

Notice No.1893 OF 1996
Gazette No. 199

REGULATIONS FOR THE ESTABLISHMENT OF THE EDUCATION AND TRAINING COUNCIL

PREAMBLE

The Member of the Executive Council for Education has under section 106, read with section 32 (1), of the School Education Act, 1995 (Act No. 6 of 1995), made these regulations for the establishment of the Education and Training Council.

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SCHEDULE A

REPEAL OF REGULATIONS

CHAPTER ONE: DEFINITIONS

1. Definitions

(1) Subject to subregulation (2) and unless the context indicates otherwise, a word which is defined in this Act shall have the same meaning in these regulations.

(2) In these regulations, unless the context indicates otherwise-

"departmental staff" means employees of the department;

"designated organisation" means an organisation designated by the Member of the Executive Council in terms of regulation 3;

"educational institution" means any institution for the education of students;

"educator" also means any person who teaches, educates or trains students or provides professional therapy at any educational institution;

"head of institution" means the chief executive officer of any educational institution;

"nominated member" means a member of the Council nominated in terms of regulation 2 (1), 2 (2) or 2 (3);

"province" means the Province of Gauteng;

"student" means any person enrolled at any educational institution other than a school.

CHAPTER TWO: EDUCATION AND TRAINING COUNCIL

2. Composition of Council

The following persons shall be appointed by the Member of the Executive Council as members of the Education and Training Council:

(1) One representative nominated by-

(a) each district council established in terms of section 39 of this Act;
and

(b) each specialist council established in terms of section 44 of this Act.

(2) One representative nominated by each designated organisation representing the following constituencies in the province:

- (a) Parents of learners enrolled at schools;
- (b) educators;
- (c) learners enrolled at schools;
- (d) students;
- (e) heads of institutions-;
- (f) principals;
- (g) departmental staff;
- (h) governing bodies of public educational institutions;
- (i) governing bodies of public schools;
- (j) private educational institutions;
- (k) private schools;
- (l) non-governmental education organisations;
- (m) business; and
- (n) labour.

(3) One representative nominated by each training board in the province.

(4) Subject to subregulations (5) and (6), such persons as the Member of the Executive Council in his or her discretion may appoint as members of the Council.

(5) Persons appointed in terms of subregulation (4) shall be persons who are, by virtue of their experience or expertise, able to make a valuable contribution to education in the province.

(6) The total number of persons appointed in terms of subregulation (4) shall be less than 20% of the total number of members of the Council at the time of the appointment of such persons.

3. Designation of organisations for membership of Council

(1) The member of the Executive Council may, on written application by an organisation representing a constituency contemplated in regulation 2 (2) or 2 (3), declare it to be a designated organisation if- (a) it has a written constitution which provides for the membership of the organisation in a manner which does not violate the provisions of section 8 of the Constitution; and (b) he or she is satisfied that the organisation represents a significant proportion of the relevant constituency in the province.

(2) If the Member of the Executive Council rejects an application by an organisation to be declared a designated organisation, he or she shall provide that organisation with written reasons for the decision to reject the application.

(3) The designation of an organisation shall be valid for a period of two years.

(4) On the expiry of the period of two years contemplated in subregulation (3) an organisation may reapply for designation in terms of subregulation (1).

(5) After 1 January 1997, any decision by the Member of the Executive Council to declare an organisation to be a designated organisation shall be taken after consultation with the Council.

4. Withdrawal of designation of organisation

(1) The Member of the Executive Council may, after consultation with the Council, withdraw the designation of an organisation-

(a) if the organisation so requests;

(b) if the organisation ceases to be qualified for designation in terms of regulation 3 (1); or

(c) if a representative of the organisation has failed to attend three consecutive meetings of the Council and the Council has passed a resolution requesting the Member of the Executive Council to withdraw the designation of the organisation.

(2) The Member of the Executive Council may not withdraw the designation of an organisation unless he or she has given the organisation an opportunity to make representations relating to any decision to withdraw its designation.

5. Terms of office of members of Council

(1) Subject to these regulations, the term of office of a member of the Council shall be two years from the date upon which he or she is appointed by the Member of the Executive Council.

(2) A nominated member of the Council may, at any time, have his or her nomination withdrawn by the district council, specialist council or designated organisation which nominated him or her.

(3) If the nomination of a nominated member of the Council is withdrawn, he or she shall immediately cease to be a member of the Council and the relevant district council, specialist council or designated organisation may nominate another representative to replace that person as a member of the Council.

(4) A person replacing a nominated member of the Council in terms of subregulation (3) shall be a member of the Council for the remainder of the term of office of the nominated member of the Council whom he or she replaces.

(5) A member of the Council who was nominated by an organisation whose designation has been withdrawn shall cease to be a member of the Council on the date on which the Member of the Executive Council withdraws the designation of the organisation.

(6) Notwithstanding the provisions of this regulation, the Member of the Executive Council may extend the term of office of any member of the Council for a period not exceeding one year.

6. Executive committee

(1) At the first meeting of the Council it shall elect an executive committee consisting of the following members:

(a) A chairperson;

(b) a vice-chairperson;

(c) a treasurer;

(d) a public relations officer; and

(e) a liaison officer.

(2) The Head of Department shall preside over the election of a chairperson of the Council, whereupon the chairperson shall take over the

chairing of the meeting.

(3) The Head of Department shall appoint a person designated in terms of regulation 8 as administrative officer for the Council.

(4) The administrative officer shall be a non-voting member of the executive committee.

7. Administration of finance

The Council shall-

(1) control in accordance with the directions of the Head of Department all money received by it; and

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

8. Designation of staff

The Head of Department shall designate such persons in the service of the department as he or she deems necessary to perform the work relating to the performance of the functions of the Council.

9. Meetings

The Council and the executive committee shall each meet at least four times a year.

10. Minutes of meetings

The minutes of the proceedings of every meeting of the Council and the executive committee shall be kept, and shall at all reasonable times be open to inspection by members of the public at the office of the administrative officer.

11. Constitution of Council

The Council may, by a majority of two-thirds of its members, adopt a constitution not inconsistent with the provisions of this Act.

12. Repeal of Regulations

The regulations listed in column one of Schedule A are hereby repealed to the extent set out in column two of Schedule A.

SCHEDULE A
SCHEDULE OF REGULATIONS TO BE REPEALED

Title, No. and year of regulations	Extent of repeal
Coloured Persons Education Act, 1963 (Act No. 47 of 1963): Regulation No. 1898 of 21 November 1963	Chapter C
Indians Education Act, 1965 (Act No. 61 of 1965): Regulation No. 2576 of 9 November 1990	The whole
Education and Training Act, 1979 (Act No. 90 of 1979): Regulation No. 957 of 1 May 1981, as amended by Regulations No. 2364 of 25 November 1988	The whole