



NORTH WEST PROVINCIAL LEGISLATURE

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01 November 2007

REPORT ON NEGOTIATING MANDATE ON THE EDUCATION LAWS AMENDMENT BILL [B33B – 2007]

1. TERMS OF REFERENCE

The above mentioned Bill was referred to the Portfolio Committee for consideration as a matter of priority.

2. BRIEFING

On the 16th October 2007, The National Department of Education Legal Unit, briefed the members of the Portfolio Committee on Education on the above Bill.

3. CONSIDERATION

The Committee decided to conduct a public hearing in Rustenburg, Bojanala District and relevant stakeholders which includes teachers unions, the department of education, FET Colleges, councillor and interested parties were invited to inputs on the Bill. All stakeholders were given until the 2nd October 2007 to forward written inputs to the Committee.

4. RESOLUTION

The Committee, having considered the inputs and propose the following :

- a. Clause 5 A(1) On the issue of the norms and standards, the concern was raised on the funding of the norms and standards .The Norms and standard should include the Provincial Member of the executive council.
- b. Clause 5 A (2) (a) Norms and standards to include transportation of learners and learners.

- c. The norms and standard classification must be done by considering the quintiles as schools are not the same in terms of infrastructure, learners ratio and socio economic levels .
- d. In clause 5A (2), the school infrastructure must include the maintenance and renovation plans.
- e. **Random search and seizure and drug testing at schools**
- Clause 8A. (1) The Bill should consider including counselling for learners and training for educators and principal who will searching learners.
 - **Clause 8 A (2) subject to subsection (3) Its mentions that the principal or his or her delegate may, at random, search any group of learners.** The term 'delegate' must be defined.
 - The random searching of learners should be twinned with the "adopt a cop programme"
 - The Bill should clearly describe the role of the South African Police Services.
 - The random search clause concentrated on learners only it does not include educator's .The Bill does not explain whether the search will be conducted before entering or after entering the premises.
 - The Bill should provide specification on how random searching will be conducted.
 - The Bill should consider the consent of the learner if the urine testing is performed.
 - Clause 8A (4) (d) The Bill is not clear on the extent to the search of a **body cavity of the learner.**
 - The Bill should consider including the guidelines on the establishment of the disciplinary committees in schools.

f. Clause 10 Section 43 mentions that schools must appoint an accountant and auditors in terms of the Public Accounts and Auditors Act, 1991.

- The Bill should consider schools that receives smaller budget or schools that will be unable to appoint accountants and auditors.

g. Clause 58C (2) Compliance with norms and standards

- Clause 58C (3) The Bill should consider clarifying where the Member of the executive council must annually report to the Minister or the provincial Legislature.

f. Financial Implication of the Bill

- The Committee recommends that the Treasury provides assurance to provide enough budget for the norms and standards in schools and the budget to buy urine testing devices.
- The Committee must also look into the centralization of power in the office of the Minister.

Regards,


HON. ND. MAHLANGU
CHAIRPERSON, EDUCATION PORTFOLIO COMMITTEE