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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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No. 21431

THE PRESIDENCY

No. 769. 2 August 2000

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

No. 31 of 2000: South African Council for Educators Act, 2000.

DIE PRESIDENSIE

No. 769. 2 Augustus 2000

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

No. 31 van 2000: Wet op die Suid-Afrikaanse Raad vir Opvoeders, 2000.

(English text signed by the President.)
(Assented to 26 July 2000.)

ACT

To provide for the continued existence of the South African Council for Educators; to provide anew for the functions of the said council; and to provide anew for the composition of the said council; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER 1

INTERPRETATION AND OBJECTS OF ACT

Definitions

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

- (i) **“adult learning centre”** means a public or private centre which provides basic education to adults and of which the educators are employed in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998); (viii)
- (ii) **“council”** means the South African Council for Educators referred to in section 4; (vii)
- (iii) **“educator”** means any person referred to in section 3 and who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and educational psychological services, at an institution; (vi)
- (iv) **“further education and training institution”** means a public or private further education and training institution defined in section 1 of the Further Education and Training Act, 1998 (Act No. 98 of 1998), or any technical college, youth college, community college, state college or other college which is wholly or partly funded by the state; (iii)
- (v) **“institution”** means any school, further education and training institution or adult learning centre; (ii)
- (vi) **“member”** means a member of the council appointed in terms of section 6; (iv)
- (vii) **“Minister”** means the Minister of Education; (v)
- (viii) **“organised profession”** means all trade unions or federations of trade unions which are members of the Education Labour Relations Council; (i)
- (ix) **“school”** means a public or independent school defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996). (ix)

Objects of Act

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2. The objects of this Act are—

- (a) to provide for the registration of educators;
- (b) to promote the professional development of educators; and
- (c) to set, maintain and protect ethical and professional standards for educators, by means of the functioning of the council.

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WET OP DIE SUID-AFRIKAANSE RAAD
VIR OPVOEDERS, 2000

Wet No. 31, 2000

(Engelse teks deur die President geteken.)
(Goedgekeur op 26 Julie 2000.)

WET

Om voorsiening te maak vir die voortbestaan van die Suid-Afrikaanse Raad vir Opvoeders; opnuut voorsiening te maak vir die werksaamhede van genoemde raad; en opnuut voorsiening te maak vir die samestelling van genoemde raad; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

HOOFSTUK 1

UITLEG EN OOGMERKE VAN WET

5 Woordoms krywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “georganiseerde beroep” alle vakbonde of federasies van vakbonde wat lede is van die Raad vir Arbeidsverhoudinge in die Onderwys; (viii)
- 10 (ii) “inrigting” ’n skool, inrigting vir verdere onderwys en opleiding of sentrum vir onderrig vir volwassenes; (v)
- (iii) “inrigting vir verdere onderwys en opleiding” ’n openbare of private inrigting vir verdere onderwys en opleiding omskryf in artikel 1 van die Wet op Verdere Onderwys en Opleiding, 1998 (Wet No. 98 van 1998), of enige tegniese kollege, jeugkollege, gemeenskapskollege, staatskollege of ander kollege wat geheel of gedeeltelik deur die staat befonds word; (iv)
- 15 (iv) “lid” ’n lid van die raad ingevolge artikel 6 aangestel; (vi)
- (v) “Minister” die Minister van Onderwys; (vii)
- (vi) “opvoeder” ’n persoon in artikel 3 bedoel en wat ander persone onderrig, opvoed of oplei of wat professionele opvoedkundige dienste lewer, met inbegrip van professionele terapie en opvoedkundige sielkundige dienste, by ’n inrigting; (iii)
- 20 (vii) “raad” die Suid-Afrikaanse Raad vir Opvoeders in artikel 4 bedoel; (ii).
- (viii) “sentrum vir onderrig van volwassenes” ’n openbare of private sentrum wat basiese onderrig aan volwassenes voorsien en waarvan die opvoeders in diens is ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998); (i)
- 25 (ix) “skool” ’n openbare of onafhanklike skool omskryf in artikel 1 van die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996). (ix)

Oogmerke van Wet

30 2. Die oogmerke van hierdie Wet is om deur middel van die funksionering van die raad—

- (a) vir die registrasie van opvoeders voorsiening te maak;
- (b) die professionele ontwikkeling van opvoeders te bevorder; en
- 35 (c) etiese en professionele standaarde vir opvoeders te stel, in stand te hou en te beskerm.

Application of Act

3. This Act applies to all educators appointed—
- (a) in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998);
 - (b) in terms of the South African Schools Act, 1996 (Act No. 84 of 1996);
 - (c) at an independent school; 5
 - (d) in terms of the Further Education and Training Act, 1998 (Act No. 98 of 1998);
 - (e) at a further education and training institution;
 - (f) at an adult learning centre.

CHAPTER 2

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CONTINUATION, POWERS AND DUTIES, COMPOSITION AND GOVERNANCE OF COUNCIL**Continuation of council**

4. The South African Council for Educators referred to in section 27 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), continues to exist as a juristic 15 person despite the repeal of that section by section 28 of this Act.

Powers and duties of council

5. Subject to this Act and the National Education Policy Act, 1996 (Act No. 27 of 1996), the council—
- (a) with regard to the registration of educators— 20
 - (i) must determine minimum criteria and procedures for registration or provisional registration;
 - (ii) must consider and decide on any application for registration or provisional registration;
 - (iii) must keep a register of the names of all persons who are registered or 25 provisionally registered;
 - (iv) must determine the form and contents of the registers and certificates to be kept, maintained or issued in terms of this Act, the periods within which they must be reviewed and the manner in which alterations thereto may be effected; and 30
 - (v) may prescribe the period of validity of the registration or provisional registration;
 - (b) with regard to the promotion and development of the education and training profession—
 - (i) must promote, develop and maintain a professional image; 35
 - (ii) must advise the Minister on matters relating to the education and training of educators, including but not limited to—
 - (aa) the minimum requirements for entry to all the levels of the profession;
 - (bb) the standards of programmes of pre-service and in-service educator 40 education;
 - (cc) the requirements for promotion within the education system;
 - (dd) educator professionalism;
 - (iii) must research and develop a professional development policy;
 - (iv) must promote in-service training of all educators; 45
 - (v) may develop resource materials to initiate and run, in consultation with an employer, training programmes, workshops, seminars and short courses that are designed to enhance the profession;
 - (vi) may compile, print and distribute a professional journal and other 50 publications;
 - (vii) may establish a professional assistance facility for educators;
 - (c) with regard to professional ethics—

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Toepassing van Wet**3.** Hierdie Wet is van toepassing op alle opvoeders wat aangestel is—

- (a) ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998);
- 5 (b) ingevolge die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996);
- (c) by 'n onafhanklike skool;
- (d) ingevolge die Wet op Verdere Onderwys en Opleiding, 1998 (Wet No. 98 van 1998);
- (e) by 'n inrigting vir verdere onderwys en opleiding;
- 10 (f) by 'n sentrum vir onderrig vir volwassenes.

HOOFSTUK 2**VOORTBESTAAN, BEVOEGDHEDE EN PLIGTE, SAMESTELLING EN
BESTUUR VAN RAAD****Voortbestaan van raad**

- 15 **4.** Die Suid-Afrikaanse Raad vir Opvoeders bedoel in artikel 27 van die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998), bly as 'n regspersoon voortbestaan ondanks die herroeping van daardie artikel by artikel 28 van hierdie Wet.

Bevoegdhede en pligte van raad

- 20 **5.** Behoudens hierdie Wet en die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996)—

- (a) met betrekking tot die registrasie van opvoeders—
 - (i) moet die raad minimum kriteria en prosedures vir registrasie of voorwaardelike registrasie bepaal;
 - 25 (ii) moet die raad 'n aansoek om registrasie of voorwaardelike registrasie oorweeg en daaroor besluit;
 - (iii) moet die raad 'n register van die name van alle persone wat geregistreer of voorwaardelik geregistreer is, byhou;
 - (iv) moet die raad die vorm en inhoud van die registers en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die tydperke waarbinne hulle hersien moet word en die wyse waarop wysigings daaraan aangebring kan word, bepaal; en
 - 30 (v) kan die raad die tydperk van geldigheid van registrasie of voorwaardelike registrasie voorskryf;
- (b) met betrekking tot die bevordering en ontwikkeling van die onderwys- en opleidingsberoep—
 - 35 (i) moet die raad 'n professionele beeld bevorder, ontwikkel en in stand hou;
 - (ii) moet die raad die Minister adviseer oor aangeleenthede met betrekking tot die onderrig en opleiding van opvoeders, met inbegrip van, maar nie beperk nie tot—
 - 40 (aa) die minimum toelatingsvereistes tot alle vlakke van die beroep;
 - (bb) die standaarde van programme van voordiens- en indiensopleiding van opvoeders;
 - (cc) die vereistes vir bevordering binne die onderwysstelsel;
 - 45 (dd) professionalisme van opvoeders;
 - (iii) moet die raad 'n professionele ontwikkelingsbeleid navors en ontwikkel;
 - (iv) moet die raad die indiensopleiding van alle opvoeders bevorder;
 - 50 (v) kan die raad bronmateriaal ontwikkel om in oorleg met 'n werkgewer opleidingsprogramme, werkwinkels, seminare en kort kursusse wat daarop gemik is om die beroep te versterk, te inisieer en aan te bied;
 - (vi) kan die raad 'n professionele tydskrif en ander publikasies opstel, druk en versprei;
 - (vii) kan die raad 'n professionele hulpfasiliteit vir opvoeders instel;
 - 55 (c) met betrekking tot professionele etiek—

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- (i) must compile, maintain and from time to time review a code of professional ethics for educators who are registered or provisionally registered with the council;
- (ii) must determine a fair hearing procedure;
- (iii) subject to subparagraph (ii), may—
 - (aa) caution or reprimand;
 - (bb) impose a fine not exceeding one month's salary on; or
 - (cc) remove from the register for a specified period or indefinitely, or subject to specific conditions, the name of, an educator found guilty of a breach of the code of professional ethics; and
- (iv) may suspend a sanction imposed under subparagraph (iii)(bb) or (cc) for a period and on conditions determined by the council;
- (d) with regard to fees—
 - (i) must, in consultation with the Minister, determine fees payable to the council by registered educators and educators applying for registration;
 - (ii) may require from the relevant employers to deduct fees from the salaries of educators and to pay it over to the council;
 - (iii) may, after a fair hearing—
 - (aa) caution or reprimand; or
 - (bb) remove from the register for a specified period or indefinitely, or subject to specific conditions, the name of, an educator found guilty of failing to pay the fees determined by the council; and
 - (iv) may suspend a sanction imposed under subparagraph (iii)(bb) for a period and on conditions determined by the council; and
- (e) in general—
 - (i) must advise the Minister on any educational aspect which the Minister may request it to advise on;
 - (ii) may appoint staff and determine their conditions of service;
 - (iii) may establish committees and assign duties to them;
 - (iv) must perform any duty which is necessary for the proper functioning of the council; and
 - (v) may advise the Minister on any relevant educational aspect.

Composition of council

6. (1) The council consists of the following members, appointed by the Minister with due consideration to representation in respect of race, gender, disability and geographic distribution:

- (a) The chairperson, subject to section 7;
- (b) 18 educators collectively nominated by the organised profession;
- (c) five persons nominated by the Department of Education;
- (d) two persons nominated by the national associations representing school governing bodies contemplated in section 20(3) of the South African Schools Act, 1996 (Act No. 84 of 1996);
- (e) one person nominated by the Council on Higher Education established by section 4 of the Higher Education Act, 1997 (Act No. 101 of 1997);
- (f) one person nominated by the councils of further education and training institutions contemplated in section 8 of the Further Education and Training Act, 1998 (Act No. 98 of 1998);
- (g) one person nominated by national bodies representing independent or private institutions recognised by the Minister; and
- (h) the chief executive officer of the council, subject to section 17.

(2) The members referred to in subsection (1)(b) must consist of educators, including principals, employed at or in each of the following institutions or sectors:

- (a) A public ordinary school;
- (b) an independent school;
- (c) a public further education and training institution;
- (d) a private further education and training institution;
- (e) early childhood development sector;
- (f) an adult learning centre;
- (g) learners with special education needs sector.

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- (i) moet die raad 'n professionele etiese kode vir opvoeders wat by die raad geregistreer of voorwaardelik geregistreer is, opstel, in stand hou en van tyd tot tyd hersien;
- (ii) moet die raad 'n regverdige verhoorprosedure bepaal;
- 5 (iii) kan die raad, behoudens subparagraaf (ii), 'n opvoeder wat skuldig bevind word aan 'n oortreding van die professionele etiese kode—
 - (aa) waarsku of berispe;
 - (bb) met hoogstens een maand se salaris beboet; of
 - (cc) se naam van die register verwyder vir 'n vermelde of onbepaalde
- 10 tydperk, of onderworpe aan vermelde voorwaardes; en
- (iv) kan die raad 'n sanksie kragtens subparagraaf (iii)(bb) of (cc) opgelê, opskort vir 'n tydperk en op voorwaardes deur die raad bepaal;
- (d) met betrekking tot gelde—
 - (i) moet die raad in oorleg met die Minister gelde aan die raad betaalbaar
 - 15 deur geregistreerde opvoeders en opvoeders wat om registrasie aansoek doen, bepaal;
 - (ii) kan die raad van die betrokke werkgewers vereis om gelde van die salarisse van opvoeders af te trek en dit aan die raad oor te betaal;
 - (iii) kan die raad, na 'n regverdige verhoor, 'n opvoeder wat skuldig bevind
 - 20 is aan wanbetaling van gelde deur die raad bepaal—
 - (aa) waarsku of berispe; of
 - (bb) se naam van die register verwyder vir 'n vermelde of onbepaalde
 - (iv) kan die raad 'n sanksie kragtens subparagraaf (iii)(bb) opgelê, opskort
 - 25 vir 'n tydperk en op voorwaardes deur die raad bepaal; en
- (e) in die algemeen—
 - (i) moet die raad die Minister van advies dien oor enige opvoedkundige
 - aspek waaroor die Minister die raad versoek om te adviseer;
 - (ii) kan die raad personeel aanstel en hulle diensvoorwaardes bepaal;
 - 30 (iii) kan die raad komitees instel en pligte aan hulle toewys;
 - (iv) moet die raad enige plig wat vir die behoorlike funksionering van die raad nodig is, verrig; en
 - (v) kan die raad die Minister oor enige tersaaklike opvoedkundige aspek adviseer.

35 Samestelling van raad

6. (1) Die raad bestaan uit die volgende lede, deur die Minister aangestel met behoorlike inagneming van verteenwoordiging ten opsigte van ras, geslagtelikheid, gestremdheid en geografiese verspreiding:

- (a) Die voorsitter, behoudens artikel 7;
 - 40 (b) 18 opvoeders gesamentlik deur die georganiseerde beroep benoem;
 - (c) vyf persone deur die Departement van Onderwys benoem;
 - (d) twee persone benoem deur die nasionale verenigings wat beheerliggame van skole in artikel 20(3) van die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996), beoog, verteenwoordig;
 - 45 (e) een persoon benoem deur die Raad vir Hoër Onderwys ingestel by artikel 4 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997);
 - (f) een persoon benoem deur die rade van inrigtings vir verdere onderwys en opleiding beoog in artikel 8 van die Wet op Verdere Onderwys en Opleiding, 1998 (Wet No. 98 van 1998);
 - 50 (g) een persoon benoem deur nasionale liggame wat onafhanklike of private inrigtings wat deur die Minister erken word, verteenwoordig; en
 - (h) die hoof- uitvoerende beampte van die raad, behoudens artikel 17.
- (2) Die lede bedoel in subartikel (1)(b) moet bestaan uit opvoeders, met inbegrip van hoofde, in diens by of in elk van die volgende inrigtings of sektore:
- 55 (a) 'n Openbare gewone skool;
 - (b) 'n onafhanklike skool;
 - (c) 'n openbare inrigting vir verdere onderwys en opleiding;
 - (d) 'n private inrigting vir verdere onderwys en opleiding;
 - (e) kleuterontwikkelingsektor;
 - 60 (f) 'n sentrum vir onderwys vir volwassenes;
 - (g) sektor vir leerders met spesiale onderwysbehoeftes.

(3) If the organised profession is unable to reach agreement collectively with regard to the 18 nominations referred to in subsection (1)(b), the Minister must appoint 18 members from the nominations by individual organisations from the organised profession.

(4) When any nomination becomes necessary in terms of subsection (1), the council must invite the relevant bodies or authorities in writing to nominate persons who qualify for nomination within a specified period of at least 30 days. 5

(5) No person may be nominated or appointed as a member of the council if that person—

(a) is removed from an office of trust by a court of law; or 10

(b) is convicted of an offence involving dishonesty or an offence for which the sentence imposed is imprisonment without the option of a fine.

(6) If the council receives any nomination it must, within 30 days after the expiry date specified in the invitation, submit the nomination to the Minister.

(7) If the council receives no nominations or receives insufficient nominations within the period specified in the invitation, the Minister may, after consultation with the council, appoint persons who meet the requirements up to the number required, as members. 15

(8) The Minister must by notice in the *Gazette*, as soon as practicable after the appointment of the members, publish the name of every person appointed as a member, together with the date from which the appointment takes effect and the period for which the appointment is made. 20

Chairperson and deputy chairperson of council

7. (1) (a) At the first meeting in a new term of office of members, the members must nominate five persons, of whom one must be appointed by the Minister as chairperson. 25

(b) A person who is not a member may be nominated by the council for appointment as chairperson.

(2) The chief executive officer must act as chairperson until such time as a chairperson is appointed.

(3) After the appointment of the chairperson by the Minister, the members must elect one of their number as deputy chairperson of the council to act as chairperson when the chairperson is not available. 30

(4) The chairperson and deputy chairperson hold office during the term of office of the members.

(5) In the event of the chairperson being appointed from the members of the council, the vacancy that arises must be filled in accordance with section 10. 35

(6) Whenever both the chairperson and the deputy chairperson are not available, the members must, from among themselves, elect a member to act as chairperson.

Term of office of members

8. Subject to section 10(2), all members, excluding the chief executive officer, hold office for a period of four years. 40

Termination of office of chairperson, deputy chairperson or member

9. The term of office of the chairperson, deputy chairperson or any other member is terminated if the member—

(a) resigns by giving notice in writing to the Minister and the council; 45

(b) is absent from three consecutive meetings of the council or from a committee of which the member is a member without leave of the relevant chairperson, or in the case of the chairperson, the leave of the executive committee of the council;

(c) brings the council or the profession into disrepute; 50

(d) no longer meets the requirements referred to in section 6(1) and (2);

(e) (i) is declared insolvent;

(ii) is removed from an office of trust by a court of law;

(iii) is convicted of an offence involving dishonesty or an offence for which the sentence imposed is imprisonment without the option of a fine; or 55

(iv) is declared by a competent court to be of an unsound mind or under a legal disability.

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(3) Indien die georganiseerde beroep nie in staat is om gesamentlik ooreenstemming te bereik met betrekking tot die 18 benoemings in subartikel (1)(b) bedoel nie, stel die Minister 18 lede uit die benoemings deur individuele organisasies van die georganiseerde beroep aan.

5 (4) Wanneer 'n benoeming ingevolge subartikel (1) nodig word, moet die raad die betrokke liggame of owerhede skriftelik uitnôoi om binne 'n vermelde tydperk van minstens 30 dae persone wat vir benoeming kwalifiseer, te benoem.

(5) Niemand mag as 'n lid van die raad benoem of aangestel word nie indien daardie persoon—

10 (a) deur 'n geregshof uit 'n vertrouensposisie verwyder word; of
(b) skuldig bevind word aan 'n misdryf wat oneerlikheid behels of 'n misdaad waarvoor die vonnis opgelê gevangenisstraf sonder die keuse van 'n boete is.

(6) Indien die raad enige benoeming ontvang, moet hy die benoeming binne 30 dae na die vervaldatum in die uitnodiging vermeld aan die Minister voorlê.

15 (7) Indien die raad binne die tydperk in die uitnodiging vermeld geen benoemings ontvang nie of onvoldoende benoemings ontvang, kan die Minister, na oorleg met die raad, persone wat aan die vereistes voldoen, tot die vereiste getal as lede aanstel.

(8) Die Minister moet by kennisgewing in die *Staatskoerant*, so gou doenlik na die aanstelling van die lede, die naam van elke persoon wat as 'n lid aangestel is, tesame met die datum waarop die aanstelling van krag word en die tydperk waarvoor die aanstelling gedoen is, publiseer.

Voorsitter en adjunkvoorsitter van raad

7. (1) (a) By die eerste vergadering in 'n nuwe ampstermyn van lede moet die lede vyf persone benoem, van wie een deur die Minister aangestel word as voorsitter.

25 (b) Iemand wat nie 'n lid is nie, kan deur die raad benoem word vir aanstelling as voorsitter.

(2) Die hoof- uitvoerende beampte moet as voorsitter waarneem tot tyd en wyl 'n voorsitter aangestel is.

(3) Na die aanstelling van die voorsitter deur die Minister, moet die lede iemand uit 30 hulle geledere as adjunkvoorsitter van die raad verkies wat as voorsitter waarneem wanneer die voorsitter nie beskikbaar nie.

(4) Die voorsitter en adjunkvoorsitter beklee hulle ampte tydens die ampstermyn van die lede.

(5) Indien die voorsitter uit die geledere van die raad aangestel word, moet die 35 vakature wat ontstaan ooreenkomstig artikel 10 gevul word.

(6) Wanneer ook al beide die voorsitter en die adjunkvoorsitter nie beskikbaar is nie, moet die lede uit hul geledere 'n lid kies om as voorsitter waar te neem.

Ampstermyn van lede

8. Behoudens artikel 10(2) beklee alle lede, behalwe die hoof- uitvoerende beampte, 40 hulle ampte vir 'n tydperk van vier jaar.

Beëindiging van amp van voorsitter, adjunkvoorsitter of lid

9. Die ampstermyn van die voorsitter, ondervoorsitter of enige ander lid word beëindig indien die lid—

- 45 (a) bedank deur skriftelik aan die Minister en die raad kennis te gee;
(b) van drie opeenvolgende vergaderings van die raad of van 'n komitee waarvan die lid 'n lid is, afwesig is sonder verlof van die betrokke voorsitter, of in die geval van die voorsitter, die verlof van die uitvoerende komitee van die raad;
(c) die raad of die beroep in diskrediet bring;
(d) ophou om aan die vereistes in artikel 6(1) en (2) bedoel, te voldoen;
50 (e) (i) insolvent verklaar word;
(ii) uit 'n vertrouensposisie verwyder word deur 'n geregshof;
(iii) skuldig bevind word aan 'n misdryf wat oneerlikheid behels of 'n misdryf waarvoor die vonnis opgelê tronkstraf is sonder die keuse van 'n boete; of
55 (iv) deur 'n bevoegde hof as geestelik versteurd of handelingsonbevoeg verklaar word.

Filling of vacancies

10. (1) If the term of office of a member is terminated in terms of section 9, the vacancy must be filled, with the necessary changes, in accordance with section 6.

(2) The term of office of a member appointed in terms of subsection (1), is the remainder of the term of office of the relevant predecessor.

(3) (a) If the office of chairperson becomes vacant in terms of section 9, the remaining members and the Minister must act in accordance with section 7(1).

(b) The person so appointed as chairperson holds office for the remainder of the term of office of the relevant predecessor.

Executive committee

11. (1) The executive committee of the council consists of—

- (a) the chairperson of the council, who is the chairperson of the committee;
- (b) six other members appointed by the council of whom at least one is a member referred to in section 6(1)(c); and
- (c) the chief executive officer.

(2) The council must, subject to this Act, determine the functions of the executive committee.

(3) A decision of the executive committee is regarded as a decision of the council, unless the decision is revoked by the council at its ensuing meeting.

(4) Anything done in implementing the decision of the executive committee before it is revoked by the council, is not invalid by reason only of the fact that the decision is subsequently revoked by the council.

Registration committee

12. (1) The registration committee of the council consists of—

- (a) the chairperson, who is a member of, and appointed by, the council;
- (b) four other members appointed by the council; and
- (c) the chief executive officer.

(2) Subject to Chapter 3, the registration committee must—

- (a) consider and make recommendations to the council on minimum criteria and procedures for the registration or provisional registration of educators;
- (b) consider and make recommendations to the council on any application for registration or provisional registration;
- (c) recommend the period of validity of the registration of an educator to the council; and
- (d) exercise or perform any other power or duty delegated or assigned to it by the council.

(3) The registration committee must keep a record of its proceedings.

Professional development committee

13. (1) The professional development committee of the council consists of—

- (a) the chairperson, who is a member of, and appointed by, the council;
- (b) four other members appointed by the council, of whom at least one must be a member referred to in section 6(1)(c); and
- (c) the chief executive officer.

(2) The professional development committee must, subject to this Act—

- (a) consider and make recommendations to the council in relation to powers and duties contemplated in section 5(b); and
- (b) exercise or perform any other power or duty delegated or assigned to it by the council.

(3) The professional development committee must keep a record of its proceedings.

Disciplinary committee

14. (1) The disciplinary committee of the council consists of—

- (a) the deputy chairperson of the council, who is the chairperson of the committee;

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Vul van vakatures

10. (1) Indien die ampstermyn van 'n lid ingevolge artikel 9 beëindig word, moet die vakature, met die nodige veranderinge, ooreenkomstig artikel 6 gevul word.

(2) Die ampstermyn van 'n lid wat ingevolge subartikel (1) aangestel word, is die
5 restant van die ampstermyn van die betrokke voorganger.

(3) (a) Indien die amp van voorsitter ingevolge artikel 9 vakant raad, moet die oorblywende lede en die Minister ooreenkomstig artikel 7(1) optree.

(b) Die persoon aldus as voorsitter aangestel, beklee die amp vir die restant van die ampstermyn van die betrokke voorganger.

10 Uitvoerende komitee

11. (1) Die uitvoerende komitee van die raad bestaan uit—

(a) die voorsitter van die raad, wat die voorsitter van die komitee is;

(b) ses ander lede deur die raad aangestel, van wie minstens een 'n lid in artikel
6(1)(c) bedoel, moet wees; en

15 (c) die hoof- uitvoerende beampte.

(2) Behoudens hierdie Wet moet die raad die werksaamhede van die uitvoerende komitee bepaal.

(3) 'n Besluit van die uitvoerende komitee word geag 'n besluit van die raad te wees, tensy die besluit deur die raad by sy volgende vergadering herroep word.

20 (4) Enigiets wat gedoen word ter implementering van die besluit van die uitvoerende komitee voor dit deur die raad herroep word, is nie ongeldig slegs weens die feit dat die besluit daarna deur die raad herroep word nie.

Registrasiekomitee

12. (1) Die registrasiekomitee van die raad bestaan uit—

25 (a) die voorsitter, wat 'n lid is van, en aangestel word deur, die raad;

(b) vier ander lede deur die raad aangestel; en

(c) die hoof- uitvoerende beampte.

(2) Behoudens Hoofstuk 3 moet die registrasiekomitee—

30 (a) minimum kriteria en prosedures vir die registrasie of voorwaardelike registrasie van opvoeders oorweeg en aanbevelings daarvoor aan die raad doen;

(b) enige aansoek om registrasie of voorwaardelike registrasie oorweeg en aanbevelings daarvoor aan die raad doen;

35 (c) die tydperk van geldigheid van die registrasie van 'n opvoeder by die raad aanbeveel; en

(d) enige ander bevoegdheid of plig deur die raad aan hom gedelegeer of toegewys, uitoefen of verrig.

(3) Die registrasiekomitee moet verslag hou van sy verrigtinge.

Professionele ontwikkelingskomitee

40 13. (1) Die professionele ontwikkelingskomitee van die raad bestaan uit—

(a) die voorsitter, wat 'n lid is van, en aangestel word deur, die raad;

(b) vier ander lede deur die raad aangestel, van wie minstens een 'n lid in artikel 6(1)(c) bedoel, moet wees; en

(c) die hoof- uitvoerende beampte.

45 (2) Die professionele ontwikkelingskomitee moet, behoudens hierdie Wet—

(a) aanbevelings oorweeg en aan die raad doen met betrekking tot die bevoegdhede en pligte beoog in artikel 5(b); en

(b) enige ander bevoegdheid of plig deur die raad aan hom gedelegeer of toegewys, uitoefen of verrig.

50 (3) Die professionele ontwikkelingskomitee moet verslag hou van sy verrigtinge.

Tugkomitee

14. (1) Die tugkomitee van die raad bestaan uit—

(a) die adjunkvoorsitter van die raad, wat die voorsitter van die komitee is;

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- (b) four other members appointed by the council, of whom at least one must be a member referred to in section 6(1)(c); and
- (c) the chief executive officer.
- (2) The disciplinary committee must—
 - (a) compose, maintain and from time to time review a code of professional ethics; 5
 - (b) ensure that an alleged breach of the code of professional ethics is investigated;
 - (c) establish panels to investigate and hear complaints against educators;
 - (d) ensure that a fair hearing, in accordance with the procedure determined by the council in terms of section 5(c)(ii), is conducted;
 - (e) on the basis of a recommendation of the relevant panel, recommend a finding 10 and appropriate action, if any, to the council; and
 - (f) exercise or perform any other power or duty delegated or assigned to it by the council.
- (3) A relevant panel must make a recommendation to the disciplinary committee in regard to a finding, and, if any, disciplinary action concerning a complaint referred to it. 15
- (4) For the purposes of the investigation and hearing, a panel may summon any person who—
 - (a) may be able to give information of material importance concerning the subject of the investigation or hearing; or
 - (b) has possession, custody or control of or over any book, document or object 20 which may have a bearing on the matter,
 to appear before the panel and to produce the book, document or object, if any.
- (5) The summons must be in a form prescribed by the council and be signed by the chairperson of the disciplinary committee or the chief executive officer and be served on a person by way of— 25
 - (a) delivery by hand;
 - (b) telefax; or
 - (c) registered post.
- (6) The date on which the summons is served is regarded as, in a case of— 30
 - (a) service by hand, the date of delivery;
 - (b) service by telefax, the dispatching date reflected on the telefax; and
 - (c) service by registered post, the date on which the letter was signed for,
 in the absence of proof to the contrary.
- (7) The disciplinary committee and a panel must keep a record of the proceedings of every investigation and disciplinary hearing. 35

Committees of council

- 15. (1) The council may establish other committees to assist in the performance of its functions and may co-opt other persons to attend committee meetings on the basis of their expertise.
- (2) Any committee, other than the executive committee, may include persons who are 40 not members of the council.
- (3) Subject to sections 11 and 14 the chairperson of a committee must be appointed by the council from among its members.
- (4) Members of committees referred to in subsection (1) may be appointed for such period as the council may determine. 45
- (5) Members of a panel referred to in section 14(2)(c) need not be members of the council.

Meetings, and procedure at meetings of council and committees

- 16. (1) The council must hold at least two meetings during each calendar year at its head office, and may in addition hold such other meetings as the chairperson of the 50 council may determine.
- (2) The council may make rules relating to the procedure at meetings of the council and its committees, and on any other matter necessary for the performance of its functions.

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- (b) vier ander lede deur die raad aangestel, van wie minstens een 'n lid in artikel 6(1)(c) bedoel, moet wees; en
- (c) die hoof- uitvoerende beampte.
- (2) Die tugkomitee moet—
- 5 (a) 'n professionele etiese kode opstel, in stand hou en van tyd tot tyd hersien;
- (b) verseker dat 'n beweerde oortreding van die professionele etiese kode ondersoek word;
- (c) panele instel om klagtes teen opvoeders te ondersoek en te verhoor;
- (d) verseker dat 'n regverdigde verhoor, ooreenkomstig die prosedure deur die
- 10 raad ingevolge artikel 5(c)(ii) bepaal, gehou word;
- (e) op grond van 'n aanbeveling van die betrokke paneel 'n bevinding en toepaslike optrede, as daar is, aan die raad aanbeveel; en
- (f) enige ander bevoegdheid of plig deur die raad aan hom gedelegeer of toegewys, uitoefen of verrig.
- 15 (3) 'n Betrokke paneel moet 'n aanbeveling aan die tugkomitee doen met betrekking tot 'n bevinding, en, as daar is, dissiplinêre optrede, betreffende 'n klagte wat na hom verwys is.
- (4) Vir die doeleindes van die ondersoek en verhoor kan 'n paneel enige persoon wat—
- 20 (a) moontlik inligting van wesenlike belang betreffende die onderwerp van die ondersoek of verhoor kan verskaf; of
- (b) enige boek, stuk of voorwerp wat op die aangeleentheid betrekking kan hê, in sy of haar besit of bewaring het of daaroor beheer het,
- dagvaar om voor die paneel te verskyn en die boek, stuk of voorwerp, as daar is, voor
- 25 te lê.
- (5) Die dagvaarding is in 'n vorm deur die raad voorgeskryf en moet deur die voorsitter van die tugkomitee of die hoof- uitvoerende beampte onderteken word en aan 'n persoon beteken word by wyse van—
- (a) aflewering per hand;
- 30 (b) telefaks; of
- (c) aangetekende pos.
- (6) Die datum waarop die dagvaarding beteken word, word by ontstentenis van teenbewys, geag—
- (a) die datum van aflewering te wees, in geval van betekening per hand;
- 35 (b) die versendingsdatum wat op die telefaks verskyn, te wees, in geval van betekening per telefaks; en
- (c) die datum waarop daar vir die brief geteken is, te wees, in geval van betekening per aangetekende pos.
- (7) Die tugkomitee en 'n paneel moet verslag hou van die verrigtinge van elke
- 40 ondersoek en tugverhoor.

Komitees van raad

15. (1) Die raad kan ander komitees instel om bystand te verleen in die verrigting van sy werksaamhede en kan ander persone koöpteer om komiteevergaderings by te woon op grond van hulle kundigheid.
- 45 (2) Enige komitee, behalwe die uitvoerende komitee, kan persone insluit wat nie lede van die raad is nie.
- (3) Behoudens artikels 11 en 14 moet die voorsitter van 'n komitee deur die raad uit sy geledere aangestel word.
- (4) Lede van komitees in subartikel (1) bedoel, kan aangestel word vir die tydperk
- 50 wat die raad bepaal.
- (5) Lede van 'n paneel in artikel 14(2)(c) bedoel hoef nie lede van die raad te wees nie.

Vergaderings, en prosedure by vergaderings van raad en komitees

16. (1) Die raad moet gedurende elke kalenderjaar minstens twee vergaderings by
- 55 sy hoofkantoor hou en kan daarbenewens die vergaderings hou wat die voorsitter van die raad bepaal.
- (2) Die raad kan reëls met betrekking tot die prosedure by vergaderings van die raad en sy komitees maak, en oor enige ander saak wat noodsaaklik is vir die verrigting van sy werksaamhede.

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(3) A majority of the members of the council or a committee constitutes a quorum at any meeting of the council or committee.

(4) (a) A decision of the majority of the members of the council or of a committee present at any meeting constitutes a decision of the council or committee.

(b) In the event of an equality of votes, the presiding member has a casting vote in addition to a deliberative vote. 5

(5) A decision taken by the council or a committee is not invalid by reason only of a vacancy on the council or a committee, as the case may be, at the time when the decision was taken.

Appointment and functions of chief executive officer and staff

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17. (1) The council must appoint a chief executive officer and may appoint other employees as it may deem necessary to assist it in the performance of its functions.

(2) The chief executive officer is the accounting officer of the council.

(3) The chief executive officer is, subject to the directions and in accordance with the policy of the council, responsible for the—

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(a) formation and development of an efficient administration;

(b) organisation, control, management and discipline of the staff; and

(c) implementation of the decisions of the council.

(4) As accounting officer the chief executive officer is responsible for—

(a) all income and expenditure of the council;

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(b) all assets and the discharging of all liabilities of the council; and

(c) the proper and diligent implementation of the operational plans of the council.

(5) The council is the employer and must determine the conditions of service of its employees.

Remuneration and allowances of members of council and committees

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18. The chairperson of the council, the deputy chairperson, every member and any person appointed as a member of a committee or panel who is not in the service of the State may, in respect of services rendered by them in connection with the affairs of the council, a committee or panel, be paid by the council—

(a) such travelling, subsistence and other allowances; and

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(b) in the case of the chairperson of the council, such additional remuneration, as the council may determine.

Funds of council

19. (1) The funds of the council consist of—

(a) compulsory fees;

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(b) money received from donations, contributions, interest or fines; and

(c) other money received by the council from any other source.

(2) The council—

(a) must during each financial year, at such time and in such manner as the Minister may determine, submit to the Minister for approval a detailed statement of its estimated income and expenditure for the ensuing financial year;

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(b) may during any financial year submit to the Minister for approval adjusted statements of its estimated income and expenditure; and

(c) may not incur any expenditure which exceeds the total amount approved in terms of paragraphs (a) and (b). 45

(3) If the Minister does not approve the statement of estimated income and expenditure of the council, the Minister must request the council to submit a revised statement of its estimated income and expenditure within a specified period.

(4) (a) The funds contemplated in subsection (1) must be used by the council in accordance with the approved statement referred to in subsection (2). 50

(b) Any unexpended balance must be carried forward as a credit to the following financial year.

(5) Subject to subsection (4), the council may invest any portion of its funds in such manner as the council may approve. 55

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(3) 'n Meerderheid van die lede van die raad of 'n komitee maak 'n kworum by enige vergadering van die raad of 'n komitee uit.

(4) (a) 'n Besluit van die meerderheid van die lede van die raad of van 'n komitee wat by 'n vergadering teenwoordig is, maak 'n besluit van die raad of die komitee uit.

5 (b) In die geval van 'n staking van stemme, het die voorsittende lid 'n beslissende stem benewens 'n beraadslagende stem.

(5) 'n Besluit deur die raad of 'n komitee geneem is nie ongeldig slegs weens 'n vakature in die raad of 'n komitee, na gelang van die geval, tydens die neem van die besluit nie.

10 Aanstelling en werksaamhede van hoof- uitvoerende beampte en personeel

17. (1) Die raad moet 'n hoof- uitvoerende beampte aanstel en kan die ander werknemers aanstel wat hy nodig ag om bystand te verleen in die verrigting van sy werksaamhede.

(2) Die hoof- uitvoerende beampte is die rekenpligtige beampte van die raad.

15 (3) Die hoof- uitvoerende beampte is, behoudens die opdragte en ooreenkomstig die beleid van die raad, verantwoordelik vir die—

(a) samestelling en ontwikkeling van 'n doeltreffende administrasie;

(b) organisasie, beheer, bestuur en dissipline van die personeel;

(c) implementering van die besluite van die raad.

20 (4) As rekenpligtige beampte is die hoof- uitvoerende beampte verantwoordelik vir—

(a) alle inkomste en uitgawes van die raad;

(b) alle bates en die nakoming van alle verpligtinge van die raad; en

25 (c) die behoorlike en vlytige implementering van die operasionele planne van die raad.

(5) Die raad is die werkgever en bepaal die diensvoorwaardes van sy werknemers.

Besoldiging en toelaes van lede van raad en komitees

18. Die voorsitter van die raad, die ondervoorsitter, elke lid en enige persoon wat as 'n lid van 'n komitee of paneel aangestel is, wat nie in diens van die Staat is nie, kan ten opsigte van dienste deur hulle gelewer in verband met die sake van die raad, 'n komitee of paneel, deur die raad—

(a) die reis-, verblyf- en ander toelaes; en

(b) in die geval van die voorsitter van die raad, die bykomstige besoldiging, betaal word wat die raad bepaal.

35 Fondse van raad

19. (1) Die fondse van die raad bestaan uit—

(a) verpligte gelde;

(b) geld ontvang uit skenkings, bydraes, rente of boetes; en

(c) ander geld deur die raad ontvang uit enige ander bron.

40 (2) Die raad—

(a) moet gedurende elke boekjaar, op die tyd en wyse deur die Minister bepaal, 'n gedetailleerde staat van sy geraamde inkomste en uitgawes vir die volgende boekjaar aan die Minister vir goedkeuring voorlê;

45 (b) kan gedurende enige boekjaar gewysigde state van sy geraamde inkomste en uitgawes aan die Minister vir goedkeuring voorlê;

(c) mag geen uitgawe aangaan wat die totale bedrag wat ingevolge paragrawe (a) en (b) goedgekeur is, te bowe gaan nie.

(3) Indien die Minister nie die staat van geraamde inkomste en uitgawes van die raad goedkeur nie, moet die Minister die raad versoek om binne 'n vermelde tydperk 'n hersiene staat van sy geraamde inkomste en uitgawes voor te lê.

(4) (a) Die fondse in subartikel (1) beoog, moet deur die raad gebruik word ooreenkomstig die goedgekeurde staat in subartikel (2) bedoel.

(b) Enige onbestede balans moet as 'n krediet oorgedra word na die volgende boekjaar.

55 (5) Behoudens subartikel (4) kan die raad enige gedeelte van sy fondse belê op die wyse wat die raad goedkeur.

(6) The books of account and financial statements of the council must be audited at the end of each financial year by a chartered accountant registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), appointed by the council.

(7) A copy of the audited financial statements must be submitted to the Minister within three months after the end of the council's financial year.

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Annual report

20. (1) The council must, within three months after the end of each financial year, submit a report to the Minister on the performance of its functions during that financial year.

(2) The Minister must table the report in Parliament as soon as is reasonably practicable.

10

CHAPTER 3

REGISTRATION OF EDUCATORS

Compulsory registration of educators

21. (1) A person who qualifies for registration in terms of this Act must register with the council prior to being appointed as an educator.

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(2) No person may be employed as an educator by any employer unless the person is registered with the council.

Application for registration

22. (1) (a) An application for registration must be made to the council in the manner and form determined by the council.

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(b) The applicant must submit the documentation and information required by the council together with the registration fee referred to in section 5(d)(i).

(2) The council must consider an application for registration in terms of the requirements for registration determined by the council.

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(3) If an applicant for registration satisfies the requirements referred to in subsection (1), the council must register the applicant and issue a registration certificate to the educator.

(4) If an applicant does not satisfy all the requirements but the council is of the opinion that the requirements will be satisfied within a reasonable time, the council may register the applicant provisionally on such conditions as the council may determine.

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(5) When an educator who is provisionally registered as contemplated in subsection (4) satisfies all the requirements for registration and the conditions referred to in that subsection, the council must register the educator in accordance with subsection (3).

(6) If an educator referred to in subsection (4) does not satisfy the requirements for registration within the period specified, the provisional registration lapses and the name of the person is removed from the register.

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(7) The period for which an educator is provisionally registered may be extended by the council, and different conditions in respect of different applicants may be determined if there is a reasonable basis for the differentiation.

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(8) Different categories of registration may be determined by the council—

- (a) to allow for special circumstances of different sectors in education; or
- (b) if there is a reasonable basis for such differentiation.

Removal of name from register

23. (1) The council may direct the chief executive officer to remove the name of an educator from the register if—

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(a) after having been registered, the relevant qualification of the educator is withdrawn or cancelled by the higher education institution which issued it;

(b) the educator was registered by error or by means of fraud;

(c) the educator was found guilty of a breach of the code of professional ethics;

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(d) the educator requests de-registration, permanently or for a specified period;

(6) Die rekeningboeke en finansiële state van die raad moet aan die einde van elke boekjaar geouditeer word deur 'n geoktrooieerde rekenmeester wat geregistreer is ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), deur die raad aangestel.

- 5 (7) 'n Afskrif van die geouditeerde finansiële state moet binne drie maande na die einde van die raad se boekjaar aan die Minister voorgelê word.

Jaarverslag

20. (1) Die raad moet, binne drie maande na die einde van elke boekjaar, 'n verslag aan die Minister voorlê oor die verrigting van sy werksaamhede gedurende daardie 10 boekjaar.

(2) Die Minister moet die verslag so gou as prakties moontlik in die Parlement ter tafel lê.

HOOFSTUK 3

REGISTRASIE VAN OPVOEDERS

15 Verpligte registrasie van opvoeders

21. (1) Iemand wat ingevolge hierdie Wet vir registrasie kwalifiseer, moet by die raad registreer voor aanstelling as opvoeder kan geskied.

(2) Niemand mag deur enige werkgever in diens geneem word as 'n opvoeder nie tensy die persoon by die raad geregistreer is.

20 Aansoek om registrasie

22. (1) (a) 'n Aansoek om registrasie moet aan die raad gedoen word op die wyse en in die vorm deur die raad bepaal.

(b) Die aansoeker moet die stukke en inligting wat deur die raad vereis word, voorlê tesame met die registrasiegeld in artikel 5(d)(i) bedoel.

- 25 (2) Die raad moet 'n aansoek om registrasie oorweeg ingevolge die vereistes vir registrasie deur die raad bepaal.

(3) Indien 'n aansoeker aan die vereistes in subartikel (1) bedoel, voldoen, registreer die raad die aansoeker en reik 'n registrasiesertifikaat aan die opvoeder uit.

- 30 (4) Indien 'n aansoeker nie aan al die vereistes voldoen nie, maar die raad van mening is dat daar binne 'n redelike tydperk aan die vereistes voldoen sal word, kan die raad die aansoeker voorwaardelik registreer op die voorwaardes wat die raad bepaal.

(5) Wanneer 'n opvoeder wat voorwaardelik geregistreer is soos in subartikel (4) beoog, aan al die vereistes vir registrasie en die voorwaardes in daardie subartikel bedoel, voldoen, moet die raad die opvoeder ooreenkomstig subartikel (3) registreer.

- 35 (6) Indien 'n opvoeder in subartikel (4) bedoel nie aan die vereistes vir registrasie binne die vermelde tydperk voldoen nie, verval die voorwaardelike registrasie en word die naam van die persoon van die register verwyder.

(7) Die tydperk waarvoor 'n opvoeder voorwaardelik geregistreer word, kan deur die raad verleng word, en verskillende voorwaardes kan ten opsigte van verskillende 40 aansoekers bepaal word indien daar 'n redelike grondslag vir die differensiasie bestaan.

(8) Verskillende kategorieë registrasie kan deur die raad bepaal word—

- (a) om voorsiening te maak vir spesiale omstandighede van verskillende sektore in die onderwys; of
(b) indien daar 'n redelike basis vir so 'n differensiasie bestaan.

45 Verwydering van naam van register

23. (1) Die raad kan aan die hoof- uitvoerende beampte opdrag gee om die naam van 'n opvoeder van die register te verwyder indien—

- 50 (a) na registrasie, die betrokke kwalifikasie van die opvoeder ingetrek of gekanselleer word deur die inrigting vir hoër onderwys wat dit uitgereik het;
(b) die opvoeder foutiewelik of as gevolg van bedrog geregistreer is;
(c) die opvoeder skuldig bevind is aan 'n oortreding van die professionele etiese kode;
(d) die opvoeder deregistrasie versoek, permanent of vir 'n vermelde tydperk;

- (e) the educator fails to pay the fees prescribed by the council within a specified period; or
- (f) the educator dies.

(2) Notice of the removal of the name of an educator from the register must be given by the chief executive officer to the educator concerned by way of certified mail addressed to the relevant address appearing in the register. 5

(3) The name of an educator contemplated in subsection (1)(a), (b), (c) and (e) may not be removed from the register unless the educator was given a reasonable opportunity to make representations to the council.

(4) As from the date on which notice contemplated in subsection (2) has been given to the educator any registration certificate issued to the educator concerned is regarded to be cancelled. 10

Registration certificates

24. (1) A registration certificate must be issued and sent to the educator upon registration by the council. 15

(2) If the chief executive officer is satisfied, on proof submitted by a registered educator, that a registration certificate has been destroyed or lost, a duplicate registration certificate must be issued to that educator upon payment of the fee prescribed by the council.

CHAPTER 4

20

GENERAL

Transitional provisions

25. (1) The terms of office of the members of the council in office immediately prior to the commencement of this Act, expire on the day prior to the date on which the appointment of the members takes effect in terms of section 6(8). 25

(2) Any function performed by the council prior to the commencement of this Act, is regarded to have been performed in terms of the corresponding provision of this Act.

(3) Despite the provisions of subsection (2), any disciplinary proceedings instituted against an educator for an alleged breach of the code of professional ethics prior to the commencement of this Act must be continued and concluded in terms of the procedure determined in terms of Chapter 6 of the Employment of Educators Act, 1998 (Act No. 76 of 1998). 30

(4) The constitution, registration procedure, code of professional ethics and other procedures of the council existing immediately prior to the commencement of this Act, remain in force until amended or repealed by the council under this Act, except where they are in conflict with the provisions of this Act. 35

(5) The compulsory registration fees and other fees payable to the council immediately prior to the commencement of this Act, remain in force until amended or repealed by the council under this Act.

(6) The agreements of employment existing immediately prior to the commencement of this Act between the employees of the council, and the council, continue to exist subject to applicable labour law. 40

(7) Practising educators to whom the provisions of the Employment of Educators Act, 1998 (Act No. 76 of 1998), do not apply and who are required in terms of this Act to register are, subject to subsection (8), regarded to be provisionally registered with the council, irrespective of their qualifications. 45

(8) Provisional registration contemplated in subsection (7) remains valid until a date determined by the Minister, prior to which date the educators concerned must apply for and obtain registration in terms of Chapter 3 in order to remain registered.

Information to be furnished to council

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26. (1) A higher education institution and the employer of an educator must furnish the council, at its request, with such information as is reasonably required by the council for the performance of its functions.

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- (e) die opvoeder in gebreke bly om die gelde deur die raad voorgeskryf, binne 'n vermelde tydperk te betaal; of
- (f) die opvoeder te sterwe kom.
- (2) Die hoof- uitvoerende beampte moet by wyse van gesertifiseerde pos gerig aan 5 die betrokke adres wat in die register voorkom, aan die betrokke opvoeder kennis gee van die verwydering van die register van die naam van die opvoeder.
- (3) Die naam van 'n opvoeder beoog in subartikel (1)(a), (b), (c) en (e) mag nie van die register verwyder word nie tensy die opvoeder 'n redelike geleentheid gebied is om 10 vertoë aan die raad te rig.
- (4) Vanaf die datum waarop kennis soos in subartikel (2) beoog aan die opvoeder gegee is, word 'n registrasiesertifikaat wat aan die betrokke opvoeder uitgereik is, geag gekanselleer te wees.

Registrasiesertifikate

24. (1) 'n Registrasiesertifikaat word uitgereik en aan die opvoeder gestuur na 15 registrasie deur die raad.
- (2) Indien die hoof- uitvoerende beampte tevrede is, by voorlegging van bewys deur 'n geregistreerde opvoeder, dat 'n registrasiesertifikaat vernietig of verlore is, moet 'n duplikaatregistrasiesertifikaat by betaling van die geld deur die raad voorgeskryf, aan daardie opvoeder uitgereik word.

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HOOFSTUK 4**ALGEMEEN****Oorgangsbepalings**

25. (1) Die ampstermyne van die lede van die raad wat hulle ampte onmiddellik 25 voor die inwerkingtreding van hierdie Wet bekleë, verstryk op die dag voor die datum waarop die aanstelling van die lede ingevolge artikel 6(8) van krag word.
- (2) Enige werksaamhede wat voor die inwerkingtreding van hierdie Wet deur die raad verrig is, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet verrig te wees.
- (3) Ondanks die bepaling van subartikel (2) word met enige dissiplinêre verrigtinge 30 wat voor die inwerkingtreding van hierdie Wet teen 'n opvoeder ingestel is weens beweerde oortreding van die professionele etiese kode, voortgegaan en word dit afgehandel ingevolge die prosedure bepaal ingevolge Hoofstuk 6 van die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998).
- (4) Die grondwet, registrasieprosedure, professionele etiese kode en ander prose- 35 dures van die raad wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, bly van krag totdat dit deur die raad kragtens hierdie Wet gewysig of herroep word, behalwe waar hulle in stryd met die bepaling van hierdie Wet is.
- (5) Die verpligte registrasie- en ander gelde aan die raad betaalbaar onmiddellik voor die inwerkingtreding van hierdie Wet, bly van krag totdat dit deur die raad kragtens 40 hierdie Wet gewysig of herroep word.
- (6) Die dienskontrakte wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan tussen die werknemers van die raad en die raad, bly voortbestaan behoudens toepaslike arbeidswetgewing.
- (7) Praktiserende opvoeders op wie die bepaling van die Wet op die Indiensneming 45 van Opvoeders, 1998 (Wet No. 76 van 1998), nie van toepassing is nie en van wie ingevolge hierdie Wet vereis word om te registreer, word behoudens subartikel (8) geag voorwaardelik by die raad geregistreer te wees, ongeag hulle kwalifikasies.
- (8) Voorwaardelike registrasie in subartikel (7) beoog, bly van krag tot 'n datum deur die Minister bepaal, voor welke datum die betrokke opvoeders ingevolge Hoofstuk 3 50 om registrasie moet aansoek doen en dit verkry ten einde geregistreer te bly.

Inligting aan raad voorsien te word

26. (1) 'n Inrigting vir hoër onderwys en die werkgever van 'n opvoeder moet die raad op sy versoek voorsien van die inligting wat redelikerwys deur die raad benodig word vir die verrigting van sy werksaamhede.

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(2) In each case where disciplinary steps are taken against any educator by the employer resulting in a sanction other than a caution or reprimand, a certified summary of the record of the proceedings at the hearing and of the sanction imposed must be forwarded to the council by such employer.

Offences and penalties

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27. Any person who—

- (a) has been duly summoned under section 14(5) and who fails without sufficient cause—
 - (i) to attend at the time and place specified in the summons; or
 - (ii) to remain in attendance until excused by the panel from further attendance;
- (b) refuses to be sworn or to affirm as a witness; or
- (c) fails without sufficient cause—
 - (i) to answer fully and satisfactorily any question lawfully put to that person; or
 - (ii) to produce any book, document or object in that person's possession or custody or under that person's control which that person was required to produce in terms of the said section 14(5),

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is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

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Repeal of law

28. Chapter 6 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), is hereby repealed.

Short title

29. This Act is called the South African Council for Educators Act, 2000.

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(2) In elke geval waar tugstappe teen enige opvoeder gedoen is deur die werkgewer en dit op 'n ander sanksie as 'n waarskuwing of berisping uitloop, moet 'n gesertifiseerde opsomming van die verslag van die verrigtinge by die verhoor en van die sanksie opgelê, deur daardie werkgewer aan die raad gestuur word.

5 Misdrywe en strawwe**27. Iemand wat—**

- (a) behoorlik kragtens artikel 14(5) gedagvaar is en wat sonder voldoende rede in gebreke bly—
- 10 (i) om te verskyn op die tyd en plek in die dagvaarding vermeld; of
- (ii) om teenwoordig te bly totdat daardie persoon deur die paneel van verdere bywoning onthef word;
- (b) weier om as getuie beëdig te word of te bevestig; of
- (c) sonder voldoende rede in gebreke bly—
- 15 (i) om 'n vraag wat wettig aan daardie persoon gestel word volledig en bevredigend te beantwoord; of
- (ii) om 'n boek, stuk of voorwerp in daardie persoon se besit of bewaring of onder daardie persoon se beheer voor te lê wat daardie persoon ingevolge genoemde artikel 14(5) verplig was om voor te lê,
- 20 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Herroeping van wet

28. Hoofstuk 6 van die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998), word hierby herroep.

Kort titel

- 25 **29.** Hierdie Wet heet die Wet op die Suid-Afrikaanse Raad vir Opvoeders, 2000.

