

Settlement Agreement in the section 77 application at Nedlac between Solidarity (Applicant),
the Minister of Basic Education (Respondent) and the Presidency (Respondent)

1. The parties acknowledge:

- 1.1. The role of the President in relation to the Basic Education Laws Amendment Act, 2024 (BELA Act) is to –
 - assent to; and
 - proclaim the commencement of the provisions of the Act;
- 1.2. The role of the Minister of Basic Education, as the primary custodian of the portfolio of Basic Education, is to ensure the proper implementation of the BELA Act, including: –
 - making recommendations to the President on the commencement arrangements for the Act; and
 - ensuring that the implementation of the Act is supported by appropriate national regulations, national norms and standards and/or national policies;
- 1.3. It has been accepted by our courts that section 101(2) of the Constitution of the Republic of South Africa, 1996 (Constitution) requires that a proclamation to put an Act into operation or parts thereof (which is a written decision) be counter-signed by the Cabinet member responsible for the implementation of that Act. The advice and recommendations of the Minister of Basic Education in this regard are therefore important; and
- 1.4. It is common cause that appropriate national regulations, national norms and standards and/or national policies are not yet finalised.

2. The parties note the following:

- 2.1. The bilateral settlement agreement between the Minister of Basic Education and Solidarity, dated 25 November 2024 (Bilateral Agreement), sets out recommendations for commencement arrangements relating to section 4 and section 5 of the BELA Act, and comprehensive measures to address matters in relation thereto;
- 2.2. The measures identified in the Bilateral Agreement align with the responsibilities of the Minister, as the designated Cabinet member responsible for basic education, to (i) make recommendations to the President on the commencement arrangements for the BELA Act, and (ii) ensure that the implementation of the BELA Act is supported by

appropriate national regulations, national norms and standards and/or national policies; and

- 2.3. The parties also note the undertaking by the Private Office of the President that the expiration of the three-month period granted by the President for engagements between parties within the Government of National Unity (GNU) on sections 4 and 5 of the BELA Act will simply mark the end of the consultation period for these engagements. The date of 13 December 2024 is therefore not set as a commencement date for the BELA Act but rather the end of the period for consultation between the parties within the GNU. Engagements between all concerned parties within the GNU are in progress, including the GNU clearing house.

3. In the light of the above, the parties agree as follows:

- 3.1. The Minister of Basic Education shall present the recommendations set out in the Bilateral Agreement to the President for his consideration.

(Signature page to follow)

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 M.A. 

SIGNED AT PRETORIA on this 27th day of November 2024.

M.M. Mekoq

Name:

MATSEBI MEKOA

Duly authorised to sign for and on behalf of
THE PRESIDENCY

Designation:

DEPUTY DIRECTOR GENERAL
CORPORATE MANAGEMENT

SIGNED AT JOHANNESBURG on this 27th day of November 2024.

M. Wilter

Name:

MICHAEL WILTER

Duly authorised to sign for and on behalf of
MINISTER OF BASIC EDUCATION

Designation:

SPECIAL ADVISOR

SIGNED AT NEDLAC on this 27th day of November 2024.

Dirk Hermann

Name:

Dirk Hermann

Duly authorised to sign for and on behalf of
SOLIDARITY TRADE UNION

Designation:

Chief executive