



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 434 Pretoria 15 August 2001 No. 22571



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GENERAL NOTICE

NOTICE 1850 OF 2001

CALL FOR COMMENT ON THE REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT, COMPOSITION AND FUNCTIONING OF THE NATIONAL ADVISORY BOARD FOR ADULT BASIC EDUCATION AND TRAINING

I, Kader Asmal, as Minister of Education, hereby publish the Regulations to Provide for the Establishment, Composition and Functioning of the National Advisory Board for Adult Basic Education and Training for comment in terms of section 11(1)(b) of the National Education Policy Act, 1996 (Act No. 27 of 1996) and in compliance with section 4(3) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), as set out in the Schedule.

Comments from interested parties are invited, and should reach the Department not later than **10 September 2001**.

Comments should be directed to the Director-General, Department of Education, Private Bag X895, Pretoria, 0001, for attention: Ms M Locke, Fax No. (012) 326-9128 or by e-mail: locke.m@educ.pwv.gov.za.

Kindly provide the name, address, telephone number, fax number and e-mail address of the person or organisation submitting the comment.

**PROFESSOR KADER ASMAL, MP
MINISTER OF EDUCATION
AUGUST 2001**

SCHEDULE

REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT, COMPOSITION AND FUNCTIONING OF THE NATIONAL ADVISORY BOARD FOR ADULT BASIC EDUCATION AND TRAINING

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned by the Act, has that meaning and, unless the context indicates otherwise-
 - (i) "adult basic education and training" means all learning and training programmes for adults from level 1 to 4 where 4 is equivalent to-
 - (a) grade 9 in public schools; or
 - (b) National Qualifications Framework level 1 as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
 - (ii) "member" means a member of the NABABET;
 - (iii) "NABABET" means the National Advisory Board for Adult Basic Education and Training; and
 - (iv) "the Act" means the National Education Policy Act, 1996 (Act No. 27 of 1996).

Establishment of the Board

2. The National Advisory Board for Adult Basic Education and Training is hereby established.

Functions of NABABET

3. NABABET may advise the Minister on any aspect of adult basic education and training on its own initiative and must-
 - (a) advise the Minister on-
 - (i) quality promotion and assurance;
 - (ii) any aspect on adult basic education and training at the request of the Minister;
 - (iii) national adult basic education and training policy, goals and priorities;
 - (iv) norms and standards, including funding norms and the terms, purposes and conditions of earmarked grants;
 - (b) report annually to the Minister on the quality of adult basic education and training in respect of the country as a whole, within 90 days after the end of the academic year;
 - (c) perform any function assigned or designated to it in terms of any applicable law;
 - (d) receive information from the Head of Department, Director-General and any centre which offers adult basic education and training, about the centre or quality of adult basic education and training as is reasonably required by NABABET;
 - (e) analyse and disseminate information about adult basic education and training.

Information to be provided by NABABET

4. NABABET may request a national or provincial department of State and any centre which offers adult basic education and training, to submit such information as NABABET may reasonably require for the performance of its functions in terms of these Regulations.

Composition of NABABET

5. (1) NABABET consists of-
- (a) a chairperson
 - (b) a deputy chairperson;
 - (c) ordinary members;
 - (d) co-opted members; and
 - (e) non-voting members.
- (2) The selection of the members of NABABET must be from the following sectors-
- (a) two members from the national Department of Education;
 - (b) one member from the Department of Labour;
 - (c) two members from the Organised Labour Movement;
 - (d) two members from Organised Non-Governmental Organisations;
 - (e) one member from a National Organised Practitioner Body;
 - (f) two members from Organised Business;
 - (g) two intergovernmental representatives;
 - (h) two members from the Organisation for Disabled Persons;
 - (i) one provincial co-ordinating committee representative;
 - (j) one provincial forum representative per province;
 - (k) one South African Qualifications Authority representative;
 - (l) one representative from Higher Education and Training;
 - (m) one representative from Further Education and Training;
 - (n) one National Youth Commission representative; and
 - (o) one member from the Gender Commission.
- (3) The Minister may appoint two non-voting members of NABABET as nominated by the Director-General of the Department of Education.

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- (4) The selection of the chairperson and members of NABABET must be undertaken in such a manner as to ensure, in so far as it is practically possible, that-
- (a) the functions of NABABET in terms of these Regulations are performed according to the highest professional standards;
 - (b) the membership taken as a whole-
 - (i) is broadly representative of the adult basic education and training system and related interests;
 - (ii) has thorough knowledge and understanding of adult basic education and training;
 - (iii) appreciates the role of the adult basic education and training system in reconstruction and development; and
 - (iv) has known and attested commitment to the interests of adult basic education and training; and
 - (c) due attention is given to the representivity of NABABET on such relevant grounds as race, gender and disability;
- (5) The Minister must, by notice in the Gazette and in a national newspaper circulating in every province of the Republic, and by any other means regarded as necessary by him or her, invite nominations for a chairperson and ordinary members of NABABET from national organisations or bodies with a direct and continuing interest in adult basic education and training.
- (6) The Minister must consider the nominations as contemplated in sub-regulation (5), and from the persons so nominated, must appoint-
- (a) a chairperson and deputy chairperson of NABABET; and
 - (b) not more than 29 ordinary members of NABABET.
- (7) NABABET may co-opt not more than 3 members.

Term of office of members

6. (1) The chairperson of NABABET holds office for a period of four years.
- (2) Every ordinary member of NABABET contemplated in regulation 5(6)(b) holds office for a period of four years.
- (3) Any co-opted member of NABABET holds office for a period determined by NABABET.
- (4) The chairperson or a member of NABABET contemplated in subregulation (2) may not serve for more than two consecutive terms of office.

Vacation of office by the chairperson and members

7. (1) A person ceases to be a chairperson or a member if he or she-
 - (a) resigns by giving written notice to the chairperson, or in the case of the chairperson, the Minister;
 - (b) is absent from three consecutive meetings of NABABET;
 - (c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine;
 - (d) is declared unable to attend to his or her personal affairs by a Court of law.
- (2) The Minister may revoke the appointment of the chairperson or any member of NABABET at any time before the expiry of his or her term of office if in the Minister's opinion there exists sound reasons for doing so.

Filling of vacancies

8. If a member vacates his or her office, the resultant vacancy must be filled by nomination, appointment or co-option as the case may be.

Administrative functions of NABABET and committees

9. (1) The administrative functions of NABABET and any of its committees shall be performed by officials of the Department who are designated by the Director-General for that purpose.
- (2) The Director-General must designate a secretary under whose direction the designated officials shall perform their functions.

Executive Committee of NABABET

10. (1) NABABET must appoint an executive committee consisting of the chairperson, deputy chairperson and five members of NABABET.
- (2) NABABET must determine the functions of the executive committee.
- (3) A decision of the executive committee must be regarded as a decision of NABABET, unless such a decision is revoked at the subsequent meeting of NABABET.
- (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 NABABET under subregulation (3).
- (5) A vacancy on the executive committee must be filled by co-option of a member of NABABET until the next meeting of NABABET.

Committees of NABABET

11. (1) NABABET may establish other committees in addition to the executive committee, to assist in the performance of its functions.
- (2) Any committee other than the executive committees may include persons who are not members of NABABET.
- (3) The chairperson and deputy chairperson of a committee must be appointed by NABABET.
- (4) Members of the committees contemplated in subregulation (2) may be appointed for such periods as NABABET may determine.

Meetings of NABABET and its committees

12. (1) Meetings of NABABET and its committees must be held at such times and places as may be determined by the chairperson concerned. The chairperson of NABABET must convene a meeting at least twice a year, or if asked to do so in writing by at least one third of the members of NABABET or committees, as the case may be.
- (2) The deputy chairperson shall preside whenever the chairperson is absent from any meeting of NABABET or its committees.
- (3) NABABET must make rules relating to the procedure at meetings of NABABET 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 NABABET or its committees are not invalid by reason only of the fact that a vacancy exist on NABABET or such committee as the case may be, at the time of such a meeting.

Information to be provided to NABABET

13. The NABABET may request the Head of Department, Director-General and any centre which offers adult basic education and training to provide such information about the centre or quality of adult basic education and training as is reasonably required.

Short title and commencement

14. These regulations shall be called the *Regulations to provide for the Establishment, Composition and Functioning of the National Advisory Board for Adult Basic Education and Training* and shall come into operation on the date of publication.