



**MINISTER
BASIC EDUCATION
REPUBLIC OF SOUTH AFRICA**

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Ref. no.: A-3438-22/04/2013
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Ms Yoliswa Dwane
Chairperson: Equal Education
PO Box 40114
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By fax: 086 516 9396

Dear Ms Dwane

**REGULATIONS RELATING TO MINIMUM NORMS AND STANDARDS FOR PUBLIC
SCHOOL INFRASTRUCTURE**

As you are aware, the Regulations Relating to Minimum Norms and Standards for Public School Infrastructure (hereinafter, "the norms and standards"), made in terms of section 5A(1)(a) of the South African Schools Act, No. 84 of 1996, were published for public comment on 8 January 2013. By the closing date for the submission of comments, 31 March 2013, my Department had received 35 comments from a variety of stakeholders.

The terms of our settlement agreement stipulate that I must publish the norms and standards by not later than 15 May 2013.

However, from the comments received, I have discerned that it is undesirable for me to finalise and promulgate the norms and standards in their current form. In the main, stakeholders object to the fact that the norms and standards lack substance and certainty, and that there is no clear framework or plan for implementing the norms and standards.

The stakeholders who submitted comments in response to the public consultation are not the only ones who criticised the norms and standards. In addition to the public consultation process, the Department is currently also engaging in consultation with Nedlac, which is at the same time consulting its own stakeholders and will prepare a report for the Minister and for Parliament's Portfolio Committee on Basic Education. The consultation with Nedlac is taking place in terms of the National Economic, Development and Labour Council (Nedlac) Act, No. 35 of 1994.

As part of the Department's remediation plan, I have appointed a consultant who has a great deal of experience and skill in legal drafting, and I am confident that, with his assistance, greatly improved norms and standard will be developed.

I would like to request Equal Education to consider to a renegotiated settlement agreement, specifically a postponement of the date of final publication of the norms and standards in order to allow enough time for the redrafting of the norms and standards.

I would also wish to invite Equal Education to a workshop-cum-meeting to discuss a process plan for the finalisation of the norms and standards.

For further communication on matter raised above, please contact Mr Chris Leukes, Director: Legal Services, at 012 357 3712 or at leukes.c@dbe.gov.za.

I trust that my request will be acceptable to you. Thank you in advance for your understanding.

Kind regards


MRS AM MOTSHEKGA

MINISTER

DATE: 09 May 2013