifundazweni;

"echaziwe" kusho echazwe ngezimiselo kanti "echaziwe" kunemvumelwano efanayo;

"umnyango wesifundazwe" kusho umnyango obhekele imfundo esifundazweni.

"Isifundazwe" kusho isifundazwe saseGauteng.

Isichasiselo kanye nokusebenzisa umthetho

17. Noma ngubani ohumushayo nosebenzisa lomthetho kumele anikeze ukwakheka okuvumela izimiso, ngendlela yokuthi -
 - (a) akuguquki enhlosweni yalomthetho njengoba kumiswe esigabeni 1; kanye
 - (b) nokuvumelana naleyo nhoso, indima kanye nezimo zomgomu othile wemfundo.

Isihloko esifingqiwe nokuqaliswa kwaso

18. Lomthetho ubizwa ngokuthi UMthetho Womgomu Wemfundo, ka 1997, kanti uzoqala ukusebenza ngosuku oluzonqunywa ngokumenyezelwa esifundazweni okuzoshicilewa Kusomqulu kahulumeni Wokwazisa.

UMBIKO OCHAZAYO**UMTHETHO - SIVIVINYO WOMGOMO WEMFUNDO, 1997****ISINGENISO**

- 1 Umthetho-sivivinyo womgomo wemfundo wakha uhlaka lomthetho oluphelele ekwenzeni umgomo omayelana nemfundu esifundazweni saseGauteng ("Isifundazwe"). Loluhlaka oluphelele lwenza kube nokwakheka komgomo wemfundo maqondana nezinto ezichazwe kahle ezihambisana neziqondiso ezichaziwe. Iziqondiso, izakhiwo kanye nezinqubo ezisemgomweni ziyosiza ukuhlelwa kabusha kohlelo lwemfundo esifundazweni ngokuthi kukhuthazwe ukwakhwiwa komgomo onenhloso ngokubandakanya umphakathi obanzi. Ngamafuhsane nje umthetho uzokwandisa ilungelo lomuntu nomuntu emfundweni eyisisekelo.
- 2 Ngokwalomthetho-sivivinyo, umsebenszi omkhulu wokwenza umgomo wemfundo usezandleni zelungu lomkhandlu omkhulu ("Ophethe") ophethe imfundu esifundazweni. Umthetho-sivivinyo uphakamisa imikhandlu eyehlukene ezingeni lesifundazwe nelesifunda ukulekelela ophethe ekuthatheni iziphakamiso ngomgomo. Kwenziwa nesibonelelo ekwenzeni sokufaka umkhandlu ophethe kunoma yisiphi isikhungo semfundo ekwenzeni umgomo. Wonke umgomo owenziwe ngalomthetho kuyomele uhambisane noMthetho-sisekelo, ka 1996, noma ngabe yimuphi umthetho ofanele kanye nokusebenza komgomo. Lokhu kusho ukuthi umgomo ngeke wenziwe -
 - (a) yinoma ngubani maqondana neszindaba zokuthi yena akafanele ukwenza umgomo;
 - (b) ngendlela yokuthi umgomo awuvumelani namalungelo afakwe kuMthetho-sisekelo, ka 1996; kanye
 - (c) nangendlela yokungavumelani nomgomo osebenzayo;
- 3 Ngezinhloso zokuqinisekisa ukutholakala kwabo, kwenziwe ukuthi inhloko yomnyango obhekele imfundu esifundazweni (lapho ebizwa "ngenhloko yomnyango") yakhe futhi igcine iregista ngayo yonke imigomo eyenziwe ngokwalomthetho-sivivinyo. Ngaphezu kwalokho kwenziwe ukuthi ilungu lomkhandlu omkhulu kanye nemikhandlu ephethe izikhungo zemfundo baqinisekise ukhuthi umphakathi uthola ithuba lokuthi ubone imibhalo yomgomo.
- 4 Ezimayelana nokuhlela, ukuqasha abasebenzi noma ezezimali kulomthetho-sivivinyo akukukhulu njengoba uMnyango Wemfundo uyosebenzisa abantu abakhona kanye nemali ekhona kuwo umnyango.

IQOQO LEMIHLINZEKO

5 Isigaba 1 - Inhloso

Inhloso yalomthetho-sivivinyo ukukhomba umsebenzi wokwakha umgomo, ukuveza izimo umgomo ongenziwela phezu kwazo, ukunikeza ukuqaliswa kwezakhiwo kanye nezindlela, kanye nokukhuthaza ukutholakala kwethuba lomphakathi ekutheni ubheke umgomo wemfundo.

6 Isigaba 2 - Isitatamente sesibopho sokwenza kanye nokuqalisa umgomo wemfundo

- 6.1 Ophethe ezemfundo unesibopho sokwenza umgomo esifundazweni, kuye ngokoMthetho-sisekelo, ka 1996 kanye nomunye umthetho osebenzayo, kanti umnyango wemfundo wona unesibopho sokuqalisa ukusebenza kwalomgommo.
- 6.2 Inhloko yomnyango inesibopho sokuhlanganisa ukuqaliswa kokusebenza komgommo wemfundo futhi ilindeleke ukwethula imibiko ngezikathathi ezifanele emkhandlwini waseGauteng Wokofundisa Nokuqequesha ngesimo semfundo esifundazweni.

7 Isigaba 3 - Ilungelo Lokwenza Umgomo Wemfundo

Umgomo ungenziwa mayelana -

- (a) nabafundi (isibon, indlela yokubhaliswa kanye nendlela yenqubo yokuziphatha);
- (b) abafundisayo (isibon, ukubaqasha, ukuqequesha kanye nokukhushulwa);
- (c) izindaba zohlelo lokufundisa (isibon, izifundo ezizofundiswa, kanye nolimi lokufunda nokufundisa);
- (d) ukuphathwa kwezikhungo zemfundo (isibon, izinhlelo zokuphatha kanye nemikhandlu emele abafundi);
- (e) izimali ezixhasa izikhungo zemfundo (isibon, izimali zesikole, izimali zoxhaso kanye nezibolekwayo);
- (f) ukuthuthukiswa kobudlelwane (isibon, nemikhakha ezimele yangasese, kanye nezinhlangano ezingekho ngaphansi kukahulumeni)

8 Isigaba 4 - Imihlahlandlela Yokwenza Umgomo Wemfundo

8.1 Wonke umgomo owenziwe ngokuya kwalomthetho-sivivinyo kumele usize entuthukweni yohlelo lwemfundo e -

- (a) ekhuthaza intando yeningi kanye namalungelo oluntu;
- (b) ehlonipha inkolo, amasiko kanye namalungelo olimi;
- (c) eqhubela phambili intuthuko yomuntu;
- (d) ekhulisa umhlinzeko wemfundo;
- (e) egugquzela ukuhlanganyela komphakathi ekwakheni umgomo wemfundo; kanye
- (f) nenika abathintekayo ithuba lokumelwae kuthathweni kwezinqumo.

8.2 Uma kuba nesimo okanye isithiyo esikhona emgomweni owenziwe ngokuya kwalomthetho-sivivinyo, kwensiwe umhlinzeko ukuqinisekisa ukuthi kufanele futhi kuyahambisana nesihloko esivumelana nalowo mgomo.

9 Isigaba 5 - Ukusungulwa Komkhandlu Wokufundisa Nokuqequesha eGauteng

Umkhandlu waseGauteng Wokufundisa Nokuqequesha uhlola, ubuye unqume iziphakamiso zomgomo wemfundo bese futhi wenza izincomo kophethe imfundu kulokhu. Umkhandlu ubheka konke ukumiswa kwemithetho ngaphambi kukuthi wethulwe Kusishayamthetho Sesifundazwe. Umkhandlu wethula ubuye unike umbiko wonyaka kophethe imfundu ngemisebenzi oyenzile kulowo nyaka.

10 Isigaba 6 - Ukusungulwa Komkhandlu Wokufundisa Nokuqequesha Esifundeni

Ophethe ezemfundo angaqlisa Umkhandlu Wokufundisa Nokuqequesha Esifundeni ngokuya kwaleso naleso sifunda kweziyishumi nesishiyagalombili esifundazweni. Lomkhandlu ngokwawo noma ngesicelo selungu eliphethe imfundu, umqondisi wesifunda noma Umkhandlu Wokufundisa Nokuqequesha eGauteng ungahlola ubuye ubheke noma yiluphi udaba ulumayelana nemfundu esifundeni sawo futhi wenze izincomo Kumqondisi Wesifunda ngaloludaba. Umkhandlu Wokufundisa Nokuqequesha eGauteng unokunika eminye imisebenzi ukuthi yenziwe nguMmkhandlu Wokufundisa Nokuqequesha Esifundeni.

11 Isigaba 7 - Ukusungulwa Kwemikhandlu Ebhekene Nokweluleka

ILungu eliphethe imfundu lingathi emva kokuxhumana noMkhandlu Wokufundisa Nokuqequesha eGauteng lakhe Umkhandlu Obhekene Nokweluleka nonolwazi ezindabenzi ezechlukene zemfundo. Lomkhandlu Obhekene Nokweluleka, ngokwawo noma ngokucelwa yilungu eliphethe imfundu lingahlola, libheke, lenze izincomo, noma lenze noma yimphi imisebenzi ewela ngaphansi komiselwe kona.

12 Isigaba 8 - Ukwakheka, Kwamakomiti Amancane Kanye Nezindlela Zomkhandlu Wokufundisa Nokuqequesha eGauteng, Umkhandlu Wokufundisa Nokuqequesha Esifundeni kanye Nomkhandlu Obhekene Nokweluleka

- 12.1 Ilungu eliphethe imfundo lingashaya imithetho ethinta ukuhlanganiswa kwemikhandlu eyehlukene ezokwakhiwa ngokuya kwalomthetho-sivivinyo, kanye nendlela nezinqubo zokuqoka amalungu.
- 12.2 Noma yimuphi umkhandlu ungakha ikomiti elilodwa elincane noma ngapezulu kwelilodwa ukwenza imisebenzi eyehlukene ngaphandle komsebenzi wokusiza ilungu eliphethe imfundo ekuthuthukiseni umgomo wemfundazweni.
- 12.3 Imikhandlu kumele yakhe izinqubo zayo ekwenzeni imisebenzi yayo, kuye ngomhlinzeko waloMthetho.
- 13 Isigaba 9 - Izibonelelo Kumalungu Omkhandlu Wokufundisa Nokuqequesha eGauteng, Omkhandlu Wokufundisa Nokufundisa Nokuqequesha Esifundeni kanye Nawomkhandlu Obhekene Nokweluleka**

Ilungu eliphethe imfundo kanye nelungu lomkhandlu omkhulu elibhekele ukusetshenziswa kwemali kahulumeni esifundazweni kumele banqume isikhathi kanye nezimo ezizokwakhiwa (okufana izindleko zokuhamba nezibonelelo) kumalungu anomia yimuphi umkhandlu ngokya ngalomthetho-sivivinyo nangewona abasebenza ngokugcwele kuhulumeni.

- 14 Isigaba 10 - Izincomo Zomkhandlu Wokufundisa Nokuqequesha eGauteng, Nomkhandlu Wokufundisa Nokuqequesha Esifundeni**

Uma ophethe ilungu eliphethe imfundo okanye umqondisi wesifunda enquma ukungaziqalisi izincomo ezenziwe ngumkhandlu, kumele-ke banike lowo mkhandlu izizathu ezibhalwe phansi ngaleso sinqumo.

- 15 Isigaba 11 - Ukubonisana Ngomgomo Wemfundu, imithetho emisiwe nezimiselo**

- 15.1 Ilungu eliphethe imfundo kumele lixhumane noMkhandlu Wokufundisa Nokuqequesha eGauteng, kanti uma kukahle lixhume umkhandlu ofanele Obhekene Nokweluleka, ngaphambi kokunquma umgomo, ukwethulwa kanye nokwethula imfundo ehambisana nomthetho omisiwe, okanye izimiselo zomthetho kuSishayamthetho Sesifundazwe.
- 15.2. Ukuxhumana kumele kuqale okungenani ezinsukwini ezingāmashumi amathathu ngaphambi kokunquma ngomgomo, ukwethulwa kwemithetho emisiwe, okanye ukumisa imithetho. Kodwa-ke uma kunesidingo esiphuthumayo futhi nomphakathi ukudinga lokho, lokhu kuxhumana kungenziwa uma ilungu eliphethe imfundo lazisa umkhandlu ofanele.

- 16 Isigaba 12 - Ukubhaliswa Kwemigomo Yemfundu Kanye Nethuba Lomphakathi Ekubhekeni Imigomo Yemfundu**

Inhloko Yomnyango kumele ivule futhi igcine iregista lemigomo eyenziwe ngokwalomthetho-sivivinyo. Umphakathi ungaba nethuba lokubona lemigomo.

- 17 Isigaba 13 - Izimiselo**

Ilungu eliphethe imfundo lingakha nomayiziphi izimiselo zomthetho ezidingakela ekufinyeleleni ezinhlosweni zalomthetho. Injongo yokwenza noma yokuchibiyela izimiselo kumele zaziswe ngesaziso emqulwini kahulumeni wokwazisa futhi kumele

kuchazwe ukuthi izimiseloezihleliwe ziyatholakala ukuze kuphawulwe nokuthi zingatholakalakuphi. Amaqembu anentshisekelo anesikhathi esiyinyanga eyodwa ukuthi aphawule ngazo. Konke okuthunyelwe kumele kubhekwe yilungu eliphethe imfundo ngaphambi kokuthi kwenziwe izimiselo zomthetho.

18 Isigaba 14 - Ukunikwa Igunya Lamandla

Ilungu eliphethe imfundo linganika noma ligunyaze noma yiwaphi amandla noma imisebenzi ngokwalomthetho ngaphandle uma kwalabo abathinteka ekwakheni umgomu okanye ukusungulwa komkhandlu. Inhloko yomnyango kumele igcine iregista lemisebenzi noma labathunyiwe okwenziwe ngokwalomthetho-sivivinyo.

19 Isigaba 15 - Ukuchithwa Kwemithetho Kanye Nezinhlelo Zesikhashana

Imihlinzuko eminingi Emthethweni Wezikole ka 1995 iyachithwa. Noma yisiphi isinyathelo esenziwa ngzigaba zokuchitha lokhu kuyothathwa ngokuthi kwenziwe ngokuvumelana nemihlinzuko ekulomthetho-sivivinyo.

20 Isigaba 16 - Izincazelol

Umtetho-sivivinyo unikeza izincazelol ezindikimba ezibalulekile.

TSEBIŠO-KAKARETŠO

TSEBIŠO 3574 YA 1997

MOLAO-TŠHIŠINYO WA PHOLISI YA THUTO, 1997

Go beakanyetša go bewa ga pholisi ya thuto; go beakanyetša go hlomiwa ga dikhansele tše di fapafapanego gore di thuše go mošomo wa go dira pholisi; go beakanyetša tshepedišo, go bea leihlo le go lekola pholisi ya thuto; le go beakanyetša merero yeo e sepedišanago le tšona

O TLA FETIŠWA ke Lekgotlatheramolao la Gauteng, Repabliki ya Afrika Borwa, ka tsela ye e latelago:

Maikemišetšo

1. Maikemišetšo a Molao wo, ke go kgontšha go tšweletša pholisi ya thuto ka -
 - (a) go fetišetša maatla a go dira pholisi go merero ya thuto le phethagatšo ya pholisi yeo;
 - (b) go bea mafelo ao mabapi le wona pholisi ya thuto e ka dirwago;
 - (c) go bea tsela yeo mokgwa wo pholisi ya thuto e ka dirwago ka wona;
 - (d) go beakanyetša go hlomiwa ga dibopego tša maleba tše di tlago rwala maikarabelo a go eletša leloko la Khansele Phethiši leo le amegago mabapi le tšweletšo ya pholisi ya thuto;
 - (e) go hlaloša mekgwa yeo pholisi ya thuto e ka dirwago ka yona;
 - (f) go hlola seemo seo maloko a setšhaba a tlago kgoni go fihlela pholisi ya thuto; le
 - (g) go netefatša gore pholisi ya thuto e bewa leihlo le gona e a lekolwa.

Setatemente sa maikarabelo a go dira le go phethagatša pholisi ya thuto

2. (1) Ka tlase ga Molao wo goba molao ofe goba ofe, leloko la Khansele Phethiši leo le amegago le rwele maikarabelo a go dira pholisi mabapi le morero ofe goba ofe wo o amanago le thuto ka Profensing.
- (2) Ka tlase ga Molao wo, molao ofe goba ofe wo o šomago ka profensing goba lebatong la bosetšhaba, sebolepego sa taolo sa institušene ya thuto se ka itirela pholisi ya thuto.
- (3) Hlogo ya Diphatelye yeo e lebanego le thuto ka profensing e swanetše go fa -
 - (a) lomaganya go tsenywa tirisong ga molawana wa thuto ka mo profensing; gape
 - (b) a fe -
 - (i) Khansele ya Thuto le Hlahlo ya Gauteng, rapoto ya ngwaga ka ngwaga yeo e ngwadilwego fase, gomme e hlaloša seemo sa thuto ka gauteng; le fa
 - (ii) Khansele dirapoto tša kotara goba dirapoto tše di ka kgopelwago.

Bonabo bja go dira pholisi ya thuto

3. Re sa fapoge go tseo di bolelwago go karolo ya 2 ka kakaretšo, pholisi ya thuto e ka dirwa mabapi le tše di latelago:
 - (a) baithuti, go akaretšwa le -
 - (i) kraiteria ya kamogelo;
 - (ii) palo ya baithuti ka morutiši;
 - (iii) go tsema sekolo ga kgapeletšo mo mabatong le bogolong bjo bo akantšwego; le
 - (iv) khoutu ya maitshwaro ya baithuti
 - (b) bairutiši, go akaretšwa -
 - (i) dinyakwa tša maleme tša gore motho a kgone go tsenela profešene ya borutiši;

- (ii) boingwadišo bja barutiši;
- (iii) go kalatša, go transfera le go adimiša barutiši;
- (iv) tekolo le tlhatlošo ya barutisi; le
- (v) peakanyetšo ya thuto le hlahlo ya mošomong ya barutiši, le diprograma tša go kaonafatša barutiši.
- (c) merero ya kharikilamo, go akaretšwa -
 - (i) dithuto tše di tlago rutwa go lebato le lengwe le lengwe la thuto go institušene ya thuto;
 - (ii) palo ya diiri tša go ruta tše di tlago beelwa thuto ye nngwe le ye nngwe;
 - (iii) merero ya boithabišo;
 - (iv) maleme a go ruta le go ithuta.
- (d) taolo ya institušene ya thuto, go akaretšwa -
 - (i) go bulwa, go ngwadiša le go tswalela institušene ya thuto;
 - (ii) tšhomiso ya mekgwa ya go maneja ka diinstitušene tša thuto;
 - (iii) mešomo le maikarabelo a barutiši le dihlogo tša diinstitušene tša thuto;
 - (iv) go hlomiwa ga dikhanele tša baithuti tše di kgethilwego ka mokgwa wa demokrase;
 - (v) go hlomiwa ga dibopego;
 - (vi) go tše karolo le go emelwa ga bohole bao ba nago le seabe go taolo ya tšohle tše di amanago le thuto;
 - (vii) go bea leihlo le go lekola kabelo ya tirelo ya thuto le phethagatšo; le
 - (viii) go sepediša mošomo wa go dira resetšhe wo o lebišitšwego go go kaonafatša khwaliti ya tirelo ya thuto.
- (e) thekgo ya tšelete go diinstitušene tša thuto, go akaretšwa -
 - (i) go abela ditšelete go diinstitušene tša thuto;
 - (ii) disaposidi le dikadimo go diinstitušene tša thuto le mabaka ao a tlago šoma go disaposidi le dikadimo tše;
 - (iii) ditefelo tše di tlago lefiwa diinstitušene tša thuto;
 - (iv) go ba le palo ya maleba ya barutiši bao ba tlago fana ka tirelo ya thuto;
 - (v) go fana ka tšelete ya go kaonafatša barutiši; le
 - (vi) go fana ka tše di kgethegilego.
- (f) go hlola setswalla magareng ga diphamente yeo e swaraganego leo thuto ka Profensing le -
 - (i) ditho tše dingwe tša mmušo;
 - (ii) mekgatlo ya boditšhabatšhaba;
 - (iii) lefapha la poraefete; le
 - (iv) lefapha leo e sego la mmušo.

Dikgakollo tša go dira pholisi

4.(1) Pholisi ya thuto ka moka yeo e dirwago ka go latela Molao wo e swanetše go ba le seabe go mokgwa wa thuto wo o -

- (a) hlohleletšago demokrase le ditokelo tša botho ka go -
 - (i) hlompha tokelo ya go hwetša thuto ya motheo;
 - (ii) netefatša tekatekano gó hwetša dibaka tša thuto le go šomana le go se lekalekane ga nako yeo e fetilego ge go abelwa thuto;
 - (iii) hlohleletšago tšwetšo pele ya bao peleng ba bego ba phaetšwe thoko ke kgethologanyo yeo e sego ya maleba;
 - (iv) netefatšago gore dinyakwa tša kamogelo go diinstitušene tša thuto ga di akaretše go lekolwa ge eba o tseba leleme leo le itšego;
 - (v) tshireletšago batho kgahlanong le kgethollo yeo e sego ya toka ka gare

- ga diphamente goba ka diphamente ya thuto ya Profensi goba ka institušene ya thuto;
- (vi) hlohletšago tokologo ya monagano, bodumedi, kgopol, ponelo, go ikwagatša le go ikamanya le diinstitušene tša thuto;
 - (vii) hlohleletšago tokologo ya go ikamanya le tokelo ya go kopana, go dira dipontšho le go fana ka diphethišene ka mokgwa wa khutšo ntle le go tšhošetša ka boganka;
 - (viii) dumelago batho ka moka, go akaretšwa le diinstitušene tša thuto, gore di fihlele tshedimošo yeo e swerego ke diphamente ya thuto ka gare ga Profensi, go fihlela ka fao tshedimošo e hlokegago gore motho a phethagatše goba a širletše tokelo ya gagwe; gape e
 - (ix) kgontšhago tharollo ya mathata magareng ga bao ba nago le seabe go thuto, ka mokgwa wa khutšo;
- (b) hlomphago ditokelo tša bodumedi, khaltšara le ditokelo tša maleme ka go-
- (i) hlohleletša hlompho ya metse le ditšo tša batho ba naga ye, ka go fapafapan;
 - (ii) hlohleletša batho gore ba tšee karolo go merero ya bona ya khaltšara go diinstitušene tša thuto;
 - (iii) hlohleletša seemo le tšomišo ya maleme a semmušo ao peleng a bego a phaetšwe thoko goba a kgetholollwa; le
 - (iv) ruta baithuti ka ga ka leleme leo ba ikgethelago lona ge e le gore go a kgonega;
 - (v) amogela leleme la maswao bjalo ka leleme la šemmušo la ikgokaganya;
 - (vi) kgontšha baithuti gore ba kgone go šomiša maleme ao a šomišetšwago thuto go institušene ya thuto;
 - (vii) dumelela baithuti fao go kgonegago gore ba šomiše leleme leo ba ikgethelago lona fao le fapanago le leleme la go ithuta ka institušeneng ya go ithuta;
 - (viii) netefatša gore ge go se no phethagatšwa lebato la bosenyane la thuto, baithuti ba kgona go šomiša bonnyane maleme a mabedi a bosenyane; le
 - (ix) hlohleletša barutiši gore ba hwetše bokgoni bja fana ka tirelo ya thuto go tikologo yeo go bolelwago maleme a mantšhi.
- (c) hlohleletšago kaonafatšo ya motho ka go -
- (i) hlohleletša hlompho ya go ruta le go ithuta go diinstitušene tša thuto;
 - (ii) tšweletša bokgoni, dithuto le botsebi bjo bo hlokegago go lenaneo la kago leswa le tlhabollo;
 - (iii) lemoga bokgoni, dikganyogo, le botsebi bja pele le boitemogelo bja baithuti;
 - (iv) fana ka dibaka tša bophelo ka moka tša go ithuta;
 - (v) hlohleletša go ikemela ga monagano le go kgona go botšiša dipotšišo;
 - (vi) netefatša gore gago motho yo a nago le bofokodi bja nameng goba monaganong, yo a tlago ganelwa sebaka sa go hwetše thuto go fihlela ka mo bokgoni bja gagwe bo mo dumelago;
 - (vi) kgontšha go tšea karolo ga maemo a godimo ka baithuti go mošomo w ago ithuta;
 - (viii) hlohleletša go lekalekana ga bong le go tšwetša pele seemo sa basadi;
 - (ix) lwantšha go tlaišwa ka baka la bong go diinstitušene tša thuto; le go
 - (x) šireletša batho kgahlanong le boganka ka moka bja nameng le bja monaganong go diinstitušene tša thuto
- (d) kaonafatšago kabelo ya thuto ka go -
- (i) netefatša gore thuto le hlahlo di abiwa ka gare ga motheo wa dikhwalifikhešene wa setšhaba;
 - (ii) hlohleletša go nyaka, go dira resetše le go tšwetša pele botsebi;

- (iii) hloma mekgwa ya go kaonafatša seemo sa thuto le go bea leihlo le go lekola phethagatšo; le
- (iv) go hlohleletša tšhomišo yeo e sa senyego tšelete ya methopo ya thuto le phethagatšo ya ditirelo tša thuto yeo e tšwelago pele.
- (e) hlohleletša go tšea karolo ga maloko a setšhaba ge go dirwa pholisi ya thuto le gore bao ba nago le seabe ba be le kemedi go dibopego tša maleba tša go tšea diphetho.
- (2) Lebaka goba lepheko leo le lego go pholisi efe goba efe ya thuto leo le beilwego ka go latela Molao wo, le swanetše go kwagala le go lekana maikemišetšo ao a lebišitšwego go go fihlela pholisi yeo.

Go hlomiwa ga Khansele ya Thuto le Hlahlo ya Gauteng

- 5. (1) Go hlomiwa Khansele ya Thuto le Hlahlo ya Gauteng.
- (2) Khansele ya Thuto le Hlahlo ya Gauteng e swanetše -
 - (a) go thuša leloko leo le amegago la Khansele Phethiši gore le tšweletše pholisi ya thuto ya Profensi;
 - (b) lekola molao wo o lego mabapi le pholisi ya thuto pele o tšweletša go Lekgotlatheramolao la Profensi;
 - (c) gore ge e rata goba ge e kgopelwa ke leloko la Khansele Phethiši leo le amegago, e thome ka dinyakišišo le go lekola morero ofe goba ofe wo o amanago le thuto le go fana ka rapoto mabapi le tšeо e di hweditšego;
 - (d) gore ge e rata goba ge e kgopelwa gore e dire bjalo ke leloko la Khansele Phethiši leo le amegago, e dire ditshwayo go leloko la Khansele Phethiši mabapi le morero ofe goba ofe wo o amanago le thuto;
 - (e) go lekola dirapoto tšeо go boletšwego ka tšona go karolo ya 2(3) go tšwa go hlogo ya diphamente yeo e lebanego le thuto ka Profensi;
 - (f) go dira mošomo ofe goba ofe wo o filwego goba o fetišeditšwe ka go latela Molao wo goba Molao ofe goba ofe; le
 - (g) gore mo letšatšing la mafelelo la Matšhe ngwaga wo mongwe le wo mongwe, e fane ka rapoto ye e ngwadilwego mabapi le mešomo ya yona ya ngwaga woo, go leloko la Khansele Phethiši leo le amegago.

Go hlomiwa ga Khansele ya Distriki ya Thuto le Hlahlo

- 6. (1) Leloko leo le amegago la Khansele Phethiši le ka hloma Khansele ya Thuto le Hlahlo ya Distriki go distriki ye nngwe le ye nngwe ya thuto ka gare ga Profensi.
- (2) Khansele ya Thuto le Hlahlo ya Distriki e swanetše -
 - (a) gore ge e rata goba ge e kgopelwa ke leloko la Khansele Phethiši leo le amegago, modaerekotoro wa distriki goba Khansele ya Thuto le Hlahlo ya Gauteng, ya thoma ka dinyakišišo le go lekola morero ofe goba ofe wo o amanago le thuto ka gare ga distriki le go fana ka rapoto go motho goba sebopego seo se amegago;
 - (b) gore ge e rata goba ge e kgopelwa gore e dire bjalo ke modaerekotoro wa distriki, e dire ditshwayo go modaerekotoro wa distriki mabapi le morero ofe goba ofe wo o amanago le thuto ka gare ga distriki;
 - (c) ka tlase ga ditaelo tša Khansele ya Thuto le Hlahlo ya Gauteng e phethagatše mošomo ofe goba ofe wo o fetišeditšwego go ke Khansele ya Thuto le Hlahlo ya Gauteng; le
 - (d) go dira mošomo ofe goba ofe bjalo ka ge o ka fiwa goba wa fetišetšwa go yona ka go latela Molao wo goba molao wo mongwe.

Go hlomiwa ga Khansele goba Dikhansele tša di-Specialist tša Maele

- 7. (1) Leloko leo le amegago la Khansele le tlare ka morago ga go bonana le Khansele ya Thuto le Hlahlo ya Gauteng, la hloma Khansele goba Dikhansele

- tša di-Specialist -
- (2) Khansele ya di-Specialist e swanetše -
- (a) gore ge e rata goba ge e kgopelwā ke leloko la Khansele Phethiši leo le amegago, ya thoma ka dinyakišo le go lekola morero ofe goba ofe wo o welago ka tlase ga mešomo ya wona; le go begela leloko leo le amegago, tše di hweditšwego;
 - (b) go lekola le dira ditshwayo mabapi le melao ka moka yeo e lego mabapi le pholisi ya thuto ya Profensi yeo e welago ka tlase ga mešomo ya yona; le go
 - (c) dira mešomo efe goba efe yeo e fiwago goba e fetišeditšwago yona ka go latela Molao wo goba Molao wo mongwe.

Sebopego, di-subcommittee le ditsela tša go šoma tša Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki gammogo le Dikhanskele tša di-Specialist tša Maele

8. (1) Leloko leo le amegago la Khansele Phethiši le tla fana ka melawana ya tshepedišo mabapi le -
- (a) Sebopego sa Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele;
 - (b) kraiteria ya go bea maloko a dikhanskele tše;
 - (c) ditsela tša go kgetha le go tloša maloko, go akaretšwa le go tše a sephetho mabapi le go tlatša dikgoba;
- (2) Ka tlase ga Molao wo, Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki gammogo le Dikhanskele tša di-Specialist tša Maele, di ka re ka tšomisano le leloko leo le amegago la Khansele Phethiši, tša hioma sub-committee e tee goba go feta gore e -
- (a) nyakišiše le go fana ka rapoto go khanskele yeo e amegago mabapi le morero ofe goba ofe wo o welago ka tlase ga mešomo ya khanskele yeo; le gore e
 - (b) phethagatše mošomo ofe goba ofe wo o fetišeditšwego go yona ke khanskele yeo, ntle le gore mošomo wo o akantšwego go karolo ya 5(2)(a) o ka se fetišetšwe.
- (3) Dikhanskele tše go boletšwego ka tšona go karolwana ya (2) di ka re mo nakong efe goba efe tša phatlalatša di sub-committee goba tša di hioma gape ka go latela karolwana yeo.
- (4) Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki gammogo le Khansele ya di-Specialist ya Maele, di swanetše gore di bee ditsela tša tšona tša go dira mešomo ya tšona, go akaretšwa le -
- (a) go bea baswari ba tšona ba diofisi;
 - (b) go bea komiti phethiši goba komiti ye nngwe ya maleba gore e hlokomele mešomo ya yona ya tšatši ka tšatši; le
 - (c) ditsela tša go bonana le go thietša dipolelo tše di fiwago ke batho goba dibopego tše dingwe;

Dialawense tša maloko a Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki le Khansele ya di-Specialist ya Maele

9. (1) Leloko la Khansele ya Thuto le Hlahlo ya Gauteng, Khansele ya Thuto le Hlahlo ya Distriki goba la Khansele ya di-Specialist ya Maele, goba leloko la sub-committee efe goba efe ya dikhanskele tše, leo le sa šomelego mmušo go ya go ile, le tla lefiwa tšelete ya go sepela, ya dijo le dialawense tše dingwe tše di amanago le merero ya dikhanskele tše.
- (2) Leloko leo le amegago la Khansele Phethiši, le swanetše gore ka tumelelano le Leloko la Khansele Phethiši leo le swaraganego le tšomisano ya ditšelete ka Profensing, le bee ditumelelano le mabaka ao a šomago go batho ba go

- boletšwego ka bona go karolwana ya (1) le dialawense tšeо ba swanetšego go lefiwa tšona.
- (3) Dialawenše di swanetše go lefiwa go tšwa go ditšhelete tšeо di beetšwego thoko ke Lekgotlatheramolao la Profensi.

Ditshwayo tša Khansele ya Thuto le Hlahlo ya Gauteng le Khansele ya Thuto le Hlahlo ya Distriki

10. Ge leloko leo le amegago la Khansele Phethiši goba modaerekto wa distriki a ikgethela gore ga a phethagatše ditshwayo tšeо di dirilwego ke Khansele Thuto le Hlahlo ya Gauteng goba Khansele ya Thuto le Hlahlo ya Distriki ka go latela karolo ya 5(2)(d), 6(2)(b) goba 7(2)(b), ba swanetše gore ba fe khansele yeo e amegago mabaka ao a ngwadilwego fase a diphetoh tšeо ba di tšerego gomme khopi e swanetše gore e romeiwa go leloko la Khansele Phethiši leo le amegago.

Go rerišana mabapi le pholisi ya thuto, molao le melawana ya tshepedišo

11. (1) Ka tlaleletšo go ditsela tšeо di akantšwego go dikarolo tša 8 le 14 goba ditaelo tša molao ofe goba ofe, leloko leo le amegago la Khansele Phethiši le swanetše gore le bonane le Khansele ya Thuto le Hlahlo, gomme ge e le gore go maleba, go bonanwe le Khansele ye e Kgethegilego pele ga -
- (a) go bea pholisi ya thuto;
 - (b) go tšweletša molao wo o amanago le thuto ka gare ga Lekgotlatheramolao la Profensi; le
 - (c) go tšweletša melawana ya tshepedišo ye e amanago le thuto;
- (2) Go rerišana mo go akantšwego go karolwana ya (1) -
- (a) go swanetše go thoma bonnyane matšatši a 30 pele ga go bea pholisi, go tšweletša molao goba go fana ka melawana ya tshepedišo. Le ge go le bjalo, ge e le gore go tla hola setšhaba gore pholisi e dirwe goba gore melawana ya tshepedišo e fetišwe ntle le tikatiko, mošomo wo wa go bonana o ka phaelwa thoko ge leloko la Khansele Phethiši le ka tsebiša khansele yeo e amegago ka tsela ya maleba pele go fetišwa molawana oo.
 - (b) ga go thibele go bonana go gongwe le motho goba sebopego sefe goba sefe.
- (3) Pholisi ya leleme le tumelo yeo e amanago le dipholisi tša thuto e ka dirwa fela -
- (a) ka morago ga go bonana le diphatelye yeo e rwelego maikarabelo a thuto ka Profensing; le ka
 - (b) tšhomisano le leloko la Khansele Phethiši leo le amegago.

Rejistara ya dipholisi tša thuto le gore maloko a setšhaba a kgone go ye bona

12. (1) Hlogo ya diphatelye yeo e rwelego maikarabelo a thuto ka Profensing e swanetše go bula le go boloka rejistara ka tsela ye e laetšwego, gomme rejistara yeo e swanetše go swara dipholisi tša thuto ka moka tšeо di dirilwego ke leloko la Khansele Phethiši leo le amegago ka go latela Molao wo.
- (2) Maloko a setšhaba ka moka a na le tokelo ya go bona tokomane efe goba efe yeo e swerego pholisi ya thuto yeo e dirilwego ka go latela Molao wo.
- (3) Leloko le le amegago la Khansele Phethiši le sebopego sa taolo sa institušene efe goba efe ya thuto, ba swanetše go bea mabaka le mokgwa wo ka wona setšhaba se ka hwetšago ditokomane tša pholisi ya thuto le go di lekola.
- (4) Go bea mo re boletšego ka gona go karolwana ya (3) go ka se lefišwe fela ka lebaka la gore ditokomane di lekotšwe.

Melawana ya tshepedišo

13. (1) Leloko le le amegago la Khansele Phethiši le ka dira molawana ofe goba ofe wo o hlokegago gore go fihlelwe maikemišetšo a Molao wo, go akaretšwa le

- melawana ya tshepedišo yeo e amanago le mekgwa le ditšela tša go bea leihlo le go lekola phethagatšo ya pholisi ya thuto.
- (2) Ge le nyaka go dira goba go fetoša melawana, leloko leo le amegago la Khansele Phethiši le swanetše go latela tsela ye e latelago, ntie le ge dikganyogo tša setšaba di tla holega ge molawana o ka dirwa ntie le tikatiko -
- (a) maikemišetšo a go dira melawana ya tshepedišo a swanetše go tsebišwa ka nothisi go Gazette ya Profensi le ka bonnyane sephatlalatši se sengwe se tee seo se akaretšago batho ba bantši.
 - (b) nothisi e swanetše go hhaloša -
 - (i) gore mongwalo wa mathomo wa molawana o tšweleditšwe gore go fiwe ditshwayo; le
 - (ii) gore khopi ya melawana e ka hwetšwa kae.
 - (c) Sebaka sa bonnyane kgwedi e tee go tlogela ka letšatši leo nothisi e filwego ka lona se swanetše gore se fiwe batho bao ba nago le kgahlego gore ba fane ka ditshwayo mabapi le melawana.
 - (d) Ditshwayo tše di hweditšwego le tše di boletšwego ka moka le go rerišana, di swanetše go lekolwa pele go dirwa melawana ya tshepedišo.
- (3) Karolwana ya (2) ga e some go phethošo ya go lokiša phošo ya mongwalo.
- (4) Molawana ofe goba ofe wo o amago tšhelete ya mmušo goba tšomiso ya yona o ka dirwa fela ka tumelelano le leloko la Khansele Phethiši leo le rwelego maikarabelio a tšomiso ya tšhelete ya profensing.

Phethišetšo

14. (1) Ka tlase ga ditaelo tša Molao wo goba molao wo mongwe, leloko leo le amegago la Khansele Phethiši le ka fana goba la fetišetša maatla le mešomo efe goba efe ya lona, yeo le ye rwešitšwego ke Molao wo yeo e akantšwego go dikarolo tša 2(1), 6(1), 7(1), 8(1) le 13(1) go -
- (a) motho mang goba mang yo a šomelago tshepedišo ya profensi; goba
 - (b) khanskele, komiti, sub-committee, boto goba sebole sefe goba sefe seo se hlomilwego ka go latela Molao wo goba molao o mongwe.
- (2) Hlogo ya diphatemente yeo eo e rwelego maikarabelo a thuto ka Profensing e swanetše go boloka rejistara ka tsela ye e laetšwego, yeo e lego mabapi le mešomo le diphetišetšo tše di dirilwego ka go latela Molao wo.
- (3) Leloko la Khansele Phethiši leo le amegago le swanetše gore pele go feta dikgwedi tše tshela ka morago ga go bewa ga lona, le lekole mešomo le diphetišetšo tše di dirilwego ka go latela Molao wo.

Phedišo ya molao le dithulaganyo tša nakwana

15. (1) Dikarolo tša 5, 18, 21, 32 - 46 le 88 tša Molao wa Thuto ya Sekolong, 1995 (Molao wa No 6 wa 1995) di a fedišwa.
- (2) Re sa phaele thoko karolwana ya (1), pholisi goba kgato yeo e tšewago ka go latela ditaelo tše di phumotšwego tša Molao wa Thuto ya Sekolong, 1995, di tla tšewa di dirilwe ka tlase ga ditaelo tse di swanago le tša Molao wo.
- (3) Dipholisi tše di akantšwego ka tlase ga karolwana ya (2), di swanetše go akaretšwa go rejistara ye go boletšwego ka yona go karolo ya 12 ka tsela ye go boletšwego ka yona go karolo yeo, ka pela ka mo go kgonegago.

Dihlalošo

16. Go Molao, ntie le ge kamano e bontšha ka tsela ye nngwe -

"modaerektoro wa distriki" gore gore mohlanked yo a akantšwego go Karol ya 40 ya Molao wa Thuto ya Sekolong, No 6 wa 1995;

"distriki ya thuto" gora gore lefelo le le beilwego bjalo ka distriki ya thuto le bewa ke

leloko la Khansele Phethiši leo le amegago ka go latela Karolo ya 8 ya Molao wa Thuto ya Sekolong, No 6 wa 1995;

"Institušene ya thuto" gora gore institušene efe goba efe yeo e fanago ka thuto, go sa kgathalewe gore ke thuto ya digotlane, ya poraemari, ya sekondari, ya go tšwela pele goba ye e phagamego, go sa akaretšwe diunibesithi le dithekknikone, le institušene yeo e fanago ka thuto yeo e kgethegilego ya mošomo, thuto ya ba bagolo, thuto ya go korosponda goba thuto ya motse;

"ye e laetšwego" gora gore e laetšwego ke molawana wa tshepedišo gomme "go laela" go na le hhalošo ye e swanago;

"leloko le le amegago la Khansele Phethiši" leloko la Khansele Phethisi leo le swaraganego le thuto ka Profensing;

"Molao wo" go akaretšwa le melawana ye e dirilwego ka tlase ga Molao wo.

Hlathollo le tšomišano

17. Motho mang goba mang yo a hlathollago le go šomiša Molao wo o swanetše go hlatholla ditaelo ka tsela ye bonolo, ka tsela ye -
(a) e sa thulanego le maikemišetšo a Molao wo, bjalo ka ge a hhalositšwe go karolo ya 1; gape
(b) e hhalošago maikemišetšo, karolo le mabaka a pholisi ye e itšego ya thuto.

Leina ka boripana le letšatši la go thoma go šoma

18. Molao wo o tla bitšwa Molao wa Pholisi ya Thuto, 1997, gomme o tla thoma go šoma ka letšatši leo le beilwego ka proklamešene go Gazette ya Profensi.

**MEMORENDAMO WO HLAOSAGO
MOLAOKAKANYWA WA THUTO, 1997**

MATSENO

- 1 Molaokakanywa wa thuto o dira sebopego se se akaretsago (overarching legislative framework) sa taolo ya go thewa ga melao ye e amanago le thuto ka Profenseng ya Gauteng ("the Province"). Sebopego se se kgontsha gore molawana wa thuto o dirwe go latela dintilha tseo di adilwego ka botlalo go ya ditsela tseo di beilwego. Ditsela, dibopego le mananeo ao a ukangwago ka gare ga Molao-kakanywa wo di tla thusa go fetoleng tshepetso ya thuto ya preofense ka ge di tla hlohleletsa melwana ye e nepilego maikemisetso a rilego le go bjala moya wa gore setshaba se tsenye letsogo. Ka boripana molawana wo o tla kgonagatsa tokelo ya motho yo mongwe le yo mongwe go fihlelela thuo ya motheo.
- 2 Go ya ka Molaokakanywa wo, maikarabelo magolo a go rera molawana wa thuto a ka matsogong a Leloko la Lekgotla-Phetisi ("MEC") leo le setsanego le merero ya thuto. Molaokakanywa wo o sisinya gore go hlongwe Makgotla a fapafapanego Profense le a dilete go thusana MEC go sekaseka ditshisinyo tse di ka tsenyeletswago go molawana. Makgotla-taolo a dikolo a ditheo tsa thuto le wona a filwe toka ya go dira melawana. Melawana ye e dirilwego ka moka ye e dirilwego go ya ka molao wo e swanetse go sepedisana le Molaotheo, wa 1996, le melwana ye mengwe ye e amanago nawo. Se se ra gore molawana o ka se dirwe-
 - (a) ke motho ofe goba ofe yo a se nago maswanedi a go dira molwana Iafapheng leo;
 - (b) kgahlanong le ditokelo tse di lego ka go Molaotheo, wa 1996;gape
 - (c) ka mokgwa woo o lego kgahlanong le molao wo somago
- 3 Ka nepo ya gore bohole ba kgone go o fihlelela, go dirilwe thulaganyo ya gore hlogo ya kgoro ye e setsanego le merero ya thuto ka mo profenseng (yoo go tloga bjale a tla bitswago "hlogo ya Kgoro") e dire le go lota rigistara ya melawana ka moka ye e dirilwego go Molaokakanywa. Godimo ga moo, go dirilwe thulaganyo ya gore MEC le Lekgotla-taolo la setheo sa thuto go netefatsa gore setshaba se kgone go fihlelela dingwala tse di amanago le molawana.
- 4 Thulaganyo, basomi goba ditshelete tse di amanago le moalo-kakanywa wo ga se mathata a makalo ka ge Kgoro ya Thuto e akanya go somisa basomi le ditshelete tse di leng gona ka moo e ka kgonago.

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