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# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

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REPUBLIC OF SOUTH AFRICA

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### STATE PRESIDENT'S OFFICE

No. 1157.

29 May 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 76 of 1991: Local Government Training Amendment Act, 1991.

### KANTOOR VAN DIE STAATSPRESIDENT

No. 1157.

29 Mei 1991

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 76 van 1991: Wysigingswet op Plaaslike Onderwys-opleiding, 1991.

## GENERAL EXPLANATORY NOTE:

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

**—** Words underlined with a solid line indicate insertions in existing enactments.

## OF THE REPUBLIC OF SOUTH AFRICA

## ACT

To amend the Local Government Training Act, 1985, so as to further define certain expressions and to delete certain definitions; to further regulate the constitution of the Training Board and the payment of remuneration and allowances to the members thereof; to provide that a member of the Training Board shall vacate his office by notice in writing to the Minister; to provide for the appointment of committees of the Training Board and for the payment of remuneration and allowances to the members of such committees; to further regulate the utilization of money in the Training Fund; to provide for the recognition of training centres; and to provide that the Training Board may enter into agreements with persons, institutions or bodies and with certain governments; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)  
(Assented to 14 May 1991.)

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

## Amendment of section 1 of Act 41 of 1985, as amended by section 1 of Act 84 of 1988

1. Section 1 of the Local Government Training Act, 1985 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion in subsection (1) of the definition of “Co-ordinating Council”;
  - (b) by the substitution in subsection (1) for the definition of “department” of the following definition:  
“‘department’ means the Department of **Constitutional Development and Planning, Provincial Affairs and National Housing;**”;
  - (c) by the substitution in subsection (1) for the definition of “director-general” of the following definition:  
“‘director-general’ means the Director-General: **Constitutional Development and Planning, Provincial Affairs and National Housing;**”;
  - (d) by the substitution in subsection (1) for the definition of “Minister” of the following definition:  
“‘Minister’ means the Minister of **Constitutional Development and Planning, Provincial Affairs and National Housing;**”;
  - (e) by the substitution in subsection (1) for the definition of “training” of the following definition:  
“‘training’ means **training** any action which is necessary to develop applicable knowledge, expertise or inclination with the object of better qualifying a person for work to be done for or in connection with a local government body, and includes the supplying of guidance to a member of a local government body;”; and

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- 
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

**Tot wysiging van die Wet op Plaaslike Owerheidsopleiding, 1985, ten einde sekere uitdrukings nader te omskryf en sekere omskrywings te skrap; die samestelling van die Opleidingsraad en die betaling van besoldiging en toelaes aan die lede daarvan verder te reël; te bepaal dat 'n lid van die Opleidingsraad sy amp ontruim deur skriftelike kennisgewing aan die Minister; voorsiening te maak vir die aanstelling van komitees van die Opleidingsraad en vir die betaling van besoldiging en toelaes aan die lede van sodanige komitees; die aanwending van geld in die Opleidingsfonds verder te reël; voorsiening te maak vir die erkenning van opleidingsentrum; en voorsiening te maak dat die Opleidingsraad ooreenkoms kan aangaan met persone, instellings of liggame en met sekere regerings; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 14 Mei 1991.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 41 van 1985, soos gewysig deur artikel 1 van Wet 84 van 1988**

- 5    1. Artikel 1 van die Wet op Plaaslike Owerheidsopleiding, 1985 (hieronder die Hoofwet genoem), word hierby gewysig—  
     (a) deur in subartikel (1) die omskrywing van "departement" deur die volgende omskrywing te vervang:  
        "departement" die Departement van **[Staatkundige Ontwikkeling en]**  
        Beplanning, Proviniale Sake en Nasionale Behuisings;"
- 10    (b) deur in subartikel (1) die omskrywing van "direkteur-generaal" deur die volgende omskrywing te vervang:  
        "direkteur-generaal" die Direkteur-generaal: **[Staatkundige Ontwikkeling en]**  
        Beplanning, Proviniale Sake en Nasionale Behuisings;"
- 15    (c) deur in subartikel (1) die omskrywing van "Koördinerende Raad" te skrap;
- 16    (d) deur in subartikel (1) die omskrywing van "Minister" deur die volgende omskrywing te vervang:  
        "Minister" die Minister van **[Staatkundige Ontwikkeling en]** Beplanning,  
        Proviniale Sake en Nasionale Behuisings;"
- 20    (e) deur in subartikel (1) die omskrywing van "opleiding" deur die volgende omskrywing te vervang:  
        "opleiding" **[opleiding]** enige handeling wat nodig is om toepaslike kennis,  
        vaardigheid of gesindheid te ontwikkel met die oogmerk om 'n persoon beter te bekwaam vir werk wat vir of in verband met 'n plaaslike owerheidsliggaam verrig moet word, en ook die verskaffing van voorligting aan 'n lid van 'n plaaslike owerheidsliggaam;" en

(f) by the deletion in subsection (1) of the definition of "Training Committee".

**Amendment of section 2 of Act 41 of 1985, as amended by section 30 of Act 32 of 1987  
and section 2 of Act 84 of 1988**

**2. Section 2 of the principal Act is hereby amended—**

(a) by the deletion of paragraphs (a), (b), (c), (d) and (e) of subsection (2); 5

(b) by the substitution for paragraph (f) of subsection (2) of the following paragraph:

"(f) [an officer] two officers of the department designated by the [director-general] Minister;";

(c) by the deletion of paragraph (g) of subsection (2); 10

(d) by the substitution for paragraph (h) of subsection (2) of the following paragraph:

"(h) [seven] nine persons who are either members of or in the service of local government bodies appointed by the Minister [after consultation with the Co-ordinating Council] on account of their special knowledge of training regarding local government affairs [one of whom must be a person who represents an employers' organization, the members of which consist exclusively of local authorities, and one a person who represents the Federation of Municipal Trade Unions];"; 15

(e) by the deletion of paragraph (i) of subsection (2); 20

(f) by the addition to subsection (2) of the following paragraphs:

"(j) not more than two persons co-opted by the Training Board from time to time as members of the Board;

(k) such other persons as the Minister may at his discretion appoint from time to time."; 25

(g) by the substitution for subsection (3) of the following subsection:

"(3) For every member of the Training Board, other than a member referred to in subsection (2) (j), an alternate member shall be designated, to act during his absence or incapacity, by, in the case of an alternate member for 30

[(a) a director-general, the director-general concerned;

(b)] a member intended in subsection (2) [(c), (d) or] (f), (h) or (k), the Minister [who designated that member], with due regard to the provisions of subsection (2) (h) in respect of a member intended in that subsection 35

[(c) the member mentioned in subsection (2) (g), the Co-ordinating Council;

(d) the Director mentioned in subsection (2) (e), the Director;

(e) the member intended in subsection (2) (f), the director-general;

(f) the provincial secretaries, the provincial secretary concerned].";

(h) by the substitution for subsection (4) of the following subsection: 40

"(4) The Minister shall designate a member of the Training Board [who is an officer in the public service] as the chairman and another member as the vice-chairman of the Training Board.";

(i) by the substitution for subsection (5) of the following subsection:

"(5) (a) A member of the Training Board intended in subsection (2) (h) holds office for [such] a period [but not exceeding four years, as the Minister may determine] of five years, and may be reappointed at the expiry of his term of office. 45

(b) A member of the Training Board intended in subsection (2) [(c) and (d)] (f) and (k) holds office at the pleasure of the Minister 50 [concerned]."; and

(j) by the substitution for subsection (6) of the following subsection:

"(6) There may be paid from the Training Fund to a [A] member of the Training Board [intended in subsections (2) (g) and (h) and] or his alternate and a member of a committee intended in section 5 (1) who— 55

(a) are not in the fulltime employ of the State or a local government body, [may be paid from moneys appropriated for that purpose by Parliament] such remuneration and allowances; or

(b) are in the fulltime employ of a local government body, such subsistence and transport allowances, 60

(f) deur in subartikel (1) die omskrywing van "Opleidingskomitee" te skrap.

**Wysiging van artikel 2 van Wet 41 van 1985, soos gewysig deur artikel 30 van Wet 32 van 1987 en artikel 2 van Wet 84 van 1988**

2. Artikel 2 van die Hoofwet word hierby gewysig—
- 5     (a) deur paragrawe (a), (b), (c), (d) en (e) van subartikel (2) te skrap;
- (b) deur paragraaf (f) van subartikel (2) deur die volgende paragraaf te vervang:
- “(f) **[n beampte]** twee beampes van die departement aangewys deur die **[direkteur-generaal]** Minister;”;
- 10    (c) deur paragraaf (g) van subartikel (2) te skrap;
- (d) deur paragraaf (h) van subartikel (2) deur die volgende paragraaf te vervang:
- “(h) **[sewe]** nege persone wat of lede is van of in diens is by plaaslike owerheidsliggame deur die Minister **[na oorleg met die Koördinerende Raad]** aangestel vanweë hul besondere kennis van opleiding betrekende plaaslike owerheidsaangeleenthede **[van wie een 'n persoon moet wees wat 'n werkgewersorganisasie verteenwoordig waarvan die lede uitsluitlik uit plaaslike owerhede bestaan, en een 'n persoon wat die Federasie van Municipale Vakverenings verteenwoordig];”;**
- 15    (e) deur paragraaf (i) van subartikel (2) te skrap;
- (f) deur die volgende paragrawe by subartikel (2) te voeg:
- “(j) hoogstens twee persone deur die Opleidingsraad van tyd tot tyd as lede van die Raad gekoöpteer;
- (k) die ander persone wat die Minister van tyd tot tyd na goeddunke aanstel.”;
- 20    (g) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Vir elke lid van die Opleidingsraad, uitgesonderd 'n lid in subartikel (2) (j) bedoel, moet 'n plaasvervangende lid aangewys word, om gedurende sy afwesigheid of onvermoë **[om]** op te tree, deur, in die geval van 'n plaasvervangende lid vir
- 25    **[(a) 'n direkteur-generaal, die betrokke direkteur-generaal;**
- (b)** 'n lid bedoel in subartikel (2) **[(c), (d) of (f), (h) of (k)]**, die Minister deur wie daardie lid aangewys is, met inagneming van die bepalings van subartikel (2) (h) ten opsigte van 'n lid bedoel in daardie subartikel
- 30    **[(c) die lid genoem in subartikel (2) (g), die Koördinerende Raad;**
- (d) die Direkteur genoem in subartikel (2) (e), die Direkteur;**
- (e) die lid bedoel in subartikel 2 (f), die direkteur-generaal;**
- (f) die provinsiale sekretarisse, die betrokke provinsiale sekretaris].”;**
- 35    (h) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Die Minister **[moet]** wys 'n lid van die Opleidingsraad **[wat 'n beampte in die staatsdiens is]** as die voorsitter en 'n ander lid as die vise-voorsitter van die Opleidingsraad **[aanwys]** aan.”;
- 40    (i) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) (a) 'n Lid van die Opleidingsraad bedoel in subartikel (2) (h) beklee sy amp vir **[die]** 'n tydperk **[maar hoogstens vier jaar, wat die Minister bepaal]** van vyf jaar, en kan by die verstryking van sy ampstermyn weer aangestel word.
- 45    (b) 'n Lid van die Opleidingsraad bedoel in subartikel (2) **[(c) en (d)]** **[(f) en (k)]** beklee sy amp solank dit die **[betrokke]** Minister behaag.”; en
- 50    (j) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Daar kan uit die Opleidingsfonds aan 'n lid van die Opleidingsraad **[bedoel in subartikels 2 (g) en (h) en]** of sy plaasvervanger en 'n lid van 'n komitee in artikel 5 (1) bedoel wat—
- 55    (a) nie in die heeltydse diens van die Staat of 'n plaaslike owerheidsliggaam is nie, **[uit geld wat vir dié doel deur die Parlement bewillig word]** die besoldiging en toelaes; of
- (b) in die heeltydse diens van 'n plaaslike owerheidsliggaam is, die reis- en verblyfttoelaes,

as the Minister with the concurrence of the Minister of Finance may determine.”.

#### **Amendment of section 3 of Act 41 of 1985**

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

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“(d) he resigns by notice in writing to the **[Director-General]** Minister.”

#### **Substitution of section 5 of Act 41 of 1985**

4. The following section is hereby substituted for section 5 of the principal Act:

##### **“Committees of Training Board**

5. (1) The **[executive committee of the]** Training Board—

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- (a) may designate one or more committees consisting of such members, whether or not they are members of the Training Board, as the Training Board may determine;
- (b) may designate a chairman for any such committee, whether or not he is a member of the Training Board, or lay down rules for the appointment of a chairman

**[consists of—**

- (a) the director-general, who is the chairman;
- (b) the member intended in section 2 (4), who is the vice-chairman;
- (c) the member intended in section 2 (2) (g);
- (d) two of the members intended in section 2 (2) (h), designated by the Training Board; and
- (e) one person from each of the Administrations of the House of Assembly, the House of Representatives and the House of Delegates].

(2) **[The executive]** A committee designated under subsection (1) may exercise the powers and shall perform the duties conferred or imposed upon the Training Board by this Act, subject to the directions of and control by the Training Board.

(3) The persons designated as alternate members in terms of section 2 (3) for the persons intended in subsection (1), act as alternate members for the members of the executive committee.

(4) The executive committee meets at such times and places as the Training Board or the chairman of the executive committee may determine

(5) (3) A decision of **[the executive]** a committee designated under subsection (1) may at any time be withdrawn or amended by the Training Board, and is deemed to be a decision of the Training Board, except for the purposes of this subsection, until it is so withdrawn or amended.

(6) (4) The provisions of section 4 (2), (5) and (6) apply *mutatis mutandis* in relation to **[the executive]** a committee designated under subsection (1).”. 40

#### **Amendment of section 8 of Act 41 of 1985, as amended by section 3 of Act 84 of 1988**

5. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) **[The]** Subject to the provisions of section 2 (6) the Training Board may, on such conditions as it may deem fit and on such basis as it may determine with the approval of the Minister **[and after consultation with the Co-ordinating Council]**, utilize the moneys in the training fund for the allocation of—

- (a) grants-in-aid, donations or loans to any person who or institution, association or body, including a local government body or training centre intended in section 9A, which provides training or will provide training;

betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.”.

### Wysiging van artikel 3 van Wet 41 van 1985

3. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (d) van 5 subartikel (1) deur die volgende paragraaf te vervang:  
“(d) hy by skriftelike kennisgewing aan die **Direkteur-generaal** Minister bedank.”.

### Vervanging van artikel 5 van Wet 41 van 1985

4. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

#### “Komitees van Opleidingsraad

5. (1) Die **uitvoerende komitee van die** Opleidingsraad—  
(a) kan een of meer komitees aanwys wat bestaan uit die lede, hetsy hulle lede van die Opleidingsraad is of nie, wat die Opleidingsraad bepaal;  
(b) kan 'n voorsitter vir so 'n komitee aanwys, hetsy hy 'n lid van die Opleidingsraad is of nie, of reëls vir die aanwys van 'n voorsitter bepaal  
**[bestaan uit—**  
(a) die direkteur-generaal, wat die voorsitter is;  
(b) die lid bedoel in artikel 2 (4), wat die vise-voorsitter is;  
(c) die lid bedoel in artikel 2 (2) (g);  
(d) twee van die lede bedoel in artikel 2 (2) (h) aangewys deur die Opleidingsraad; en  
(e) een persoon uit elk van die Administrasies van die Volksraad, die Raad van Verteenwoordigers en die Raad van Afgevaardigdes].  
(2) **[Die uitvoerende komitee]** 'n Komitee kragtens subartikel (1) aangewys, kan die bevoegdhede uitoefen en moet die pligte verrig wat by hierdie Wet aan die Opleidingsraad verleen of hom opgelê word, onderworpe aan die voorskrifte van en beheer deur die Opleidingsraad.  
(3) Die persone wat ingevolge artikel 2 (3) as plaasvervangende lede aangewys is vir die lede bedoel in subartikel (1), tree as plaasvervangende lede op vir die lede van die uitvoerende komitee.  
(4) Die uitvoerende komitee vergader op die tye en plekke wat die Opleidingsraad of die voorsitter van die uitvoerende komitee bepaal  
(5) **[3]** 'n Besluit van **[die uitvoerende]** 'n komitee kragtens subartikel (1) aangewys, kan te eniger tyd deur die Opleidingsraad ingetrek of gewysig word, en word geag 'n besluit van die Opleidingsraad te wees, behalwe by die toepassing van hierdie subartikel, totdat dit aldus ingetrek of gewysig word.  
(6) **[4]** Die bepaling van artikel 4 (2), (5) en (6) is *mutatis mutandis* met betrekking tot **[die uitvoerende]** 'n komitee kragtens subartikel (1) aangewys, van toepassing.”.

### Wysiging van artikel 8 van Wet 41 van 1985, soos gewysig deur artikel 3 van Wet 84 van 1988

#### 5. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:  
“(1) **[Die]** Behoudens die bepaling van artikel 2 (6) kan die Opleidingsraad **[kan]** op die voorwaardes wat hy goedvind en op die grondslag wat hy met die instemming van die Minister **[en na oorleg met die Koördinerende Raad]** bepaal, die geld in die opleidingsfonds aanwend vir die toeken van—  
(a) hulptoelaes, skenkings of lenings aan enige persoon, instelling, vereniging of liggaam, met inbegrip van 'n plaaslike owerheidsliggaam of opleidingsentrum bedoel in artikel 9A, wat opleiding verskaf of sal verskaf;

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- (b) bursaries, bursary loans or financial contributions to persons undergoing training or who will undergo training;
- (c) funds for the financing of—
- (i) the compiling [and], collecting and presentation of training courses;
  - (ii) general or combined recruiting actions for obtaining the services of employees for the local government sector;
  - (iii) any other expense related to training.”; and
- (b) by the deletion of subsection (4).

**Insertion of sections 9A and 9B in Act 41 of 1985**

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6. The following sections are hereby inserted in the principal Act after section 9:

**“Training centres**

**9A.** The Training Board may on such conditions as it may deem fit recognize any body or institution, including a local government body, as a training centre.

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**Entering into agreements**

**9B.** (1) The Training Board may enter into agreements with any person, institution or body, including the government of any state the territory of which previously formed part of the Republic or a self-governing territory as defined in section 38 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), with regard to any matter relating to training.

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(2) The Minister may recognize any body or institution in a state or self-governing territory referred to in subsection (1) which exercises powers and performs duties which, in the opinion of the Minister, correspond with the powers and duties ordinarily exercised or performed by—

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- (a) a body, council or institution intended in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); or
- (b) a committee, board, body, authority or council intended in paragraph (a), (b), (c), (d) or (e) of the definition of “local government body”,

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as a local government body for the purposes of this section.”.

**Short title**

7. (1) This Act shall be called the Local Government Training Amendment Act, 35 1991.

(2) Sections 2 (j) and 5 (a) shall be deemed to have come into operation on 12 April 1985.

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- (b) beurse, beurslenings of geldelike bydraes aan persone wat opleiding ondergaan of sal ondergaan;  
(c) fondse vir die financiering van—  
5 (i) die opstel **[en]**, versamel en aanbied van opleidingskursusse;  
(ii) die algemene of gesamentlike werwingsaksies vir die verkryging van die dienste van werknekmers vir die plaaslike owerheidsektor;  
(iii) enige ander uitgawe wat met opleiding in verband staan.”; en  
(b) deur subartikel (4) te skrap.

**Invoeging van artikels 9A en 9B in Wet 41 van 1985**

10 6. Die volgende artikels word hierby in die Hoofwet na artikel 9 ingevoeg:

**“Opleidingsentrums**

**9A.** Die Opleidingsraad kan op die voorwaardes wat hy goedvind enige instelling of liggaam, met inbegrip van 'n plaaslike owerheidsliggaam, as 'n opleidingsentrum erken.

**Aangaan van ooreenkomste**

**9B.** (1) Die Opleidingsraad kan ooreenkomste aangaan met enige persoon, instelling of liggaam, met inbegrip van die regering van 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het of 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), ten opsigte van enige aangeleentheid met betrekking tot opleiding.

(2) Die Minister kan 'n liggaam of instelling in 'n staat of selfregerende gebied bedoel in subartikel (1) wat na die oordeel van die Minister bevoegdhede uitoefen en pligte verrig wat ooreenstem met die bevoegdhede en pligte wat gewoonlik uitgeoefen of verrig word deur—  
(a) 'n liggaam, raad of instelling beoog in artikel 84 (1) (f) van die Wet op Proviniale Bestuur, 1961 (Wet No. 32 van 1961); of  
(b) 'n komitee, raad, liggaam of owerheid bedoel in paragraaf (a), (b), (c), (d) of (e) van die omskrywing van “plaaslike owerheidsliggaam”,  
30 as 'n plaaslike owerheidsliggaam vir die doeleindes van hierdie artikel erken.”.

**Kort titel**

7. (1) Hierdie Wet heet die Wysigingswet op Plaaslike Owerheidsopleiding, 1991.  
35 (2) Artikels 2 (j) en 5 (a) word geag op 12 April 1985 in werking te getree het.

