



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 449 Cape Town 28 November 2002 No. 24113

THE PRESIDENCY

No. 1498 28 November 2002

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

No. 50 of 2002: Education Laws Amendment Act, 2002.



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

GENERAL EXPLANATORY NOTE:

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

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

(English text signed by the President.)
(Assented to 24 November 2002.)

BILL

To amend the South African Schools Act, 1996, so as to provide for a national curriculum and the process for the assessment of learner achievement in public and independent schools; to make provision for the appointment of an intermediary to assist minor learners in disciplinary hearings; and to provide for admission age requirements for public and independent schools; to amend the Employment of Educators Act, 1998, so as to make provision for an appointment of an intermediary to assist minor learners in disciplinary hearings and for certain definitions; to amend the Further Education and Training Act, 1998, so as to provide for safety measures at public and private further education and training institutions; to provide for a national curriculum and the process for assessment of student achievement for public and private further education and training institutions; and to effect textual corrections relating to the registration of private further education and training institutions; to amend the Adult Basic Education and Training Act, 2000, so as to effect textual corrections; to provide for safety measures at public and private centres; and to provide for a national curriculum and the process for the assessment of learner achievement for public and private centres; to amend the General and Further Education and Training Quality Assurance Act, 2001, so as to effect textual corrections; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 84 of 1996

1. Section 1 of the South African Schools Act, 1996 (hereinafter referred to as the Schools Act), is amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) Footnotes appearing in *this Act* must not be used in the interpretation of any provision of *this Act*.”.

Amendment of section 5 of Act 84 of 1996

2. Section 5 of the Schools Act is amended by the substitution for subsection (4) of the following subsection:

- “(4) (a) The admission age of a *learner* to a *public school* to—
- (i) *grade R* is age four turning five by 30 June in the year of admission; 5
 - (ii) *grade 1* is age five turning six by 30 June in the year of admission.
- (b) Subject to the availability of suitable *school* places and other educational resources, the *Head of Department* may admit a *learner* who—
- (i) is under the age contemplated in paragraph (a) if good cause is shown; and
 - (ii) complies with the criteria contemplated in paragraph (c). 10
- (c) The *Minister* may, by regulation, prescribe—
- (i) criteria for the admission to a *public school*, at an age lower than the admission age, of an underage *learner* who complies with the criteria¹;
 - (ii) age requirements for different *grades* at a public school.
- (d) For the purpose of paragraph (b)(i), good cause shown means that— 15
- (i) it can be shown that exceptional circumstances exist which necessitate the admission of an underage *learner* because admission would be in his or her best interest; and
 - (ii) the refusal to admit that *learner* would be severely detrimental to his or her development.”. 20

Insertion of section 6A in Act 84 of 1996

3. The Schools Act is amended by the insertion after section 6 of the following section:

“Curriculum and assessment

- 6A.** (1) The *Minister* must, by notice in the *Government Gazette*, 25
determine—
- (a) a national curriculum statement indicating the minimum outcomes or standards; and
 - (b) a national process and procedures for the assessment of *learner* achievement. 30
- (2) The curriculum and the process for the assessment of *learner* achievement contemplated in subsection (1) must be applicable to *public* and *independent schools*.”.

Amendment of section 8 of Act 84 of 1996

4. Section 8 of the Schools Act is amended by the addition after subsection (5) of the following subsections: 35

- “(6) A *learner* must be accompanied by his or her *parent* or a person designated by the *parent* at disciplinary proceedings, unless good cause is shown by the *governing body* for the continuation of the proceedings in the absence of the *parent* or the person designated by the *parent*. 40
- (7) Whenever disciplinary proceedings are pending before any *governing body*, and it appears to such *governing body* that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the *governing body* may, if practicable, appoint a competent person as

1. It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable and effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

- (a) learners are admitted on an equitable basis;
- (b) there is no unfair discrimination to learners;
- (c) the admission is fair to the individual learner as well as other learners in the classroom;
- (d) recognition is given to the diversity of language, culture and economic background;
- (e) notice is taken of the differences between urban and rural environments; and
- (f) the physical, psychological and mental development of the child is taken into account.

an intermediary in order to enable such witness to give his or her evidence through that intermediary.

(8) (a) An examination, cross-examination or re-examination of a witness in respect of whom a *governing body* has appointed an intermediary under subsection (7), except examination by the *governing body*, must not take place in any manner other than through that intermediary.

(b) Such intermediary may, unless the *governing body* directs otherwise, convey the general purport of any question to the relevant witness.

(9) If a *governing body* appoints an intermediary under subsection (7), the *governing body* may direct that the relevant witness must give his or her evidence at any place which—

(a) is informally arranged to put that witness at ease;

(b) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and

(c) enables the *governing body* and any person whose presence is necessary at the relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.”.

Insertion of section 10A in Act 84 of 1996

5. The Schools Act is amended by the insertion after section 10 of the following section:

“Prohibition of initiation practices

10A. (1) A person may not conduct or participate in any initiation practices against a *learner* at a *school* or in a hostel accommodating *learners* of a *school*.

(2) (a) Any person who contravenes subsection (1) is guilty of misconduct and disciplinary action must be instituted against such a person in accordance with the applicable code of conduct, prescribed in sections 8 and 18A of *this Act* and Schedule 2 to the Employment of Educators Act, 1998 (Act No. 76 of 1998).

(b) In addition to paragraph (a), a *learner* may institute civil action against a person or a group who manipulated and forced that *learner* to conduct or participate in any initiation practices.

(3) For the purposes of *this Act*, “initiation practices” means any act which in the process of initiation, admission into, or affiliation with, or as condition for continued membership of, a *school*, a group, intramural or extramural activities, interschools sports team, or organisation—

(a) endangers the mental or physical health or safety of a person;

(b) undermines the intrinsic worth of human beings by treating some as inferior to others;

(c) subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights;

(d) undermines the fundamental rights and values that underpin the *Constitution*;

(e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern; or

(f) destroys public or private property.

(4) In considering whether the conduct or participation of a person in any initiation practices falls within the definition of subsection (3), the relevant disciplinary authority referred to in subsection (2)(a) must take into account the right of the *learner* not to be subjected to such practices.”.

Insertion of section 18A in Act 84 of 1996

6. The Schools Act is amended by the insertion after section 18 of the following section:

“Code of conduct of governing body

18A. (1) The *Member of the Executive Council* must, by notice in the Provincial Gazette, determine a code of conduct for the members of the governing body of a public school after consultation with associations of governing bodies in that province, if applicable.

(2) The code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment dedicated to the improvement and maintenance of a quality governance structure at a public school.

(3) All members of a governing body must adhere to the code of conduct.

(4) The code of conduct must contain provisions of due process, safeguarding the interests of the members of the governing body in disciplinary proceedings.

(5) The Head of Department may suspend or terminate the membership of a governing body member for a breach of the code of conduct after due process.

(6) A member of the governing body may appeal to the *Member of the Executive Council* against a decision of a *Head of Department* regarding the suspension or termination of his or her membership as a governing body member.”.

Amendment of section 38 of Act 84 of 1996

7. Section 38 of the Schools Act is amended by the addition after subsection (2) of the following subsection:

“(3) The notice contemplated in subsection (2) must also inform the parents that the budget will be available for inspection at the school at least 14 days prior to the meeting.”.

Insertion of section 45A in Act 84 of 1996

8. The Schools Act is amended by the insertion after section 45 of the following section:

“Admission age to independent school

45A. (a) The admission age of a learner to an independent school to—

- (i) grade R is age four turning five by 30 June in the year of admission;
- (ii) grade 1 is age five turning six by 30 June in the year of admission.

(b) An independent school may admit a learner who—

- (i) is under the age contemplated in paragraph (a) if good cause is shown; and
- (ii) complies with the criteria contemplated in paragraph (c).

(c) The Minister may, by regulation, prescribe—

- (i) criteria² for the admission to an independent school at an age lower than the admission age of an underage learner who complies with the criteria;
- (ii) age requirements for different grades at an independent school.

(d) For the purpose of paragraph (b)(i), good cause shown means that—

2. It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable, effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

- (a) learners are admitted on an equitable basis;
- (b) there is no unfair discrimination to learners;
- (c) the admission is fair to the individual learner as well as other learners in the classroom;
- (d) recognition is given to the diversity of language, culture and economic background;
- (e) notice is taken of the differences between urban and rural environments; and
- (f) the physical, psychological and mental development of the child are taken into account.

- (i) it can be shown that exceptional circumstances exist which necessitate the admission of an underage *learner* because admission would be in his or her best interest; and
- (ii) the refusal to admit that *learner* would be severely detrimental to his or her development.”

5

Substitution of section 61 of Act 84 of 1996, as amended by section 5 of Act 53 of 2000

9. Section 61 of the Schools Act is amended by the substitution for section 61 of the following section:

“Regulations

10

61. The *Minister* may make regulations—

- (a) to provide for safety measures at *public and independent schools*;
- (b) on any matter which must or may be prescribed by regulation under *this Act*; [and]
- (c) to prescribe a national curriculum statement applicable to *public and independent schools*;
- (d) to prescribe a national process and procedures for the assessment of *learner* achievement in *public and independent schools*;
- (e) to prescribe a national process for the assessment, monitoring and evaluation of education in *public and independent schools*;
- (f) on initiation practices at *public and independent schools*;
- (g) to prescribe the age norm per grade in *public and independent schools*;
- (h) to provide for norms and minimum standards for *school* funding; and
- (i) on any matter which may be necessary or expedient to prescribe in order to achieve the objects of *this Act*.”

15

20

25

Insertion of section 6A in Act 76 of 1998

10. The Employment of Educators Act, 1998 (hereinafter referred to as the Educators Act), is amended by the insertion after section 6 of the following section:

“First appointment or appointment after break in service of educator

- 6A.** (1) Despite section 6(3)(a), in the case of a first appointment or an appointment after one or more years’ break in service to any provincial department of education, the employer may—
- (a) receive applications from first-time applicants or applicants returning after a break in service;
 - (b) process the applications and match applications to vacant posts; and
 - (c) make appointments to a school subject to subsection (2).
- (2) The appointment contemplated in subsection (1) may only be made after the employer has—
- (a) consulted the relevant governing body on the specific post and the requirements thereof;
 - (b) ensured that the applicant to be appointed matches the requirements of the post; and
 - (c) ensured that the applicant has prescribed qualifications.”

30

35

40

Amendment of section 8 of Act 76 of 1998, as amended by section 16 of Act 48 of 1999

45

11. Section 8 of the Educators Act is amended by the addition of the following subsection:

“(7) Despite section 6(3)(a), in the case of an educator who has been awarded a bursary by the employer to follow a course approved by the employer, the employer may transfer such an educator, with his or her consent, to any suitable post on the educator establishment of a public school, a further education and training institution or an adult basic education and training centre.”

50

Amendment of item 2 of Schedule 1 to Act 76 of 1998

12. Item 2 of Schedule 1 to the Educators Act is amended by the substitution for subitem (2) of the following subitem:

“(2) Despite section 4 of this Act, the performance of educators must be evaluated according to performance standards [agreed upon by the parties to the Educators Labour Relations Council] which may be prescribed by the Minister.”.

Amendment of item 7 of Schedule 2 to Act 76 of 1998

13. Item 7 of Schedule 2 to the Educators Act, 1998, is amended—

(a) by the insertion after subitem (7) of the following subitem: 10

“(7A)(a) The record referred to in subitem (7) includes an electronic recording of the proceedings.

(b) A transcript of electronic recordings or a portion of the transcript of a recording may be made on request of the educator or his or her representative on payment of the prescribed fee contemplated in section 22 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).”; and 15

(b) by the insertion after subitem (10) of the following subitem:

“(10A)(a) Whenever disciplinary proceedings are pending before any presiding officer, and it appears to him or her that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the presiding officer may, if practicable, appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary.

(b) (i) An examination, cross-examination or re-examination of a witness in respect of whom the presiding officer has appointed an intermediary under paragraph (a), except examination by the presiding officer, must not take place in any manner other than through that intermediary. 25

(ii) Such intermediary may, unless the presiding officer directs otherwise, convey the general purport of any question to the relevant witness. 30

(c) If the presiding officer appoints an intermediary under paragraph (a), he or she may direct that the relevant witness must give his or her evidence at any place which— 35

(i) is informally arranged to put that witness at ease;

(ii) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and

(iii) enables the presiding officer and any person whose presence is necessary at the relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.”.

Amendment of section 1 of Act 98 of 1998

14. Section 1 of the Further Education and Training Act, 1998 (hereinafter referred to as the Education and Training Act), is amended by— 45

(a) the insertion after the definition of “financial year” of the following definition:

“ ‘foreign juristic person’ means a person—

(i) registered or established as a juristic person in terms of a law of a foreign country; and 50

(ii) recognised or registered as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973);”;

(b) the substitution for paragraph (c) of the definition of “further education and training institution” of the following paragraph: 55

“(c) registered or [conditionally] provisionally registered as a private further education and training institution under this Act;”;

- (c) the insertion after the definition of "higher education" of the following definition:

" 'local juristic person' means a person established as a juristic person in South Africa in terms of the Companies Act, 1973 (Act No. 61 of 1973);"

- (d) the substitution for the definition of "registrar" of the following definition:

" 'registrar' means the registrar [designated by the Director-General] referred to in [terms of] section 23(1);" and

- (e) the insertion after the definition of "this Act" of the following definition:

" 'to provide further education and training' means—

- (a) the registering of students for all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; and

- (b) the taking of responsibility for the registration of students, the provision and delivery of the curriculum and assessment of students."

Insertion of section 16A in Act 98 of 1998

15. The Education and Training Act is amended by the insertion after section 16 of the following section:

"Prohibition of corporal punishment and initiation practices

16A. (1) A person may not administer corporal punishment to a student at a further education and training institution.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which may be imposed for assault.

(3) A person may not conduct or participate in initiation practices at public and private further education and training institutions.

(4) Any person who contravenes subsection (3) is guilty of misconduct and disciplinary action must be instituted against such a person.

(5) In addition to subsection (4), a person may institute civil action against a person or a group who manipulated and forced that person to conduct or participate in any initiation practices.

(6) For the purposes of this Act, "initiation practices" means any act which in the process of initiation, admission into, or affiliation with, or as condition for continued membership of, a further education and training institution, a group, intramural or extramural activities, inter-institution sports teams, or organisation—

- (a) endangers the mental or physical health or safety of a person;
(b) undermines the intrinsic worth of human beings by treating some as inferior to others;

- (c) subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights;

- (d) undermines the fundamental rights and values that underpin the Constitution;

- (e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern; or

- (f) destroys public or private property.

(7) In considering whether the conduct or participation of a person in any initiation practices falls within the definition of subsection (6), the relevant disciplinary authority referred to in subsection (4) must take into account the right of the student not to be subjected to such practices."

Amendment of section 23 of Act 98 of 1998

16. Section 23 of the Education and Training Act is amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) The Director-General [must designate an employee of the Department as] is the registrar of private further education and training institutions.

(2) The **[Director-General]** Minister may designate any other employee of the Department of Education to assist the registrar in the performance of his or her functions in terms of this Act.”.

Substitution of section 24 of Act 98 of 1998

17. The following section is substituted for section 24 of the Education and Training Act: 5

“Registration of private further education and training institution

24. (1) A person other than a public further education and training institution or an organ of state may not provide further education and training unless that person is— 10

- (a) registered or recognised as a juristic person in terms of the Companies Act, 1973 (Act No. 61 of 1973); and
- (b) registered or provisionally registered as a private further education and training institution in terms of this Act.”.

Amendment of section 26 of Act 98 of 1998 15

18. Section 26 of the Education and Training Act is amended by the substitution for subparagraphs (ii) and (iii) of paragraph (b) of subsection (1) of the following subparagraphs, respectively:

“(ii) will comply with the requirements of the General and Further Education and Training Quality Assurance Council; and 20

(iii) complies with any other reasonable requirement prescribed by the Minister; and”.

Amendment of section 27 of Act 98 of 1998

19. Section 27 of the Education and Training Act is amended by— 25

(a) the substitution for subsection 1 of the following subsection:

“(1) The registrar—

- (a) must consider any application for registration as a private further education and training institution and any further information, particulars or documents provided by the applicant;
- (b) may, when considering the application, differentiate between a foreign juristic person and local juristic person with regard to matters such as its scope and range of operations, its size and its institutional configuration; and 30
- (c) may register the applicant as a private further education and training institution if the requirements for registration contemplated in section 26 are fulfilled.”; 35

(b) the substitution for subsections (3) and (4) of the following subsections, respectively:

“(3) Notwithstanding subsection (1), the registrar may **[conditionally]** provisionally register an applicant, other than a foreign juristic person, who does not fulfill the requirements for registration contemplated in section 26, if the registrar believes that the applicant will be able to fulfill the relevant requirements within a reasonable period. 40

(4) If the registrar **[conditionally]** provisionally registers an applicant under subsection (3), the registrar must— 45

- (a) determine the period within which the applicant must satisfy the requirements for registration;
- (b) enter the applicant’s name in the appropriate register of private further education and training institutions;
- (c) issue a certificate of **[conditional]** provisional registration, stating the terms and the duration of such registration; 50
- (d) **[furnish]** provide the certificate of **[conditional]** provisional registration to the applicant; and
- (e) as soon as practicable after the decision, publish the certificate of **[conditional]** provisional registration in the *Gazette*.”; and 55

- (c) the substitution in subsection (6) for paragraph (b) of the following paragraph:
 “(b) If, by the expiry of the period, the applicant fails to satisfy the requirements for registration specified by the registrar, the applicant’s [conditional] provisional registration lapses.”.

Amendment of section 28 of Act 98 of 1998

5

20. Section 28 of the Education and Training Act is amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“Certificate of registration

28. (1) A private further education and training institution must conspicuously display—

10

- (a) its certificate of registration or [conditional] provisional registration or a certified copy thereof on its premises; and
 (b) its registration number and an indication that it is registered or [conditionally] provisionally registered on all its official documents.

(2) If the registrar has cancelled the registration or [conditional] provisional registration of a private further education and training institution in terms of section 35, the private further education and training institution must return the original certificate of registration or [conditional] provisional registration to the registrar within 14 days of such cancellation.”.

20

Amendment of section 31 of Act 98 of 1998

21. Section 31 of the Education and Training Act is amended by the substitution for the words preceding paragraph (a) of the following words:

“A private further education and training institution may apply to the registrar to amend its registration or [conditional] provisional registration—”.

25

Amendment of section 32 of Act 98 of 1998

22. Section 32 of the Education and Training Act is amended by the substitution for subparagraph (i) of subsection (3)(a) of the following subparagraph:

“(i) amend the certificate of registration or [conditional] provisional registration accordingly;”.

30

Amendment of section 33 of Act 98 of 1998

23. Section 33 of the Education and Training Act is amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:

- “(b) its [conditional] provisional registration; or
 (c) any amendment of its registration or [conditional] provisional registration.”.

35

Amendment of section 35 of Act 98 of 1998

24. Section 35 of the Education and Training Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to section 36, the registrar may, on reasonable grounds, cancel any registration or [conditional] provisional registration in terms of this Act.”.

40

Amendment of section 37 of Act 98 of 1998

25. Section 37 of the Education and Training Act is amended by the deletion of subsection (4).

Substitution of section 47 of Act 98 of 1998

26. Section 47 of the Education and Training Act is amended by the substitution for section 47 of the following section:

45

“Regulations

47. [(1)] The Minister may make regulations consistent with this Act on—

- (a) safety measures at public and private further education and training institutions; 5
- (b) a national process and procedures for the assessment of student achievement for public and private further education and training institutions;
- (c) a national process for the assessment, monitoring and evaluation of education in public and private further education and training institutions; 10
- (d) initiation practices at public and private further education and training institutions;
- (e) any matter which the Minister is empowered or required to prescribe by regulation in terms of this Act; **[and] or** 15
- [(b)] (f) any other matter in respect of which regulations are necessary or expedient in order to achieve the purpose of this Act.”.

Insertion of section 18A in Act 52 of 2000

27. The Adult Basic Education and Training Act, 2000 (hereinafter referred to as the Adult Basic Education and Training Act), is amended by the insertion after section 18 of 20 the following section:

“Curriculum and assessment

- 18A. (1) The Minister must, by notice in the *Government Gazette*, determine—
- (a) a national curriculum statement indicating the minimum outcomes or standards; 25
 - (b) a national process and procedures for the assessment of learner achievement.
- (2) The curriculum and process for the assessment contemplated in subsection (1) must be applicable to public and private centres.”. 30

Insertion of section 20A in Act 52 of 2000

28. The Adult Basic Education and Training Act is amended by the insertion after section 20 of the following section:

“Prohibition of corporal punishment and initiation practices

- 20A. (1) A person may not administer corporal punishment to a learner at any adult basic education and training centre. 35
- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which may be imposed for assault.
- (3) A person may not conduct or participate in initiation practices at public and private centres. 40
- (4) Any person who contravenes subsection (3) is guilty of misconduct and disciplinary action must be instituted against such a person.
- (5) In addition to subsection (4), a person may institute civil action against a person or a group who manipulated and forced that person to conduct or participate in any initiation practices.”. 45

Substitution of section 32 of Act 52 of 2000

29. Section 32 of the Adult Basic Education and Training Act is amended by the substitution for section 32 of the following section:

“Quality assurance and promotion in adult basic education and training

32. Quality assurance and promotion in adult basic education and training must be conducted as contemplated in the **[South African Certification Council Act, 1986 (Act No. 85 of 1986)]** General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).”.

Substitution of section 41 of Act 52 of 2000

30. Section 41 of the Adult Basic Education and Training Act is amended by the substitution for section 41 of the following section:

“Regulations

41. The Minister or the Member of the Executive Council, as the case may be, may make regulations consistent with this Act on **[any]**—

(a) any matter which the Minister **[and]** or the Member of the Executive Council are empowered or required to prescribe by regulation in terms of this Act; **[and]**

(b) any matter in respect of which regulations are necessary or expedient in order to achieve the purpose of this Act[.];

(c) safety measures at public and private centres;

(d) a national curriculum statement applicable to public and private centres;

(e) a national process and procedures for the assessment of learner achievement for public and private centres;

(f) a national process for the assessment, monitoring and evaluation of education in public and private centres;

(g) initiation practices at public and private centres; or

(h) norms and minimum standards for funding.”.

Amendment of section 5 of Act 58 of 2001

31. Section 5 of the General and Further Education and Training Quality Assurance Act, 2001, is amended by the substitution for subsection (1) of the following subsection:

“(1) The Council must be regarded as having been accredited by the South African Qualifications Authority in terms of section **[5(1)(b)(i)]** 5(1)(a)(ii)(bb) 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]** quality assurance in respect of general and further education and training at education institutions contemplated in section 2.”.

Short title and commencement

32. (1) This Act is called the Education Laws Amendment Act, 2002.

(2) Sections 2 and 8 come into operation on 1 January 2004.