

(27 October 1999 - to date)

EMPLOYMENT OF EDUCATORS ACT 76 OF 1998

Government Notice 1245 in Government Gazette 19320, dated 2 October 1998. Commencement date: 2 October 1998.

THE COMPOSITION, ADMINISTRATION AND FUNCTIONING OF THE SOUTH AFRICAN COUNCIL FOR EDUCATORS

Government Notice R1293 in Government Gazette 20581, dated 27 October 1999. Commencement date: 27 October 1999.

I, Mohammed Valli Moosa, acting Minister of Education, acting under section 30 read with section 35 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), after consultation with the bodies referred to in section 6 of the National Education Policy Act, 1996 (Act No. 27 of 1996), hereby provide the regulations for the composition, administration and functioning of the South African Council for Educators (SACE), as set out in the Schedule.

MR M V MOOSA
ACTING MINISTER OF EDUCATION
OCTOBER 1999

ARRANGEMENT OF REGULATIONS

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SCHEDULE

THE SOUTH AFRICAN COUNCIL FOR EDUCATORS REGULATIONS

1. Definitions

Prepared by:

In these regulations, unless the context indicates otherwise, words or expressions as defined in the Employment of Educators Act, 1998 (Act No. 78 of 1998) will have the same meaning.

2. Composition of the South African Council for Educators

- (1) The South African Council for Educators consists of
 - (a) two co-chairpersons appointed by the Minister;
 - (b) thirty members appointed by the trade unions which are parties to the Education Labour Relations Council;
 - (c) fifteen members appointed by the Minister; and
 - (d) the chief executive officer appointed by the South African Council for Educators in terms of section 28(1)(i) of the Act.
- (2) The members contemplated in subregulation (1)(c) shall include representatives of employers of educators contemplated in section 3(1) to (3) of the Act.
- (3) The current chairpersons and members of the South African Council for Educators continue to perform the functions which they performed prior to the commencement of these regulations until their current terms of office expire.

3. Term of office of co-chairpersons and members

- (1) The co-chairpersons, and all members of the South African Council for Educators, excluding the chief executive officer, hold office for a period of two years.
- (2) The Minister may extend the term of office of the co-chairpersons and members of the South African Council for Educators for a period of not more than twelve months.

4. Vacation of office by members

A member vacates office if -

- (a) his or her estate is sequestrated or the member compromises with his or her creditors unless the South African Council for Educators decides otherwise;
- (b) he or she is absent for more than two consecutive ordinary meetings of the South African Council for Educators without the permission of either one of the co-chairpersons or the South African Council for Educators and such permission shall not be unreasonably withheld;

- (c) he or she submits his or her resignation in writing to the co-chairpersons;
- (d) he or she is declared unable to attend to his or her personal affairs by a court of law; or
- (e) he or she is deceased.

5. Filling of vacancies

- (1) If a member vacates his or her office, the resultant vacancy must be filled by appointment in accordance with regulation 2.
- (2) A member appointed in accordance with subregulation (1) shall remain in office for the unexpired term of office of his or her predecessor.

6. Executive committee of the South African Council for Educators

- (1) The South African Council for Educators must establish an executive committee and determine its functions.
- (2) The executive committee consists of
 - (a) the co-chairpersons of the South African Council for Educators;
 - (b) nine other members appointed by the South African Council for Educators; and
 - (c) the chief executive officer.
- (3) A decision of the executive committee must be regarded as a decision of the South African Council for Educators, unless such decision is revoked at the next meeting of the South African Council for Educators.
- (4) Anything done in consequence of a decision of the executive committee before its revocation is not invalid by reason only of the fact that the decision is revoked by the South African Council for Educators under subregulation (3).

7. Committees of the South African Council for Educators

- (1) The South African Council for Educators may establish other committees to assist in the performance of its functions.

- (2) Any committee other than the executive committee may include persons who are not members of the South African Council for Educators.
- (3) The chairperson of a committee must be appointed by and be a member of the South African Council for Educators.
- (4) Members of the committees contemplated in subregulation (2) may be appointed for such period or periods as the South African Council for Educators may determine.

8. Meetings of the South African Council for Educators and committees

- (1) Meetings of the South African Council for Educators must be held at such times and places as may be determined by the co-chairpersons concerned, but the co-chairpersons must convene a meeting at least every three months or if requested to do so in writing by at least one third of the members of the South African Council for Educators, as the case may be.
- (2) Whenever the chairperson of a committee is absent from any meeting of such a committee, the members present must elect a person from their ranks to preside at that meeting.
- (3) The South African Council for Educators may make rules relating to the procedure at meetings of the South African Council for Educators and its committees, including the quorum for such meetings, and any other matter necessary or expedient for the performance of its functions.
- (4) The proceedings at a meeting of the South African Council for Educators or of a committee are not invalid by reason only of the fact that a vacancy exists in the South African Council for Educators or a committee, as the case may be, at the time of such meeting.
- (5) Meetings of a committee must be held at such times and places as may be determined by its chairperson, but the chairperson may convene a meeting, after a notice of the meeting of not less than seven (7) days has been given to the members of that committee.

Short title and commencement

These regulations shall be called The South African Council for Educators Regulations and shall come into operation on publication thereof.