



REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette **No. 5994** *Regulasiekoerant*

Vol. 387

PRETORIA, 1 SEPTEMBER 1997

No. 18245

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF EDUCATION DEPARTEMENT VAN ONDERWYS

No. R. 1153

1 September 1997

AMENDMENTS TO THE REGULATIONS REGARDING THE TERMS AND CONDITIONS OF EMPLOYMENT OF EDUCATORS MADE UNDER THE EDUCATORS' EMPLOYMENT ACT, 1994

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, hereby amend, in terms of section 28, read with sections 4 (1), 5 (1) and 9, of the Educators' Employment Act, 1994 (the Act), the regulations made in terms of the Act and published in *Government Gazette* No. 16814 of 13 November 1995, as set out in the Schedule.

S. M. E. BENGU

Minister of Education

11 August 1997.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate deletions of existing enactments.

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

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the Regulations published under Government Notice No. R. 1743 of 13 November 1995.
2. Regulation 1 is hereby amended by—
 - (a) the deletion of the definitions "salary increment", "salary incremental date" and "salary incremental period";
 - (b) the insertion of the following definitions in the place thereof:

" 'salary band' means the range of salaries applicable to an educator in accordance with such educator's post level and qualifications;";

" 'salary range' means the salaries applicable to a specific level within the salary grading system of the Public Service;" and
 - (c) the substitution for the definition of "subscription" of the following definition:

" 'subscription' means the amount **[of]** that a person must pay monthly in order to obtain membership of a registered medical scheme;"
3. Regulation 8 is hereby deleted.
4. Regulation 9 is hereby deleted.
5. The following regulation is hereby substituted for regulation 10:

"Evaluation of qualifications"

10. The Minister may determine measures for the evaluation of qualifications for employment in education."

6. The following regulation is hereby substituted for regulation 12:

"Achievement recognition"

12. The Minister may determine measures for the recognition of achievement of educators."

7. Regulation 13 is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

"Wrongly granted remuneration"

13. (1) If an incorrect salary **[or salary scale]** on appointment, transfer or promotion or an incorrect advancement of salary **[within the limits of the appropriate salary scale]** was awarded or granted to an educator, or **[was awarded or granted at]** if the correct **[notch or scale]** salary was awarded or granted but at a time when or in circum-

stances under which it should not have been awarded or granted to him or her, the employer shall correct the educator's salary [**or salary scale**] with effect from the date on which the incorrect salary [**, salary scale**] or salary advancement commenced, notwithstanding the fact that the educator concerned was unaware that an error had been made in the case where the correction amounts to a reduction of his or her [**salary scale or**] salary.

(2) If an educator referred to in subregulation (1) has in respect of his or her salary, including any portion of any allowance or other remuneration or any other benefit calculated on his or her basic salary [**or salary scale**], or awarded to him or her by reason of his or her basic salary—

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him or her, and that other benefit which he or she did not receive, shall be awarded to him or her as from a current date; or

(b) been overpaid or received any such other benefit not due to him or her—

(i) an amount equal to the amount of the overpayment shall be recovered from him or her by way of the deduction from his or her salary in installments as may be determined by the employer, with due regard to the applicable Treasury Instructions by way of legal proceedings, or partly in the former manner and partly in the latter manner; and

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the educator concerned shall have the right to **[the]** be compensated by the employer for any patrimonial loss which he or she has suffered or **[will]** will suffer as a result of that discontinuation or withdrawal.”

8. Regulation 15 is hereby amended by—

(a) the deletion of subregulation (3);

(b) the substitution for subregulation (4) of the following subregulation:

“(4) Notwithstanding anything to the contrary contained in this regulation, an educator excluding an educator who is appointed for the first time or who is reappointed after a break in service on or after 1 May 1997, who has already attained the age of 50 years and who has completed at least 10 years actual uninterrupted service, which is pensionable service as defined in the **[Government Service Pension Act, 1973]** Government Employees Pension Law, 1996, shall have the right to retire on pension **[prematurely with reduced pension benefits]** after having given written notice of at least three calendar months to the employer.”;

(c) the deletion of subregulation (5);

(d) inserting the following subregulations:

“(6) Notwithstanding anything to the contrary contained in this regulation, an educator shall have the right to retire on pension on the date on which he or she attains the age of 55 years, or on any date after that date after having given written notice of at least three months to the employer.”

(7) The employer may, at a request of an educator and subject to the prior approval of the applicable Member of the Executive Council responsible for Education or Minister, whichever case it may be, notwithstanding the absence of any reason for discharge in terms of section 8 (1) of the Act, allow him or her to retire before reaching the age of 55 years if in the opinion of the employer a sufficient reason exists therefor and the retirement will be to the advantage of the State."

9. The following regulation is hereby substituted for regulation 17:

"Differentiated allowances

17. The minister may determine measures for the payment of differentiated allowances to educators appointed at certain education institutions or appointed to certain posts."

10. The following regulation is hereby substituted for regulation 20:

"Compensation for examination-related work

20. An educator, appointed by the employer to perform work related to public examinations, may be remunerated according to tariffs determined by the Minister."

11. Regulation 67 is hereby amended by—

(a) the substitution for subregulation (3) (a) of the following new subregulation:

"(3) (a) The following educators or their surviving spouses, qualify for assistance in accordance with the basis as set out in paragraph (b):

(i) Educators who pass away or retire as a result of the attainment of the normal retirement age referred to in regulation 15;

(ii) educators whose services are terminated by the employer as a result of the abolition of their posts, reorganisation, to promote efficiency or to economise;

(iii) educators who, at their request, retire with the approval of the employer (but not as a result of misconduct or incapacity) or as a result of a right to early retirement;

(iv) educators who retire according to a decision by the employer (but not as a result of misconduct or incapacity);

(v) educators who retire as a result of ill health not ascribed to their own doing; and

(vi) educators who retire as a result of injury on duty.

[(i) Educators who pass away or retire as a result of—

(aa) the attainment of the normal retirement age referred to in regulation 15; or

(bb) ill-health which cannot be ascribed to their own doing.

(ii) Educators who are 60 years or older—

- (aa) whose services are terminated by the employer as a result of the abolition of their posts or reorganisation, or to promote efficiency, or to economise;
- (bb) who, at their own request, retire with the approval of the employer (but not as a result of misconduct or incapacity) or as a result of a right to early retirement; or
- (cc) who retire according to a decision by the employer (but not as a result of misconduct or incapacity).]’ ”;

(b) the substitution for subregulation 3 (b) of the following subregulation:

“(b) Assistance in respect of the persons referred to in paragraph (a) is rendered on the following basis:

- (i) In the event of retirement or termination of service or death prior to **[10 June 1994]** 1 May 1996, the rules as applied on the date of termination of service or death, remain applicable.
- (ii) In the event of retirement or termination of service or death on or after **[10 June 1994]** 1 May 1996 of educators who, at the time of their retirement or termination of service or death, are members of a medical scheme, assistance is rendered on the basis as determined by the Minister [and with—

- (aa) at least 15 years service (which may include previous periods of service), the employer contribution is 4/6 of membership fees limited to 100% of the maximum rand amount;
- (bb) at least 10 years but less than 15 years service (which may include previous periods of service, with the exception of previous periods of service which have already been acknowledged for the payment of a cash amount), a cash amount is payable equal to 24 times the monthly employer contribution to the medical scheme of which the person is a member at retirement or termination of service or death.]]’;

(c) the deletion of subregulation (3) (c).

12. Regulation 90 is hereby amended by the substitution for the proviso in subregulation (2) (h) (iii) of the following proviso:

“Provided that if the amount referred to in subparagraph (i) or (ii) is less than an amount calculated in accordance with the applicable percentage referred to in the said paragraphs and based on the monthly pensionable salary **[equal to the minimum notch for the standard salary scale of a Senior Provisioning Administration Officer in the Public Service,]** in the first salary position of salary range 8, the applicable amount based on the last mentioned basis must be paid: Provided further that the amount referred to in subparagraphs (i) and (ii) shall not exceed an amount based on the basic monthly pensionable salary of a Director: Education.”.

No. R. 1153

1 September 1997

WYSIGINGS AAN DIE REGULASIES BETREFFENDE DIE AANSTELLING EN DIENSVOORWAARDES VAN OPVOEDERS KRAGTENS DIE WET OP INDIENSNEMING VAN OPVOEDERS, 1994

Ek, Sibusiso Mandlenkosi Emmanuel Bengu, Minister van Onderwys, wysig hiermee kragtens artikel 28, saamgelees met artikels 4 (1), 5 (1) en 9, van die Wet op Indiensneming van Opvoeders, 1994 (die Wet), die regulasies uitgevaardig kragtens die Wet en gepubliseer in *Staatskoerant* No. 16814 van 13 November 1995, soos in die Bylae uiteengesit.

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

11 Augustus 1997.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Vetgedrukte teks in vierkantige hakies dui skappings van bestaande wetgewing aan.

Teks onderstreep met 'n soliede lyn dui invoegings in bestaande wetgewing aan

BYLAE**Definisie**

1. In hierdie Bylae beteken "die Regulasies" die Regulasies soos gepubliseer in Goewermentskennisgewing No. R. 1743 van 13 November 1995.

2. Regulasie 1 word hiermee gewysig deur—

(a) die skapping van die definisies van "salarisverhoging" "salarisverhogings-datum" en "salarisverhogingstydperk";

(b) die invoeging van die volgende definisies in die plek daarvan:

" 'salarisband' beteken die reeks salarisse van toepassing op 'n opvoeder in ooreenstemming met sodanige opvoeder se posvlak en kwalifikasies. ";

" 'salarisreeks' is die salarisse van toepassing op 'n spesifieke vlak binne die salarisgraderingstelsel van die Staatsdiens. ".

3. Regulasie 8 word hiermee geskrap.

4. Regulasie 9 word hiermee geskrap.

5. Die volgende regulasie vervang hiermee regulasie 10:

"Evaluering van kwalifikasies"

10. Die Minister mag maatreëls vir die evaluering van kwalifikasies vir indiensneming in die onderwys bepaal.

6. Die volgende regulasie vervang hiermee regulasie 12:

"Prestasie-erkenning"

12. Die Minister mag maatreëls vir die erkenning van prestasie van opvoeders bepaal.

7. Regulasie 13 word hiermee gewysig deur die vervanging van subregulasies (1) en (2) deur die volgende subregulasies:

"Foutiewelik toegestane besoldiging"

13. (1) Indien 'n foutiewe salaris **[of salarisskaal]** by aanstelling, oorplasing of bevordering, of 'n foutiewe verhoging in salaris **[binne die perke van die toepaslike salarisskaal,]** aan 'n opvoeder toegeken of toegestaan is, of indien die korrekte salaris toegeken of toegestaan is **[op die korrekte kerf of skaal]** maar op 'n tyd wanneer of in omstandighede waarin dit nie aan hom of haar toegeken of toegestaan behoort te gewees het nie, moet die werkgewer die opvoeder se salaris **[of salarisskaal]** regstel met ingang van die datum waarop die foutiewe salaris, **[salarisskaal]** of salarisverhoging in werking getree het, ondanks die feit dat die betrokke opvoeder onbewus daarvan was dat 'n fout begaan is in die geval waar die regstelling neerkom op 'n verlaging van sy **[salarisskaal of]** salaris.

(2) Indien 'n opvoeder in subregulasie (1) bedoel, ten opsigte van sy of haar salaris, met inbegrip van enige gedeelte van 'n toelae of ander besoldiging of enige ander voordeel wat op sy of haar basiese salaris **[of salarisskaal]** bereken is of op grond van sy of haar basiese salaris aan hom of haar toegeken is—

(a) onderbetaal is, moet 'n bedrag gelyk aan die bedrag van die onderbetaling aan hom of haar betaal word, en moet die ander voordeel wat hy of sy nie ontvang het nie, vanaf 'n lopende datum aan hom of haar toegeken word; of

(b) oorbetaal is, of so 'n ander voordeel ontvang het wat hom of haar nie toekom nie—

(i) moet 'n bedrag gelyk aan die bedrag van die oorbetalings **[op]** van hom of haar verhaal word by wyse van die aftrekking van sy of haar salaris in paaientende deur die werkgewer bepaal, of, met behoorlike inagneming van die toepaslike Tesourie-instruksies, deur middel van geregtelike proses, of gedeeltelik op eersgenoemde wyse en gedeeltelik op laasgenoemde wyse; en

(ii) moet daardie ander voordeel vanaf 'n lopende datum gestaak of ingetrek word, maar die betrokke opvoeder het die reg om deur die werkgewer vergoed te word vir enige vermoënskade wat hy of sy as gevolg van daardie staking of intrekking gelyk het of sal ly."

8. Regulasie 15 word hiermee gewysig deur—

(a) die skapping van subregulasie (3);

(b) die vervanging van subregulasie (4) deur die volgende subregulasie:

"(4) Ondanks enige andersluidende bepaling in hierdie regulasie het 'n opvoeder, uitgesluit 'n opvoeder wat op of na 1 Mei 1997 vir die eerste keer aangestel is of na 'n diensonderbreking heraangestel is, wat reeds die ouderdom van 50 jaar bereik het en wat minstens 10 jaar werklike ononderbroke diens voltooi het, welke diens pensioendraende diens is soos omskryf in die **[Regeringsdienspensioenwet, 1973, Regeringswerknemerspensioenfonds]** die reg om met **[vervroegde]** pensioen af te tree **[met verminderde pensioenvoordele]** na skriftelike kennisgewing van minstens drie kalendermaande aan die werkgewer.";

- (c) die skrapping van subregulasie (5);
- (d) die invoeging van die volgende subregulasies:

"(6) Ondanks enige andersluidende bepaling in hierdie regulasie, sal 'n opvoeder die reg hê om met pensioen af te tree op die datum waarop hy of sy die ouderdom van 55 jaar bereik, of op enige datum daarna na skriftelike kennisgewing van ten minste drie maande aan die werkgewer.

(7) Die werkgewer mag, op versoek van 'n opvoeder en onderworpe aan die vooraf goedkeuring van die betrokke Lid van die Uitvoerende Raad verantwoordelik vir Onderwys of Minister, welke geval dit ookal mag wees, nieteenstaande die afwesigheid van enige rede vir uitdiensstelling kragtens artikel 8 (1) van die Wet, hom of haar toelaat om af te tree voor die bereiking van 55 jarige ouderdom indien die werkgewer van mening is dat daar genoegsame rede daarvoor bestaan en dat die aftrede tot voordeel van die Staat sal wees."

9. Die volgende regulasie vervang hiermee regulasie 17:

"Gedifferensieërde toelaes

17. Die Minister mag maatreëls vir die betaling van gedifferensieërde toelaes aan opvoeders, aangestel by sekere opvoedkundige instellings of aangestel in sekere poste, bepaal."

10. Die volgende regulasie vervang hiermee regulasie 20:

"Vergoeding vir eksamenverwante werk

20. 'n Opvoeder wat deur die werkgewer aangestel is om werk ten opsigte van openbare eksamens te verrig, mag vergoed word volgens tariewe soos deur die Minister bepaal."

11. Regulasie 67 word hiermee gewysig deur—

- (a) die vervanging van subregulasie (3) (a) deur die volgende nuwe subregulasie:

"(3) (a) Die volgende opvoeders of hulle oorlewende gades kwalifiseer vir bystand volgens die grondslag soos uiteengesit in paragraaf (b):

- (i) Opvoeders wat sterf of aftree as gevolg van die bereiking van die normale aftree-ouderdom bedoel in regulasie 15;
- (ii) opvoeders wie se dienste deur die werkgewer beëindig word as gevolg van die afskaffing van hulle poste, reorganisasie, om doeltreffendheid te bevorder of om te besuinig;
- (iii) opvoeders wat, op hulle eie versoek, aftree met die goedkeuring van die werkgewer (maar nie as gevolg van wangedrag of onbekwaamheid nie), of as gevolg van 'n reg op vroeë aftrede;
- (iv) opvoeders wat aftree ooreenkomstig 'n besluit deur die werkgewer (maar nie as gevolg van wangedrag of onbekwaamheid nie);
- (v) opvoeders wat aftree as gevolg van swak gesondheid wat nie aan hulle eie toedoen toegeskryf kan word nie; en
- (vi) opvoeders wat aftree as gevolg van 'n besering aan diens.

[(i) Opvoeders wat sterf of wat aftree as gevolg van—

- (aa) die bereiking van die normale aftreeouderdom bedoel in regulasie 15; of**
- (bb) swak gesondheid wat nie aan hulle eie toedoen toegeskryf kan word nie.**

(ii) Opvoeders wat 60 jaar oud of ouer is—

- (aa) wie se dienste deur die werkgewer beëindig word as gevolg van die afskaffing van hulle poste, of reorganisasie, of om doeltreffendheid te bevorder, of om te besuinig;**
- (bb) wat op hulle eie versoek, aftree met die goedkeuring van die werkgewer (maar nie as gevolg van wangedrag of onbekwaamheid nie), of as gevolg van 'n reg op vroeë aftrede; of**
- (cc) wat aftree ooreenkomstig 'n besluit deur die werkgewer (maar nie as gevolg van wangedrag of onbekwaamheid nie.)”;**

(b) die vervanging van subregulasie (3) (b) deur die volgende subregulasie:

“(b) Bystand ten opsigte van die persone bedoel in paragraaf (a) word op die volgende grondslag gelever:

- (i) In die geval van aftrede of diensbeëindiging of dood voor [10 Junie 1994] 1 Mei 1996, bly die reëls wat op die datum van diensbeëindiging of dood gegeld het, van toepassing.**
- (ii) In die geval van aftrede of diensbeëindiging of dood van opvoeders op of na [10 Junie 1994] 1 Mei 1996 wat ten tyde van hulle aftrede of diensbeëindiging of dood lede van 'n mediese fonds is, se bystand word gelever op die basis soos deur die Minister bepaal [en met—**
 - (aa) minstens 15 jaar diens (wat vorige dienstydsperke kan insluit), is die werkgewersbydrae 4/6 van die ledegeld, beperk tot 100% van die maksimum randbedrag;**
 - (bb) minstens 10 jaar maar minder as 15 jaar diens (wat vorige dienstydsperke kan insluit, met uitsondering van vorige dienstydsperke wat reeds vir die betaling van 'n kontantbedrag erken is), is 'n kontantbedrag betaalbaar gelyk aan 24 keer die maandelikse staatsbydrae tot die mediese skema waarvan die persoon by aftrede of diensbeëindiging of dood 'n lid is;]”;**

(c) die skapping van subregulasie (3) (c).

12. Regulasie 90 word hiermee gewysig deur die vervanging van die voorbehoud in subregulasie (2) (h) (iii) met die volgende voorbehoud:

“Met dien verstande dat indien die bedrag in subparagraaf (i) of (ii) bedoel, minder is as 'n bedrag bereken ooreenkomstig die toepaslike persentasiegrondslag bedoel in gemelde paragrawe, en gebaseer op die maandelikse pensioendraende besoldiging gelyk aan die

[minimum kerf van die standaardsalarisskaal van 'n Senior Voorsienings-administrasiebeampte in die Staatsdiens,] eerste salarisposisie van salarisreeks 8, die toepaslike bedrag wat op laasgenoemde grondslag bereken is, betaal moet word: Met dien verstande voorts dat die bedrag bedoel in subparagrafe (i) en (ii), nie meer mag wees nie as 'n bedrag gebaseer op die basiese maandelikse pensioendraende besoldiging van 'n Direkteur: Onderwys.".

(aa) wie se dienstverband met die werkgewer beëindig word as gevolg van die afskaffing van hulle posisie, of reorganisasie, of om ooreenstemmende te bevorder, of om te beëindig.

(bb) wat op hulle eie versoek, afstig met die goedkeuring van die werkgewer (maar nie as gevolg van wantrouwe of onbekwaamheid nie), of as gevolg van 'n teg op vrees afstig; of

(cc) wat afstig ooreenkomstig 'n besluit deur die werkgewer (maar nie as gevolg van wantrouwe of onbekwaamheid nie).

(d) die vervanging van subregulasie (b) deur die volgende subregulasie:

"(b) Bystand ten opsigte van die persone bedoel in paragraaf (a) word op die volgende grondslag toegeken:

(i) in die geval van afstig van dienstverband of dood voor [10 Junie 1994] 1 Mei 1996, by die reël wat op die datum van dienstverband of dood gepas is, tot en met 31 Mei 1994.

(ii) in die geval van afstig van dienstverband of dood van opvoeders op of na [10 Junie 1994] 1 Mei 1996, wat ten tyde van hulle afstig of dienstverband of dood lede van 'n pensioen fonds is, se bystand word toegeken op die basis eers deur die Minister, daarna ten met—

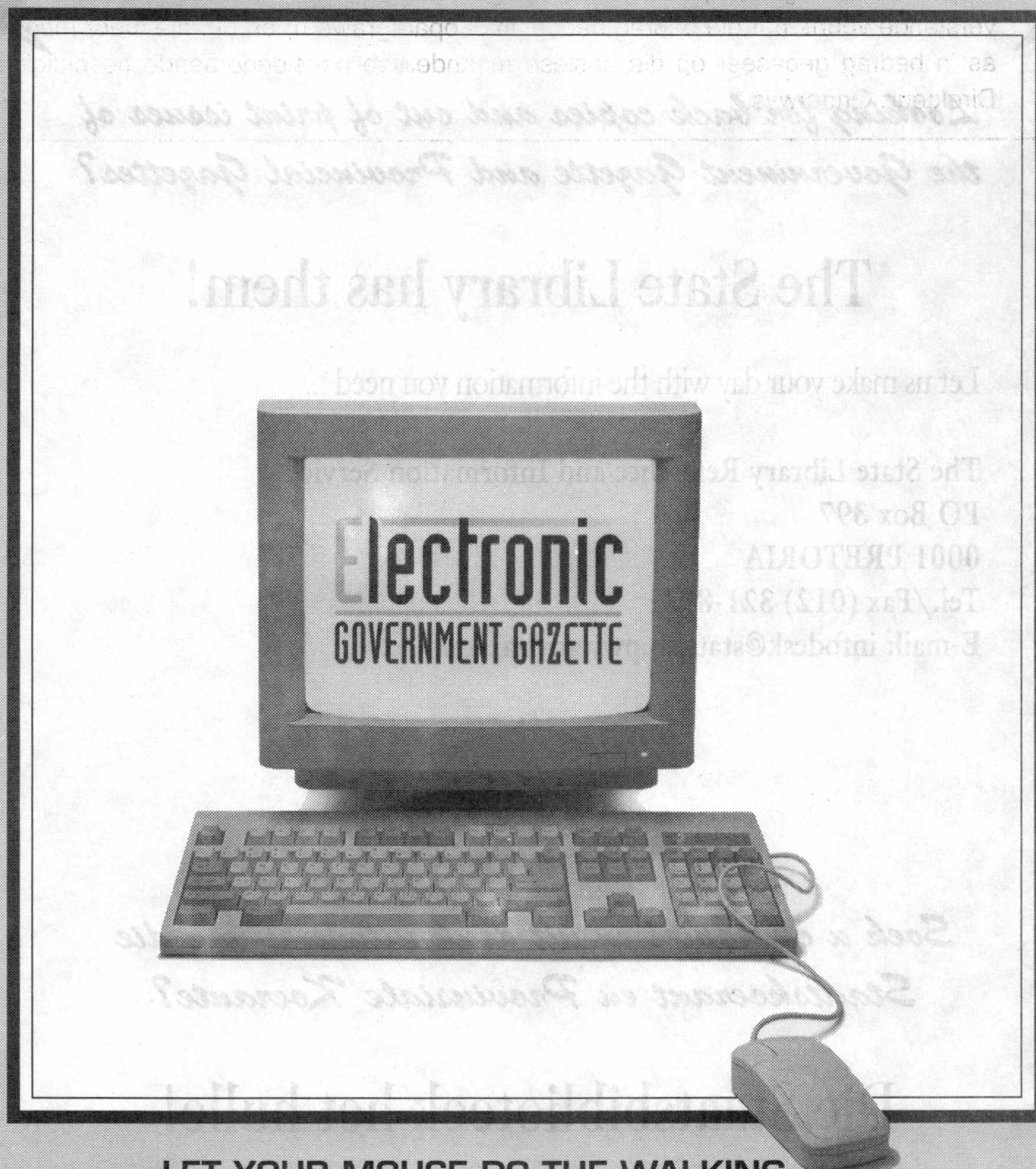
(aa) minstens 10 jaar diens (wat vorige diensverbande kan insluit) is die werkgewersbydraë van die ledes, behalwe tot 100% van die maksimum toelae.

(bb) minstens 10 jaar maar minder as 15 jaar diens (wat vorige diensverbande kan insluit) met uitsondering van vorige diensverbande wat reeds 'n bydraë tot 'n pensioen fonds is, is 'n kontribusie van 25% van die maandelikse staatspensioen toegeken aan die persoon by afstig of dood 'n lid is.

(c) die skaping van subregulasie (b) tot—

12. Regulasie 30 word hiermee gewysig deur die vervanging van die voorwoord in subregulasie (2) (ii) met die volgende voorwoord:

"Met dien verstande dat indien die bedrag in subparagraaf (i) of (ii) bedoel, minder as 'n bedrag beteken ooreenkomstig die toepaslike pensioensgrondslag bedoel in gerelateerde paragrafe, en gebaseer op die maandelikse pensioendraende besoldiging, sal die



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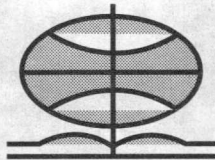
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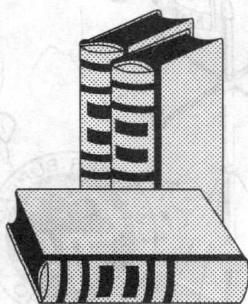
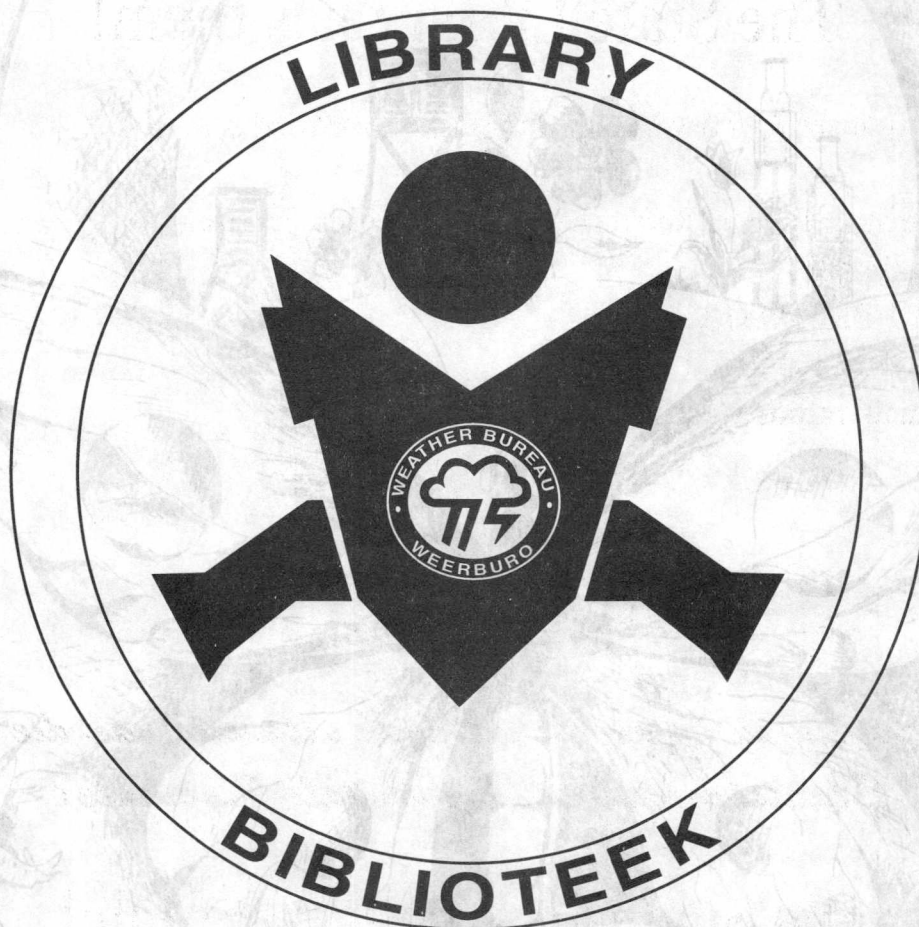
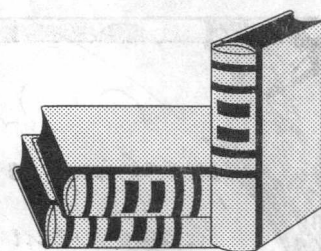
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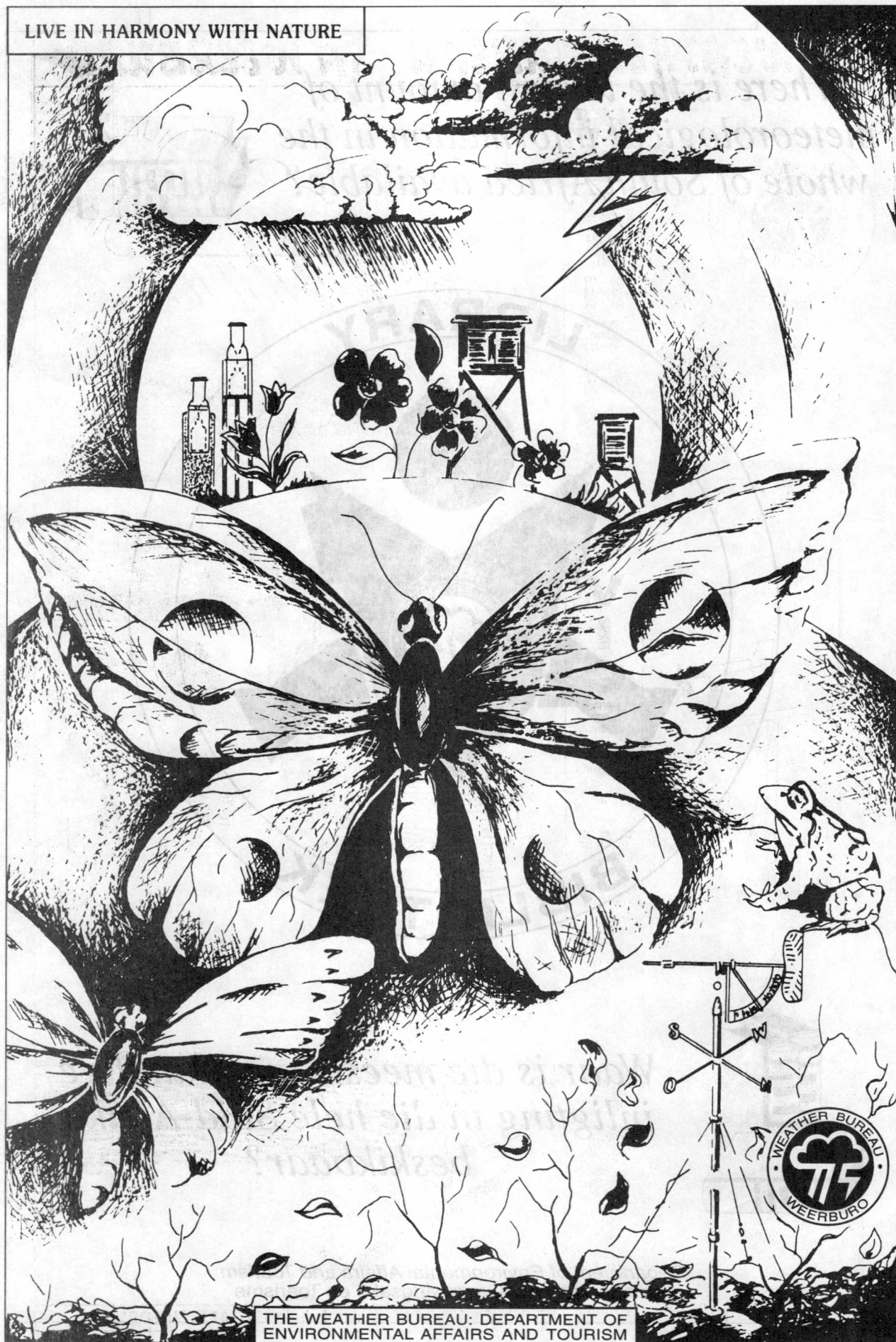
Where is the largest amount of meteorological information in the whole of South Africa available?



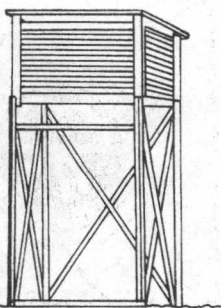
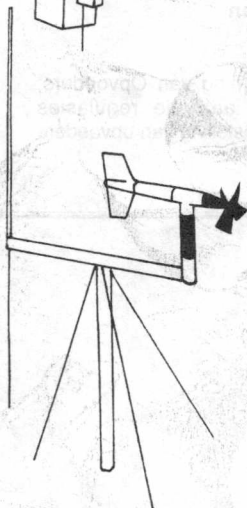
Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

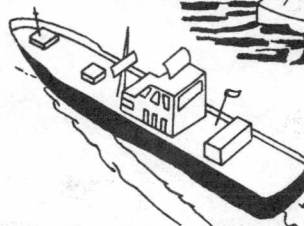
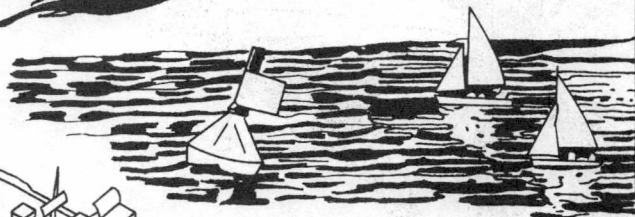
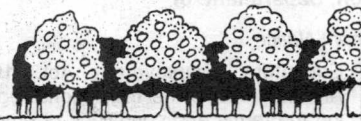
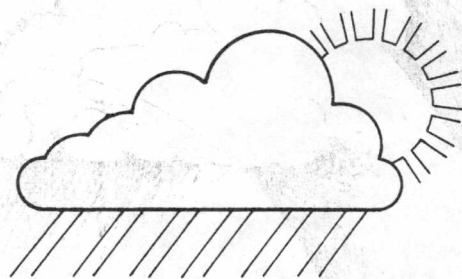
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THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM

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