Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

Provincial Gazette Extraordinary

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Wednesday, 18 November 2015

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

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Woensdag, 18 November 2015

IPHONDO LENTSHONA KOLONI

Tsongezelelo kwiGazethi yePhondo

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CONTENTS

*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

The following draft amendment regulations are hereby published for comment:

Provincial Notice

394 Western Cape Provincial School Education Act, 1997 (Act 12 of 1997): Regulations relating to the Education Council for the Province of the Western Cape, 2011: Draft Amendment 2015 2

Any person or organisation wishing to comment on these draft amendment regulations is requested to submit the comments in writing before or on 9 December 2015, by—

(a) posting the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town
8000;

(b) e-mailing the comments to:
Lynn.Coleridge-Zils@westerncape.gov.za;

(c) faxing the comments to:
fax no. 021 425 5689; or

(d) delivering the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
23rd floor
Golden Acre Shopping Centre
Adderley Street
Cape Town.

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

Die volgende konsepwysigingsregulasies word hierby vir kommentaar gepubliseer:

Provinsiale Kennisgewing

394 Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997): Regulasies betreffende die Onderwysraad vir die Provinsie van die Wes-Kaap, 2011: Konsepwysiging 2015 7

Enige persoon of organisasie wat op hierdie konsepwysigingsregulasies kommentaar wil lewer, word versoek om sodanige kommentaar voor of op 9 Desember 2015 skriftelik voor te lê deur—

(a) die kommentaar te pos aan:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
Privaatsak X9114
Kaapstad
8000;

(b) die kommentaar per e-pos te stuur aan:
Lynn.Coleridge-Zils@westerncape.gov.za;

(c) die kommentaar te faks aan:
Faksnommer: 021 425 5689; of

(d) die kommentaar af te lewer by:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
23ste vloer
Goue Akker-winkelsentrum
Adderleystraat
Kaapstad.

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

*(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)*

Le mimiselo isayilwayo ipapashelwe ukuba uluntu luvakalise izimvo zalo:

ISaziso sePhondo

394 Umthetho Wemfundo Wezikolo Wephondo Lentshona Koloni, ka-1997 (Umthetho 12 ka-1997): Imimiselo Ephathelele kwiBhunga Lezemfundo Lentshona Koloni, ngo-2011: Ufakelo lweZilungiso Olusayilwayo ngo-2015 12

Nawuphi na umntu okanye umbutho ofuna ukuvakalisa izimvo ngale mimiselo isayilwayo uyacelwa ukuba azifake ezibhalile ezo zimvo phambi komhla okanye ngomhla we-9 EyeMnga (Decemba) 2015, ngokuthi—

(a) azithumele ngeposi ku-
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town
8000;

(b) azithumele nge-imeyili ku-
Lynn.Coleridge-Zils@westerncape.gov.za;

(c) azithumele ngefeksi ku-
inombolo yefeksi 021 425 5689; okanye

(d) ngokuzisa ngesandla ku-
Adv. Lynn Coleridge-Zils
UMlawuli
ISebe leMfundo leNtshona Koloni
Umgangatho wama-23
Golden Acre Shopping Centre
Adderley Street
Cape Town.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

ADV. B. GERBER,
UMLAWULI JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

WESTERN CAPE DEPARTMENT OF EDUCATION

P.N. 394/2015 18 November 2015

WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997): REGULATIONS RELATING TO THE EDUCATION COUNCIL FOR THE PROVINCE OF THE WESTERN CAPE, 2011: DRAFT AMENDMENT 2015

The Provincial Minister of Education, in terms of sections 11 and 63 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends to make the regulations set out in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the Regulations relating to the Education Council for the Province of the Western Cape, 2011, published under Provincial Notice 250/2011 in *Provincial Gazette Extraordinary* 6910 on 26 September 2011.

Amendment of regulation 1

2. Regulation 1 of the Regulations is amended—

(a) by the deletion of the definition of "FET college";

(b) by the insertion of the following definition before the definition of "governing body associations":

> "**'CET college'** means a college contemplated in paragraph (a)(ii) of the definition of "college" in the Continuing Education and Training Act, 2006 (Act 16 of 2006);"; and

(c) by the addition of the following definitions:

> "**'TVET college'** means a college contemplated in paragraph (a)(i) of the definition of "college" in the Continuing Education and Training Act, 2006;
>
> **'university'** means a university as defined in the Higher Education Act, 1997 (Act 101 of 1997).".

Amendment of regulation 2

3. Regulation 2 of the Regulations is amended—

(a) by the substitution in sub-regulation (2) for the word "four" of the word "three";

(b) by the substitution for paragraph (a) of sub-regulation (4) of the following paragraph:

“(a) Each of the universities situated in the province may, when so requested by the *Head of Department*, nominate three persons from their own institutions. The *Provincial Minister* must, after considering the nominations, designate three persons as members of the *Education Council*.”;

(c) by the substitution in paragraph (e) of sub-regulation (4) for the expression “*FET*”, wherever it occurs, of the expression “*TVET*”;

(d) by the insertion after paragraph (e) of sub-regulation (4) of the following paragraph:

“(eA) Each council of a *CET college* in the province may, when so requested by the *Head of Department*, nominate one person who is involved in *CET colleges*. The *Provincial Minister* must, after considering the nominations, designate one person as a member of the *Education Council*.”; and

(e) by the substitution for sub-regulation (5) of the following sub-regulation:

“(5) If an institution referred to in sub-regulation (4) fails to make a nomination to the *Head of Department* by a date indicated by the *Head of Department* in the request referred to in that sub-regulation, it is deemed that such institution does not want to make a nomination.”.

Amendment of regulation 3

4. Regulation 3 of the Regulations is amended—

(a) by the deletion of the word “maximum” in sub-regulation (1); and

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) Notwithstanding sub-regulation (1), a member of the *Education Council* may serve an additional term or terms on the *Education Council*, subject to the provisions relating to nomination and designation in regulation 2.”.

Amendment of regulation 5

5. Regulation 5 of the Regulations is amended by the substitution for paragraph (b) of sub-regulation (1) of the following paragraph:

“(b) for any reason the number of members of the council falls below the quorum as determined in the rules referred to in regulation 8(6).”.

Amendment of regulation 6

6. Regulation 6 of the Regulations is amended—

(a) by the substitution in sub-regulation (3) for the words "of a member who was designated" of the words "in the *Education Council*"; and

(b) by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) A member who fills a vacancy by virtue of sub-regulation (3), holds membership for the unexpired term of membership of his or her predecessor.".

Amendment of regulation 7

7. Regulation 7 of the Regulations is amended by the substitution in sub-regulation (5) for the words "*Head of Department*" of the words "chairperson of the *Education Council*".

Amendment of regulation 8

8. Regulation 8 of the Regulations is amended by the substitution in sub-regulation (5) for the word "twice" of the words "four times".

Transitional provisions

9. Subject to regulations 4 and 6 of the Regulations, a member of the *Education Council*—

(a) who is appointed in terms of regulation 2(2) of the Regulations before the commencement of these amendment Regulations, continues to hold office for the duration of his or her term; or

(b) whose membership is extended in terms of regulation 3(2) of the Regulations before the commencement of these amendment Regulations, continues to hold office for the duration of his or her extended term.

Commencement

10. (1) Regulations 2(b) and 3(d) come into operation on 1 January 2018.

(2) Regulation 8 comes into operation on 1 January 2016.

WES-KAAPSE ONDERWYSDEPARTEMENT

P.K. 394/2015 18 November 2015

WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997): REGULASIES BETREFFENDE DIE ONDERWYSRAAD VIR DIE PROVINSIE VAN DIE WES-KAAP, 2011: KONSEPWYSIGING 2015

Die Provinsiale Minister van Onderwys is van voorneme om, ingevolge artikels 11 en 63 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Regulasies betreffende die Onderwysraad vir die Provinsie van die Wes-Kaap, gepubliseer onder Provinsiale Kennisgewing 250/2011 in *Buitengewone Provinsiale Koerant* 6910 op 26 September 2011.

Wysiging van regulasie 1

2. Regulasie 1 van die Regulasies word gewysig—

(a) deur die volgende omskrywing na die omskrywing van "georganiseerde besigheid" in te voeg:

"**'GOO-kollege'** 'n kollege beoog in paragraaf (a)(ii) van die omskrywing van "college" in die "Continuing Education and Training Act, 2006" (Wet 16 van 2006), in Afrikaans vertaal as 'n "gemeenskapsonderwys- en opleidingskollege";"; en

(b) deur die volgende omskrywings in te voeg:

"**'TBOO-kollege'** 'n kollege beoog in paragraaf (a)(i) van die omskrywing van "college" in die "Continuing Education and Training Act, 2006", in Afrikaans vertaal as 'n "tegniese en beroepsonderwys- en opleidingskollege";
'universiteit' 'n universiteit soos omskryf in die Wet op Hoër Onderwys, 1997 (Wet 101 van 1997)."; en

(c) deur die omskrywing van "VOO-kollege" te skrap.

Wysiging van regulasie 2

3. Regulasie 2 van die Regulasies word gewysig—

(a) deur in subregulasie (2) die woord "Vier" deur die woord "Drie" te vervang;

(b) deur paragraaf (a) van subregulasie (4) deur die volgende paragraaf te vervang:

“(a) Elkeen van die universiteite wat in die provinsie is, mag, wanneer so versoek deur die *Departementshoof*, drie persone vanuit hulle eie inrigting nomineer. Die *Provinsiale Minister* moet, na oorweging van die nominasies, drie persone aanwys as lede van die *Onderwysraad*.”;

(c) deur in paragraaf (e) van subregulasie (4) die uitdrukking “*VOO-kollege*”, waar dit ook al voorkom, deur die uitdrukking “*TBOO-kollege*” te vervang;

(d) deur na paragraaf (e) van subregulasie (4) die volgende paragraaf in te voeg:

“(eA) Elke raad van ’n *GOO-kollege* in die provinsie mag, wanneer so versoek deur die *Departementshoof*, een persoon nomineer wat betrokke is by *GOO-kolleges*. Die *Provinsiale Minister* moet, na oorweging van die nominasies, een persoon aanwys as ’n lid van die *Onderwysraad*.”; en

(e) deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Indien ’n inrigting soos bedoel in subregulasie (4) nalaat om ’n nominasie te maak aan die *Departementshoof* teen ’n datum soos aangedui deur die *Departementshoof* in die versoek soos in daardie subregulasie bedoel, word dit geag dat daardie inrigting nie ’n nominasie wil maak nie.”.

Wysiging van regulasie 3

4. Regulasie 3 van die Regulasies word gewysig—

(a) deur die woord “maksimum” in subregulasie (1) te skrap; en

(b) deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Nieteenstaande subregulasie (1), mag ’n lid van die *Onderwysraad* ’n bykomende termyn of termyne in die *Onderwysraad* dien, behoudens die bepalings betreffende nominasie en aanwysing in regulasie 2.

Wysiging van regulasie 5

5. Regulasie 5 van die Regulasies word gewysig deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

“(b) om enige rede die getal lede van die Raad minder geraak het as die kworum soos bepaal in die reëls bedoel in regulasie 8(6).”.

Wysiging van regulasie 6

6. Regulasie 6 van die Regulasies word gewysig—

(a) deur in subregulasie (3) die woorde "van 'n lid wat aangewys is," deur die woorde "in die Onderwysraad" te vervang; en

(b) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) 'n Lid wat uit hoofde van subregulasie (3) 'n vakature vul, verkry lidmaatskap vir die onverstreke termyn van lidmaatskap van sy of haar voorganger.".

Wysiging van regulasie 7

7. Regulasie 7 van die Regulasies word gewysig deur in subregulasie (5) die woord "*Departementshoof*" deur die woorde "voorsitter van die *Onderwys-raad*" te vervang.

Wysiging van regulasie 8

8. Regulasie 8 van die Regulasies word gewysig deur in subregulasie (5) die woord "twee" deur die woord "vier" te vervang.

Oorgangsbepalings

9. Behoudens regulasies 4 en 6 van die Regulasies—

(a) beklee 'n lid van die *Onderwysraad* wat ingevolge regulasie 2(2) van die Regulasies voor die inwerkingtreding van hierdie Wysigings-regulasies aangestel is steeds sy of haar amp vir die duur van sy of haar termyn; of

(b) beklee 'n lid van die *Onderwysraad* wie se lidmaatskap ingevolge regulasie 3(2) van die Regulasies voor die inwerkingtreding van hierdie Wysigingsregulasies verleng is steeds sy of haar amp vir die duur van sy of haar verlengde termyn.

Inwerkingtreding

10. (1) Regulasies 2(b) en 3(d) tree in werking op 1 Januarie 2018.

(2) Regulasie 8 tree in werking op 1 Januarie 2016.

ISEBE LEMFUNDO LENTSHONA KOLONI

I.S. 394/2015 18 kweyeNkanga 2015

UMTHETHO WEMFUNDO WEZIKOLO WEPHONDO LENTSHONA KOLONI, KA-1997 (UMTHETHO 12 KA-1997): IMIMISELO EPHATHELELE KWIBHUNGA LEZEMFUNDO LENTSHONA KOLONI, NGO-2011: UFAKELO LWEZILUNGISO OLUSAYILWAYO NGO-2015

UMphathiswa wezeMfundo wePhondo, ngokweziqendu 11 no-63 zoMthetho weMfundo weZikolo wePhondo, ka-1997 (uMthetho 12 ka-1997), unenjongo yokwenza imimiselo ebhalwe kule Shedyuli.

ISHEDYULI

Inkcazo-magama

1. Kule mimiselo "iMimiselo" ithetha iMimiselo ephathelele kwiBhunga leze-Mfundo lePhondo leNtshona Koloni, ka-2011, eyayipapashwe phantsi kweSaziso sePhondo 250/2011 kwiGazethi yeSikhawu yePhondo 6910 yowe-26 kweyoMsintsi (Septemba) 2011.

Ukufakelwa kwezilungiso zommiselo 1

2. UMmiselo 1 wale Mimiselo ufakelwe izilungiso—

(a) ngokucinywa kwenkcazo-magama ye "kholeji ye-*FET*";

(b) ngokufakwa kwale nkcazo-magama ilandelayo phambi kwenkcazo-magama ye-"mibutho yamabhunga olawulo":

"**'ikholeji ye-*CET*'** ithetha ikholeji njengoko kucamngciweyo kumhlathi (a)(ii) wenkcazo-magama ye "kholeji" kuMthetho i-*Continuing Education and Training Act* (uMthetho weMfundo noQeqesho olusaQhubekayo), ka-2006 (uMthetho 16 ka-2006);"; kunye

(c) nangokongezwa kwezi nkcazo-magama zilandelayo:

"**'ikholeji ye-*TVET*'** ithetha ikholeji njengoko kucamngciweyo kumhlathi (a)(i) wenkcazo-magama ye "kholeji" kuMthetho i-*Continuing Education* Act (uMthetho weMfundo noQeqesho olusaQhubekayo), ka-2006;

'iyunivesithi' ithetha iyunivesithi njengoko kucamngciweyo kukuMthetho wamaZiko eMfundo ePhakamileyo (*Higher Education Act*), ka-1997 (uMthetho 101 ka-1997).".

Ukufakelwa kwezilungiso zommiselo 2

3. UMmiselo 2 wale Mimiselo ufakelwe izilungiso—

(a) ngokususwa kufakwe kummiselwana (2) wegama elingu- "ne" wegama elingu- "thathu";

(b) ngokususwa kumhlathi (a) kommiselwana (4) walo mhlathi ulandelayo:

"(a) Iyunivesithi nganye kwezikweli phondo zinako, zakuba zicelwe ngolo hlobo *yiNtloko yeSebe*, ukutyumba abantu abathathu kumaziko azo. *UMphathiswa wePhondo* kufu-neka, emva kokuba eqwalasele izicelo zabatyunjwa atyumbe abantu abathathu njengamalungu *eBhunga lezeMfundo*.";

(c) ngokususwa kumhlathi (e) wommiselwana (4) webinzana u- "*FET*", naphi apho kukho ukufumaneka, kwebinzana u- *"TVET"*;

(d) ngokufakwa kulandela emva komhlathi (e) wommiselwana (4) walo mhlathi ulandelayo:

"(eA) Ibhunga ngalinye *lekholeji* ye-*CET* kwiphondo linako, xa kucelwe ngolo hlobo *yiNtloko yeSebe*, ukutyumba umntu abe mnye, obandakanyekayo *kwiikholeji ze-CET*. *UMphathiswa wePhondo* kufuneka, emva kokuqwalasela izicelo zabatyunjwa atyumbe umntu abe mnye njengelungu *leBhunga lezeMfundo.";* kunye

(e) nangokususwa kommiselwana (5) walo mmiselwana ulandelayo:

"(5) Ukuba iziko ekubhekiswa kulo kummiselwana (4) alili-thumeli igama lomtyunjwa *kwiNtloko yeSebe* kwisicelo ekubhekiselelwe kuso kuloo mmiselwana, oko kuthathwa njengokuba iziko elo alifuni kwenza utyumbo.".

Ukufakelwa kwezilungiso zommiselo 3

4. UMmiselo 3 weMimiselo ufakelwa izilungiso—

(a) ngokucinywa kwegama u- "ngaphezulu" kummiselwana (1); kunye

(b) ngokususwa kommiselwana (2) walo mmiselwana:

"(2) Ngokungaphandle kommiselo (1), ilungu *leBhunga lezeMfundo* linokubamba kwisikhundla elityunjelwe kuso ixesha okanye amaxesha andisiweyo *kwiBhunga lezeMfundo* phantsi kwemimiselo emalunga nokutyunjwa kwamagama nokutyunjelwa esikhundleni kummiselo 2.".

Ukufakelwa kwezilungiso zommiselo 5

5. UMmiselo 5 wale Mimiselo ufakelwe izilungiso ngokususwa komhlathi (b) wommiselwana (1) walo mhlathi ulandelayo:

"(b) ngaso nasiphi isizathu apho inani lamalungu ebhunga linganeno kwikhoram njengoko kugqityiweyo kumgaqo 8(6).".

Ukufakelwa kwezilungiso zommiselo 6

6. UMmiselo 6 weMimiselo ufakelwe izilungiso—

(a) ngokususwa kummiselwana (3) kwamagama "elungu elalityunjiwe" yamagama "*kwiBhunga lezeMfundo"*; kunye

(b) nangokususwa kommiselwana (4) walo mmiselwana ulandelayo:

"(4) Ilungu elizalisa isikhundla ngenxa yommiselwana (3), ligcina ubulungu balo kangangexesha elingasikelwanga xesha lobulungu balo okanye balowo ebekwisikhundla salo.".

Ukufakelwa kwezilungiso zommiselo 7

7. UMmiselo 7 weMimiselo ufakelwe izilungiso ngokususwa kummiselwana (5) kwamagama "*iNtloko yeSebe*" yentetho "usihlalo *weBhunga lezeMfundo"* kwamagama "usihlalo we*Bhunga lezeMfundo"*.

Ukufakelwa kwezilungiso zommiselo 8

8. UMmiselo 8 weMimiselo ufakelwe izilungiso ngokususwa kummiselwana (5) kwegama u- "kabini" wamagama u- "amaxesha amane".

Imimiselo esebenza ngexesha lenguqu

9. Phantsi kwemimiselo 4 no-6 yeMimiselo, ilungu leBhunga lezeMfundo—

(a) elityunjwe ngokommiselo 2(2) weMimiselo phambi kokuba kuqale ukusebenza kwale Mimiselo ifakelwe izilungiso, liyaqhubeka ngokuba sesikhundleni isithuba sexesha lokuba sesikhundleni kwalo; okanye

(b) elinobulungu balo obandiselwe ixesha ngokommiselo 3(2) weMimiselo phambi kokuqala kokusebenza kwale Mimiselo ifakelwe izilungiso, liyaqhubeka ngokuba sesikhundleni kangangesithuba sexesha lokuba sesikhundleni elandisiweyo lalo.

Ukuqala kokusebenza kwale mimiselo

10. (1) IMimiselo 2(b) no-3(d) iqalisa ukusebenza ngowe-1 kweyoMqungu (Januwari) 2018.

(2) UMmiselo 8 uqalisa ukusebenza ngowe-1 kweyoMqungu (Januwari) 2016.