



Die leier in skoolbeheer en -bestuur
The leader in school governance and management

"Mini-MBA" in School Management

**The general legal framework that
applies to education**

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The general legal framework that applies to education





From parliamentary sovereignty to constructional sovereignty



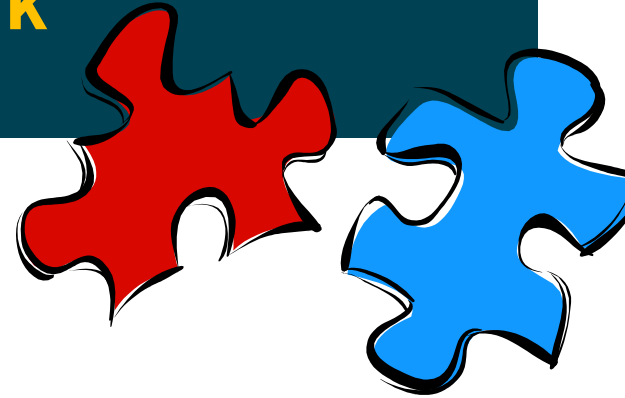
Pre-amble to our Constitution

- **Heal** the divisions of the past and **establish** a society based on democratic **values**, **social justice** and fundamental **human rights**;
- **Lay the foundations** for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- **Improve the quality of life** of all citizens and free the potential of each person; and
- **Build a united and democratic South Africa** able to take its rightful place as a sovereign state in the family of nations.



The legal framework

- ➔ Constitution
- ➔ SA Schools Act
- ➔ Employment of Educators Act
- ➔ Other legislation
- ➔ Provincial legislations
- ➔ Regulations
- ➔ Personnel Administrative Measures (PAM)
- ➔ Collective Agreements
- ➔ Common Law
- ➔ Case Law



The principle of legality

*Fedsure Life Assurance Ltd and Others v
Greater Johannesburg Transitional
Metropolitan Council and Others:*

“It seems central to the conception of our constitutional order that the Legislature and Executive in every sphere are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law”.



Department of Education



School



An important mindshift

- Implication for my every day live:
I need to know my rights to claim them!



■ Thank you



FEDSAS

