

# EDUCATION LAWS AMENDMENT ACT 31 OF 2007

#### GENERAL EXPLANATORY NOTE:

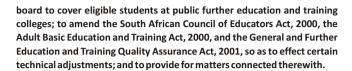
[	]	Words in bold type in square brackets indicate omission from existing enactments.
		Words underlined with a solid line indicate insertions in

existing enactments.

#### **ACT**

To amend the National Education Policy Act, 1996, so as to substitute the provision relating to consultation on the national education policy; and to amend the provision for the establishment of consultative bodies; to amend the South African Schools Act, 1996, so as to insert certain definitions; to provide for minimum norms and standards for infrastructure and capacity in public schools; to provide for random search and seizure and drug testing at schools; to provide for the functions and responsibilities of a principal; to substitute a reference to obsolete legislation; and to regulate the identification of underperforming schools; to amend the National Student Financial Aid Scheme Act, 1999, so as to effect certain technical adjustments; and to extend the functions of the





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

# Amendment of section 5 of Act 27 of 1996, as amended by section 5 of Act 48 of 1999

 Section 5 of the National Education Policy Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Policy contemplated in section 3 shall be determined by the Minister after consultation with such appropriate consultative bodies as have been established for that purpose in terms of section 11 or any other applicable law, and with the Council."

## Amendment of section 6 of Act 27 of 1996

- Section 6 of the National Education Policy Act, 1996, is hereby amended by the substitution for paragraph (b) of the following paragraph:
  - "(b) all the parties in the Education Labour Relations Council established by section 6 of the Education Labour Relations Act, 1993 (Act No. 146 of 1993) section 40 of the Labour Relations Act, 1995 (Act No. 66 of 1995), in respect of any matter falling within the objectives of that Act.".









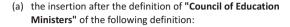


- Section 11 of the National Education Policy Act, 1996, is hereby amended by-
  - (a) the substitution for subsection (1) of the following subsection:
    - "(1) The Minister may by regulation establish a body to be known as the National Education and Training Council (NETC) and other bodies to advise him or her on any matter contemplated in section 3 or any matter identified by the Minister."; and
  - (b) the substitution for subsection (2) of the following subsection:
    - "(2) The composition, qualifications for membership, duties, powers and functions of a body established in terms of subsection (1), and the term of office of its members, shall be as prescribed by regulation[: Provided that the bodies referred to in section 5(I)(c), shall be invited to nominate representatives to any such consultative body within their respective spheres of interest].".

Amendment of section 1 of Act 84 of 1996 as amended by section 1 of Act 100 of 1997, section 6 of Act 48 of 1999, section 1 of Act 50 of 2002 and section 1 of Act 24 of 2005

 Section 1 of the South African Schools Act, 1996, is hereby amended by-



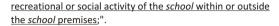


- " 'dangerous object' means-
- (a) any explosive material or device;
- (b) any firearm or gas weapon;
- any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious; or
- (d) any object that the Minister may, by notice in the Gazette, declare to be a dangerous object for the purpose of this Act;";
- (b) the insertion after the definition of "Head of Department" of the following definition:
  - " 'illegal drug' means-
  - (a) any unlawful substance that has a psychological or physiological effect; or
  - (b) any substance having such effect that is possessed unlawfully;"; and
- (c) the insertion after the definition of "school" of the following definition:
  - " 'school activity' means any official educational, cultural,









### Insertion of section 5A in Act 84 of 1996

- 5. The South African Schools Act, 1996, is hereby amended by the insertion after section 5 of the following section:
  - "Norms and standards for basic infrastructure and capacity in public schools
  - **5A.** (1) The *Minister* may, after consultation with the Council of Education Ministers, by regulation prescribe minimum uniform norms and standards for-
    - (a) school infrastructure;
    - (b) capacity of a school in respect of the number of learners a school can admit; and
    - (c) the provision of learning and teaching support material.
    - The norms and standards contemplated in subsection
       must provide for, but not be limited to, the following:
      - (a) In respect of school infrastructure, the availability of-
        - (i) classrooms;
        - (ii) electricity;
        - (iii) water;





- (iv) sanitation;
- (v) a library;
- (vi) laboratories for science, technology, mathematics and life sciences;
- (vii) sport and recreational facilities;
- (viii) electronic connectivity at a school; and
- (ix) perimeter security;
- (b) in respect of the capacity of a school -
  - (i) the number of teachers and the class size;
  - (ii) quality of performance of a school;
  - (iii) curriculum and extra-curricular choices;
  - (iv) classroom size; and
  - (v) utilisation of available classrooms of a school;
- (c) in respect of provision of learning and teaching support material, the availability of-
  - (i) stationery and supplies;
  - (ii) learning material;
  - (iii) teaching material and equipment;







- (iv) science, technology, mathematics and life sciences apparatus;
- (v) electronic equipment; and
- (vi) school furniture and other school equipment.
- (3) When determining policy in terms of sections 5(5) and 6(2) a governing body must comply with the norms and standards contemplated in subsection (1).
- (4) A governing body must, within a period of 12 months after the Minister has prescribed the norms and standards contemplated in subsection (1), review any policy that it has determined in terms of sections 5(5) and 6(2) to ensure that such policy complies with the norms and standards.".

# Amendment of section 8 of Act 84 of 1996 as amended by section 4 of Act No. 50 of 2002

- Section 8 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (5) of the following subsection:
  - "(5) (a) A code of conduct must contain provisions of due process safe-guarding the interests of the *learner* and any other party involved in disciplinary proceedings.
    - (b) The code of conduct must also provide for support measures or structures for counselling a *learner* involved in disciplinary proceedings.".





# Insertion of section 8A in Act 84 of 1996

7. The South African Schools Act, 1996, is hereby amended by the insertion after section 8 of the following section:

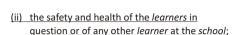
#### "Random search and seizure and drug testing at schools

- 8A. (1) Unless authorised by the *principal* for legitimate educational purposes, no person may bring a *dangerous object* or *illegal drug* onto *school* premises or have such object or drug in his or her possession on *school* premises or during any *school activity*.
  - (2) Subject to subsection (3), the principal or his or her delegate may, at random, search any group of learners, or the property of a group of learners, for any dangerous object or illegal drug, if a fair and reasonable suspicion has been established-
    - (a) that a dangerous object or an illegal drug may be found on school premises or during a school activity; or
    - (b) that one or more learners on school premises or during a school activity are in possession of dangerous objects or illegal drugs.
  - (3) (a) A search contemplated in subsection (2) may only be conducted after taking into account all relevant factors, including -
    - the best interest of the learners in question or of any other learner at the school;



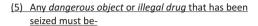






- (iii) reasonable evidence of illegal activity; and
- (iv) all relevant evidence received.
- (b) When conducting a search contemplated in subsection (2), the principal or his or her delegate must do so in a manner that is reasonable and proportional to the suspected illegal activity.
- (4) Where a search contemplated in subsection (2) entails a body search of the learners in question, such search may only-
  - (a) be conducted by-
    - (i) the principal, if he or she is of the same gender as the learner; or
    - (ii) by the *principal's* delegate, who must be of the same gender as the *learner*;
  - (b) be done in a private area, and not in view of another *learner*;
  - (c) be done if one adult witness, of the same gender as the learner, is present; and
  - (d) be done if it does not extend to a search of a body cavity of the learner.



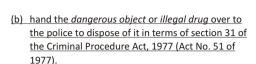


- (a) clearly and correctly labelled with full particulars, including-
  - (i) the name of *learner* in whose possession it was found:
  - (ii) the time and date of search and seizure;
  - (iii) an incident reference number;
  - (iv) the name of person who searched the learner;
  - (v) the name of the witness: and
  - (vi) any other details that may be necessary to identify the item and incident;
- (b) recorded in the school record book; and
- (c) handed over to the police immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (6) If the police cannot collect the dangerous object or illegal drug from the school immediately, the principal or his or her delegate must-
  - (a) take the dangerous object or illegal drug to the nearest police station; and









- (7) The police officer who receives the dangerous object or illegal drug must issue an official receipt for it to the principal or to his or her delegate.
- (8) The principal or his or her delegate may at random administer a urine or other non-invasive test to any group of learners that is on fair and reasonable grounds suspected of using illegal drugs, after taking into account all relevant factors contemplated in subsection (3).
- (9) A learner contemplated in subsection (8) may be subjected to a urine or other non-invasive test for illegal drugs only if-
  - (a) the test is conducted by a person of the same gender;
  - (b) it is done in a private area and not in view of another *learner*;
  - (c) one adult witness, of the same gender as the learner, is present;
  - (d) the sample is clearly and correctly labelled with full particulars as contemplated in subsection (5), with the necessary changes; and
  - (e) a device contemplated in subsection (11) is used.



- (a) within one working day, if practicable, inform the parent that a random test or search and seizure was done in respect of his or her child; and
- (b) inform the learner and his or her parent of the result of the test immediately after it becomes available.

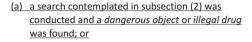
#### (11) The Minister must-

- (a) identify the device with which the test
  contemplated in subsection (8) is to be done and
  the procedure to be followed: and
- (b) publish the name of this device, and any other relevant information about it. in the *Gazette*.
- (12) A learner may be subjected to disciplinary proceedings if-
  - (a) a dangerous object or illegal drug is found in his or her possession; or
  - (b) his or her sample tested positive for an illegal drug.
- (13) Any disciplinary proceedings in respect of a learner must be conducted in terms of the code of conduct contemplated in section 8.
- (14) No criminal proceedings may be instituted by the school against a learner in respect of whom-









(b) a test contemplated in subsection (8) was conducted, which proved to be positive.".

## Insertion of section 16A in Act 84 of 1996

8. The South African Schools Act, 1996, is hereby amended by the insertion after section 16 of the following section:

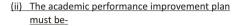
"Functions and responsibilities of principal of public school

- 16A.(1) (a) The principal of a public school represents the Head of Department in the governing body when acting in an official capacity as contemplated in sections 23(1)(b) and 24(1)(j).
  - (b) The principal must prepare and submit to the Head of Department an annual report in respect of-
    - the academic performance of that school in relation to minimum outcomes and standards and procedures for assessment determined by the Minister in terms of section 6A; and
    - (ii) the effective use of available resources.
  - (c) (i) The principal of a public school identified by the

    Head of Department in terms of section 58B

    must annually, at the beginning of the year,
    prepare a plan setting out how academic
    performance at the school will be improved.

Legislation Matters 223



(aa) presented to the *Head of Department* on a date determined by him or her; and

(bb) tabled at a governing body meeting.

- (iii) The Head of Department may approve the academic performance improvement plan or return it to the principal with such recommendations as may be necessary in the circumstances.
- (iv) If the Head of Department approves the academic performance improvement plan the principal must, by 30 June, report to the Head of Department and the governing body on progress made in implementing that plan.
- (v) The Head of Department may extend the date contemplated subparagraph (iv) on good cause shown.

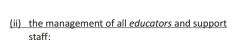
# (2) The principal must-

- (a) in undertaking the professional management of a public school as contemplated in section 16(3), carry out duties which include, but are not limited to-
  - (i) the implementation of all the educational programmes and curriculum activities;



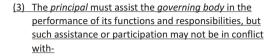






- (iii) the management of the use of learning support material and other equipment;
- (iv) the performance of functions delegated to him or her by the *Head of Department* in terms of this Act;
- (v) the safekeeping of all school records; and
- (vi) the implementation of policy and legislation;
- (b) attend and participate in all meetings of the governing body;
- (c) provide the governing body with a report about the professional management relating to the public school;
- (d) assist the *governing body* in handling disciplinary matters pertaining to *learners*;
- (e) assist the *Head of Department* in handling

  disciplinary matters pertaining to *educators* and
  support staff employed by the *Head of Department*;
- (f) inform the *governing body* about policy and legislation; and
- (g) provide accurate data to the *Head of Department* when requested to do so.



- (a) instructions of the Head of Department;
- (b) legislation or policy;
- (c) an obligation that he or she has towards the Head of Department, the Member of the Executive Council or the Minister, or
- (d) a provision of the Employment of Educators Act, 1998 (Act No. 76 of 1998), and the Personnel Administration Measures determined in terms thereof."

# Amendment of section 20 of Act 84 of 1996

- Section 20 of the South African Schools Act, 1996, is hereby amended by-
  - (a) the insertion in subsection (1) after paragraph (e) of the following paragraph:
    - "(eA) adhere to any actions taken by the Head of

      Department in terms of section 16 of the Employment of

      Educators Act, 1998 (Act No. 76 of 1998), to address the

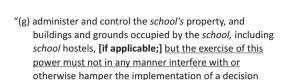
      incapacity of a principal or educator to carry out his or

      her duties effectively;";
  - (b) the substitution in subsection (1) for paragraph (g) of the following paragraph:









made by the Member of the Executive Council or Head of Department in terms of any law or policy:": and

- (c) the insertion in subsection (1) after paragraph (j) of the following paragraph:
  - "(jA) make the recommendation contemplated in paragraph (j) within the time frames contemplated in section 6(3)(l) of the Employment of Educators Act, 1998 (Act No. 76 of 1998).".

### Amendment of section 43 of Act 84 of 1996

- Section 43 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:
  - "(1) The *governing body* of a *public school* must appoint a person registered as an [accountant and] auditor in terms of the [Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991)]

    Auditing Profession Act, 2005 (Act No. 26 of 2005), to audit the records and financial statements referred to in section 42."

# Insertion of sections 58B and 58C in Act 84 of 1996

11. The South African Schools Act, 1996 is hereby amended by the insertion after section 58A of the following sections:







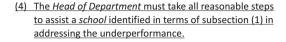
## "Identification of underperforming public schools

- 58B. (1) The *Head of Department* must, annually, from the report contemplated in section 16A (1)(b) and from other relevant reports, identify any *public school* that is underperforming in relation to any matter referred to in subsection (2)(a), (b) or (c).
  - (2) The Head of Department must issue a written notice to the school contemplated in subsection (1), if he or she is satisfied that-
    - (a) the standard of performance of *learners* is below the standards prescribed by the National Curriculum Statement and is likely to remain so unless the *Head of Department* exercises his or her power in terms of this Act;
    - (b) there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, the standards of performance; or
    - (c) the safety of *learners* or staff is threatened.
  - (3) The written notice contemplated in subsection (2) must inform the school that it must-
    - (a) within 14 days after delivery of the notice, respond to the notice; and
    - (b) as soon as possible after that response, provide the Head of Department with a plan for correcting the situation.









- (5) Without limiting the nature and extent of the steps contemplated in subsection (4), the Head of Department must consider-
  - (a) implementing the incapacity code and procedures for poor work performance referred to in section 16 of the Employment of Educators Act, 1998 (Act No. 76 of 1998);
  - (b) withdrawing the functions of the governing body in terms of section 22; or
  - (c) appointing persons in terms of section 25 to perform the functions or specified functions of the governing body.
- (6) The counselling of the principal as contemplated in Item 2(5)(b)(ii) of Schedule 1 to the Employment of Educators Act, 1998 (Act No. 76 of 1998), may include the appointment of an academic mentor to take over the functions and responsibilities of the principal for the period determined by the Head of Department.
- (7) In order to assist the *Minister* in carrying out his or her duties referred to in section 8 of the National Education Policy Act, 1996 (Act No. 27 of 1996), the *Member of the Executive Council* must report to the *Minister* within three months after the end of a school year on the action taken by the *Head of Department* in regard to an underperforming public school.

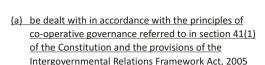
## Compliance with norms and standards

- 58C. (1) The Member of the Executive Council must, in accordance with an implementation protocol contemplated in section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), ensure compliance with-
  - (a) norms and standards determined in terms of sections 5 A, 6(1), 20(11), 35 and 48(1);
  - (b) minimum outcomes and standards set in terms of section 6A: and
  - (c) performance standards contemplated in Item 2(2) of Schedule 1 to the Employment of Educators Act, 1998 (Act No. 76 of 1998), (in this section jointly referred to as 'norms and standards').
  - (2) The Member of the Executive Council must ensure that the policy determined by a governing body in terms of sections 5(5) and 6(2) complies with the norms and standards.
  - (3) The Member of the Executive Council must, annually, report to the Minister the extent to which the norms and standards have been complied with or, if they have not been complied with, indicate the measures that will be taken to comply.
  - (4) Any dispute between the Minister and a Member of the Executive Council in respect of non-compliance with the norms and standards contemplated in subsection (1) must-





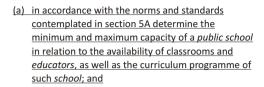




- (b) whenever necessary, be settled in accordance with Chapter 4 of the Intergovernmental Relations Framework Act. 2005.
- (5) The Head of Department must comply with all norms and standards contemplated in subsection (1) within a specific public school year by-

(Act No. 13 of 2005); and

- (a) identifying resources with which to comply with such norms and standards;
- (b) identifying the risk areas for compliance;
- (c) developing a compliance plan for the province, in which all norms and standards and the extent of compliance must be reflected;
- (d) developing protocols with the Ion how to comply with norms and standards and manage the risk areas; and
- (e) reporting to the Member of the Executive Council on the state of compliance and on the measures contemplated in paragraphs (a) to (d), before 30 September of each year.
- (6) The Head of Department must-



(b) in respect of each *public school* in the province, communicate such determination to the chairperson of the *governing body* and the *principal*, in writing, by not later than 30 September of each year.".

#### Amendment of section 60 of Act 84 of 1996

- Section 60 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:
  - " (1) (a) [The] Subject to paragraph (b), the State is liable for any damage or loss caused as a result of any act or\_omission in connection with any [educational] school activity conducted by a public school and for which such public school would have\_been liable but for the provisions of this section.
    - (b) Where a public school has taken out insurance and the school activity is an eventuality covered by the insurance policy, the liability of the State is limited to the extent that the damage or loss has not been compensated in terms of the policy.".







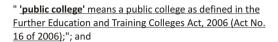
### Amendment of section 1 of Act 56 of 1999

- Section 1 of the National Student Financial Aid Scheme Act, 1999, is hereby amended by-
  - (a) the substitution for the definition of "designated higher education institution" of the following definition:
    - " 'designated public college or designated higher education institution' means a public college or a higher education institution with which the NSFAS has entered into an agreement in terms of section 20;";
  - (b) the insertion after the definition of "financial year" of the following definition:
    - "'further education and training' has the meaning assigned to it in the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006);";
  - (c) the substitution for the definition of "loan" of the following definition:
    - " 'loan' means a loan granted to a person by the NSFAS in order to enable the person to defray the costs connected with his or her education at <u>a designated public college</u> or designated higher education institution, and those connected with the board and lodging of that person for purposes of attending the institution;";
  - (d) the insertion after the definition of "NSFAS" of the following definition:









- (e) the substitution for the definition of "student" of the following definition:
  - " **'student'** means any person registered as a student at <u>a</u> public college or at a higher education institution;".

### Amendment of section 2 of Act 56 of 1999

14. The following section is hereby substituted for section 2 of the National Student Financial Aid Scheme Act, 1999:

#### "Purpose of Act

- (1) The purpose of this Act is to establish a financial aid scheme for students <u>at public colleges or</u> at higher education institutions.
  - (2) The aim of the NSFAS is to provide financial aid to eligible students who meet the criteria for admission to a further education and training programme or to a higher education programme.".

# Amendment of section 5 of Act 56 of 1999

- Section 5 of the National Student Financial Aid Scheme Act, 1999, is hereby amended by-
  - (a) the substitution in subsection (2) for paragraph (b) of the following paragraph:









- is broadly representative of <u>the further education</u> <u>and training system</u>, the higher education system and related interests:
- (ii) has deep knowledge and understanding of <u>further</u> education and training and higher education;
- (iii) has financial expertise and experience;
- (iv) appreciates the role of the <u>further education and</u> training and higher education [system] <u>systems</u> in reconstruction and development; and
- (v) has known and attested commitment to the interests of <u>further education and training and</u> higher education; and"; and
- (b) the substitution in subsection (3)(c) for subparagraphs(v) and (vi) of the following subparagraphs:
  - "(v) [technikon] university of technology principals;
  - (vi) [higher education] further education and training college principals;".

# Amendment of section 20 of Act 56 of 1999

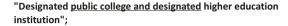
- Section 20 of the National Student Financial Aid Scheme Act, 1999, is hereby amended by-
  - (a) the substitution for the heading to that section of the following heading:











- (b) the substitution for subsection (1) of the following subsection:
  - "(1) The board may enter into an agreement with <u>a public college or</u> a higher education institution which agrees to become a designated <u>public college or designated</u> higher education institution for purposes of administering loans and bursaries to students of that institution on behalf of the NSFAS."; And
- (c) the substitution for subsection (3) of the following subsection:
  - "(3) A designated <u>public college or designated</u> higher education institution must-
  - (a) at such intervals as are agreed on by the <u>college or</u> institution and the board, report to the board on the progress made by a borrower or a bursar with regard to the course of study followed by him or her; and
  - (b) immediately notify the board if a borrower or bursar discontinues his or her studies.".

# Amendment of section 25 of Act 56 of 1999

Section 25 of the National Student Financial Aid Scheme Act,
 1999, is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:







- "(1) Every science, research and professional council, every <u>public college and</u> higher education institution, and any other person or body who grants loans or bursaries to students must provide the NSFAS with such information as the NSFAS may reasonably require for the performance of its functions in terms of this Act;
- (2) The NSFAS must on request provide such information as may be reasonably required by the science, research and professional councils, <u>public colleges and</u> higher education institutions and any other persons or bodies who grant loans or bursaries to students."

# **Substitution of long title of Act 56 of 1999**

 The following long title is hereby substituted for the long title of the National Student Financial Aid Scheme Act, 1999:

"To establish the National Student Financial Aid Scheme [(NSFAS)]; to provide for the management, governance and administration of the [NSFAS] <a href="scheme">scheme</a>; to provide for the granting of loans and bursaries to eligible students at <a href="public colleges and">public higher education institutions and for the administration of such loans and bursaries; to provide for the recovery of loans; to provide for the repeal of the Provision of Special Funds for Tertiary Education and Training Act, 1993; and to provide for matters connected therewith."

### Amendment of section 1 of Act 31 of 2000

 Section 1 of the South African Council for Educators Act, 2000, is hereby amended by the deletion of the definition of "further education and training institution".











 Section 3 of the South African Council for Educators Act, 2000, is hereby amended by the substitution for section 3 of the following section:

#### "Application of Act

- This Act applies to all educators, <u>lecturers and management</u> <u>staff of colleges</u> appointed-
  - (a) in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998);
  - (b) in terms of the South African Schools Act, 1996 (Act No. 84 of 1996);
  - (c) [at an independent school] in terms of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006);
  - (d) [in terms of the Further Education and Training Act, 1998 (Act No. 98 of 1998)] in terms of the Public Service Act, 1994 (Proclamation 103 of 1994);
  - (e) [at a further education and training institution;] at an independent school; or
  - (f) at an adult learning centre.".







## Amendment of section 6 of Act 31 of 2000

- Section 6 of the South African Council for Educators Act, 2000, is hereby amended by-
  - (a) the substitution in subsection (1) for paragraph (b) of the following paragraph:
    - "(b) [18] 14 educators and 4 lecturers collectively nominated by the organised profession;";
  - (b) the substitution in subsection (1) for paragraph (f) of the following paragraph:
    - "(f) one person nominated by the councils [of further education and training institutions] contemplated in [section 8] section 9 of the [Further Education and Training Act, 1998 (Act No. 98 of 1998)] Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006);"; and
  - (c) the substitution for subsection (2) of the following subsection:
    - "(2) The members referred to in subsection (1)(b) must **[consist of]** <u>be</u> educators, <u>lecturers[, including]</u> <u>and</u> principals[,] employed at or in **[each of]** the following institutions or sectors:
      - (a) A public ordinary school;
      - (b) an independent school;











- (d) a private further education and training [institution] college;
- (e) early childhood development sector;
- (f) an adult learning centre; or
- (g) the learners with special education needs sector.".

#### Amendment of section 1 of Act 52 of 2000

 Section 1 of the Adult Basic Education and Training Act, 2000, is hereby amended by the deletion of the definition of "auditor".

## Amendment of section 8 of Act 52 of 2000

- 23. Section 8 of the Adult Basic Education and Training Act, 2000, is hereby amended by the substitution for subsection (1) of the following subsection:
  - "(1) Every public centre [must establish a governing body], except a public centre contemplated in section 2\(\)(d) of the South African Schools Act, 1996 (Act No. 84 of 1996),[or section 9 of the Further Education and Training Act, 1998 (Act No. 98 of 1998)] must establish a governing body."







## Amendment of section 24 of Act 52 of 2000

24. Section 24 of the Adult Basic Education and Training Act, 2000, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) The governing body of a public centre must appoint a person registered as an accountant and auditor in terms of the [Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991)]

Auditing Profession Act, 2005 (Act No. 26 of 2005), to audit the records and financial statements referred to in subsection (1)."

#### Substitution of section 2 of Act 58 of 2001

25. The following section is hereby substituted for section 2 of the General and Further Education and Training Quality Assurance Act, 2001:

#### "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)] Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006); or
  - (c) Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000).".







- Section 15 of the General and Further Education and Training Quality Assurance Act, 2001, is hereby amended by the substitution for subsection (1) of the following subsection:
  - "(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 terms of the [Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991)]

    Auditing Profession Act, 2005 (Act No. 26 of 2005), and appointed by the Council with the approval of the Auditor-General.".

#### **Short Title**

27. This Act is called the Education Laws Amendment Act, 2007.





