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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1363.

11 Julie 1984

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11 July 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 78 van 1984: Wysigingswet op Onderwys vir Indiërs, 1984.

No. 78 of 1984: Indians Education Amendment Act, 1984.

Wet No. 78, 1984

WYSIGINGSWET OP ONDERWYS VIR INDIËRS, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Onderwys vir Indiërs, 1965, ten einde 'n sekere verouderde uitdrukking te skrap; die omskrywing van "tegniese beroepsonderwys" uit te brei; voorsiening te maak vir die instelling van tegniese kolleges en van kollegerade en -senate vir onderwyskolleges en van kollegerade vir tegniese kolleges; en voorsiening te maak vir die toegang van Indiërstudente aan die Universiteit van Suid-Afrika of die Universiteit van Durban-Westville tot onderwyskolleges en van sodanige studente aan onderwyskolleges tot daardie Universiteite vir die doeleindes van die opleiding van daardie studente as onderwysers in sekere vakke of kursusse; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 61 van 1965, soos gewysig deur artikel 1 van Wet 39 van 1979.

1. Artikel 1 van die Wet op Onderwys vir Indiërs, 1965 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van "beroepsonderwys" deur die volgende omskrywing te vervang:
"beroepsonderwys" handel-beroepsonderwys en huishoudkundige beroepsonderwys **[en tegniese beroepsonderwys]**;"
- (b) deur die omskrywing van "bestuursliggaam" deur die volgende omskrywing te vervang:
"bestuursliggaam", met betrekking tot 'n skool, met inbegrip van 'n **[kleuterskool, of 'n]** koshuis, die persoon of, in die geval van 'n onderwyskollege en 'n tegniese kollege, die kollegeraad bedoel in artikel 3A (1) wat die skool of koshuis bestuur;"
- (c) deur die omskrywing van "buitengewone onderwys" deur die volgende omskrywing te vervang:
"buitengewone onderwys" onderwys of opleiding van 'n gespesialiseerde aard wat verskaf word om by die behoeftes van afwykende kinders aan te pas, en ook algemene kulturele onderwys, beroepsvoorligting, beroepsonderwys, tegniese beroepsonderwys en mediese, tandheelkundige en geestelike ondersoek en behandeling, asook versorging in 'n koshuis, wanneer dit verskaf word aan of geskied ten opsigte van sodanige kinders;"
- (d) deur die omskrywing van "onderwys" deur die volgende omskrywing te vervang:
"onderwys" ander onderwys as onderwys wat verskaf word deur 'n universiteit wat by of ingevolge 'n wet ingestel is of deur 'n inrigting vir gevorderde tegniese onderwys wat ingestel is kragtens die be-

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Indians Education Act, 1965, so as to delete a certain obsolete expression; to extend the definition of “technical vocational education”; to provide for the establishment of technical colleges and of college councils and college senates for colleges of education and of college councils for technical colleges; and to provide for the access of Indian students at the University of South Africa or the University of Durban-Westville to colleges of education and of such students at colleges of education to those Universities for the purposes of the training of those students as teachers in certain subjects or courses; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 19 June 1984.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Indians Education Act, 1965 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the substitution for the definition of “education” of the following definition:

“education’ means any education other than education provided by a university established by or in terms of any law or an institution for advanced technical education established **[in terms]** under the provisions of the Indians Advanced Technical Education Act, 1968 (Act No. 12 of 1968), and includes vocational education, technical vocational education and special education not so provided;”;
 - 15 (b) by the substitution for the definition of “governing body” of the following definition:

“governing body’, in relation to any school, including a **[nursery school, or a]** hostel, means the person or; in the case of a college of education and a technical college, the college council referred to in section 3A (1) managing such school or hostel;”;
 - 20 (c) by the substitution for the definition of “special education” of the following definition:

“special education’ means education or training of a specialized nature provided to suit the needs of handicapped children, and includes general cultural education, vocational guidance, vocational education, technical vocational education and medical, dental and mental examination and treatment, as well as care in a hostel, when provided for or taking place in respect of such children;”;

Amendment of section 1 of Act 61 of 1965, as amended by section 1 of Act 39 of 1979.

palings van die Wet op Gevorderde Tegniese Onderwys vir Indiërs, 1968 (Wet No. 12 van 1968), en ook beroepsonderwys, tegniese beroepsonderwys en buitengewone onderwys wat nie aldus verskaf word nie;";

- (e) deur die omskrywing van "tegniese beroepsonderwys" deur die volgende omskrywing te vervang:
 "tegniese beroepsonderwys" onderwys en opleiding (teoreties of prakties of teoreties sowel as prakties) bestaande uit—
- (a) 'n kursus wat onderwys en opleiding in enige voorgeskrewe ambag of enige voorgeskrewe tegniese vakke insluit [maar nie ook]; en
- (b) 'n kursus van onderwys [of] en opleiding in houtwerk, metaalwerk of enige ander praktiese kuns of handwerk wat nie spesifieke onderwys of opleiding vir 'n voorgeskrewe ambag is nie [indien] en waarvan die duur [van die onderwys en opleiding in sodanige vakke] hoogstens agt uur per week is, [afgesien van] ongeag die getal handwerkvakke wat [geloop] gevolg word;"; en
- (f) deur na die omskrywing van "tegniese beroepsonderwys" die volgende omskrywing in te voeg:
 "tegniese kollege" 'n tegniese kollege kragtens artikel 3 (1) (a) ingestel waarin Indiërs-tegniese beroepsonderwys ontvang;";

Wysiging van artikel 3 van Wet 61 van 1965, soos gewysig deur artikel 2 van Wet 39 van 1979.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- (a) onderwyskolleges, tegniese kolleges, sekondêre skole, primêre skole, landbouskole, beroepskole, spesiale skole, pre-primêre skole en tehuise instel, oprig en in stand hou;";

Invoeging van artikels 3A en 3B in Wet 61 van 1965.

3. Die volgende artikels word hierby in die Hoofwet na artikel 3 ingevoeg:

- 3A. (1) Die Minister kan te eniger tyd—
- (a) vir 'n onderwyskollege, 'n kollegeraad en -senaat; en
- (b) vir 'n tegniese kollege, 'n kollegeraad, instel, wat, behoudens die bepalings van subartikel (2), die bevoegdhede uitoefen en die pligte verrig wat voorgeskryf word.
- (2) (a) 'n Kollegeraad wat vir 'n onderwyskollege ingestel is, kan statute opstel wat voorsiening maak vir die algemene bestuur van die betrokke onderwyskollege met betrekking tot enige aangeleentheid wat nie deur die een of ander wet voorgeskryf word nie.
- (b) Geen statuut kragtens paragraaf (a) opgestel, is van krag nie tensy dit deur die Minister goedgekeur word en in die *Staatskoerant* gepubliseer word.
- 3B. Ondanks andersluidende bepalings van die een of ander wet maar onderworpe aan 'n reëling tussen die Minister en, met die instemming van die Minister van Nasionale Opvoeding, die raad van die Universiteit van Suid-Afrika, of die raad van die Universiteit van Durban-Westville, kan aan Indiërstudente aan daardie Universiteite of 'n onderwyskollege toegang tot 'n onderwyskollege of daardie Universiteite, na gelang van die geval, verleen word vir die doeleindes van of in verband met die opleiding van daardie stu-

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- (d) by the insertion after the definition of "State school" of the following definition:
 "technical college" means a technical college established under section 3 (1) (a) in which Indians receive technical vocational education;"
- (e) by the substitution for the definition of "technical vocational education" of the following definition:
 "technical vocational education" means education and training (theoretical or practical or both theoretical and practical) consisting of—
 (a) a course that includes education and training in any prescribed trade or any prescribed technical subjects **[but does not include]**; and
 (b) a course of education **[or]** and training in woodwork, metal work or any other practical art or craft not being specific education or training for any prescribed trade **[if]** and the duration of **[the education or training in such subjects]** which does not exceed eight hours per week, irrespective of the number of handi-craft subjects taken;"
- (f) by the substitution for the definition of "vocational education" of the following definition:
 "vocational education" means commercial vocational education and domestic science vocational education **[and technical vocational education]**;"

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 (a) establish, erect and maintain colleges of education, technical colleges, secondary schools, primary schools, agricultural schools, vocational schools, special schools, pre-primary schools and homes;"

Amendment of section 3 of Act 61 of 1965, as amended by section 2 of Act 39 of 1979.

3. The following sections are hereby inserted in the principal Act after section 3:

Insertion of sections 3A and 3B in Act 61 of 1965.

3A. (1) The Minister may at any time establish—
 (a) for a college of education, a college council and senate; and
 (b) for a technical college, a college council, which shall, subject to the provisions of subsection (2), exercise such powers and perform such duties as may be prescribed.
 (2) (a) A college council established for a college of education may name statutes providing for the general government of the college of education concerned in relation to any matter not prescribed by any law.
 (b) No statute framed under paragraph (a) shall be in force unless it is approved by the Minister and is published in the *Gazette*.
3B. Notwithstanding anything to the contrary contained in any law but subject to an arrangement between the Minister and, with the concurrence of the Minister of National Education, the council of the University of South Africa, or the council of the University of Durban-Westville, Indian students at those Universities or any college of education may be granted access to any college of education or those Universities, as the case may be, for the purpose of or incidental to the training of such students as teach-

"Establishment of college councils and senates for colleges of education and college councils for technical colleges.

Teaching and training of teachers in collaboration with certain universities.

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dente as onderwysers in die vakke of kursusse wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant bepaal.”.

Wysiging van artikel 33 van Wet 61 van 1965, soos gewysig deur artikel 3 van Wet 9 van 1981.

4. Artikel 33 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (b) die volgende paragraaf in te voeg: 5

“(bA) betreffende die bevoegdhede en pligte van ’n kollegeraad en -senaat, die samestelling, verkiesing, benoeming of aanstelling en ampstermyn van ’n voorsitter en ondervoorsitter van ’n kollegeraad en -senaat, die ampstermyn van die lede daarvan, die vulling van vakatures daarin, die persoon deur wie en die wyse waarop vergaderings van ’n kollegeraad en -senaat belê moet word, die prosedure wat op sodanige vergaderings gevolg moet word (met inbegrip van die kworum), die prosedure wat by ’n staking van stemme gevolg moet word en die hou van notules ten opsigte van sodanige vergaderings;”.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Onderwys vir Indiërs, 1984. 20

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ers in such subjects or courses as the Minister may
from time to time determine by notice in the *Ga-*
zette.”

4. Section 33 of the principal Act is hereby amended by the in-
5 sersion in subsection (1) after paragraph (b) of the following
paragraph:

10 “(bA) as to the powers and duties of a college council and
senate, the constitution, election, nomination or ap-
pointment and period of office of a chairman and vice-
chairman of a college council and senate, the period of
office of the members thereof, the filling of vacancies
therein, the person by whom and the manner in which
15 meetings of a college council and senate shall be con-
vened, the procedure to be followed at such meetings
(including the quorum), the procedure to be followed
in the event of an equality of votes and the keeping of
minutes in respect of such meetings;”

Amendment of
section 33 of
Act 61 of 1965,
as amended by
section 3 of
Act 9 of 1981.

5. This Act shall be called the Indians Education Amendment Short title.
Act, 1984.

