

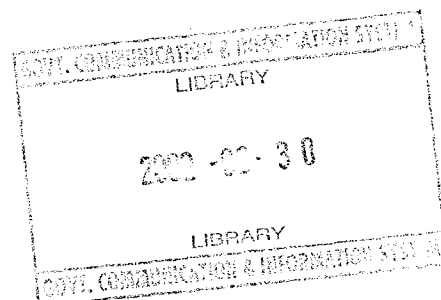
REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
AND REJECTED AMENDMENTS
TO**

**EDUCATION LAWS
AMENDMENT BILL**

[B 31—2002]

(As agreed to and rejected by the Portfolio Committee on Education (National Assembly))



[B 31A—2002]

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AMENDMENTS AGREED TO

EDUCATION LAWS AMENDMENT BILL [B 31—2002]

CLAUSE 3

1. On page 4, in line 27, after “curriculum” to insert:

statement indicating the minimum outcomes or standards
2. On page 4, in line 28, after “process” to insert “and procedures”.

CLAUSE 4

1. On page 4, in line 36, after “proceedings” to insert:

, 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*

CLAUSE 5

1. On page 6, after line 47, to add:

(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.

CLAUSE 6

1. On page 6, in line 54, to omit “an association” and to substitute “associations”.

CLAUSE 9

1. On page 10, in line 10, after “curriculum” to insert “statement”.
2. On page 10, in line 12, after “process” to insert “and procedures”.
3. On page 10, in line 15, to omit “for quality” and to substitute “of”.

CLAUSE 10

1. On page 10, in line 34, after “on” to insert “the specific post and”.
2. On page 10, in line 34, to omit “of the post” and to substitute “thereof”.

CLAUSE 12

1. On page 12, in line 6, after “**Council]**” to insert “which may be”.

CLAUSE 13

1. On page 12, in line 19, to omit “the Head of Department” and to substitute “him or her”.
2. On page 12, in lines 21 and 22, to omit “Head of Department” and to substitute “presiding officer”.
3. On page 12, in line 26, to omit “Head of Department” and to substitute “presiding officer”.
4. On page 12, in line 33, to omit “Head of Department” and to substitute “presiding officer”.
5. On page 12, in line 34, to omit “the presiding officer” and to substitute “he or she”.
6. On page 12, in line 36, to omit “putt” and to substitute “put”.

CLAUSE 15

1. On page 14, after line 32, to add:
 - (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)(a) must take into account the right of the student not to be subjected to such practices.

CLAUSE 26

1. On page 18, in line 39, after “national” to insert “process and procedures for the”.
2. On page 18, in lines 41 and 42, to omit “for quality” and to substitute “of”.

CLAUSE 27

1. On page 20, in line 12, after “curriculum” to insert:

statement indicating the minimum outcomes or standards
2. On page 20, in line 13, after “process” to insert “and procedures”.

CLAUSE 28

1. On page 20, from line 24, to omit subsection (3) and to substitute:
 - (3) A person may not conduct or participate in initiation practices at public and private centres.
 - (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.

CLAUSE 30

1. On page 20, in line 45, to omit “and” and to substitute “[**and**] or”.
2. On page 22, in line 4, after “curriculum” to insert “statement”.
3. On page 22, in line 5, after “process” to insert “and procedures”.
4. On page 22, in lines 7 and 8, to omit “for quality” and to substitute “of”.

CLAUSE 32

1. On page 22, in line 22, to omit “1” and to substitute “2”.

REJECTED AMENDMENTS

EDUCATION LAWS AMENDMENT BILL [B 31—2002]

CLAUSE 3

On page 4, in line 27, page 10, in line 10, page 20 lines 12 and 14, page 22 line 4 after the word “curriculum” to omit the word “ outcomes after the word “minimum”

CLAUSE 3

On page 4, from line 25 to read:

- 6A.** (1) The minister may by notice in the Government Gazette determine
- (a) a national curriculum statement indicating the minimum academic standards and limited to broad terms such that it allows for sufficient freedom of conscience, belief, religion and interpretation; and
 - (b) assessment guidelines of learner achievement so as to maintain a national standard, however the assessment instruments will be determined by the provinces and independent examining boards.

CLAUSE 4

- (6) line 36 to add the words ‘of a serious nature’ after the word ‘proceedings’

CLAUSE 6

- (ii) line 54 to remove ‘an’ to insert ‘associations’

CLAUSE 8

The same as Clause 2 — 4C(ii)

CLAUSE 9

- (b) to (I) as in clause 30, otherwise remove whole clause

CLAUSE 9

On page 10, from line 10 to read:

- (c) to prescribe a national curriculum statement indicating the minimum academic standards and limited to broad terms such that it allows for sufficient freedom of conscience, belief, religion and interpretation, applicable to public and independent schools;
- (d) to provide national assessment guidelines for learner achievement applicable to public and independent schools;

- (e) to provide for a process for the assessment, monitoring and evaluation of quality education in public and independent schools to be determined by provinces and independent examination boards;

CLAUSE 9

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

1. On page 10, in line 8, after "any matter" to insert "of a technical or bureaucratic nature"
2. On page 10, in line 13, after "public" to omit "and independent"
3. On page 10, in line 13, after "public" to omit "and independent"
4. On page 10, in line 15, after "public" to omit "and independent"

CLAUSE 10

Clause rejected.

CLAUSE 10

On page 10, line 34 after "on" to insert "the specific post and" requirements of the post

CLAUSE 10

Insertion on section 6A in Act 76 of 1998

1. On page 10, in line 34, after "post" to insert "and on the prospective applicant to be appointed"
2. On page 10, after line 36, to add:
 "(c) solicit the recommendation of the School Governing Body affected."

CLAUSE 11

(7) line 44 to remove the words 'with his or her consent' to insert 'for a mandatory 2 years'

Clause rejected.

CLAUSE 26

Clause rejected.

On page 18 from line 39 to read:

- (b) national assessment guidelines for student achievement applicable to public and private further education and training institutions;
- (c) a process for the assessment, monitoring and evaluation of quality education in public and independent schools to be determined by provinces and independent examination boards;

CLAUSE 27

Same as clause 3 (a), (b) and (2)

CLAUSE 30

On page 22 from line 4 to read:

- (d) a national curriculum statement indicating the minimum academic standards and limited to broad terms such that it allows for sufficient freedom of conscience, belief, religion and interpretation, in public and private centers; and
- (e) national assessment guidelines for learner achievement applicable to public and private centers;
- (f) a process for the assessment, monitoring and evaluation of quality education in public and private centers to be determined by provinces and independent examination boards;