



# NAPTOSA GAUTENG

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**NF 32 / 2017 (24 October 2017)**

## POST ESTABLISHMENTS: 2018

Early in September the PELRC discussed the budget and proposed 2018 post establishments. After the employer had tabled a post distribution model, labour had requested clarity on several issues. The employer agreed to submit the required information to labour. To everybody's surprise, GDE issued the post establishments without concluding the discussion with labour on outstanding matters.

The Standing Committee of the PELRC met on Friday, 20 October and parties agreed on the following process:

1. A special meeting would be convened on Tuesday, 24 October. The Directorate responsible for post establishments would also be present.
2. The purpose of the meeting would be –
  - To correct obvious discrepancies as forwarded by parties;
  - To explore ways of at least retaining the teacher: learner ratio at status quo;
  - To discuss the budget split;
  - To look at the difference in post provisioning data presented at the Education Ndaba at ELRC and the data presented in the province.

In view of the above, schools are advised to wait until this matter has been resolved in the PELRC. NAPTOSA's position is that we have to retain at least last year's teacher:learner ratio.

## GOVERNMENT EMPLOYEES PENSION FUND: APPROVED RULE FOR FUNERAL BENEFITS

*(Please note this is NOT applicable to NAPTOSA funeral benefit for members)*

Government Gazette No 41151 (**Amendment of the rules of the Government Employees Pension Fund**) was published on 29 September 2017. The amended Rules include, inter alia, **improved funeral benefits** for public servants.

Rule 14.9 has been amended as follows:

14.9.1 In the case of:

- (i) a member; or
- (ii) a pensioner, whose pension either:
  - (aa) commenced on or after 1 December 2002; or
  - (bb) commenced prior to 1 December 2002 and who is still alive as at 1 April 2012; the funeral benefits payable upon the death after 1 October 2017 of such member or the pensioner and/or his spouse and/or eligible children and/or stillborn, as defined, are as follows:

- (a) In the case of the member or pensioner a payment of R15 000;
- (b) In the case of a spouse a payment of R15 000;
- (c) In the case of an eligible child a payment of R6 000 per child;
- (d) In the case of a stillborn a payment of R6 000 per stillborn.

Provided that any termination as determined in the Choice on termination of Pregnancy Act, Act 92 of 1996, as amended, or any termination of pregnancy that is self-inflicted is specifically excluded.

14.9.2 **The benefits payable in terms of Rule 4.9.1 are payable irrespective of the order in which deaths occur so that funeral benefits will be paid in respect of the spouse and each eligible child in receipt of an annuity from the Fund, even after the death of the member or the pensioner.**

*Let us serve education and each other with dignity*

### Office bearers

Chairperson: Mr Thabo Manne  
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Vice Chairperson: Mrs Victoria Kekana

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## BASIC EDUCATION LAWS AMENDMENT (BELA) BILL: CALL FOR PUBLIC COMMENT

The Draft Basic Education Laws Amendment Bill (BELA) was published in Government Gazette No.41178 (13 October 2017) for public comment.

The Bill contains proposed amendments that are very significant and will have far reaching implications for schools and SGBs. Click on the link below to download a copy of the *Draft Basic Education Laws Amendment Bill*:  
<https://www.gov.za/documents/basic-education-laws-amendment-bill-draft-13-oct-2017-0000>

The Bill seeks to amend the South African Schools Act and the Employment of Educators Act. There are many proposed amendments to the powers of the SGB relating to the admission policy, language policy, appointment of post level 2 to 4 educators, etc. The Department of Basic Education has studied various court rulings from the past few years and based on those rulings, seeks to tighten its control over schools.

**It is important that members and SGBs study the proposed amendments and submit comment to either the NAPTOSA Gauteng office ([wallys@naptosa.org.za](mailto:wallys@naptosa.org.za)) by 1 November 2017 or directly to the Department of Basic Education by 10 November 2017.**

The DBE has provided a motivation for each proposed amendment. It is important to study these motivations before preparing any comment. The motivations are included in the Government Gazette.

**NAPTOSA Gauteng wants to specifically draw your attention to the following important proposed amendments:**

### **Section 5 of the South African Schools Act (SASA): Admission of learners.**

The Head of Department has the final say in the admission of a learner, plus other amendments. Note the criteria that the Head of Department will use when assessing a school's admission policy. See also proposed amendment to section 59 – penalty for furnishing false, or misleading information or forged documentation by a parent or other person when applying for admission of a learner.

### **Section 6 of the SASA: Language policy**

Various proposed amendments, *inter alia*, the Head of Department may instruct a school to adopt more than one language of instruction. Note the criteria that the Head of Department will use when assessing a school's language policy.

### **Section 8 of the SASA: Code of conduct**

It is proposed, *inter alia*, that a learner and or parent may apply for exemption for the school's code of conduct or certain provisions thereof on just cause shown.

### **Section 20 of the SASA: functions of all Governing Bodies**

It is proposed that the SGB's power to make recommendations for the appointment of departmental heads, deputy principals and principals should be removed

### **Section 36 of the SASA: Responsibility of Governing Bodies**

Note the proposed new definition of "loan" in the "Definitions" and the insertion of "lease" in this section.

### **Section 48 of the SASA: Subsidies to registered independent school**

It is proposed that independent schools that receive a subsidy will be required to submit income and expenditure reports as well as audited statements.

**The following proposed amendments to the Employment of Educators Act (EEA) should also be studied carefully:**

### **Sections 6, 6A, 7 and 8 of the EEA: Appointments**

It is proposed that the SGB's power to make recommendations for the appointment of departmental heads, deputy principals and principals should be removed. The SGBs will be restricted to post 1 recommendations. The Head of Department will make all recommendations for appointment to posts levels 2 to 4. It should be noted that the proposal is not limited to promotion posts, but to the appointment of educators on posts levels 2 to 4 – this would therefore include transfers.

LOUISE SMIT  
CHIEF EXECUTIVE OFFICER

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