

NORTHERN CAPE PROVINCIAL LEGISLATURE

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OFFICE OF THE DEPUTY SPEAKER

Date: 30 OCT 2007

Our Ref: 16.7.1.1
Your Ref:

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**TO: CHAIRPERSON OF THE NCOP
Mr MJ MAHLANGU**

NEGOTIATING MANDATE FOR EDUCATION LAWS AMENDMENT BILL [B 33B-2007]

(Section 76 Bills)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Education, **Hon P Williams** tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on the **25th of October 2007**, on the *Education Laws Amendment Bill [B 33B- 2007]*. The mandate was duly adopted by the legislature in terms of rule 133 of the Northern Cape Provincial legislature

2. PROCESS FOLLOWED

- 2.1 The Speaker referred the *Education Laws Amendment Bill [B 33B -2007]* to the Portfolio Committee on Education on the **8th of October 2007**.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP **Hon MA Sulliman** at its meeting on the **11th of October 2007**.
- 2.3 The Portfolio Committee resolved at its meeting held on **11 October 2007** to hold public hearings on the referred Bill in the districts of **Francis Baard, Pixley-ka-Seme, Kgalagadi, Siyanda and Namaqua** to solicit the views of the affected beneficial communities and stakeholders with regard to the *Education Laws Amendment Bill [B 33B- 2007]*.

Ten (10) public hearings were facilitated as per Committee resolution in **Pampierstad, Groblershoop, Prieska, Upington, Kakamas, Springbok, Calvinia, De Aar, Colesberg and Kimberley**. Both written and oral

submissions were called for and the public extensively engaged with the Committee on their views.

On **25 October 2007** the Portfolio Committee deliberated and considered the principle of *Education Laws Amendment Bill [B 33B -2007]*, as well as the report on the analysis of the views of the public.

The following are the oral submissions from the public:

2.4 VIEWS OF THE PUBLIC ON THE BILL

- There is no guarantee that the principals will be protected when searching the learners.
- The Bill does not make room for learners to be searched as individuals.
- Teachers and principals are not trained to conduct searches.
- The Bill should consider the deployment of security guards, policemen, nurses and psychologists to schools.
- The urine tests should not be conducted by the principal but rather by a trained medical officer.
- Random searches infringe on the job description of teachers.
- The Bill must include the regulation of legal drugs and not only illegal drugs.
- The bill does not express clearly what the powers of the police are in search and seizure.
- The DoE must conduct workshops on legislation (laws).
- Cell phones must be banned in all schools.
- The DoE must consider the needs of the disabled learners.
- Schools must make use of screening machines (x-ray machines) to check for drugs and weapons.
- The Bill must distinguish between random search and target search.
- The appointment of an academic mentor should be taken into consideration that poor academic performances could be as a result of social challenges.
- Role of police in assisting schools should be clarified.
- The Bill does not address norms and standards when it comes to hostels.
- Clause 5A does not state whether desks in classrooms should be included.
- There is a grey area in terms of searching of learners as learners with a poor socio-economic background would be disadvantaged compared to their "better-of" classmates.
- It is suggested that Section 5A (1) should read: "*The Minister may in accordance with the school*".

- The Bill should include the use of substances like the popular "Oka pipe" and the chewing of certain plants that leave a drowsy effect after a while.
- The position of the role of the Principal on the SGB should be broadened.
- The Bill should be clear on the consequences should an Educator be assaulted on the school premises.
- The Bill should address the liability of principals appearing in courts on behalf of schools.
- Clause 6 should read "provide support measures or structures for counselling as well as covering the educator.
- Schools must have recreational facilities and involve learners in all sporting codes after school hours to keep them away from mischief.
- The principal must be given the responsibility as well as the authority to act against misconduct on consultative basis.

2.5 WRITTEN SUBMISSIONS

Written submissions containing thought provoking proposals were received from the following stakeholders:

1. SAOU
2. SADTU
3. FEDSAS
4. Steinkopf High School
5. Johannes Makwa

Aspects that the Committee paid particular attention to are numbered from 1 - 36 in the attached submissions

2.6 KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The public that attended the public hearings did not oppose the Bill.

3. COMMITTEE POSITION AT THE NEGOTIATING STAGE

THE PORTFOLIO COMMITTEE ON EDUCATION,

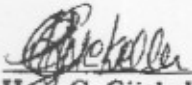
- After due deliberation and taking note of the Public's input the Portfolio Committee on Education **supports** the Bill.

The Committee raised the following concerns:

1. The principal and teachers should exercise caution when conducting the random searches, as not to violate the rights and privacy of children.
2. Body-cavity searches should be conducted in the presence of suitable and qualified health practitioners.

The legislature adopted this negotiating mandate.

The legislature mandate the permanent delegates to participate in deliberations at the negotiating stage and to **support** the Bill, taking note of the concerns raised by the Committee as well as those of the public.



 Hon. G. Cjiekella
 Deputy Speaker

Date: 30/10/2007