**MEDIA STATEMENT**

**BASIC EDUCATION PORTFOLIO COMMITTEE HEARS MORE ORAL SUBMISSIONS ON BASIC EDUCATION LAWS BILL**

**Parliament, Wednesday, 16 November 2022 –** The Portfolio Committee on Basic Education has continued to listen to oral submissions on the Basic Education Laws Amendment (BELA) Bill.

The committee yesterday heard from nine organisations and stakeholders wanting to contribute to the drafting of the legislation. Some of the presenters included the Pestalozzi Trust, the Federation of Associations of Governing Bodies of South African Schools (FEDSAS), the South African Democratic Teachers Union (SADTU), Section 27, Cause for Justice, AfriForum and the Congress of South African Trade Unions (COSATU).

Committee Chairperson Ms Bongiwe Mbinqo-Gigaba said the second round of oral submissions was very informative, continuing the trend established in round one last week. “We are grateful for the input and contributions made by all organisations, which I believe will enhance and enrich our deliberations.”

The Bill proposes to amend the South African Schools Act of 1996, and the Employment of Educators Act of 1998, 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.

Amongst other things, the Bill seeks to amend certain definitions, to provide that attendance in 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 the decision-making and oversight powers of heads of departments and members of executive councils.

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 committee heard from FEDSAS that about 80 per cent of school governing bodies (SGBs) are dysfunctional. FEDSAS also said that functional and successful SGBs should be allowed to continue as they are, without the interference of the state. FEDSAS also mentioned its concerns regarding the proposed requirement for SGB members to declare their financial interests.

Section27 said while it welcomes measures related to ensuring accountability and good governance, its notes that obstacles facing SGBs at historically disadvantaged schools can only be addressed through putting in place measures to improve SGBs’ skills capacity and by addressing the power dynamics between school staff and SGBs. This includes providing comprehensive training after every election to all SGB members.

Section27 also raised the question of corporal punishment and welcomed to move to define corporal punishment. However, the current definition only extends to physical forms of punishment, excluding non-physical forms of punishment. This is a concerning omission as cruel and degrading forms of non-physical punishment have been shown to have severe adverse impacts on learners.

SADTU recommended that clear provisions regulating language policy be inserted in the Bill to facilitate access and uniformity across the system. The teachers’ union felt that provision should be made to unlock stalemates between the heads of department and the SGB relating to schools’ language policy. SADTU recommended that a clause be inserted that will ensure that SBGs do not apply the school’s language policy directly in the admission of entry-phase learners. Regarding the clause about protest action, SADTU said it must be brought in line with the relevant provisions of the Labour Relations Act (LRA), in particular Section 4 of the LRA which protects union members’ rights to engage in the union’s lawful activities.

The committee heard from Afriforum that despite the promise of 1994 that language and culture would be protected in the new dispensation, very little has been done to do so. It is Afriforum’s opinion that the amendments contained in the Bill, specifically those pertaining to admission and language policies, amount to a calculated attack on Afrikaans education, while offering no relief to the speakers of other indigenous languages.

COSATU is concerned that the Bill does not extend compulsory schooling from Grade 9, where it is currently, to Grade 12. Many learners drop out of school in Grade 9 or when they turn 15, which condemns them to low-paying jobs with few career prospects. It further said that the Bill must recognise education workers’ constitutional and labour rights to picket.

There were mixed reactions regarding the consumption and/or sale of alcohol on school premises outside school hours. Many felt additional provisions setting the conditions for liquor sales are not enough to prevent learners accessing liquor in such events.

Ms Mbinqo-Gigaba said the committee will consider this during its deliberations. The committee will resume next week on Tuesday for 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.**

For media enquiries or interviews with the Chairperson, please contact the committee’s Media Officer:
**Name: Rajaa Azzakani (Ms)**
**Tel: 021 403 8437**