**MEDIA STATEMENT**

**BASIC EDUCATION PORTFOLIO COMMITTEE COMMENCED WITH ORAL SUBMISSIONS ON BASIC EDUCATION LAWS BILL**

**Parliament, Tuesday, 8 November 2022 –** The Portfolio Committee on Basic Education has commenced with listening to oral submissions on the Basic Education Laws Amendment Bill (BELA).

The committee heard from seven organisations and stakeholders wanting to contribute to the drafting of the legislation. Some of the presenters included ChristianView Network, Suid-Afrikaanse Onderwysersunie, South African Human Rights Commission, Western Cape Commissioner for Children and Child Government Monitors and a joint presentation from Equal Education (EE) and the Equal Education Law Centre (EELC).

Committee Chairperson Ms Bongiwe Mbinqo-Gigaba said the committee today started the process of listening to the public, which is part of its Constitutional mandate. “We will have several more such sessions in the next few weeks and early next year it is expected that we will physically visit areas to hear from people on the ground.”

The Bill proposes to amend the South African Schools Act (SASA) of 1996, and the Employment of Educators Act (EEA) of 1998, so as to align them with developments in the education landscape and to ensure that systems of learning are put in place in a manner that gives effect to the right to basic education as enshrined in section 29(1) of the Constitution of the Republic of South Africa, 1996.

Amongst other things, the Bill seeks to amend certain definitions, to provide that attendance of Grade R is compulsory and to provide for system improvements in terms of admission of learners to public schools. It also provides for financial and public accountability frameworks for governing bodies and provincial departments. In addition, the Bill gives the Minister additional regulatory powers and enhances Heads of Departments’ and Members of executive councils’ decision-making and oversight powers.

The Bill further proposes technical and substantive adjustments, clarifies certain existing provisions, inserts provisions not provided for in existing legislation and strengthens enforcement mechanisms for offences and penalties.

The ChristianView Network told the committee that each year more powers are taken away from parents. They proposed that schools that are running well, should be left to do so.

EE and EELC told the committee that criminalising parents, whose children does not attend school, should be removed in its entirety. According to them criminalisation will not tackle the underlying problems and will predominantly impact women, who are often the primary caregivers in South Africa and it would potentially leave children without caregivers.

In general, the South African Human Commission (SAHRC) welcomed most provisions of the Amendment Bill, but expressed concerns over selected provisions.  The SAHRC said it is concerned that requiring a list of documents from learners and parents will lead to an exclusionary approach amongst schools and serve as a deterrent for parents bringing their undocumented children to school. This clause was also raised by several other presenters as troublesome.

The Commissioner for Children in the Western Cape raised concerns and made recommendations regarding parents’ role in their child’s education, allowing alcohol to be sold on the school property, the principle of non-discrimination and the understandings of discipline at schools.

Die Skole Ondersteuningsentrum said Afrikaans schools and language were under attack in the country and in the Bill. The organisation World Changers that works predominantly with the abuse of alcohol and drugs, urged the committee to remove the clause regarding the consumption of alcohol at schools outside of school hours, from the Bill. The FW de Klerk Foundation raised concerns relating to the extended powers of the Head of Department, the impact on mother tongue education as well as the impact on undocumented leaners.

Ms Mbinqo-Gigaba thanked all presenters for their input and said the committee will consider it during its deliberations. The committee will resume next week Tuesday with more oral submissions.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON BASIC EDUCATION, MS BONGIWE MBINQO-GIGABA.**

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