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THE PRESIDENCY

No. 1285 5 December 2001

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

No. 58 of 2001: General and Further Education and Training Quality Assurance Act, 2001.

DIE PRESIDENSIE

No. 1285 5 Desember 2001

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

No. 58 van 2001: Wet op Gehalte-versekering vir Algemene en Verdere Onderwys en Opleiding, 2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 29 November 2001.)

ACT

To provide for the establishment, composition and functioning of the General and Further Education and Training Quality Assurance Council; to provide for quality assurance in general and further education and training; to provide for control over norms and standards of curriculum and assessment; to provide for the issue of certificates at the exit points; to provide for the conduct of assessment; to repeal the South African Certification Council Act, 1986; and to provide for matters connected therewith.

PREAMBLE

WHEREAS monitoring and auditing achievements in terms of standards or qualifications registered on the National Qualifications Framework is the responsibility of bodies accredited by the South African Qualifications Authority;

AND WHEREAS it is necessary to—

- * ensure that a quality assurance framework is developed for general and further education and training; and
- * improve and monitor learning achievements and, after students and learners have reached the required standards, to certify such achievements;

AND WHEREAS there is a need to establish a body to be a quality assurer for the general and further education bands of the National Qualifications Framework;

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

CHAPTER 1

DEFINITIONS, APPLICATION AND OBJECTS OF ACT

Definitions

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

“accreditation” means the certification of a person, a body or an institution as having the capacity to fulfill a particular function in the quality assurance system set up by the South African Qualifications Authority in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

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“assessment” means the process of identifying, gathering and interpreting information about a learner’s achievement in order to—

(a) assist the learner’s development and improve the process of learning and teaching; and

(b) evaluate and certify competence in order to ensure qualification credibility;

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“assessment body” means a department of education or any other body registered with the Council as a body responsible for conducting external assessment;

*(Engelse teks deur die President geteken.)
(Goedgekeur op 29 November 2001.)*

WET

Om voorsiening te maak vir die instelling, samestelling en funksionering van die Gehalteversekeringsraad vir Algemene en Verdere Onderwys en Opleiding; en om voorsiening te maak vir gehalteversekering in algemene en verdere onderwys en opleiding; om voorsiening te maak vir beheer oor norme en standaarde van kurrikulum en assessering; om voorsiening te maak vir die uitreik van sertifikate by die uittreepunte; om voorsiening te maak vir die onderneem van assessering; om die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN die monitering en ouditering van prestasies ingevolge standaarde of kwalifikasies wat op die Nasionale Kwalifikasieraamwerk geregistreer is die verantwoordelikheid is van liggame wat deur die Suid-Afrikaanse Kwalifikasie-owerheid geakkrediteer is;

EN AANGESIEN dit nodig is om—

- * te verseker dat 'n gehalteversekeringsraamwerk vir algemene en verdere onderwys ontwikkel word; en
- * leerprestasies te verbeter en te moniteer en om, nadat studente en leerlinge die vereiste standaarde bereik het, sodanige prestasies te sertifiseer;

EN AANGESIEN daar 'n behoefte is om 'n liggaam in te stel om 'n gehalteversekeraar vir die algemene en verdere onderwys bande van die Nasionale Kwalifikasieraamwerk te wees;

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

HOOFSTUK 1

WOORDOMSKRYWING, TOEPASSING EN OOGMERKE VAN WET

Woordomskrywing

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

- “akkreditering” die sertifisering van 'n persoon, 'n liggaam of 'n inrigting as bevoeg om 'n bepaalde werksaamheid in die gehalteversekeringstelsel ingestel deur die Suid-Afrikaanse Kwalifikasie-owerheid ingevolge die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 of 1995), te verrig; 10
- “algemene en verdere onderwys en opleiding” algemene onderwys en opleiding en verdere onderwys en opleiding;
- “algemene onderwys en opleiding” alle leer- en opleidingsprogramme wat lei tot 'n kwalifikasie op vlak 1 van die Nasionale Kwalifikasieraamwerk, welke vlak laer as verdere onderwys en opleiding is; 15
- “assessering” die proses waardeur inligting oor 'n leerder se prestasie geïdentifiseer, versamel en vertolk word ten einde—

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- “certificate” means a certificate contemplated in section 16(4)(e);
- “Council” means the General and Further Education and Training Quality Assurance Council established by section 4;
- “department of education” means the department responsible for education at national level or a department responsible for education in a province; 5
- “Director-General” means the Director-General of the department responsible for education at national level;
- “Education and Training Quality Assurance Body” means an education and training quality assurance body accredited in terms of section 5(1)(a)(ii)(bb) of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995); 10
- “employee” means any person who is in the full-time or part-time employ of the Council;
- “exit point” means a point in general or further education and training at which a learner is required to demonstrate competence with a view to obtaining documentary proof of proficiency; 15
- “external assessment” means any assessment conducted by an assessment body, the outcomes of which count towards the achievement of a qualification;
- “financial year” means the period from 1 April in any year to 31 March in the following year;
- “further education and training” means all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework, which levels are above general education and training but below higher education; 20
- “general and further education and training” means general education and training and further education and training; 25
- “general education and training” means all learning and training programmes leading to a qualification on level 1 of the National Qualifications Framework, which level is below further education and training;
- “head of department” means the head of a department responsible for education in a province; 30
- “internal assessment” means any assessment conducted by the provider, the outcomes of which count towards the achievement of a qualification;
- “learner” means any person receiving or obliged to receive education at any education institution contemplated in section 2 within the general and further education and training sectors; 35
- “Minister” means the Minister of Education;
- “moderation” means the process which ensures that assessment of the outcomes described in the National Qualifications Framework standards or qualifications is fair, valid and reliable and “verification” has the same meaning;
- “moderator” means a person, body or organisation that ensures that the assessment of the outcomes described in National Qualifications Framework standards or qualifications is fair, valid and reliable; 40
- “National Qualifications Framework” means the National Qualifications Framework contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995); 45
- “provider” means any body which—
- (a) delivers learning programmes which culminate in a specified National Qualifications Framework standard or qualification; and
 - (b) manages the assessment of such learning programmes,
- but, in respect of public schools, public further education and training institutions and public adult learning centres, “provider” means the department responsible for education in the relevant province; 50
- “qualification” means the formal recognition of the achievement of the required number and range of credits and such other requirements at specific levels of the National Qualifications Framework as may be determined by the relevant bodies registered for such purpose by the South African Qualifications Authority; 55
- “raw marks” means the actual marks or other quantifiable outcomes obtained by a learner before any adjustment of the marks is made by the Council;

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- (a) die leerder se ontwikkeling te ondersteun en die proses van leer en onderwys te verbeter; en
- (b) bevoegdheid te evalueer en te sertifiseer ten einde kwalifikasie-geloofwaardigheid te verseker;
- “assesseringsliggaam” ’n departement van onderwys of enige ander liggaam by die raad geregistreer as ’n liggaam verantwoordelik vir die onderneem van eksterne assessering; 5
- “boekjaar” die tydperk vanaf 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar;
- “departementshoof” die hoof van ’n departement verantwoordelik vir onderwys in ’n provinsie; 10
- “departement van onderwys” die departement verantwoordelik vir onderwys op nasionale vlak of ’n departement verantwoordelik vir onderwys in ’n provinsie;
- “Direkteur-generaal” die Direkteur-generaal van die departement verantwoordelik vir onderwys op nasionale vlak; 15
- “eksterne assessering” enige assessering deur ’n assesseringsliggaam onderneem, waarvan die uitkomste tel vir die verwerwing van ’n kwalifikasie;
- “hierdie Wet” ook enige regulasie ingevolge artikel 27 uitgevaardig;
- “interne assessering” enige assessering deur die verskaffer onderneem, waarvan die uitkomste tel vir die verwerwing van ’n kwalifikasie; 20
- “kwalifikasie” die formele erkenning van die verwerwing van die vereiste aantal en verskeidenheid krediete en sodanige ander vereistes op spesifieke vlakke van die Nasionale Kwalifikasieraamwerk as wat deur die betrokke liggame wat vir dié doel deur die Suid-Afrikaanse Kwalifikasie-owerheid geregistreer is, bepaal word;
- “leerder” enige persoon wat onderwys ontvang of verplig is om onderwys te ontvang by enige onderwysinrigting in artikel 2 beoog, binne die sektore van algemene en verdere onderwys en opleiding; 25
- “Minister” die Minister van Onderwys;
- “moderator” ’n persoon, liggaam of organisasie wat verseker dat die assessering van die uitkomste wat in die standaard of kwalifikasies van die Nasionale Kwalifikasieraamwerk beskryf is billik, geldig en betroubaar is; 30
- “moderering” die proses wat verseker dat die assessering van die uitkomste wat in die standaard of kwalifikasies van die Nasionale Kwalifikasieraamwerk beskryf is billik, geldig en betroubaar is, en “verifiëring” het dieselfde betekenis;
- “Nasionale Kwalifikasieraamwerk” die Nasionale Kwalifikasieraamwerk beoog in die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 of 1995); 35
- “Onderwys en Opleiding Gehalteversekeringsliggaam” ’n gehalteversekeringsliggaam vir onderwys en opleiding wat ingevolge artikel 5(1)(a)(ii)(bb) van die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995), geakkrediteer is; 40
- “Raad” die Gehalteversekeringsraad vir Algemene en Verdere Onderwys en Opleiding by artikel 4 ingestel;
- “rou punte” die werklike punte of ander kwantifiseerbare uitkomste deur ’n leerder behaal voordat enige aanpassing van die punte deur die Raad gemaak word; 45
- “sertifikaat” ’n sertifikaat in artikel 16(4)(e) beoog;
- “standaard” geregistreerde verklarings van verlangde onderwys- en opleidingsuitkomste en hulle verwante assesseringsmaatstawwe;
- “Suid-Afrikaanse Kwalifikasie-owerheid” die Suid-Afrikaanse Kwalifikasie-owerheid by artikel 3 van die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 of 1995), ingestel; 50
- “uittreepunt” ’n stadium in algemene of verdere onderwys en opleiding waar van ’n leerder verwag word om vaardigheid te demonstreer met die oog op die verkryging van dokumentêre bewys van bekwaamheid;
- “verdere onderwys en opleiding” alle leer- en opleidingsprogramme wat lei tot kwalifikasies van vlakke 2 tot 4 van die Nasionale Kwalifikasieraamwerk, welke vakke hoër as algemene onderwys en opleiding maar laer as hoër onderwys is; 55
- “verskaffer” enige liggaam wat—
- (a) leerprogramme aanbied wat kulmineer in ’n gespesifiseerde Nasionale Kwalifikasieraamwerk standaard of kwalifikasie; en 60
- (b) die assessering van sodanige programme behartig,

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“South African Qualifications Authority” means the South African Qualifications Authority established by section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

“standard” means registered statements of desired education and training outcomes and their associated assessment criteria;

“this Act” includes any regulation made under section 27.

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Application of Act

2. This Act applies to all education institutions which have been established, declared or registered under the—

- (a) South African Schools Act, 1996 (Act No. 84 of 1996);
- (b) Further Education and Training Act, 1998 (Act No. 98 of 1998); or
- (c) Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000).

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Objects of Act

3. The objects of this Act are to—

- (a) establish a quality assurance body to ensure that continuous enhancement of quality is achieved in the delivery and outcomes of the general and further education and training sectors of the national education and training system;
- (b) develop a quality assurance framework for the general and further education bands of the National Qualification Framework; and
- (c) regulate the relationship between the national Department of Education, the South African Qualifications Authority, other Education and Training Quality Assurance Bodies, providers and the Council.

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CHAPTER 2**ESTABLISHMENT AND ACCREDITATION****Establishment of Council**

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4. A juristic person to be known as the General and Further Education and Training Quality Assurance Council is hereby established.

Accreditation as Education and Training Quality Assurance Body

5. (1) The Council must be regarded as having been accredited by the South African Qualifications Authority in terms of section 5(1)(b)(i) of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), as the body responsible for establishing education and training standards or qualifications for general and further education and training at education institutions contemplated in section 2.

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(2) If the Council fails to comply substantially with the accreditation requirements for an Education and Training Quality Assurance Body, the South African Qualifications Authority must—

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- (a) notify the Council in writing and set out the criterion which the Council failed to comply with; and
- (b) specify in the notice a reasonable period within which the Council must comply with the criterion.

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(3)(a) If the Council does not comply with the criterion within the period specified in the notice contemplated in subsection (2)(a), the South African Qualifications Authority must inform the Minister of the failure.

(b) The South African Qualifications Authority must submit a copy of the written notice contemplated in subsection (2)(a) to the Minister when it acts in terms of paragraph (a).

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(4) Subject to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), the Minister must request the Chairperson of the Council to give a detailed report on why the Council has not complied with the criterion.

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- maar, in die geval van openbare skole, openbare inrigtings vir verdere onderwys en opleiding en openbare sentrums vir onderwys aan volwassenes, beteken "verskaffer" die departement verantwoordelik vir onderwys in die bepaalde provinsie;
"werknemer" 'n persoon wat voltyds of deelyds in diens van die Raad is. 5

Toepassing van Wet

2. Hierdie Wet is van toepassing op alle onderwysinrigtings ingestel, verklaar of geregistreer kragtens die—

- (a) Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996);
- (b) Wet op Verdere Onderwys en Opleiding, 1998 (Wet No. 98 van 1998); of 10
- (c) Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000 (Wet No. 52 van 2000).

Oogmerke van Wet

3. Die oogmerke van hierdie Wet is om—

- (a) 'n gehalteversekeringsliggaam in te stel ten einde te verseker dat 'n 15
deurlopende verhoging van gehalte bereik word in die verskaffing en uitkomste van die sektore van algemene en verdere onderwys en opleiding van die nasionale stelsel vir onderwys en opleiding;
- (b) 'n gehalteversekeringsraamwerk te ontwikkel vir die algemene en verdere 20
onderwys bande van die Nasionale Kwalifikasieraamwerk; en
- (c) die verhouding tussen die nasionale Departement van Onderwys, die Suid-Afrikaanse Kwalifikasie-owerheid, ander Onderwys en Opleiding Gehalteversekeringsliggame, verskaffers en die Raad te reguleer.

HOOFSTUK 2**INSTELLING EN AKKREDITERING**

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Instelling van Raad

4. 'n Regspersoon wat as die Gehalteversekeringsraad vir Algemene en Verdere Onderwys en Opleiding bekend staan, word hierby ingestel.

Akkreditering as Onderwys en Opleiding Gehalteversekeringsliggaam

5. (1) Die Raad word geag ingevolge artikel 5(1)(b)(i) van die Wet op die 30
Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995), deur die Suid-Afrikaanse Kwalifikasie-owerheid geakkrediteer te wees as die liggaam wat verantwoordelik is vir die vasstelling van onderwys- en opleidingstandaarde of -kwalifikasies vir algemene en verdere onderwys en opleiding by onderwysinrigtings in artikel 2 beoog. 35

(2) Indien die Raad versuim om wesentlik te voldoen aan die akkreditasievereistes vir 'n Onderwys en Opleiding Gehalteversekeringsliggaam, moet die Suid-Afrikaanse Kwalifikasie-owerheid—

- (a) die Raad skriftelik in kennis stel en die kriterium uiteensit waaraan die Raad 40
versuim het om te voldoen; en
- (b) 'n redelike tydperk spesifiseer in die kennisgewing waarbinne die Raad aan die kriterium moet voldoen.

(3) (a) Indien die Raad nie voldoen aan die kriterium binne die tydperk gespesifiseer in die kennisgewing nie, soos beoog in subartikel (2)(a), moet die Suid-Afrikaanse Kwalifikasie-owerheid die Minister in kennis stel van die versuim. 45

(b) Die Suid-Afrikaanse Kwalifikasie-owerheid moet 'n kopie van die skriftelike kennisgewing beoog in subartikel (2)(a) aan die Minister voorlê wanneer dit optree ingevolge paragraaf (a).

(4) Onderhewig aan die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), moet die Minister die Voorsitter van die Raad versoek om 'n 50
gedetailleerde verslag te gee oor waarom die Raad nie voldoen het aan die kriterium nie.

(5) After consideration of all the relevant factors, the Minister must direct the South African Qualifications Authority and the Council as to what reasonable steps each must take to solve the problem.

Composition of Council

6. (1) (a) The Council consists of 15 members appointed by the Minister in terms of subsection (5). 5

(b) The Minister must appoint one of the members as chairperson.

(2) In addition to the members contemplated in subsection (1), the Chief Executive Officer is a member by virtue of his or her office.

(3) The selection of members contemplated in subsection (1) must be undertaken in such a manner as to ensure, insofar as is practically possible, that— 10

(a) the functions of the Council in terms of this Act are performed according to the highest professional standards;

(b) the membership taken as a whole—

(i) is broadly representative of the general and further education and training sectors and related interests; 15

(ii) has thorough knowledge and understanding of general and further education and training;

(iii) appreciates the role of the general and further education and training system in reconstruction and development; 20

(iv) has known and attested commitment to the interests of general and further education and training;

(v) has knowledge and understanding of accreditation, assessment and certification of general and further education and training programmes; 25

(vi) has experience in statistics; and

(vii) has experience in the financial field; and

(c) due attention is given to the representivity of the Council in terms of such relevant factors as race, gender and disability.

(4) The Minister must invite nominations for the appointment of the members contemplated in subsection (1) by notice in the *Gazette* and, in particular, must invite nominations from persons, roleplayers or organisations active or involved in general and further education and training. 30

(5) The Minister must consider the nominations and appoint the members with due regard to the criteria contemplated in subsection (3).

(6) Any member contemplated in subsection (1)— 35

(a) holds office for a period not exceeding four years; and

(b) may be reappointed at the expiry of his or her term of office, but may not serve for more than two consecutive terms of office.

(7) The members contemplated in subsection (1) must elect one person as a deputy chairperson from amongst their number. 40

Vacation of office and filling of vacancies

7. (1) A member of the Council contemplated in section 6(1) must vacate his or her office if he or she—

(a) resigns by giving written notice to the chairperson, or in the case of the chairperson, to the Minister; 45

(b) is absent from three consecutive meetings of the Council, without leave of the Council;

(c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; or 50

(d) is declared unable to manage his or her personal affairs by a court of law.

(2) The Minister may revoke the appointment of any member of the Council appointed in terms of section 6(5) at any time before the expiry of his or her term of office, if there are sound reasons for doing so.

(3) If a member of the Council vacates his or her office or if his or her appointment is revoked in terms of subsection (2), the resultant vacancy must be filled by appointment in accordance with section 6. 55

(5) Na oorweging van al die relevante faktore, moet die Minister die Suid-Afrikaanse Kwalifikasie-owerheid en die Raad aanwys oor watter redelike stappe elkeen moet neem om die probleem op te los.

Samestelling van Raad

6. (1) (a) Die Raad bestaan uit 15 lede wat deur die Minister ingevolge subartikel (5) 5
aangestel word.
(b) Die Minister moet een van die lede as voorsitter aanstel.
- (2) Die Hoof- Uitvoerende Beampte is, bykomend tot die lede in subartikel (1) beoog, 'n lid uit hoofde van sy of haar amptelike hoedanigheid.
- (3) Die aanwysing van lede van die raad in subartikel (1) beoog, moet op so 'n wyse 10
geskied dat, sover dit prakties moontlik is, verseker word dat—
(a) die werksaamhede van die Raad ingevolge hierdie Wet verrig word ooreenkomstig die hoogste professionele standarde;
(b) die lidmaatskap as geheel—
(i) in die breë verteenwoordigend is van die sektore van algemene en 15
verdere onderwys en opleidingsektore en verwante belange;
(ii) deeglike kennis en begrip van algemene en verdere onderwys en opleiding het;
(iii) die rol van die stelsel van algemene en verdere onderwys en opleiding in heropbou en ontwikkeling begryp; 20
(iv) bekende en verklaarde verbondenheid tot die belange van algemene en verdere onderwys en opleiding het;
(v) kennis en begrip van akkreditering, assessering en sertifisering van programme in algemene en verdere onderwys en opleiding het;
(vi) ondervinding van statistieke het; en 25
(vii) ondervinding op finansiële gebied het; en
(c) behoorlike aandag daaraan gegee word dat die Raad verteenwoordigend sal wees betreffende tersaaklike faktore soos ras, geslag en gestremdheid.
- (4) Die Minister moet by kennisgewing in die *Staatskoerant* benoemings vra vir die aanstelling van die lede van die Raad, en moet in besonder benoemings vra van persone, 30
rolspelers of organisasies wat aktief is in of betrokke is by algemene en verdere onderwys en opleiding.
- (5) Die Minister moet die benoemings oorweeg en die lede aanstel met behoorlike inagneming van die maatstawwe in subartikel (3) beoog.
- (6) 'n Lid in subartikel (1) beoog— 35
(a) beklee sy of haar amp vir 'n tydperk van hoogstens vier jaar; en
(b) kan heraanstelling word by die verstryking van sy of haar ampstermyn, maar mag nie vir meer as twee opeenvolgende ampstermyne dien nie.
- (7) Die lede beoog in subartikel (1) moet een persoon uit eie geledere as ondervoorsitter verkies. 40

Ontruiming van amp en vul van vakatures

7. (1) 'n Lid van die Raad in artikel 6(1) beoog, ontruim sy of haar amp indien hy of sy—
(a) bedank deur skriftelike kennis aan die voorsitter, of in die geval van die voorsitter aan die Minister, te gee; 45
(b) van drie opeenvolgende vergaderings van die Raad afwesig is sonder verlof van die Raad;
(c) insolvent verklaar word, uit 'n vertrouensposisie verwyder word deur 'n geregshof of skuldig bevind word aan 'n misdryf waarvoor die vonnis tronkstraf sonder die keuse van 'n boete is; of 50
(d) deur 'n geregshof onbevoeg verklaar word om sy of haar eie sake te behartig.
- (2) Die Minister kan die aanstelling van enige lid van die Raad ingevolge artikel 6(5) aangestel te eniger tyd voor die verstryking van sy of haar ampstermyn intrek, indien daar goeie redes is om dit te doen.
- (3) Indien 'n lid van die Raad sy of haar amp ontruim, of indien sy of haar aanstelling 55
ingevolge subartikel (2) ingetrek word, moet die gevolglike vakature gevul word by wyse van 'n aanstelling ooreenkomstig artikel 6.

Committees of Council

8. (1) (a) The Council may establish one or more committees which may perform such functions of the Council as the Council may determine.

(b) A committee established under paragraph (a) must perform its functions subject to the instructions of the Council. 5

(2) A committee may include a person who is not a member of the Council but the Council must give due regard to the criteria contemplated in section 6(3) when it appoints such a person to a committee.

(3) The Council must appoint a member of the Council as chairperson of a committee.

(4) A member of a committee is appointed for such period as the Council may determine. 10

Meetings of Council and committees

9. (1) The Council and its committees must meet at least twice a year at such times and places as the relevant chairperson may determine by notice in writing to the members concerned. 15

(2) The chairperson must convene a meeting of the Council—

(a) within 14 days of the receipt of a written request signed by at least one third of the members of the Council; or

(b) if requested by the Minister to convene a meeting.

(3) If the chairperson and deputy chairperson of the Council are absent from any meeting, the members present must appoint a person from among themselves to preside at that meeting. 20

(4) The Council must make rules relating to the procedure at meetings of the Council and its committees, including the quorum for such meetings, and any other matter necessary or expedient for the performance of the functions of the Council or its committees. 25

(5) The proceedings at a meeting of the Council or a committee are not invalid by reason only of the fact that a vacancy exists on the Council or committee, as the case may be, at the time of such meeting.

Allowances and remuneration of members of Council and committees 30

10. Any member of the Council appointed in terms of section 6(5) and any person appointed as a member of a committee in terms of section 8(2) who is not in the full-time service of the State may, in respect of services rendered by him or her in connection with the affairs of the Council or a committee, as the case may be, be paid by the Council—

(a) such travelling, subsistence and other allowances; and 35

(b) in the case of the chairperson of the Council, such additional remuneration, as the Minister, with the concurrence of the Minister of Finance, may determine.

Appointment of Chief Executive Officer and staff

11. (1) The Minister must appoint a Chief Executive Officer for the Council on the recommendation of the members of the Council appointed in terms of section 6(5). 40

(2) If the Minister does not agree with a recommendation of the members of the Council, they must make another recommendation for consideration by the Minister.

(3) The Council must appoint such number of employees to assist the Council in the performance of its functions as it may deem necessary.

(4) Despite subsection (1), the Council is the employer of the Chief Executive Officer and employees and must determine their remuneration, allowances, subsidies and other conditions of service. 45

Functions of Chief Executive Officer

12. The Chief Executive Officer—

(a) is responsible for the work in connection with the performance by the Council of its functions in terms of this Act; 50

(b) must assign responsibilities and supervise the employees of the Council;

(c) is the accounting officer to the Council charged with accounting for moneys received, payments made and movable property purchased by the Council in

Komitees van Raad

8. (1) (a) Die Raad kan een of meer komitees instel wat dié werksaamhede van die Raad verrig wat die Raad bepaal.
- (b) 'n Komitee wat kragtens paragraaf (a) ingestel word, verrig sy werksaamhede behoudens die opdragte van die Raad. 5
- (2) 'n Komitee kan 'n persoon insluit wat nie 'n lid van die Raad is nie, maar die Raad moet behoorlik ag slaan op die maatstawwe in artikel 6(3) beoog by die aanstelling van so 'n persoon op 'n komitee.
- (3) Die Raad moet 'n lid van die Raad as voorsitter van 'n komitee aanstel.
- (4) 'n Lid van 'n komitee word aangestel vir sodanige tydperk as wat die Raad bepaal. 10

Vergaderings van Raad en komitees

9. (1) Die Raad en sy komitees moet minstens twee maal per jaar vergader op die tye en plekke wat die betrokke voorsitter by skriftelike kennisgewing aan die betrokke lede bepaal.
- (2) Die voorsitter moet 'n vergadering van die Raad belê— 15
- (a) binne 14 dae na ontvangs van 'n skriftelike versoek wat deur minstens een derde van die lede van die Raad onderteken is; of
- (b) indien hy of sy deur die Minister versoek word om 'n vergadering te belê.
- (3) Indien beide die voorsitter en ondervoorsitter van die Raad van 'n vergadering afwesig is, moet die teenwoordige lede 'n persoon uit hulle geledere aanstel om by daardie vergadering voor te sit. 20
- (4) Die Raad moet reëls met betrekking tot die prosedure by vergaderings van die Raad en sy komitees maak, met inbegrip van die kworum by sulke vergaderings, en oor enige ander saak wat noodsaaklik of dienstig is vir die verrigting van die werksaamhede van die Raad of sy komitees. 25
- (5) Die verrigtinge van 'n vergadering van die Raad of 'n komitee is nie ongeldig slegs vanweë die feit dat daar 'n vakature op die Raad of die komitee, na gelang van die geval, bestaan ten tyde van sodanige vergadering nie.

Toelaes en vergoeding van lede van Raad en komitees

10. 'n Lid van die Raad wat ingevolge artikel 6(5) aangestel is en enige persoon wat ingevolge artikel 8(2) aangestel is as 'n lid van 'n komitee, wat nie in die voltydse diens van die Staat is nie, kan ten aansien van dienste deur hom of haar gelewer in verband met die sake van die Raad of 'n komitee, na gelang van die geval, deur die Raad—
- (a) die reis-, verblyf- en ander toelaes; en
- (b) in die geval van die voorsitter van die Raad, die bykomende besoldiging, 35
- wat die Minister met die instemming van die Minister van Finansies bepaal, betaal word.

Aanstelling van Hoof- Uitvoerende Beampte en personeel

11. (1) Die Minister moet 'n Hoof- Uitvoerende Beampte vir die Raad aanstel op aanbeveling van die lede van die Raad wat ingevolge artikel 6(5) aangestel is.
- (2) Indien die Minister nie saamstem met 'n aanbeveling van die lede van die Raad nie, moet hulle 'n ander aanbeveling maak vir oorweging deur die Minister. 40
- (3) Die Raad moet die aantal werknemers aanstel wat die Raad nodig ag om hom in die verrigting van sy werksaamhede by te staan.
- (4) Ondanks subartikel (1), is die Raad die werkgewer van die Hoof- Uitvoerende Beampte en werknemers en moet die Raad hulle vergoeding, toelaes, subsidies en ander diensvoorwaardes bepaal. 45

Werksaamhede van Hoof- Uitvoerende Beampte

12. Die Hoof- Uitvoerende Beampte—
- (a) is verantwoordelik vir die werk in verband met die verrigting deur die Raad van sy werksaamhede ingevolge hierdie Wet; 50
- (b) moet verantwoordelikhede opdra en toesig hou oor werknemers van die Raad;
- (c) is die rekenpligtige beampte van die Raad belas met rekenskap gee van geld ontvang, betalings gemaak en roerende goed deur die Raad aangekoop in

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accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

- (d) must keep minutes of the proceedings and decisions of the Council.

Funds of Council

- 13.** (1) The funds of the Council consist of— 5
- (a) money appropriated by Parliament;
 - (b) donations and contributions received by the Council;
 - (c) money received by the Council in respect of fees charged for services;
 - (d) interest received on investments referred to in subsection (5);
 - (e) money obtained by way of loans, subject to chapter 8 of the Public Finance 10
Management Act, 1999 (Act No. 1 of 1999); and
 - (f) any other income received by the Council.
- (2) The Council—
- (a) must keep a record of all funds received and spent and of all assets, liabilities 15
and financial transactions;
 - (b) subject to Chapter 6 of the Public Finance Management Act, 1999 (Act No. 1
of 1999), and at such time and in such manner as the Minister may determine,
must in each financial year submit a budget for the ensuing financial year to
the Minister for his or her approval;
 - (c) may in any financial year submit adjusted budgets to the Minister for his or her 20
approval; and
 - (d) may not incur any expenditure which exceeds the total amount approved in
terms of paragraphs (b) and (c).
- (3) If the Minister does not approve the budget of the Council, the Minister must
require the Council to provide a revised budget to him or her within a specified period. 25
- (4) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), the
funds contemplated in subsection (1) must be used by the Council in accordance with
the approved budget.
- (5) Subject to subsection (4) and the Public Finance Management Act, 1999 (Act No.
1 of 1999), the Council may invest surplus funds. 30

Alienation and encumbrance of property

- 14.** The Council may not without the prior approval of the Minister, granted with the
concurrence of the Minister of Finance—
- (a) let, sell, exchange or otherwise alienate its immovable property; or
 - (b) as long as a guarantee in terms of section 70 of the Public Finance 35
Management Act, 1999 (Act No. 1 of 1999), is in force in respect of any loan
granted to the Council—
 - (i) mortgage or otherwise encumber its immovable property acquired with
money obtained by means of that loan; and
 - (ii) let, sell, exchange or otherwise alienate, or hypothecate or otherwise 40
encumber its movable property acquired with money obtained by means
of that loan.

Audit and annual report

- 15.** (1) The statements of account and balance sheet of the Council must be audited at
the end of each financial year by a person registered as an accountant and auditor in 45
terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and
appointed by the Council with the approval of the Auditor-General.
- (2) The Council must not later than five months after the end of each financial year
submit to the Minister an annual report in such form as the Minister may determine on
the performance of its functions during that financial year, including an audited balance 50
sheet and a statement of income and expenditure.
- (3) The Minister must table the annual report, including the balance sheet and
statement of income and expenditure referred to in subsection (2), in Parliament within

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ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999); en

- (d) moet notule hou van die verrigtinge en besluite van die Raad.

Fondse van Raad**13. (1) Die fondse van die Raad bestaan uit— 5**

- (a) geld deur die Parlement bewillig;
- (b) donasies en bydraes deur die Raad ontvang;
- (c) geld deur die Raad ontvang ten opsigte van fooie gehef vir dienste;
- (d) rente ontvang op beleggings in subartikel (5) bedoel;
- (e) geld verkry by wyse van lenings, behoudens hoofstuk 8 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999); en 10
- (f) enige ander inkomste deur die Raad ontvang.

(2) Die Raad—

- (a) moet aantekeninge hou van alle fondse ontvang en uitbetaal, en van alle bates, laste en geldelike transaksies; 15
- (b) moet in elke boekjaar, op die tyd en wyse deur die Minister bepaal, behoudens Hoofstuk 6 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), 'n begroting vir die volgende boekjaar aan die Minister vir sy of haar goedkeuring voorlê;
- (c) kan in enige boekjaar aangepaste begrotings aan die Minister vir sy of haar goedkeuring voorlê; en 20
- (d) mag geen uitgawe aangaan wat die totale bedrag wat ingevolge paragrawe (b) en (c) goedgekeur is, te bowe gaan nie.

(3) Indien die Minister nie die Raad se begroting goedkeur nie, moet die Minister van die Raad vereis om 'n hersiene begroting aan hom of haar te voorsien binne 'n bepaalde tydperk. 25

(4) Die fondse in subartikel 1 beoog, moet behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), deur die Raad gebruik word in ooreenstemming met die goedgekeurde begroting.

(5) Die Raad kan, behoudens subartikel (4) en die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), surplusfondse belê. 30

Vervreemding en beswaring van eiendom

14. Die Raad mag nie sonder die vooraf goedkeuring van die Minister, wat met die instemming van die Minister van Finansies verleen is—

- (a) sy onroerende eiendom verhuur, verkoop, verruil of andersins vervreem nie; 35
- of
- (b) so lank as wat 'n waarborg ingevolge artikel 70 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), van krag is ten opsigte van enige lening aan die Raad toegestaan—
- (i) sy onroerende eiendom wat aangeskaf is met geld wat uit daardie lening verkry is, met 'n verband of andersins beswaar nie; en 40
- (ii) sy roerende eiendom wat aangeskaf is met geld wat uit sodange lening verkry is, verhuur, verkoop, verruil of andersins vervreem, of verhipoteker of andersins beswaar nie.

Oudit en jaarverslag 45

15. (1) Die finansiële state en balansstaat van die Raad moet aan die einde van elke boekjaar deur 'n persoon wat ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), en deur die Raad met die goedkeuring van die Ouditeur-generaal aangestel is, geëuditeer word.

(2) Die Raad moet nie later nie as vyf maande na die einde van elke boekjaar 'n jaarverslag in die vorm wat die Minister bepaal aan die Minister voorlê oor die verrigting van sy werksaamhede gedurende daardie boekjaar, met inbegrip van 'n geëuditeerde balansstaat en 'n staat van inkomste en uitgawes.

(3) Die Minister moet die jaarverslag, met inbegrip van die balansstaat en staat van inkomste en uitgawes in subartikel (2) bedoel, in die Parlement ter tafel lê binne een maand na ontvangs daarvan indien die Parlement dan in sitting is, en indien die 55

