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DRAFT EDUCATION ORDINANCE 1952
Memorandum and commentary submitted
by the Transvaal Teachers' Association
to the
Select Committee appointed by the
Provincial Council.
Aug. 1952.

37(68).

Box 25b.



DRAFT EDUCATION ORDINANCE 1952

MEMORANDUM AND COMMENTARY

submitted by

THE TRANSVAAL TEACHERS' ASSOCIATION

to the

SELECT COMMITTEE APPOINTED BY THE PROVINCIAL COUNCIL.

AUGUST, 1952.

EDUCATION ORDINANCE 1952.

MEMORANDUM AND COMMENTARY SUBMITTED BY THE TRANSVAAL TEACHERS' ASSOCIATION.

PREAMBLE:

The Transvaal Teachers' Association concedes that there may have been need for a consolidating Education Ordinance, but maintains that the present draft, so far from merely consolidating existing legislation, proposes the introduction of fundamental changes which demand lengthy and detailed study. The principles involved in these changes have been under discussion for some time, and the Joint Committee of Transvaal Teachers' Associations made repeated requests for an opportunity of studying what was proposed. The Administrator gave an undertaking to the Joint Committee that the teachers' associations would have an opportunity of studying the ordinance after it had been published and before decisions were finally taken in the Provincial Council.

It is therefore regrettable that the draft ordinance, having been published three days before the school holidays, when it is most difficult for teachers' organisations to convene meetings, should have been set down for discussion within a week of the conclusion of these holidays, and that bodies anxious to give evidence before the Select Committee then appointed should have been given less than two weeks in which to draw up memoranda for presentation to the Select Committee.

Bearing in mind that decisions taken now will affect hundreds of thousands of children before any further major amendments are likely to occur, it would seem only reasonable that such decisions should be taken only after the fullest possible consideration and expression of opinion by all concerned; the manner in which they are being rushed through now inevitably provokes the thought that those sponsoring the draft are anxious to get it accepted before certain of its implications have been fully appreciated or made known to the public.

In spite of the difficulties thus created, the Transvaal Teachers' Association has contrived to put forward its views on major points in so far as these points have up to now been assessed, but emphasises that silence on other matters does not necessarily imply acceptance of them, and all views are stated without prejudice to future expression of further views.

For the present then, expressions of opinion are confined to those matters which most directly affect members of this association and its policy. Although the Association feels strongly on certain other aspects of the draft, such as those sections affecting private schools and the education of non-Europeans, the haste with which the ordinance is being handled precludes a full study and commentary upon them.

CHAPTER I

CENTRAL CONTROL OF EDUCATION

Section 4. EDUCATION ADVISORY COUNCIL.

The establishment of a Council as outlined in this section is welcomed as it is felt that it could fulfil a useful function on purely professional matters.

There/.....

There are, however, three points to which the Transvaal Teachers' Association would draw the attention of the Select Committee:-

1. Paragraph (2)(a)

The Chairman could influence favourably or otherwise the subsequent careers of all but two members of the Council. If he resents criticism or determination on the part of these members, they may be placed in an invidious position, and the best results may not be achieved.

The Transvaal Teachers' Association therefore recommends:-

- (a) That the Council should appoint its own chairman.
- (b) That he be preferably someone not in the employ of the Transvaal Education Department.
- (c) That liaison with the Director could still be maintained by his nominee on the Council.

2. Paragraph (2)(c)

The Transvaal Teachers' Association urges very strongly that the representatives of the teaching profession must be teachers nominated by the several recognised teachers' associations.

3. This Council, having to do purely with professional matters does not touch upon other vital matters, such as conditions of service, for the discussion of which the teaching profession feels there should be a permanent channel of consultation, not only with the Transvaal Education Department but also with the Provincial Council. It is felt that there are certain matters of policy upon which the Provincial Councillors should hear the views of the profession direct, even though they have been expressed (and perhaps rejected) in the Advisory Council. The Advisory Council make take decisions diametrically opposite to the united views of the teachers' associations, and these will be given to the Provincial Council as the views of the Education Advisory Council, and therefore presumably of the teaching profession. The teaching profession may have to carry out a policy to which it is utterly opposed, and concerning which the parents and their representatives in the Provincial Council might have supported them had they heard the teachers' reasons.

The Transvaal Teachers' Association therefore recommends that a Provincial Consultative Committee on Education, as unanimously supported by the Joint Committee of Transvaal Teachers' Associations from 1947 onwards, and consisting of representatives of the Provincial Council, the Transvaal Education Department and the organised teaching profession, be instituted.

The following memorandum on the subject was submitted to the Union Committee of Enquiry which investigated conditions of service of teachers:-

MEMORANDUM/.....

MEMORANDUM ON THE DESIRABILITY OF ESTABLISHING A
PROVINCIAL ADVISORY COMMITTEE ON EDUCATION (along lines
similar to that recommended by the Federal Council of
Teachers' Associations for the Union of South Africa).

1. Education in the Transvaal is handled by three main groups:
 - (a) The Provincial Council and its Executive Committee, the function of which is legislative.
 - (b) The Transvaal Provincial Administration (including the Transvaal Education Department), the function of which is administrative.
 - (c) The members of the teaching profession, whose function is the actual practice of Education.

It appears obvious that as these three groups are sharing the task of education, there should be a body on which each is represented, so that each may hear the views of the others in the most direct and expeditious manner possible.

2. At present it is possible for group C to seek an interview with group B and this is usually granted, but not necessarily so, and as there are occasions when B and C are, in a sense, litigants, it is obviously unsatisfactory from C's point of view that B should play the part of judge as well, or possibly even refuse a hearing. Direct contact between A and C is extremely rare, and involves long prior arrangement surely it would only be beneficial to all concerned if there were normal channels for the exchange of views between the partners in this great responsibility.
3. Consultation with all concerned prior to the making of decisions, issuing instructions, etc. would obviate much misunderstanding of the motives involved and might, on occasion, save the lengthy and irritating process of cancellation or amendment of instructions when these are found to be impracticable or obscure.
4. It is felt that where in the past machinery has been set up for consultation, the ultimate satisfaction arrived at through the free exchange of views and the complete understanding achieved thereby, has warranted the extension of the principle of consultation, so that in as many matters as possible the same satisfactory result may be achieved ... this will not be possible as long as it is necessary to set up afresh time and time again the special machinery for consultation, but will follow automatically if there is a standing body established for the purpose.

Section 6. Paragraph (h). Recognition by the Administrator of
Teachers' Associations and/or Joint
Committee thereof.

In principle this paragraph is acceptable to the Transvaal Teachers' Association, but a great deal will depend on the Administrator's application of it.

CHAPTER 2.LOCAL MANAGEMENT OF SCHOOLS.

The Transvaal Teachers' Association is opposed to the WARD SYSTEM for the following reasons:-

1. It would entrench the party-political nature of the election - an undesirable phenomenon which has recently (and regretably) come into being.
2. An election on such a basis would deter many of the most desirable candidates as such people would be unwilling to endure the indignities or would be unable to afford the expense involved in a party-political election. Conversely it might attract persons whom, for various reasons, it is not desirable to have in control of local educational matters.
3. If the above-mentioned expense were borne by a party organisation, the candidate concerned would be obliged to subordinate his own views and decisions to those of the party financing him.
4. It is quite conceivable that a School Board elected on this basis might result in the entire elimination of a minority representation.
5. The advantages of a secret ballot, here associated with the Ward System, do not pertain exclusively to this form of election.
6. The necessity for electing members from the various wards (See Section 25(b)) may result in the exclusion of better members merely for the sake of geographical representation.
7. The loading of votes associated with the Ward System as proposed in the draft for the election of School Boards appears to be excessive and unjustifiable. The degree of loading required to permit of delimiting along clearly defined lines need not, in our opinion, exceed say, 5 per cent.

In view of the above objections to the Ward System in the election of School Boards, the Transvaal Teachers' Association is in favour of the retention of the present system of School Board election with the following proviso:-

That whichever of the two systems is adopted the Administrator in appointing his quota of members

- (a) shall ensure representation of minorities;
- (b) shall not in so doing convert an elected minority into a total majority.

Section 40(2)(a).

The Transvaal Teachers' Association is of the opinion that the School Board should be guided by the local Inspectors of Education with regard to the determination of the boundaries of the feeding areas of schools.

Section/.....

Section 48.SCHOOL COMMITTEES

The Transvaal Teachers' Association recommends that the establishment of School Committees should not be compulsory, but that the present regulations in this connection should continue to apply.

Section 48(3).

The Transvaal Teachers' Association recommends the retention of the present qualifications for eligibility for election to school committees as against those proposed in Section 48(3) of the Draft Ordinance.

Section 48(5).

The wording here appears to be wrong. The apparent intention is that the Committee of the Orphanage should be entitled to appoint one member of the School Committee for every 20% of the school's enrolment drawn from such Orphanage.

Section 52.GOVERNING BODIES

It is not clear to this Association whether this section implies an increase in the proportion of the members nominated by the Administrator. If so, this Association is opposed to any such increase.

Section 52(2).ELIGIBILITY FOR MEMBERSHIP OF GOVERNING BODIES.

See comments on 48(3).

CHAPTER 4.LANGUAGE AND EDUCATION

(Sections 54 to 65)

Section 56(1)

The Transvaal Teachers' Association re-affirms its policy

1. that the parent should have the right to choose, at all stages of a child's School career, the medium through which the child is to be educated. It considers that the relevant provisions of the draft interfere with the fundamental rights of parents.
2. The Transvaal Teachers' Association believes that the provisions of this section encourage the separation instead of the mixing of children of different language groups, and will work always towards the education of English and Afrikaans children in the same schools.

The Association feels that this aim can best be furthered at present by insisting on the parent's right as in paragraph 1 above. It feels strongly that if children of parents of goodwill of both sections were allowed to enter the same schools the principals would be able to introduce the active use of the second language easily, and that this should be the policy of the Administration.

Section 62/.....

Section 62.

This should be deleted. The Association agrees that it is essential that South African teachers should become bilingual as soon as possible. But if, and as long as, the policy of separate medium schools as laid down in the draft continues to operate, Section 62 is unrealistic, inconsistent and irrelevant.

Moreover at a time when the teacher shortage is already acute, and becoming more so, it would seem unwise to add unnecessary barriers which might deter potential recruits and which would almost certainly exclude the possibility of recruitment of teachers from other parts of the world.

The Transvaal Teachers' Association has at all times advocated the policy that promotion should be awarded to the best applicant and that there should be no arbitrary exclusions due to individual factors. Section 62 is directly in conflict with this policy and if applied might result in the best applicants not getting the promotion.

If Section 62 is not deleted

- (a) some provision should be made for students who have already started training;
- (b) care should be taken to ensure that any tests of proficiency referred to in paragraph (c) of Section 60 of the Draft should be of equal standard.

Section 63.

The Transvaal Teachers' Association approves of a system of extra remuneration for bilingual teachers and bursaries for pupils, but, as indicated as above, does not approve of increments and promotion being withheld from unilingual teachers appointed by the Transvaal Education Department.

Section 68(1).ESTABLISHMENT OF SELECTION COMMITTEE.

The introduction of a Selection Committee to control the promotion of teachers represents a major departure from previous practice in the Transvaal. Upon its acceptability to the teaching profession depends entirely whether teachers will have a feeling of confidence in their future prospects.

It has been the consistent policy of the Joint Committee to press for the establishment of a Selection Committee which will provide not only a more consistent system of promotion but also safeguard teachers of the respective language groups employed in various types of school.

The Selection Committee as constituted in the draft fails in the opinion of the Transvaal Teachers' Association to provide such safeguards and is therefore totally unacceptable. The Transvaal Teachers' Association would prefer the retention of the present system of promotions rather than a Selection Committee as outlined in the Draft.

Some of the Transvaal Teachers' Association's objects to the form of Selection Committee proposed in the draft as are follows:-

1. The/.....

1. The Committee is numerically too small to cope adequately with all the promotions it would have to decide upon.
2. The two persons selected by the Director in terms of Section 68(1)(a) could not possibly represent the various sections of the Joint Committee as referred to in that section (or its constituent associations).

For this reason the safeguards mentioned above would not be operative. Teachers would suspect various forms of bias in the decisions arrived at by such a committee - hence the lack of confidence referred to above.

THE TRANSVAAL TEACHERS' ASSOCIATION REAFFIRMS ITS ENTHUSIASTIC SUPPORT OF THE PRINCIPLE OF THE SELECTION COMMITTEE PROVIDED THAT ITS CONSTITUTION AND PROCEDURE CONFORM WITH THE CONSTITUTION AND PROCEDURE OF THE SELECTION COMMITTEE AS RECOMMENDED BY THE JOINT COMMITTEE. THE DETAILS OF WHICH ARE ATTACHED TO THIS MEMORANDUM. SEE APPENDIX 1.

NOTE: In view of the recent dissolution of the Joint Committee it will be necessary to amend page 1 Para III A as follows:

Delete the words "Die Gesamentlike Komitee", and replace the phrase "'n Kieskollege deur hom saamgestel" with the phrase "'n Kieskollege deur die erkende Onderwysersverenigings saamgestel".

Section 69(1).

NON ADVERTISEMENT OF POSTS

Transvaal Teachers' Association policy is that all posts should be advertised even if in certain cases, as thought of here, certain factors must be given emphasis when making the appointment. The Transvaal Teachers' Association recommends accordingly.

Section 74.

TRANSFER OF TEACHERS

As a proviso to this section add "provided that the teacher concerned be adequately compensated for any financial loss incurred through such transfer."

Section 79(1)(b).

The Transvaal Teachers' Association prefers the present scheme for principals and vice-principals which appears in the Regulations of 30th March, 1949, paragraph 10(3), not as amended by Administrator's Notice 629, dated 30th July, 1952.

Section 80.

In terms of various Transvaal Teachers' Association Conference resolutions teachers should be given the opportunity of improving their qualifications, but there should be no obligation upon them to do so as indicated in subsections (1) and (2). It is further emphasised that courses provided by the Department should take place during teachers' normal working periods and should impose no financial commitments.

Section 83(a).

Insert "provided that if the teacher has incurred costs and the Director terminates appointment before expiration of period, the Department shall be liable to repay such costs."

Section 84(a)/.....

Section 84(a).

It is the accepted policy of the Transvaal Teachers' Association that married women teachers should be eligible for permanent employment, should they so desire, and provision should be made for this in this section.

Section 85(3)(a).

The Transvaal Teachers' Association recommends that both teachers and vice-principals should have the same rights as the principal in this connection and this implies the deletion of sub-sections (I) and (II) of (3)(a).

Teachers found guilty under this section shall have the right of appeal to an Appeal Board constituted as suggested by the Joint Committee. See Appendix II.

Section 86(c).

The Transvaal Teachers' Association reaffirms its support of the Joint Committee Policy which has been the subject of at least one interview with the Administrator in Executive Committee that teachers should enjoy full civic and civil rights. The Transvaal Teachers' Association, however, condemns with the utmost emphasis the introduction of politics into schools.

Section 90(1).APPEAL BOARD.

The Transvaal Teachers' Association is in approval of the principle of an Appeal Board, but rejects the type of Appeal Board embodied in the Draft, in favour of that already advocated by the Joint Committee.

See Appendix II.

Section 92(1).VACATION LEAVE.

The Transvaal Teachers' Association recommends that leave should be a right, not merely a privilege.

While conceding that the time at which leave may be granted may be dependent upon the exigencies of the service, nevertheless, if a teacher has applied for leave and it has been refused, all accumulative leave should be paid for on retirement.

If a teacher has not applied for leave, maximum paid for on retirement should be one hundred and eighty (180) days.

CHAPTER 10.EDUCATION FOR COLOURED AND ASIATIC CHILDREN OR PERSONS.Section 109.

The Transvaal Teachers' Association is alarmed at the implications of the provisions of this section 109. It states that such a far-reaching innovation would be disastrous if applied, and would seriously injure Coloured and Asiatic schools, because there are insufficient Coloured and Asiatic teachers available. (There are perhaps three Indian women teachers in the Transvaal and very few students). Also, at present the qualifications of the Non-European teachers are generally lower than those of European teachers, so that the removal of European teachers from these schools would result in a serious lowering of their standards.

WHITE/....

WHITE TEACHERS AT PRESENT WORKING IN NON-EUROPEAN SCHOOLS.

Furthermore, Section 109 is regarded by this Association as being grossly unfair to European teachers who have given so many years of their lives to particular schools, and will now be compelled to leave them. A large number are involved. These teachers have in many cases taken up posts in Coloured and Indian schools because they are particularly interested in working with Non-European children, and therefore will not wish to be transferred elsewhere.

It does not appear that the move will be very satisfactory to them - vide Section 79. They will be offered one post. Refusal will be tantamount to resignation. A European principal or lecturer in a Non-European school may not be happy in a subordinate post in a European school. THIS MAY LEAD TO RESIGNATIONS OF MANY VALUABLE PEOPLE.

Further, Welfare workers and Missionary workers will be squeezed out under this system. Non-European principals have not the background to be good welfare workers at present, and they would not have the same influence with such authorities as Departmental Officials, School Board Officials or Municipal Authorities (e.g. Transport & Traffic Depts.)

Parent Opinion. In giving evidence to the Commission on Indian and Coloured Education, it is believed that the Indian Congress gave evidence in favour of retaining the services of European teachers. This would be the opinion of most Indian parents.

The Transvaal Teachers' Association feels that the people responsible for drawing up this chapter should base their work on the Report of the Commission before any promulgation is made. This report has not yet been published or made known to the public.

This chapter raises a serious thought, namely,
SHOULD ALL WESTERN INFLUENCES BE REMOVED FROM NON-EUROPEAN SCHOOLS?

The Transvaal Teachers' Association suggests an amendment to this section 109, to this effect, that any vacancy for the posts of principal, vice-principal or assistant at a Non-European school or institution should be filled by an Indian, Coloured or European person, according to the applicant's qualifications for the post; and further,

THAT ANY PRINCIPAL, VICE-PRINCIPAL OR ASSISTANT IN A NON-EUROPEAN SCHOOL OR INSTITUTION AT THE TIME OF PROCLAMATION SHALL REMAIN IN SUCH POST, UNLESS THEY APPLY FOR A TRANSFER.

Section 115 (2). Rectification of errors or omissions and validation of irregularities.

The Transvaal Teachers' Association is of the opinion that the powers granted here to the Administrator are too wide, and that the orders or instructions referred to in this section should only be given after they have been approved by the Provincial Council.

Section 120(4) (b). Regulations.

Grave injustices may be done while the regulations, not subsequently approved by the Provincial Council, are still in force and this clause prevents any redress.

The Transvaal Teachers' Association recommends that the Administrator should not be empowered to introduce regulations without the prior approval of the Provincial Council. If, however, this recommendation is not practicable, a clause should be introduced providing for the granting of redress to those who may have suffered under regulations not subsequently ratified by the Provincial Council.

DIE KEURKOMITEE.

I. DOEL.

Die doel van die Keurkomitee is om toe te sien dat in soverre moontlik die geskikste onderwyser in elke pos in Transvaal benoem sal word.

II. GRONDBEGINSELS.

Van die volgende grondbeginsels word uitgegaan:

- A. Die ouers moet seggingskap oor die benoeming van onderwysers vir hulle kinders hê.
- B. Die onderwyser moet by die skoolgemeenskap aanpas.
- C. Die onderwyser moet behoorlik bevoeg wees om die pos te beklee.
- D. Die opvoedkundige kwalifikasies van 'n onderwyser moet deur professionele persone beoordeel word.
- E. Onderwysers moet op grond van hulle verdienste bevorder word.
- F. Benoemings moet van aansoeke deur onderwysers afhanklik wees.

III. SAMESTELLING VAN DIE KEURKOMITEE.

Om aan die grondbeginsels uitvoering te gee, word die Keurkomitee as volg saamgestel:

- A. Deur in twee taalgroepe te stem nomineer die Gesamentlike Komitee, of 'n kieskollege deur hom saamgestel, agt persone met onderwyskwalifikasies en -ervaring in vier groepe as volg: twee Afrikaanssprekendes (As) met besondere kennis van middelbare skole, twee Afrikaanssprekendes (Ap) met besondere kennis van laerskole, twee Engelssprekendes (Es) met besondere kennis van middelbare skole en twee Engelssprekendes (Ep) met besondere kennis van laerskole. Die Direkteur van Onderwys benoem een uit elk van die vier groepe op die Keurkomitee.
- B. Die vier lede aldus deur die Direkteur van Onderwys benoem, kies eenpariglik van buite hulle eie gelede 'n voorsitter wat deur die Direkteur benoem word en wat net 'n gewone stem sal hê.

IV. PROSEDURE.

- A. Die Keurkomitee hou 'n lys van alle onderwysers in diens van die T.O.D. tesame met alle beskikbare gegewens oor hulle bevoegdhede.

/B.....

- B. Die Keurkomitee ontvang alle aansoeke om vakatures.
- C. i. Wanneer 'n vakature gevul moet word, kies die Keurkomitee vyf name uit die applikante in die volgorde van hulle verdienste en lê die lys aan die Direkteur voor.
- ii. Indien die Keurkomitee van oordeel is dat daar nie vyf bevoegde applikante is nie, kan hy minder as vyf name kies op voorwaarde dat hy 'n verklaring stuur waarom minder as vyf aanbeveel word.
- iii. Die Direkteur het die reg om enige naam uit hierdie lys te skraap. Daarna vul die Keurkomitee weer aan totdat die Direkteur tevrede is.
- D. Die gekeurde name word aan die skoolkommissie, in die geval van laerskole, of na die beherende liggaam, in die geval van middelbare skole, of na die skoolraad indien daar nie 'n skoolkommissie of beherende bestaan nie, gestuur. Na hierdie liggame sal hieronder as „ouerkomitee" verwys word.
- E. Uit die gekeurde name aan hom gestuur, kies die ouerkomitee een en stuur dit aan die Direkteur wat daardie keuse benoem.
- F. Om aan die vereistes van Artikel IIA te voldoen sal die ouerkomitee die reg hê, indien nie een van die gekeurde name wat aan hulle gestuur is, aan hulle eise voldoen nie, om die lys name met die nodige verduideliking na die Keurkomitee terug te verwys.

Daarna sal die Keurkomitee sy lys hersien en weer na die ouerkomitee verwys wat die keer 'n keuse moet doen.

- G. 1. Om aan die vereistes van Artikel IIB te voldoen, sal
- a. As en Ap by die benoeming van 'n onderwyser aan 'n Afrikaansmediumskool elk twee stemme hê en die ander lede elk een stem;
- b. Es en Ep by die benoeming van 'n onderwyser aan 'n Engelsmediumskool elk twee stemme hê en die ander lede elk een stem;
- c. As en Es saam by die benoeming van 'n onderwyser aan 'n middelbare skool die meerderheidsbesluit kan veto;
- d. Ap en Ep saam by die benoeming van 'n onderwyser aan 'n primêre skool die meerderheidsbesluit kan veto.
2. Vir die doel van die benoeming van onderwysers word parallelmediumskole as Afrikaans- of Engelsmediumskole geklassifiseer as die meerderheid leerlinge onderskeidelik in die Afrikaanse of Engelse afdeling ingeskryf is.

3. By die benoeming van 'n onderwyser aan 'n laerskool met 'n middelbare afdeling bo std. VI verval die vetoreg in Artikels IV G. 1 c en d beskryf.
 4. 'n Kworum sal uit vier lede bestaan met die voorbehoud dat enige aanwesige of afwesige lid die reg sal hê om te eis dat enige onderwerp vir afhandeling tot 'n voltallige vergadering oorstaan.
 5. Indien 'n gewone lid van die Keurkomitee vir 'n tydperk van minstens drie maande afwesig moet wees, sal sy plek tydelik gevul word deur een uit vier senior onderwysers wat aan dieselfde beskrywing as die afwesige lid beantwoord en wat gelyktydig met die lede van die Keurkomitee of kort daarna onder dieselfde kategorieë deur dieselfde kiesers aangewys word.
 6. Indien die voorsitter minder as drie maande afwesig moet wees, kies die lede van uit hulle eie geledere 'n waarnemende voorsitter wat net sy gewone stemreg behou. Indien die voorsitter meer as drie maande afwesig moet wees, word 'n waarnemende voorsitter op dieselfde wyse as die voorsitter aangewys en benoem.
 7. Enige permanente vakature word deur die desbetreffende kiesers gevul soos deur Artikel III voorgeskryf.
- H. Oor die wyse waarop die Keurkomitee die bevoegdhede van onderwysers sal bepaal, moet hy in oorleg met die georganiseerde professie vir homself 'n werkmetode opstel.

As algemene beginsel moet hy egter van die standpunt uitgaan dat ouderdom as sodanig nie die bevoegdheid van 'n kandidaat bepaal nie.

V. AANSOEKE.

- A. Dit is die plig van elke onderwyser om die Keurkomitee voortdurend op hoogte van sy bevoegdhede te hou.
- B. Wanneer die onderwyser om 'n pos aansoek doen, stel hy die Keurkomitee eenvoudig per brief in kennis dat hy vir daardie pos in aanmerking wil kom.
- C. Net onderwysers wat aansoek doen, kan vir benoeming in aanmerking kom.
- D. Wanneer die naam van 'n onderwyser op die gekeurde lys geplaas is, sal hy daarvan in kennis gestel word. Indien hy dit verkies kan hy daarna afskrifte van stukke wat by die Keurkomitee geregistreer is, sertifikate uitgesonder, deur die Keurkomitee aan die ouerkomitee stuur.

/E.....

E. Indien onderhoude met die gekeurde onderwysers deur die ouerkomitee verlang word, moet net buitemuurse aangeleenthede die onderwerp vir bespreking uitmaak, nie interne skoolsake of private sake nie.

VI. VEREISTES VIR POSTE.

In die vakaturelys word die vernaamste vereistes vir 'n pos aangedui. Maar die ouerkomitee en/of die skoolhoof sal die reg hê om die vereistes in groter besonderhede regstreeks aan die Keurkomitee te stuur.

VII. DIENSTYD VAN LEDE OP DIE KEURKOMITEE.

Lede van die Keurkomitee dien vyf jaar en is herkiesbaar. Hulle tree in rotasie af.

VIII. DIENSVORWAARDES VAN LEDE VAN DIE KEURKOMITEE.

a. Wanneer die dienstermyn van 'n onderwyser op die Keurkomitee verstryk onderwyl hy nog benede die ouderdomsgrens is, sal hy die keuse hê

i. om teen sy vorige salaris en salarisskaal weer in diens van die Departement te tree,

OF

ii. om met 'n jaargeld uit die diens te tree asof hy weens liggaamsgebreke uit die diens ontslaan is.

b. Die salaris van lede van die Keurkomitee sal minstens gelyk aan die eindsalaris van 'n Inspekteur van Onderwys staan.

IX. NET VIR BLANKE ONDERWYSERS.

Die Keurkomitee oorweeg die benoeming van net blanke onderwysers.

X. ONDERHOOFDE EN ASSISTENTE.

By die benoeming van onderhoofde en assistente word dieselfde prosedure met die volgende wysigings gevolg:

Die Keurkomitee stuur vyf name, tesame met hulle kwalifikasies en getuigskrifte aan die betrokke skoolhoof.

Op 'n vergadering van die ouers lê die skoolhoof die name sonder vermelding van die kwalifikasies voor.

Indien die ouers en die hoof dieselfde persoon aanwys, word daardie persoon deur die Direkteur benoem.

Indien die ouers en die hoof nie ooreenkom nie, stuur die twee partye elk een naam met opgawe van redes aan die Direkteur wat dan een van die twee persone benoem.

DIE APPELRAAD.

1. Registrasie van Onderwysersverenigings.

(a) Wanneer 'n vereniging waarvan die lidmaatskap beperk is tot onderwysers in die Provinsie Transvaal, en waarvan die hoofdoeleindes die bevordering van die belange van sy lede in die onderwysberoep en onderwys in die algemeen is, verlang om as 'n erkende onderwysersvereniging geregistreer te wees, moet hy:

- i. 'n Skriftelike aansoek om registrasie aan die Administrateur rig met vermelding van die ledetal van die vereniging, 'n omskrywing van sy doelstellingen en met vermelding van enige ander feite voegsaam tot die onderwysberoep wat die Administrateur in verband met daardie vereniging redelik mag aanvra;
- ii. 'n Gewaarmerkte afskrif van die Konstitusie van die vereniging tesame met die voormelde skriftelike aansoek by die Administrateur indien.

(b) Die Administrateur kan na oorweging van die aansoek vermeld in die voorgaande subklousule aan so 'n vereniging 'n sertifikaat van registrasie uitreik waarna die vereniging 'n amptelik erkende onderwysersvereniging sal wees.

2. Wysiging van Artikel 31 van die Ordonnansie.

Subartikels (b) en (c) van Artikel 31 van die Ordonnansie word hiermee geskraap.

3. Wysiging van Artikel 31 (1) van die Ordonnansie.

Artikel 32 (1).

Enige persoon of liggaam wat meen dat hy belang daarby het, kan 'n klagte teen 'n onderwyser inbring. Die klagte moet skriftelik en beëdig wees en moet die oortreding waaroor gekla word, duidelik omskryf.

4. Wysiging van Artikel 32 (7) van die Ordonnansie.

Artikel 32 (7).

Indien die onderwyser die aanklag ontken, kan die Direkteur die verklaring aanneem of sodanige verdere ondersoek instel as wat hy nodig ag en hom in staat te stel om tot 'n beslissing te geraak, met dien verstande dat sodanige ondersoek in die openbaar sal geskied en dat die onderwyser daarby teenwoordig en verteenwoordig sal kan wees.

5. Wysiging van Artikel 32 (8) (a) van die Ordonnansie.

Artikel 32 (8) (a).

Verklaar hy so 'n onderwyser onskuldig en wys hy die aanklag

/af.....

af, kan hy gelas dat die geheel of 'n gedeelte van die redelike onkoste van die onderwyser aan hom terugbetaal word.

6. Instelling van Appèlraad onder Artikel 32 van die Ordonnansie.

Artikel 32 bis.

- i. Wanneer 'n onderwyser kragtens die voorgaande sub-artikel aan 'n oortreding skuldig bevind is, sal hy die reg besit om binne 30 dae na die dag waarop die skuldigbevinding plaasgevind het, in hoër beroep te gaan en wel deur middel van die aantekening van appèl teen die skuldigbevinding in geskryfte en wel by die Administrateur.
- ii. Die Administrateur sal binne 'n tydperk van 30 dae nadat kennisgewing van appèl ontvang is, 'n Appèlraad saamstel of laat saamstel en wel op die volgende wyse:
 - (a) Die Administrateur stel 'n voorsitter van die Appèlraad aan wat 'n geskoolde en opgeleide juris moet wees.
 - (b) Die amptelik erkende onderwysersvereniging waarvan die appellant lid is, benoem 'n tweede lid van die Appèlraad en ook binne die termyn van dertig dae voormeld.
 - (c) Die twee persone onder (ii) (a) en (b) van hierdie artikel vermeld, benoem ewe-eens binne die voormelde termyn van dertig dae die derde lid van die appèlraad.
 - (d) Indien die betrokke appellant nie 'n lid van 'n amptelik erkende onderwysersvereniging is nie, sal die Administrateur binne die voormelde termyn van dertig dae self die twee addisionele lede van die Appèlraad nomineer en aanstel.
 - (e) Die drie lede van die Appèlraad aldus gekonstitueer, word deur die Administrateur aangestel op die voorwaardes nie stydig met 'n Appèlraad van hierdie aard nie, wat hy in elke geval bepaal.
- iii. Die Appèlraad sal op sodanige redelike tye en plekke vergader as wat die voorsitter daarvan gelas en die voorsitter sal verder ook in elke geval die prosedure wat met betrekking tot die appèl gevolg moet word, bepaal met die verstande dat die Appèlraad steeds die bevoegdheid sal besit om getuies te dagvaar en die betrokke appellant asook die Administrateur altyd geregtig sal wees op Regsverteenvoordinging voor die Appèlraad.

7. Wysiging van Artikel 33 (1) van die Ordonnansie.

Wanneer 'n Inspekteur van Onderwys bevind dat 'n onderwyser agterlosig of traag is met die vervulling van sy pligte of deur eie skuld onbekwaam of onbevoeg is of word vir die vervulling van sy pligte of 'n onbevredigende rapport uitbring oor die werk van 'n onderwyser, uitgesondered 'n onderwyser aangestel ingevolge Artikel 79 van die Wet,
.....(verder bly hierdie artikel onverander).

8. Instelling van Appèlraad onder Artikel 33 van die Ordonnansie.

Artikel 33 bis.

- i. Wanneer enige skuldigbevinding met betrekking tot die werk van 'n onderwyser onder hierdie artikel plaasgevind het of 'n beslissing teen 'n onderwyser onder hierdie artikel gegee is, sal die onderwyser die reg besit om binne 30 dae nadat sodanige skuldigbevinding of beslissing plaasgevind het, in hoër beroep te gaan en wel deur middel van die aantekening van appèl in geskifte by die Administrateur.
- ii. Die Administrateur sal binne 30 dae na die ontvangs van die kennisgewing van appèl in die voorgaande subklousule vermeld, 'n Appèlraad saamstel en laat saamstel en konstitueer soos bepaal in artikel 32 bis. en al die bepalings van daardie subartikel sal mutatis mutandis van toepassing wees op hierdie Appèl raad met die uitsondering dat die voorsitter van die Appèlraad wat deur die Administrateur saamgestel moet word, 'n persoon sal wees wat uit hoofde van sy deskundige kennis van onderwys sake as sodanig aangestel word.

9. Kontantstorting by Aantekening van Appèl.

'n Nuwe artikel ingevoeg te word as volg, naamlik:

Wanneer 'n onderwyser 'n appèl aanteken of ingevolge die bepalings van Artikel 32 bis. (1) of Artikel 33 bis., sal hy 'n kontantbedrag van £5 in die eerste geval en 'n kontantbedrag van £1 in die tweede geval stort by die Provinsiale Administrasie en wel gelyktydig met die aantekening van sy appèl. Ingeval die appèl van die onderwyser slaag, sal sodanige bedrag geld aan hom terugbetaal word terwyl die Appèlraad in sy diskresie mag bepaal of die bedrag aldus gestort, glad nie of geheel of gedeeltelik aan die appellant terugbetaal word indien die appèl nie slaag nie.

10. Reg van Verdere Appèl.

- (a) Die appellant sowel as die Direkteur het die reg om in hoër beroep te gaan teen 'n uitspraak van die Appèlraad saamgestel kragtens Artikel 32 bis. hiervan en wel na die Hooggeregshof van Suid-Afrika (Transvaalse Provinsiale Afdeling) mits sodanige

/appèl.....

appèl binne 14 dae na die datum waarop die gemelde Appèlraad sy uitspraak gegee het, aangeteken word by die Griffier van die gemelde Hooggeregshof en alle reëls wat van toepassing is op 'n appèl van die Magistraatshof na die Hooggeregshof sal van toepassing wees in hierdie geval.

- (b) Die uitspraak van die Appèlraad saamgestel onder Artikel 33 bis. van hierdie Ordonnansie sal finaal en bindend wees op sowel die onderwyser as die Direkteur en geen reg van hoër beroep sal ten aansien van sodanige uitspraak bestaan nie.

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