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THE PRESIDENCY

No. 1157 29 May 1991

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

No. 76 of 1991: Local Government Training Amendment Act, 1991.



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LOCAL GOVERNMENT TRAINING AMENDMENT ACT, 1991

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.

ACT

To amend the Local Government Training Act, 1985, so as to further define certain expressions and to delete certain definitions; to further regulate the constitution of the Training Board and the payment of remuneration and allowances to the members thereof; to provide that a member of the Training Board shall vacate his office by notice in writing to the Minister; to provide for the appointment of committees of the Training Board and for the payment of remuneration and allowances to the members of such committees; to further regulate the utilization of money in the Training Fund; to provide for the recognition of training centres; and to provide that the Training Board may enter into agreements with persons, institutions or bodies and with certain governments; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 14 May 1991.)

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

Amendment of section 1 of Act 41 of 1985, as amended by section 1 of Act 84 of 1988

1. Section 1 of the Local Government Training Act, 1985 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the deletion in subsection (1) of the definition of “Co-ordinating Council”;
- (b) by the substitution in subsection (1) for the definition of “department” of the following definition: 10
 “‘department’ means the Department of **[Constitutional Development and] Planning, Provincial Affairs and National Housing;**”
- (c) by the substitution in subsection (1) for the definition of “director-general” of the following definition: 15
 “‘director-general’ means the Director-General: **[Constitutional Development and] Planning, Provincial Affairs and National Housing;**”
- (d) by the substitution in subsection (1) for the definition of “Minister” of the following definition: 20
 “‘Minister’ means the Minister of **[Constitutional Development and] Planning, Provincial Affairs and National Housing;**”
- (e) by the substitution in subsection (1) for the definition of “training” of the following definition: 25
 “‘training’ means **[training]** any action which is necessary to develop applicable knowledge, expertise or inclination with the object of better qualifying a person for work to be done for or in connection with a local government body, and includes the supplying of guidance to a member of a local government body;” and

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(f) by the deletion in subsection (1) of the definition of "Training Committee".

Amendment of section 2 of Act 41 of 1985, as amended by section 30 of Act 32 of 1987 and section 2 of Act 84 of 1988

2. Section 2 of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a), (b), (c), (d) and (e) of subsection (2); 5
- (b) by the substitution for paragraph (f) of subsection (2) of the following paragraph:
- “(f) **[an officer]** two officers of the department designated by the **[director-general] Minister**.”;
- (c) by the deletion of paragraph (g) of subsection (2); 10
- (d) by the substitution for paragraph (h) of subsection (2) of the following paragraph:
- “(h) **[seven]** nine persons who are either members of or in the service of local government bodies appointed by the Minister **[after consultation with the Co-ordinating Council]** on account of their special knowledge of training regarding local government affairs **[one of whom must be a person who represents an employers' organization, the members of which consist exclusively of local authorities, and one a person who represents the Federation of Municipal Trade Unions]**.”; 15
- (e) by the deletion of paragraph (i) of subsection (2); 20
- (f) by the addition to subsection (2) of the following paragraphs:
- “(j) not more than two persons co-opted by the Training Board from time to time as members of the Board;
- (k) such other persons as the Minister may at his discretion appoint from time to time.”;
- (g) by the substitution for subsection (3) of the following subsection: 25
- “(3) For every member of the Training Board, other than a member referred to in subsection (2) (j), an alternate member shall be designated, to act during his absence or incapacity, by, in the case of an alternate member for 30
- [(a) a director-general, the director-general concerned;**
- (b) a member intended in subsection (2) [(c), (d) or] (f), (h) or (k), the Minister [who designated that member], with due regard to the provisions of subsection (2) (h) in respect of a member intended in that subsection 35**
- [(c) the member mentioned in subsection (2) (g), the Co-ordinating Council;**
- (d) the Director mentioned in subsection (2) (e), the Director;**
- (e) the member intended in subsection (2) (f), the director-general;**
- (f) the provincial secretaries, the provincial secretary concerned].”;**
- (h) by the substitution for subsection (4) of the following subsection: 40
- “(4) The Minister shall designate a member of the Training Board **[who is an officer in the public service]** as the chairman and another member as the vice-chairman of the Training Board.”;
- (i) by the substitution for subsection (5) of the following subsection: 45
- “(5) (a) A member of the Training Board intended in subsection (2) (h) holds office for **[such]** a period **[but not exceeding four years, as the Minister may determine]** of five years, and may be reappointed at the expiry of his term of office.
- (b) A member of the Training Board intended in subsection (2) **[(c) and (d)] (f) and (k)** holds office at the pleasure of the Minister **50 [concerned].”;** and
- (j) by the substitution for subsection (6) of the following subsection: 55
- “(6) There may be paid from the Training Fund to a [A] member of the Training Board [intended in subsections (2) (g) and (h) and] or his alternate and a member of a committee intended in section 5 (1) who—
- (a) are not in the fulltime employ of the State or a local government body, [may be paid from moneys appropriated for that purpose by Parliament] such remuneration and allowances; or
- (b) are in the fulltime employ of a local government body, such subsistence and transport allowances, 60

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as the Minister with the concurrence of the Minister of Finance may determine.”.

Amendment of section 3 of Act 41 of 1985

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph: 5

“(d) he resigns by notice in writing to the **[Director-General] Minister**.”.

Substitution of section 5 of Act 41 of 1985

4. The following section is hereby substituted for section 5 of the principal Act:

“Committees of Training Board

5. (1) The **[executive committee of the]** Training Board— 10

- (a) may designate one or more committees consisting of such members, whether or not they are members of the Training Board, as the Training Board may determine;
- (b) may designate a chairman for any such committee, whether or not he is a member of the Training Board, or lay down rules for the appointment of a chairman 15

[consists of—

- (a) the director-general, who is the chairman;
- (b) the member intended in section 2 (4), who is the vice-chairman;
- (c) the member intended in section 2 (2) (g); 20
- (d) two of the members intended in section 2 (2) (h), designated by the Training Board; and
- (e) one person from each of the Administrations of the House of Assembly, the House of Representatives and the House of Delegates].

(2) **[The executive]** A committee designated under subsection (1) may exercise the powers and shall perform the duties conferred or imposed upon the Training Board by this Act, subject to the directions of and control by the Training Board. 25

[(3) The persons designated as alternate members in terms of section 2 (3) for the persons intended in subsection (1), act as alternate members for the members of the executive committee. 30

(4) The executive committee meets at such times and places as the Training Board or the chairman of the executive committee may determine

(5) (3) A decision of **[the executive]** a committee designated under subsection (1) may at any time be withdrawn or amended by the Training Board, and is deemed to be a decision of the Training Board, except for the purposes of this subsection, until it is so withdrawn or amended. 35

[(6) (4) The provisions of section 4 (2), (5) and (6) apply *mutatis mutandis* in relation to **[the executive]** a committee designated under subsection (1).” 40

Amendment of section 8 of Act 41 of 1985, as amended by section 3 of Act 84 of 1988

5. Section 8 of the principal Act is hereby amended—

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

“(1) **[The]** Subject to the provisions of section 2 (6) the Training Board may, on such conditions as it may deem fit and on such basis as it may determine with the approval of the Minister **[and after consultation with the Co-ordinating Council]**, utilize the moneys in the training fund for the allocation of— 45

- (a) grants-in-aid, donations or loans to any person who or institution, association or body, including a local government body or training centre intended in section 9A, which provides training or will provide training; 50

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- (b) bursaries, bursary loans or financial contributions to persons undergoing training or who will undergo training;
- (c) funds for the financing of—
- (i) the compiling **[and]**, collecting and presentation of training courses;
 - (ii) general or combined recruiting actions for obtaining the services of employees for the local government sector;
 - (iii) any other expense related to training.”; and
- (b) by the deletion of subsection (4).

Insertion of sections 9A and 9B in Act 41 of 1985

6. The following sections are hereby inserted in the principal Act after section 9:

“Training centres

9A. The Training Board may on such conditions as it may deem fit recognize any body or institution, including a local government body, as a training centre.

Entering into agreements

9B. (1) The Training Board may enter into agreements with any person, institution or body, including the government of any state the territory of which previously formed part of the Republic or a self-governing territory as defined in section 38 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), with regard to any matter relating to training.

(2) The Minister may recognize any body or institution in a state or self-governing territory referred to in subsection (1) which exercises powers and performs duties which, in the opinion of the Minister, correspond with the powers and duties ordinarily exercised or performed by—

- (a) a body, council or institution intended in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); or
- (b) a committee, board, body, authority or council intended in paragraph (a), (b), (c), (d) or (e) of the definition of “local government body”,

as a local government body for the purposes of this section.”.

Short title

7. (1) This Act shall be called the Local Government Training Amendment Act, 1991.

(2) Sections 2 (j) and 5 (a) shall be deemed to have come into operation on 12 April 1985.