

7-11-07
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MEMORANDUM

**TO: ALL MEMBERS OF THE NATIONAL COUNCIL
OF PROVINCES MATTERS STANDING
COMMITTEE**

FROM: THE EDUCATION PORTFOLIO COMMITTEE

**RE: EDUCATION LAWS MENDMENT BILL
[B33B-2007].**

DATE: 06TH NOVEMBER 2007

.....
Dear Chairperson, Ms L.F. Shabalala and Honorable Members

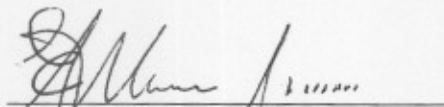
Kindly be advised that the Education Portfolio Committee held three public hearings, one in Port Shepstone (Ezinqoleni Municipal Hall) on Friday the 19th of October 2007, the other one in Ulundi (B-South Hall) on Wednesday the 24th of October 2007 and the last one in Pietermaritzburg (KZN Legislature Main Chamber) on Friday the 26th of October 2007. However the one held in Port Shepstone was conducted on the original version of the Bill [B33-2007], which did not incorporate the National Assembly's amendments.

The Education Portfolio Committee met on Tuesday the 06th of November 2007, on determination of the negotiating mandate in respect of the Education Laws Amendment Bill, [B33B- 2007]. The committee went through the National Assembly's amendments, and decided that the amendments are not substantive and therefore another public hearing would not be necessary.

The committee discussed and considered all the submissions received during the public hearings and resolved that the following issues have to be considered first:

1. Clarity is required on whether the “council” referred to in clause 1 and in clause 3 is the same? If not, what is the difference?
2. Clause 4(b): definition of “illegal drug” does not cover alcohol since it is a lawful substance. Alcohol has to be included since there was a concern around its use in schools.
3. (a) Clause 7, the following amendment is proposed:
“8A(2) Subject to subsection (3), the principal or his or her delegate may, at random, search a learner or any group of learners, or the property of a learner or a group of learners, for dangerous object or illegal drug,....”
(b) Also in the same clause in subsection (2), the use of the term “if a fair and reasonable suspicion has been established”, this is very subjective and may lead to court challenges. Is there a way of using a different phrase?
(c) Subsection (14): why can’t the schools lay a criminal charge against a learner?
If principals or educators have to go and testify in court, that would impact on the teaching time lost.
4. Clause 8 subsection (4), what is the rationale behind such limitation being imposed on the principals?
5. Clause 10 & 24
If auditors are appointed, who will bear those costs?

The committee supported all the proposed amendments.



Mr. E. S. Mchunu

**Chairperson: Education Portfolio Committee
KwaZulu-Natal Legislature**