



MEDIA STATEMENT

**To: All Media
Att: News Editors
For immediate release**

29 November 2024

MEC CHILOANE REJECTS BILATERAL AGREEMENT ON BELA BY MINISTER AND PARTNERS

The Gauteng Education MEC, Mr Matome Chiloane, wishes to express his disappointment and firm rejection of the so-called bilateral agreement between the Minister of Basic Education and her partners regarding the BELA Act.

The so-called agreement among others proposes that:

“Sections 4(d), 4(f), and 5(c) of the BELA Act should not be implemented until national policies, regulations, and norms and standards are developed. Furthermore, Sections 4 and 5 are to be introduced on a phased basis, subject to these developments”.

This bilateral agreement, entered into by the Minister, National Economic Development and Labour Council (NEDLAC) and Solidarity, represents the minority and as such undermines what was intended by the President.

MEC Chiloane is deeply concerned that this agreement effectively “ring-fences” certain public schools for the exclusive use of specific societal groups. The agreement also suggests that Heads of Departments (HODs) must seek permission from, or consult, School Governing Bodies (SGBs) to change a school’s language policy or to administer learner admissions.

This approach, the MEC asserts, will enable SGBs to block transformation efforts. It might also allow some single-medium schools to resist introducing additional languages, even when local demographics dictates inclusivity to accommodate learners residing in the same area.

MEC Chiloane criticised the agreement for representing the interests of only one sector of society, describing it as a thinly veiled attempt to preserve culture at the expense of transformation.

He questioned why the Minister of Basic Education consulted only one segment of society and intends to present to the President such recommendations based on this one-sided engagement as a solution for the broader education sector.

It is paramount to note that National and Provincial spheres of government have concurrent legislative competence in accordance with Schedule 4 of the RSA Constitution (Act 108 of 1996) in terms of Sections 43 and 44 of the constitution.

It is common cause that the President signed BELA Act into law in September 2024, and the implementation was subsequently, suspended for three months for consultations of two clauses. The Minister is expected to work with the provincial departments in the implementation of BELA Act, it is our view that the approach adopted by the Minister is against the constitutional principles, that of engaging the provinces for matters of concurrent powers. In our opinion, the clauses that have been put on hold allow for sufficient consultation and adequately follows due processes with regards to admissions and language.

Therefore, MEC raised concerns about the Minister making public statements and agreements that implicate provincial HODs and MECs without prior consultation. He described this approach as foreign to a sector that thrives on collaboration and consensus for effective governance.

MEC Chiloane called for a more inclusive and consultative approach to addressing the transformation challenges in education, ensuring that the interests of all South Africans are considered in shaping the future of the sector.

For more information, contact the Gauteng Department of Education’s Spokesperson, Steve Mabona on 072 574 3860 or Spokesperson for Gauteng Education MEC Matome Chiloane, Xolani Mkhwemte on 084 513 9285

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