

**MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN  
CAPE PROVINCIAL SCHOOL EDUCATION AMENDMENT BILL,  
2016**

**1. BACKGROUND**

- 1.1 The Provincial Minister responsible for education in the Province identified the review of provincial education legislation as a strategic priority for the Western Cape Education Department.
- 1.2 The Draft Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposes to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) (the principal Act), in order to align it with developments in the education landscape, and to ensure that systems of learning and excellence in education are put in place in a manner that respects, protects, promotes and fulfils the right to basic education enshrined in section 29(1) of the Constitution of the Republic of South Africa, 1996. The Act does not make provision for current provincial policy on education in certain respects.

**2. OBJECTS OF THE BILL**

The Draft Amendment Bill proposes to amend the principal Act in order to provide for the matters envisaged in paragraph 1.2 and to make certain technical amendments. The salient objects of the Draft Amendment Bill are to make provision, inter alia, for:

- 2.1 monitoring and support of curriculum delivery in the classroom;
- 2.2 the establishment of an independent body to be known as the Western Cape Schools Evaluation Authority;
- 2.3 the establishment of collaboration schools and donor funded schools; and
- 2.4 the establishment of intervention facilities to which learners who have been found guilty of serious misconduct may be referred in certain circumstances.

**3. CONTENTS OF BILL**

- 3.1 **Clause 1** provides for the deletion of the definition of “adult education” and the insertion of definitions for: “assessor”, “Chief Evaluator”, “circuit manager”, “collaboration school”, “district director”, “donor”, “donor funded public school”, “intervention facility”, “operating partner”, “Schools Evaluation Authority”, “school improvement plan” and “subject advisor”.
- 3.2 **Clause 2** amends section 3 of the principal Act so as to delete the reference to the South African Schools Act, 1996 (Act 84 of 1996).
- 3.3 **Clause 3** amends section 4 of the principal Act by deleting the function of the Provincial Minister in subsection (1)(b) to provide for adult education.
- 3.4 **Clause 4** inserts a provision providing that specified officials may conduct and authorise the monitoring and support of curriculum delivery in the classroom.
- 3.5 **Clause 5** makes a technical amendment to section 11(4)(b) of the principal Act.
- 3.6 **Clause 6** inserts new provisions to permit the Provincial Minister to establish an independent body to be known as the Western Cape Schools Evaluation Authority (“Schools Evaluation Authority”) and to appoint a Chief Evaluator and assessors thereto. This clause further provides for eligibility criteria for the appointment, and the removal from office, of the Chief Evaluator and