

PROVINCIAL NOTICES

PROVINCE OF THE EASTERN CAPE

No. 1 17 January 2005

EASTERN CAPE SCHOOLS EDUCATION AMENDMENT ACT, 2004

It is hereby published for general information that the Premier of the Province of the Eastern Cape has assented to the above-mentioned Act.

ACT NO 5 OF 2004 (EC) EASTERN CAPE SCHOOLS EDUCATION AMENDMENT ACT, 2004

GENERAL EXPLANATORY NOTE

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in exiting enactments.

ACT

To amend the Eastern Cape Schools Education Act, 1999; to rename the Eastern Cape Education and Training Council; to reflect the Provincial demarcation into districts; and to provide for matters incidental thereto.

(English text signed by the Premier) (Assented to on 15-12-2004)

Amendment of Section 1 of Act 1 of 1999

1. Section 1 of the Eastern Cape Schools Education Act, 1999 (Act No. 1 of 1999), hereinafter referred to as the "principal Act", is hereby amended by -

(a) the substitution for the definition of "Eastern Cape Education and Training Council" of the following definition:

"Eastern Cape Education **[and Training]** Advisory Council' means the Council established by section 12 and otherwise known as the Provincial Council;"

(b) the substitution for the definition of "national party" of the following definition:

"national **[party]** policy means the national education policy determined by a competent authority within the jurisdiction of the national government;"

(c) the substitution for the definition of "region" or "district" of the following definition:

"**[region' or]** 'district means a [region or] district established in terms of section 13;"

(d) the deletion of the definition of "**[regional director]**"; and

(e) the substitution for the definition of "Treasury" of the following definition:

"**[Treasury'** shall bear the meaning assigned thereto in section 1 of the Provincial Exchequer Act, 1994 (Act No. 1 of 1994) (Eastern Cape) Treasury' means the provincial

treasury of the Province as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999)"

Amendment of section 12 of Act 1 of 1999

2. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) There is hereby established a provincial council to be known as the Eastern Cape Education **[and Training]** Advisory Council, which shall consist of -

- (a) the head of Department;
- (b) two persons designated by the head of Department from his or her staff;
- (c) two persons to represent each of the following institutions in the Province, respectively:
 - (i) universities;
 - (ii) technikons;
 - (iii) **[colleges of education]**;
 - (iv) **[technical colleges]** further education and training institutions; and
 - (v) two representatives from learner organisations.

who shall be nominated by the respective institutions in the prescribed manner;

- (d) two persons designated in the prescribed manner by the organized teaching profession;

- (e) **[two persons designated by the MEC out of nominations made in the prescribed manner by the governing bodies of public schools]** three representatives from religious organisations;

- (f) **[two persons representatives of independent schools design area a by the MEC out of organizations made in the prescribed manner by the independent schools registered with the Department]** two representatives from the business sector;

- (g) **[one person designated by the MEC out of the nominations made in the prescribed manner by the governing bodies of schools for specialized education]** two representatives from non-governmental organisations;

- (h) **[two persons representative of non-governmental organizations and learner organizations designated by the MEC; and]** two representatives from school governing bodies; and

- (i) **[two persons designated by the MEC out of nominations made in the prescribed manner by adult basic education and training as well as early childhood development providers.]**

- (j) two representatives from the community based organizations.

who shall be nominated by the respective institutions in the prescribed manner;

Substitution of section 13 of Act 1 of 1999

3. The following section is hereby substituted for section 13 of the principal Act:

"Establishment of [regions and] districts of the Department

13. The MEC may, after consultation with the Provincial Council, by notice in the Provincial Gazette -

(a) divide the Province into districts, determine the boundaries thereof and establish [regional or] district councils in respect of each as provided in section 14; and

(b) change the boundaries of, and should he or she deem it desirable dissolve such, councils and establish new councils with effect from a date mentioned in the notice".

Amendment of section 14 of Act 1 of 1999

4. Section 14 of the principal Act is hereby amended by the deletion of the words ["regional and"]".

Short title

5. This Act is called the Eastern Cape Schools Education Amendment Act, 2004.

