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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. R. 1804

17 October 1994

EDUCATION LABOUR RELATIONS ACT,
1993

EXTENSION OF AGREEMENT TO INCLUDE ALL EMPLOYEES AS DEFINED IN THE ACT

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, give notice, in terms of section 12 (6) (a) of the Education Labour Relations Act, 1993, of my intention to publish in the *Gazette* a notice extending the agreement in the Schedule hereto to all employers and employees as defined in the Act.

Any interested persons who have any objections to the publication of the proposed notice, or to the provisions thereof, are required to lodge such objections with the Secretary of the Education Labour Relations Council, Mr R. V. Venter, at Private Bag X895, Pretoria, 0001, Fax (012) 325-6249, within **30 days** from the date of this notice.

S. M. E. BENGU,
Minister of Education.

SCHEDULE

RESOLUTION 3

RESOLVED THAT—

1. a monthly levy be and is hereby imposed on all employers and employees as defined in Act No. 146 of 1993 in order to fund the Education Labour Relations Council in respect of all its functions, objectives and activities;

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN ONDERWYS

No. R. 1804

17 Oktober 1994

WET OP ARBEIDSVERHOUDINGE IN DIE
ONDERWYS, 1993

UITBREIDING VAN OOREENKOMS TER INSLUITING VAN ALLE WERKNEMERS SOOS OMSKRYF IN DIE WET

Ek, Sibusiso Mandlenkosi Emmanuel Bengu, Minister van Onderwys, gee hierby ingevolge artikel 12 (6) (a) van die Wet op Arbeidsverhoudinge in die Onderwys, 1993, kennis van my voorneme om 'n kennisgewing in die *Staatskoerant* te laat publiseer waarby die ooreenkoms in die Bylae hiervan uitgebrei word na alle werkgewers en werknemers soos omskryf in die Wet.

Belanghebbendes wat enige beswaar het teen die voorgestelde kennisgewing of die voorgestelde bepalinge daarvan, word versoek om sodanige besware in te lewer by die Sekretaris van die Raad vir Arbeidsverhoudinge in die Onderwys, mnr. R. V. Venter, Privaat Sak X895, Pretoria, 0001, Faks (012) 325-6249, binne **30 dae** vanaf die datum van hierdie kennisgewing.

S. M. E. BENGU,
Minister van Onderwys.

BYLAE

RESOLUSIE 3

BESLUIT DAT—

1. alle werknemers soos omskryf in Wet No. 146 van 1993, 'n maandelikse heffing opgelê word ten einde die Raad vir Arbeidsverhoudinge in die Onderwys te befonds ten opsigte van al sy funksies, doelwitte en werksaamhede, welke heffing dan ook hierby opgelê word;

2. the said levy will be paid to the relevant employer fund or employee fund of the Council monthly on or before the fifteenth day of each and every month following the month in respect of which the levy becomes payable—

2.1 by all employers on behalf of employees in their employ by means of a deduction from any remuneration payable to such employees; and

2.2 by all employees,

in terms of the following formulae:

➤ An employee, for periods during which he or she is a paid-up member of an admitted employee party to the Council, shall pay a levy of R2,00 (TWO RAND) per month to the employee fund and for periods during which he or she is not a member of an admitted employee party to the Council, an amount of R7,60 (SEVEN RAND AND SIXTY CENTS) per month.

➤ An employer shall pay a levy of R2,00 (TWO RAND) per month to the employer fund in respect of each employee employed by it;

3. Monies received by the employer and employee funds of the Council respectively from levies imposed in terms of this Resolution be firstly applied to meet the monthly expenditure budget of the Council in equal shares and monies not so applied in any particular month be, in respect of the employee fund, distributed and paid over to employee parties *pro rata* in accordance with the percentage of the total vote allocated to them respectively in terms of the constitution, which takes the principle of proportionality into account:

Provided that monies distributed to employee parties from the said fund shall be reflected in the books of such employee parties as a separate ledger account and shall be used only for the purposes of funding research and development projects and their involvement in activities of the council as set forth in section 8 (4) of the Act;

employee parties shall submit the relevant ledger accounts to the Council annually in order to ensure that monies received from the employee fund is used in terms of the proviso contained in this paragraph;

the Council shall also have the right to inspect the said ledger accounts at any time on seven days written notice;

should any employee party use any monies received from the employee fund for unauthorised purposes the Council shall be entitled to impose an appropriate sanction;

in respect of the employer fund, such monies shall not be distributed to employer parties, but retained in the employer fund for application by employer parties towards research and development projects and their involvement in activities as set forth in section 8 (4) of the Act by agreement between them;

4. the said levies may be revised and adjusted by the Council from time to time.

2. bedoelde heffing elke maand aan die betrokke werkgewersfonds of werknemersfonds van die Raad betaal word voor of op die vyftiende dag van elke maand wat volg op die maand ten opsigte waarvan die heffing betaalbaar word—

2.1 deur alle werkgewers namens werknemers in hulle diens deur middel van 'n aftrekking van enige besoldiging betaalbaar aan sodanige werknemers; en

2.2 deur alle werkgewers,

ooreenkomstig die volgende formules:

➤ 'n Werknemer sal, vir periodes waartydens hy of sy 'n opbetaalde lid van 'n toegelate werknemersparty tot die Raad is, 'n heffing van R2,00 (TWE E RAND) per maand en vir periodes waartydens hy of sy nie 'n lid van 'n toegelate werknemersparty tot die Raad is nie, 'n heffing van R7,60 (SEWE RAND EN SESTIG SENT) per maand aan die werknemersfonds betaal.

➤ 'n Werkgewer moet 'n heffing van R2,00 (TWE E RAND) per maand aan die werkgewersfonds betaal ten opsigte van elke werknemer in sy diens;

3. gelde wat deur onderskeidelik die werkgewers- en werknemersfonds van die Raad ontvang word van heffings opgelê ingevolge hierdie resoluë, eerstens aangewend word om die maandelikse uitgawebegroting van die Raad in gelyke dele te dek, en gelde wat nie in enige maand so aangewend word nie, ten opsigte van die werknemersfonds *pro rata* verdeel en oorbetal word aan die onderskeie werknemerspartye ooreenkomstig die persentasie van die totale stemme toegewys aan hulle ingevolge die konstitusie, wat die beginsel van proporsionaliteit in ag neem:

Met dien verstande dat gelde uit genoemde fonds aan werknemerpartye uitgekeer, in die boeke van sodanige partye aangedui word as 'n aparte grootboekrekening en gebruik word slegs om navorsings- en ontwikkelingsprojekte en hulle betrokkenheid by werksaamhede van die Raad, soos uiteengesit in artikel 8 (4) van die Wet, te befonds;

werknemerspartye die betrokke grootboekrekening jaarliks aan die Raad voorlê ten einde te verseker dat die gelde ontvang uit die werknemersfonds gebruik word ooreenkomstig die voorbehoudsbepaling hierbo;

die Raad die reg het om sodanige grootboekrekening te eniger tyd op sewe dae skriftelike kennisgewing te inspekteer;

indien enige werknemerpartye enige geld ontvang uit die werknemersfonds vir ongemagtigde doeleindes gebruik, die Raad geregtig is op die oplegging van 'n toepaslike sanksie;

ten opsigte van die werkgewersfonds, sodanige gelde nie uitgekeer word aan werkgewerspartye nie, maar in die werkgewersfonds gehou word vir aanwending deur werkgewerspartye ten opsigte van navorsings- en ontwikkelingsprojekte en hulle werksaamhede soos uiteengesit in artikel 8 (4) van die Wet, volgens ooreenkoms tussen hulle;

4. die Raad sodanige heffings van tyd tot tyd hersien en aanpas.

RESOLUTION 4**RESOLVED THAT—**

1. a national professional registration council for educators be and is hereby established;
2. the said council shall be known as the South African Council for Educators;
3. the said council shall have the powers and functions conferred upon it by its constitution that is annexed hereto as Annexure A, and shall take over all data contained in the existing register currently administered by the Teachers Federal Council;
4. the said council shall be funded through this Education Labour Relations Council from the employee fund a monthly amount of R0,40 or such other amount as the said Council may decide per each employee for whom registration with the said council is compulsory in terms of this agreement or Annexure A;
5. the Teachers Federal Council shall retain all powers and functions conferred upon it in terms of Act No. 39 of 1967 until such time as a minimum criteria for entry into the teaching profession and a code of conduct are agreed upon and the council has become fully operative in terms of Annexure A, whereupon the Teachers Federal Council shall request the relevant Minister to divest it of its powers and functions above-mentioned, with the exception of those contained in section 8B (2) (c) of the said Act. The employee parties shall commence with *bona fide* negotiations in this regard forthwith;
6. from the date on which the last of the events contemplated in paragraphs 1.1 and 1.2 of Article X of Annexure A occurs, no person shall be appointed or employed as defined in Act No. 146 of 1993 unless such person can produce proof of registration with the South African Council for Educators;
7. this resolution together with Annexure A, shall constitute an agreement of the council, and that the Minister be requested to—
 - 7.1 extend this agreement in terms of section 12 (6) of Act No. 146 of 1993 and to make it applicable to and binding upon all employees as defined in Act No. 146 of 1993;
 - 7.2 recognise the South African Council for Educators in terms of section 2 (1) (c) of Act No. 76 of 1984;
8. this resolution and agreement can only be amended in terms of Annexure A;

RESOLUSIE 4**BESLUIT DAT—**

1. 'n nasionale professionele registrasieraad vir opvoeders ingestel word, welke raad dan ook hierby ingestel word;
2. bedoelde raad bekend staan as die Suid-Afrikaanse Raad vir Opvoeders;
3. genoemde raad die bevoegdhede en funksies het wat by sy konstitusie, hierby aangeheg as Aanhangsel A, aan hom verleen word, en alle data oorneem wat vervat is in die bestaande register wat tans deur die Federale Onderwysersraad geadministreer word;
4. genoemde raad deur die Raad vir Arbeidsverhoudinge in die Onderwys uit die werknemersfonds befonds moet word met 'n maandelikse bedrag van R0,40 of sodanige ander bedrag as waarop genoemde raad besluit, per werknemer vir wie registrasie by genoemde raad verpligtend is ingevolge hierdie ooreenkoms of Aanhangsel A;
5. die Federale Onderwysersraad alle bevoegdhede en funksies hom verleen ingevolge Wet No. 39 van 1967 behou totdat oor 'n minimum kriteria vir toelating tot die onderwysprofessie en 'n gedragskode ooreengekom is en die raad volledig in werking is ingevolge Aanhangsel A, waarop die Federale Onderwysersraad die betrokke Minister moet versoek om hom van sy hierbo bedoelde bevoegdhede en funksies te onthef, met uitsondering van dié vervat in artikel 8B (2) (c) van genoemde Wet, waarna die werknemerspartye onverwyld met *bona fide*-onderhandelinge ten opsigte hiervan moet begin;
6. vanaf die datum waarop die laaste van die gebeurtenisse beoog in paragrawe 1.1 en 1.2 van Artikel X van Aanhangsel A plaasvind, geen persoon aangestel of in diens geneem word soos omskryf in Wet No. 146 van 1993 nie, tensy sodanige persoon bewys kan lewer van registrasie by die Suid-Afrikaanse Raad vir Opvoeders;
7. hierdie resoluë, tesame met Aanhangsel A, 'n ooreenkoms van die raad uitmaak, en dat die Minister versoek word om—
 - 7.1 hierdie ooreenkoms ingevolge artikel 12 (6) van Wet No. 146 van 1993 uit te brei na en van toepassing te maak op en bindend te maak vir alle werknemers soos omskryf in Wet No. 146 van 1993;
 - 7.2 die Suid-Afrikaanse Raad vir Opvoeders te erken ingevolge artikel 2 (1) (c) van Wet No. 76 van 1984;
8. hierdie resoluë en ooreenkoms slegs gewysig kan word ingevolge Aanhangsel A;

9. in order to accommodate those parties to the council who feel that they have not had sufficient opportunity to consult their membership on either the detail or implementation of this resolution even though they are presently in agreement with the principles herein contained, this resolution be suspended until 31 March 1994:

Provided that—

- 9.1 unless agreement to the contrary is reached within the council and in terms of the constitution before the said date, this resolution shall automatically come into effect from midnight on Thursday, 31 March 1994;
- 9.2 the parties to the council will enter into bilateral or multilateral *bona fide* negotiation if and when requested to do so by any party to the council with regard to a matter other than a matter of principle contained in this resolution.

ANNEXURE A TO RESOLUTION 4

THE SOUTH AFRICAN COUNCIL FOR EDUCATORS

CONSTITUTION

PREAMBLE

WHEREAS we, the employee organizations as defined in section 1 of the Education Labour Relations Act, Act No. 146 of 1993, who are parties to the Education Labour Relations Council established in terms of section 6 of the said Act agree that—

- a national registration body for educators should be established;
- all educators should be compelled to register with such a body to be able to practise;
- such a body should have the capacity to establish criteria for entry into the teaching profession and to establish a code of conduct for educators, subject to National Education Policy;
- such a body should have the capacity to enforce the said criteria;
- such a body should have the capacity to enforce the said code of conduct;
- it is in the best interest of education that proper transitional arrangements be made with regard to other existing registration bodies in order to ensure that such bodies may eventually be replaced by a single national registration body for educators in such a way that none of the existing data, expertise, know-how or benefits are lost to interested parties or to educators in general;
- a national registration body for educators should be funded by the Education Labour Relations Council as an integral part of its expenditure budget;
- interested parties should be represented in such a national registration body for educators;

9. ten einde die partye by die Raad te akkommodeer wat van mening is dat hulle nie genoeg tyd gehad het om hulle lede te raadpleeg oor óf die besonderhede óf die implementering van hierdie resoluë nie, hoewel hulle tans saamstem met die beginsels hierin vervat, hierdie resoluë tot 31 Maart 1994 opgeskort word:

Met dien verstande dat—

- 9.1 tensy ooreenstemming wat strydig hiermee is, in die raad en voor genoemde datum ingevolge die konstitusie bereik word, hierdie resoluë outomaties om middernag, Donderdag, 31 Maart 1994, van krag word;
- 9.2 die partye by die raad bilaterale of multilaterale *bona fide*-onderhandeling moet aanknoop indien en wanneer enige party by die Raad hulle versoek om dit te doen ten opsigte van 'n ander saak as 'n beginselsaak vervat in hierdie resoluë.

AANHANGSEL A BY RESOLUSIE 4

DIE SUID-AFRIKAANSE RAAD VIR OPVOEDERS

KONSTITUSIE

AANHEF

NADEMAAL ons, die werknemersorganisasies soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge in die Onderwys, Wet No. 146 van 1993, wat partye is by die Raad vir Arbeidsverhoudinge in die Onderwys, ingestel by artikel 6 van genoemde Wet, saamstem dat—

- 'n nasionale registrasieliggaam vir opvoeders ingestel moet word;
- alle opvoeders verplig moet word om hulle by so 'n liggaam te registreer ten einde te kan praktiseer;
- so 'n liggaam die bevoegdheid moet hê om kriteria te stel vir toegang tot die onderwysprofessie en om 'n gedragskode vir opvoeders op te stel onderworpe aan Nasionale Onderwysbeleid;
- so 'n liggaam die bevoegdheid moet hê om genoemde kriteria af te dwing;
- so 'n liggaam die bevoegdheid moet hê om genoemde gedragskode af te dwing;
- dit in die beste belang van die onderwys is dat behoorlike oorgangsmatreëls getref word met betrekking tot ander bestaande registrasieliggame ten einde te verseker dat sodanige liggame uiteindelik vervang kan word deur 'n enkele nasionale registrasieliggaam vir opvoeders op so 'n wyse dat niks van die bestaande data, deskundigheid, vernuf of voordele vir belanghebbende partye of opvoeders in die algemeen verlore gaan nie;
- 'n nasionale registrasieliggaam vir opvoeders befonds moet word deur die Raad vir Arbeidsverhoudinge in die Onderwys as integrale deel van sy uitgawebegroting;
- belanghebbende partye verteenwoordig moet word in so 'n nasionale registrasieliggaam vir opvoeders;

- the establishment of a national registration body for educators should enjoy the support of the Education Labour Relations Council and should take place in terms of an agreement of the said Council provided for in section 12 of the Act;
- the constitution of a national registration body for educators should be agreed upon by the employee parties to the Education Labour Relations Council, provided that such constitution does not conflict with the Act, the Constitution of the Education Labour Relations Council or National Education Policy;

NOW, THEREFORE, we, the said employee organizations, have agreed on a constitution for a national professional registration council for educators as follows:

ARTICLE I

NAME

The name of the council shall be

THE SOUTH AFRICAN COUNCIL FOR
EDUCATORS.

ARTICLE II

JURISTIC PERSONALITY

The Council is a juristic person with the legal capacity of a major natural person and is empowered in any legal way to acquire, possess, alienate, or in any other manner deal with fixed or moveable property; to invest funds in mortgages on fixed property and to cede as security such mortgages registered in favour of the Council or to deal with them in any other manner; to take loans and bonds on security of the fixed or moveable property of the Council; to institute or oppose legal proceedings; provided that the Council shall be deemed to be properly represented by its chairman and chief executive officer who are also authorised to sign all documents on behalf of the Council.

ARTICLE III

CONSTITUTIONAL OF THE COUNCIL, MANAGEMENT AND CONTROL

1. The Council shall consist of—
 - 1.1 a chairperson;
 - 1.2 twenty persons appointed by the employee organizations who are parties to the Education Labour Relations Council;
 - 1.3 ten persons appointed by the Minister responsible for National Education Policy;
 - 1.4 the chief executive officer of the Council *ex officio*.
2. The chairperson of the Council shall be elected from their own ranks by the persons mentioned in paragraph 1.2 above.

- die instelling van 'n nasionale registrasieligaam vir opvoeders die steun moet geniet van die Raad vir Arbeidsverhoudinge in die Onderwys en moet geskied ooreenkomstig 'n ooreenkoms van genoemde Raad waarvoor in artikel 12 van die Wet voorsiening gemaak is;
- daar op die konstitusie van 'n nasionale registrasieligaam vir opvoeders ooreengekom moet word deur die werknemerspartye by die Raad vir Arbeidsverhoudinge in die Onderwys: Met dien verstande dat sodanige konstitusie nie strydig is met die Wet, die Konstitusie van die Raad vir Arbeidsverhoudinge in die Onderwys of Nasionale Onderwysbeleid nie;

SO IS DIT DAT ons, bedoelde werknemersorganisasies, soos volg ooreengekom het oor 'n konstitusie vir 'n nasionale professionele registrasieraad vir onderwysers:

ARTIKEL I

NAAM

Die naam van die raad is

DIE SUID-AFRIKAANSE RAAD VIR
OPVOEDERS.

ARTIKEL II

REGSPERSOONLIKHEID

Die Raad is 'n regspersoon met die regsbevoegdheid van 'n meerderjarige natuurlike persoon en word gemagtig om op enige wettige wyse onroerende of roerende eiendom te verkry, te besit of te vervreem of om op enige ander wyse daarmee te handel; om fondse in verbande oor onroerende eiendom te belê en om sodanige verbande wat ten gunste van die Raad geregistreer is, as sekuriteit te sedeer of om op enige ander wyse daarmee te handel; om lenings en verbande teen sekuriteit van die onroerende of roerende eiendom van die Raad uit te neem; en om regsproses in te stel of dit teen te staan: Met dien verstande dat die Raad geag word behoorlik verteenwoordig te word deur sy voorsitter en hoof uitvoerende beampte, wat ook gemagtig is om alle stukke namens die Raad te onderteken.

ARTIKEL III

SAMESTELLING VAN RAAD, BESTUUR EN BEHEER

1. Die Raad bestaan uit—
 - 1.1 'n voorsitter;
 - 1.2 twintig persone aangestel deur die werknemersorganisasies wat partye by die Raad vir Arbeidsverhoudinge in die Onderwys is;
 - 1.3 tien persone aangestel deur die Minister verantwoordelik vir Nasionale Onderwysbeleid;
 - 1.4 die hoof uitvoerende beampte van die Raad, *ex officio*.
2. Die voorsitter van die Raad word deur die persone bedoel in paragraaf 1.2 hierbo uit hulle eie geledere verkies.

3. The chairperson and the councillors referred to in paragraphs 1.2 and 1.3 shall hold office for a period of two years and may be re-elected or re-appointed.
4. The Council shall appoint a chief executive officer and staff under such conditions of service as the Council may decide.
5. A councillor shall vacate his or her office—
 - 5.1 if his or her estate is sequestrated or he or she compromises with his or her creditors unless the Council decides otherwise;
 - 5.2 if he or she is absent for more than two consecutive ordinary meetings of the Council without the permission of either the Chairperson or the Council;
 - 5.3 if he or she ceases to comply with the qualifications for election or appointment as a member of the Council in terms of the constitution of the Education Labour Relations Council or that of the employee party by whom he or she was originally nominated;
 - 5.4 if he or she submits his or her resignation in writing to the Chairperson; or
 - 5.5 if he or she has been appointed in terms of 1.2 above and retires from fulltime service in education. For this purpose service in "education" shall mean: permanent service in a teaching post or professional post with a training institution or service by registered teachers with employee parties to the Education Labour Relations Council.
6. If a councillor is unable to attend a meeting of the Council, the employee party to the Labour Relations Council whom he or she represents may appoint an alternative person to attend the meeting concerned as a full councillor in the place of the councillor who is absent.

ARTICLE IV

MEETINGS OF THE COUNCIL

1. Meetings of the Council shall be held on such times and at such venues as the Chairperson may determine: Provided that the Council shall meet at least quarterly.
2. The proceedings of the Council shall not in any way be affected by the fact that a vacancy may exist in the Council.
3. Should the Chairperson of the Council for any reason not be available to preside at any meeting, an acting chairperson shall be elected from the ranks of those councillors appointed in terms of paragraph 1.2 of Article III above.
4. The Council may promulgate a set of standing orders governing procedure at meetings of the Council or any of its committees.

3. Die voorsitter en die raadslede bedoel in paragrawe 1.2 en 1.3 beklee hulle ampte vir 'n tydperk van twee jaar en kan herverkies of heraangestel word.
4. Die Raad stel 'n hoof uitvoerende beampte en personeel aan op sodanige diensvoorwaardes as waarop die Raad mag besluit.
5. 'n Raadslid ontruim sy of haar amp—
 - 5.1 as sy of haar boedel gesekwestreer word of as hy of sy met sy of haar skuldeisers 'n skikking aangaan, tensy die Raad anders besluit;
 - 5.2 as hy of sy afwesig is van meer as twee opeenvolgende gewone vergaderings van die Raad sonder die toestemming van óf die voorsitter óf die Raad;
 - 5.3 as hy of sy nie meer voldoen aan die vereistes vir verkiesing of aanstelling as lid van die Raad ingevolge die konstitusie van die Raad vir Arbeidsverhoudinge in die Onderwys of dié van die werknemersparty deur wie hy of sy oorspronklik genomineer is nie;
 - 5.4 as hy of sy 'n skriftelike bedanking by die voorsitter indien; of
 - 5.5 as hy of sy ingevolge paragraaf 1.2 hierbo aangestel is en uit voltydse diens in die onderwys tree. Vir die doeleindes hiervan beteken diens in "onderwys" permanente diens in 'n onderwyspos of professionele pos by 'n opleidingsinrigting of diens deur geregistreerde onderwysers by werknemerspartye by die Raad vir Arbeidsverhoudinge in die Onderwys.
6. Indien 'n raadslid nie in staat is om 'n vergadering van die Raad by te woon nie, kan die werknemersparty by die Raad vir Arbeidsverhoudinge in die Onderwys wat hy of sy verteenwoordig, 'n plaasvervanger aanstel om die betrokke vergadering as 'n volle raadslid in die plek van die afwesige raadslid by te woon.

ARTIKEL IV

VERGADERINGS VAN DIE RAAD

1. Vergaderings van die Raad word op die tye en plekke gehou wat die Voorsitter bepaal: Met dien verstande dat die Raad minstens kwartaaliks vergader.
2. Die verrigtinge van die Raad word op geen wyse beïnvloed as daar 'n vakature in die Raad ontstaan nie.
3. Indien die Voorsitter van die Raad om enige rede nie beskikbaar is om by enige vergadering voor te sit nie, word 'n waarnemende voorsitter verkies uit die geledere van die raadslede wat ingevolge paragraaf 1.2 van Artikel III hierbo aangestel is.
4. Die Raad kan 'n reglement van orde promulgeer wat prosedure by vergaderings van die Raad of enige van sy komitees reël.

5. Those councillors present or those members of a committee present at any meeting of the Council or any committee as the case may be, shall constitute a quorum of the Council or that committee whatever the case may be.
6. The decision of a simple majority of councillors present at a meeting of the Council or committee members presents at a meeting of a committee of the Council, shall constitute a resolution of the Council or that committee, as the case may be.

ARTICLE V COMMITTEES

1. The Council may appoint committees constituted as determined in this constitution and the standing orders of the Council consisting of councillors of the Council and other persons and may assign any of its powers or functions to such a committee: Provided that such committees be responsible to the Council for their activities and provided further that this constitution shall not be interpreted as divesting the Council of the right and power to refer a matter back to a committee for further consideration or to deal with such a matter itself.
2. Any committee of the Council may co-opt committee members: Provided that the associated expenses be approved by the Council before hand.

ARTICLE VI ALLOWANCES

The Council pays allowances to its councillors or members of its committees to compensate for travel and subsistence costs and for any other purpose deemed necessary by the Council for its effective functioning. Such allowances are determined in general or in a specific case by the finance committee or, should no such committee be appointed, by the Council itself.

ARTICLE VII REVENUE OF THE COUNCIL

1. The revenue of the Council shall consist of—
 - 1.1 compulsory monthly fees collected through the Labour Relations Council;
 - 1.2 subsidies received from any central or provincial authority;
 - 1.3 donations or contributions received;
 - 1.4 interest;
 - 1.5 fines.
2. Monies received by the Council shall be utilised for defraying the expenditure incurred by the Council in the performance of its duties and the exercise of its powers under this constitution: Provided that monies donated or bequeathed to the Council shall be utilised according to the conditions (if any) of that donation or bequest.

5. Die raadslede teenwoordig of die lede van 'n komitee teenwoordig by enige vergadering van die Raad of enige komitee maak 'n kworum van die Raad of daardie komitee uit, na gelang van die geval.
6. Die besluit van 'n gewone meerderheid van raadslede teenwoordig by 'n vergadering van die Raad of komiteelede teenwoordig by 'n vergadering van 'n komitee van die Raad maak 'n besluit van die Raad of daardie komitee uit, na gelang van die geval.

ARTIKEL V KOMITEES

1. Die Raad kan komitees aanstel wat saamgestel is soos in hierdie konstitusie en in die reglement van orde van die Raad bepaal en wat bestaan uit raadslede van die Raad en ander persone, en kan enige van sy bevoegdhede of werksaamhede aan so 'n komitee toewys: Met dien verstande dat sodanige komitees teenoor die Raad aanspreeklik is vir hulle aktiwiteite: Met dien verstande voorts dat hierdie konstitusie nie so uitgelê word dat dit die Raad ontdoen van die reg en bevoegdheid om 'n aangeleentheid na 'n komitee terug te verwys vir verdere oorweging of om self sodanige aangeleentheid te hanteer nie.
2. Enige komitee van die Raad kan komiteelede koöpteer: Met dien verstande dat die daarmee gepaardgaande uitgawes vooraf deur die Raad goedgekeur word.

ARTIKEL VI TOELAES

Die Raad betaal toelaes aan sy raadslede of lede van sy komitees om te vergoed vir reis- en verblyf koste en vir enige ander doel deur die Raad nodig geag vir sy doeltreffende funksionering. Sodanige toelaes word in die algemeen of in 'n spesifieke geval deur die komitee vir finansies bepaal of, indien geen sodanige komitee aangestel is nie, deur die Raad self.

ARTIKEL VII INKOMSTE VAN DIE RAAD

1. Die inkomste van die Raad bestaan uit—
 - 1.1 verpligte maandelikse gelde ingesamel met behulp van die Raad vir Arbeidsverhoudinge in die Onderwys;
 - 1.2 subsidies ontvang van enige sentrale of provinsiale owerheid;
 - 1.3 skenkings of bydraes ontvang;
 - 1.4 rente;
 - 1.5 boetes.
2. Gelde deur die Raad ontvang, word gebruik om die uitgawes te bestry wat deur die Raad aangegaan is in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede kragtens hierdie konstitusie: Met dien verstande dat gelde wat aan die Raad geskenk of bemaak is, gebruik word ooreenkomstig die voorwaardes (as daar is) van daardie skenking of bemaak.

3. The Council shall cause proper records to be kept of all monies received and spent by it, of all its assets and liabilities and of all financial transactions entered into by it, and shall as soon as possible after the end of every financial year, cause statements of account and a balance sheet to be prepared showing, with all the appropriate particulars, the monies received and the expenditure incurred by it in connection with its functions during, and its assets and liabilities at the end of, that financial year.
4. The records, statements of account and balance sheet contemplated in paragraph 3 above shall be audited by a registered chartered accountant appointed by the Council, and shall thereafter at its first meeting after the end of the financial year be submitted to the Council for approval.
5. A copy of every report furnished in terms of paragraph 4 above shall be transmitted to the secretary of the Education Labour Relations Council and the Minister responsible for National Education Policy.

ARTICLE VIII

POWERS AND FUNCTIONS OF THE COUNCIL

1. Subject to National Education Policy, relevant legislation and relevant agreements of the Labour Relations Council, the Council shall—
 - 1.1 establish minimum criteria for the professional registration or provisional registration of employees as defined in section 1 of Act No. 146 of 1993;
 - 1.2 shall keep a register of employees as defined in section 1 of Act No. 146 of 1993 and of every other person who applies for such registration and who complies with the minimum criteria for professional registration or provisional registration referred to in 1.1 above;
 - 1.3 shall establish a professional code of conduct for employees as defined in section 1 of Act No. 146 of 1993;
 - 1.4 shall establish a fair and equitable disciplinary enquiry procedure and appoint a disciplinary committee of the Council to perform those functions assigned to it in terms of such disciplinary enquiry procedure;
 - 1.5 shall determine the nature and extent of disciplinary measures that the Council may take against any employee or former employee registered with the Council and found guilty of a breach of the above-mentioned code of conduct. Such measures may include, but shall not be limited to, an order that the name of the accused be struck from the register referred to in 1.2 above or a fine;
 - 1.6 shall determine compulsory monthly fees payable to the Council in respect of employees for whom registration with the Council is compulsory.

3. Die Raad moet behoorlike rekords laat hou van alle gelde deur hom ontvang en bestee, van al sy bates en laste en van alle finansiële transaksies wat hy aangegaan het, en moet so gou moontlik na die einde van elke finansiële jaar die rekeningstate en 'n balansstaat laat opstel wat, met al die toepaslike besonderhede, die gelde wat ontvang is en die uitgawes wat deur hom aangegaan is met betrekking tot sy werksaamhede tydens en sy bates en laste aan die einde van daardie finansiële jaar toon.
4. Die rekords, rekeningstate en balansstaat bedoel in paragraaf 3 hierbo moet geouditeer word deur 'n geregistreerde geoktrooieerde rekenmeester aangestel deur die Raad, en moet daarna by sy eerste vergadering na die einde van die finansiële jaar vir goedkeuring aan die Raad voorgelê word.
5. 'n Afskrif van elke verslag voorgelê ingevolge paragraaf 4 hierbo, moet aan die sekretaris van die Raad vir Arbeidsverhoudinge in die Onderwys en die Minister verantwoordelik vir Nasionale Onderwysbeleid gestuur word.

ARTIKEL VIII

BEVOEGDHEDE EN WERKSAAMHEDE VAN DIE RAAD

1. Behoudens Nasionale Onderwysbeleid, toepaslike wetgewing en toepaslike ooreenkomste van die Raad vir Arbeidsverhoudinge in die Onderwys, moet die Raad—
 - 1.1 minimum kriteria stel vir die professionele registrasie of voorwaardelike registrasie van werknemers soos omskryf in artikel 1 van die Wet No. 146 van 1993;
 - 1.2 'n register hou van werknemers soos omskryf in artikel 1 van Wet No. 146 van 1993 en van elke ander persoon wat aansoek doen om sodanige registrasie en wat voldoen aan die minimum kriteria vir professionele registrasie of voorwaardelike registrasie bedoel in 1.1 hierbo;
 - 1.3 'n professionele gedragskode opstel vir werknemers soos omskryf in artikel 1 van Wet No. 146 van 1993;
 - 1.4 'n billike dissiplinêre ondersoekprosedure instel en 'n dissiplinêre komitee van die Raad aanstel om die werksaamhede uit te voer wat aan hom toegewys word ingevolge sodanige dissiplinêre ondersoekprosedure;
 - 1.5 die aard en omvang bepaal van dissiplinêre maatreëls wat die Raad kan instel teen enige werknemer of voormalige werknemer wat by die raad geregistreer is en skuldig bevind is aan 'n oortreding van bogenoemde gedragskode, en sodanige maatreëls kan insluit, maar is nie daartoe beperk nie, 'n bevel dat die naam van die aangeklaagde geskrap word van die register bedoel in 1.2 hierbo, of 'n boete;
 - 1.6 verpligte maandelikse gelde bepaal wat aan die Raad betaalbaar is ten opsigte van werknemers vir wie registrasie by die Raad verpligtend is.

ARTICLE IX**AMENDMENT OF THIS CONSTITUTION**

Any provision of this constitution may be amended at a meeting of the Council: Provided that—

1. only those councillors appointed in terms of paragraph 1.2 of Article III shall have the right to vote on such a motion;
2. notice of such a motion must be given to the said councillors in writing at least 60 days prior to the meeting (unless a shorter period of notice is unanimously condoned at the said meeting by the said councillors); and
3. such amendment does not conflict with the Education Labour Relations Act, Act No. 146 of 1993, the constitution of the Education Labour Relations Council or National Education Policy.

ARTICLE X**TRANSITIONAL MEASURES**

1. Those powers and functions of the Council as set out in Article VIII that are currently performed by the Teachers Federal Council in terms of the Education Policy Act, Act No. 39 of 1967, or regulations promulgated in terms of that Act, shall continue to be performed by the Teachers Federal Council in respect of those employees or former employees that were subject to the said Act and regulations on 1 March 1993 until such time as—
 - 1.1 the said Act and regulations are repealed or amended; and
 - 1.2 the Council has established the criteria, code of conduct, procedures and measures referred to in Article VIII of this constitution, and has become operative.
2. Should any part of the Education Policy Act, Act No. 39 of 1967, or any regulations promulgated in terms thereof be repealed or amended before the Council has established the criteria, code of conduct, procedures and measures referred to in paragraph 1 of Article VIII and has become operative, all costs necessarily incurred by the Teachers Federal Council in order to sustain its functions referred to in clause 5 of Resolution 4 of the Education Labour Relations Council despite the repeal or amendment of the said act or regulations, shall be made good by the Education Labour Relations Council from the Employee Fund until such time as this Council has performed the functions referred to in paragraph 1.2 above, and has become operative.

ARTICLE XI**GENERAL POWERS**

In addition to those powers conferred upon the Council in terms of this constitution, the Council shall have the power to perform all acts which it may deem necessary to enable it to perform its functions set forth in Article VIII of this constitution: Provided that such act does not conflict with the Education Labour Relations Act, the constitution of the Education Labour Relations Council or National Education Policy.

ARTIKEL IX**WYSIGING VAN HIERDIE KONSTITUSIE**

Enige bepaling van hierdie Konstitusie kan op 'n vergadering van die Raad gewysig word: Met dien verstande dat—

1. slegs raadslede wat ingevolge paragraaf 1.2 van Artikel III aangestel is, die reg het om oor so 'n mosie te stem;
2. kennis van so 'n mosie minstens 60 dae voor die vergadering skriftelik aan bedoelde raadslede gegee word (tensy 'n korter kennistydperk eenparig deur bedoelde raadslede by bedoelde vergadering gekondoneer word); en
3. sodanige wysiging nie strydig is met die Wet op Arbeidsverhoudinge in die Onderwys, Wet No. 146 van 1993, die konstitusie van die Raad vir Arbeidsverhoudinge in die Onderwys of Nasionale Onderwysbeleid nie.

ARTIKEL X**OORGANGSMAATREËLS**

1. Die bevoegdhede en werksaahede van die Raad uiteengesit in artikel VIII wat tans uitgeoefen en verrig word deur die Federale Onderwysersraad ingevolge die Wet op die Onderwysbeleid, Wet No. 39 van 1967, of regulasies gepromulgeer ingevolge daardie Wet, word steeds uitgeoefen en verrig deur die Federale Onderwysersraad ten opsigte van die werknemers of voormalige werknemers wat onderworpe was aan genoemde Wet en regulasies op 1 Maart 1993, tot tyd en wyl—
 - 1.1 genoemde Wet en regulasies herroep of gewysig word;
 - 1.2 die Raad die kriteria, gedragskode, prosedures en maatreëls bedoel in artikel VIII van hierdie konstitusie ingestel het, en met sy werksaamhede begin het.
2. Indien enige deel van die Wet op die Onderwysbeleid, Wet No. 39 van 1967, of enige regulasie gepromulgeer ingevolge daarvan, herroep of gewysig word voordat die Raad die kriteria, gedragskode, prosedures en maatreëls bedoel in paragraaf 1 van Artikel VIII ingestel het en met sy werksaamhede begin het, word alle koste wat noodsaaklikerwys deur die Federale Onderwysersraad aangegaan is ten einde sy werksaamhede bedoel in klousule 5 van Resolusie 4 van die Raad vir Arbeidsverhoudinge in die Onderwys ondanks die herroeping of wysiging van genoemde Wet of regulasies voort te sit, deur die Raad vir Arbeidsverhoudinge in die Onderwys uit die Werknemersfonds goedge maak tot tyd en wyl hierdie Raad die werksaamhede bedoel in paragraaf 1.2 hierbo verrig het en met sy werksaamhede begin het.

ARTIKEL XI**ALGEMENE BEVOEGDHEDE**

Benewens die bevoegdhede waarmee die Raad ingevolge hierdie konstitusie bekleed is, het die Raad die bevoegdheid om alle handeling te verrig wat hy nodig mag ag om hom in staat te stel om sy werksaamhede uiteengesit in Artikel VIII van hierdie konstitusie te verrig: Met dien verstande dat sodanige handeling nie strydig is met die Wet op Arbeidsverhoudinge in die Onderwys, die konstitusie van die Raad vir Arbeidsverhoudinge in die Onderwys of Nasionale Onderwysbeleid nie.

RESOLUTION 5**RESOLVED THAT—**

1. the employee parties to the Council shall be entitled to access to the premises of employers, contact with employees and relevant information from the employer at all reasonable times during working hours: Provided that there is no disruption to academic programmes or management systems;
2. employee parties shall be entitled to reasonable access to employer facilities to hold meetings;
3. other employee organizations as defined in section 1 of Act No. 146 of 1993, who are not parties to the Council shall, upon written notice to the employer, have reasonable access to the employer premises during working hours: Provided that there is no disruption to academic programmes or management systems;
4. no employer shall allow access to or contact with employees during working hours or on any premises where the employees are normally employed and no employer shall provide information with regard to employees or matters of mutual interest to any person or entity who is not an employee organization as defined in section 1 of Act No. 46 of 1993 or its authorised representative;
5. this resolution shall constitute an agreement of the Council;
6. the minister be requested to extend this agreement in terms of section 12 (6) of Act No. 146 of 1993 and to make it applicable to and binding upon all employers and employees as defined in the said Act;
7. in order to accommodate those parties to the Council who feel that they have not had sufficient opportunity to consult their membership on either the detail or implementation of this resolution even though they are presently in agreement with the principles herein contained, this resolution be suspended until 31 March 1994:

Provided that—

- 7.1 unless agreement to the contrary is reached within the Council and in terms of the constitution before the said date, this resolution shall automatically come into effect from midnight on Thursday, 31 March 1994;
- 7.2 the parties to the Council will enter into bilateral or multilateral *bona fide* negotiation if and when requested to do so by any party to the Council with regard to a matter other than a matter of principle contained in this resolution.

RESOLUTION 6**RESOLVED THAT—**

1. the employer party shall deduct subscriptions and/or levies from the remunerations payable to an employee, from each employee party member for whom it holds written authority in the form of an employee party stop order form;

RESOLUSIE 5**BESLUIT DAT—**

1. die werknemerspartye in die Raad geregtig is op toegang tot die persele van die werkgewers, kontak met werknemers en inligting van die werkgewer te alle redelike tye gedurende werkure: Met dien verstande dat daar geen ontwrigting van akademiese programme of bestuurstelsels is nie;
2. werknemerspartye geregtig is op redelike toegang tot werkgewerfasiliteite om vergaderings te hou;
3. ander werknemersorganisasies soos omskryf in artikel 1 van Wet No. 146 van 1993, wat nie partye by die Raad is nie, op skriftelike kennisgewing aan die werkgewer, tydens werkure redelike toegang tot die werkgewerspersele het: Met dien verstande dat daar geen ontwrigting van akademiese programme of bestuurstelsels is nie;
4. geen werkgewer toegang tot of kontak met werknemers toelaat tydens werkure of op enige perseel waar die werknemers normaalweg in diens is nie en geen werkgewer inligting ten opsigte van werknemers of sake van gemeenskaplike belang verstrek aan enige persoon of entiteit wat nie 'n werknemersorganisasie soos omskryf in artikel 1 van Wet No. 146 van 1993, of sy gemagtigde verteenwoordiger is nie;
5. hierdie resoluësie 'n ooreenkoms van die Raad uitmaak;
6. die Minister versoek word om hierdie ooreenkoms uit te brei ingevolge artikel 12 (6) van Wet No. 146 van 1993 en dit van toepassing te maak op en bindend te maak vir alle werkgewers en werknemers soos omskryf in genoemde Wet;
7. ten einde die partye by die Raad te akkommodeer wat van mening is dat hulle nie genoeg tyd gehad het om hulle lede te raadpleeg oor of die besonderhede of die implementering van hierdie resoluësie nie, hoewel hulle tans saamstem met die beginsels hierin vervat, hierdie resoluësie tot 31 Maart 1994 opgeskort word:

Met dien verstande dat—

- 7.1 tensy ooreenstemming wat strydig hiermee is, in die Raad en voor genoemde datum ingevolge die konstitusie bereik word, hierdie resoluësie outomaties om middernag, Donderdag, 31 Maart 1994, van krag word;
- 7.2 die partye by die Raad bilaterale of multilaterale *bona fide*-onderhandeling moet aanknoop indien en wanneer enige party by die Raad hulle versoek om dit te doen ten opsigte van 'n ander saak as 'n beginselsaak vervat in hierdie resoluësie.

RESOLUSIE 6**BESLUIT DAT—**

1. die werkgewersparty subskripsies en/of heffings van die besoldiging betaalbaar aan 'n werknemer moet aftrek van elke werknemerspartyid vir wie dit skriftelike gesag beteken, in die vorm van 'n werknemersparty-aftrekordervorm;

2. the aggregate amount collected at the end of each month shall be sent to the employee party offices by no later than the 15th day of the following month together with a list of the members from whom deductions have been made, with details of any changes to the list as compared with that of the previous month;
3. in the event of any change in the rate of the employee party subscriptions and/or levies the employee party shall advise the employer thereof by written notice;
4. the employer shall cease making deductions of employee party subscriptions and/or levies from any employee no longer in the employ of the employer and/or upon written receipt of notification from the employee party of termination of the employees membership;
5. This resolution shall constitute an agreement of this Council;
6. The Minister be requested to extend this agreement in terms of section 12 (6) of Act No. 146 of 1993 and to make it applicable to and binding upon all employers and employees as defined in the said Act;
7. In order to accommodate those parties to the Council who feel that they have not had sufficient opportunity to consult their membership on either the detail or implementation of this resolution even though they are presently in agreement with the principles herein contained, this resolution be suspended until 31 March 1994:

Provided that—

- 7.1 unless agreement to the contrary is reached within the Council and in terms of the constitution before the said date, this resolution shall automatically come into effect from midnight on Thursday 31 March 1994;
- 7.2 the parties to the Council will enter into bilateral or multilateral *bona fide* negotiation if and when requested to do so by any party to the Council with regard to a matter other than a matter of principle contained in this resolution.

2. die totale bedrag ingesamel aan die einde van elke maand, gestuur moet word aan die werkgewerspartykantore teen nie later nie as die 15de dag van die daaropvolgende maand, tesame met 'n lys van die lede van wie die aftrekkings gemaak is en besonderhede van enige veranderinge aan die lys vergeleke met dié van die vorige maand;
3. in geval van enige verandering in die bedrag van die werknemerspartysubskripsies en/of -heffings die werknemersparty die werkgewer by skriftelike kennisgewing daaroor inlig;
4. die werkgewer aftrekking van werknemersparty-subskripsies en/of -heffings staak van enige werknemer nie langer in diens van die werkgewer nie en/of by ontvangs van skriftelike kennisgewing deur die werknemersparty van beëindiging van die werknemer se lidmaatskap;
5. hierdie resoluë 'n ooreenkoms van die Raad uitmaak;
6. die Minister versoek word om hierdie ooreenkoms ingevolge artikel 12 (6) van Wet No. 146 van 1993 uit te brei en van toepassing te maak op en bindend te maak vir alle werkgewers en werknemers soos omskryf in genoemde Wet;
7. ten einde die partye by die Raad te akkommodeer, wat van mening is dat hulle nie genoeg tyd gehad het om hulle lede te raadpleeg oor óf die besonderhede óf die implementering van hierdie resoluë nie, hoewel hulle tans saamstem met die beginsels hierin vervat, hierdie resoluë tot 31 Maart 1994 opgeskort word:

Met dien verstande dat—

- 7.1 tensy ooreenstemming wat strydig hiermee is, in die Raad en voor genoemde datum ingevolge die konstitusie bereik word, hierdie resoluë outomaties om middernag, Donderdag, 31 Maart 1994, van krag word;
- 7.2 die partye by die Raad bilaterale of multilaterale *bona fide*-onderhandeling moet aanknoop indien en wanneer enige party by die Raad hulle versoek om dit te doen ten opsigte van 'n ander saak as 'n beginselsaak vervat in hierdie resoluë.

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IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1994 to 30 September 1995, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

—oOo—

BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1994 tot 30 September 1995 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

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