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THE PRESIDENCY

No. 1274 11 December 2006

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 16 of 2006: Further Education and Training Colleges Act, 2006.

MO-PRESIDENTE

No. 1274 11 December 2006

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

Nmr. 16 ya 2006: Molao wa Thuto ya go iša Pele le Dikholetšhe tša Tlhahlo, 2006.



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Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 5 December 2006.)

ACT

To provide for the regulation of further education and training; to provide for the establishment, governance and funding of public further education and training colleges; to provide for the employment of staff at public further education and training colleges; to provide for the registration of private further education and training colleges; to provide for the promotion of quality in further education and training; to provide for transitional arrangements and the repeal or amendment of laws; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is desirable to—

ESTABLISH a national co-ordinated further education and training system which promotes co-operative governance and provides for programme-based vocational and occupational training;

RESTRUCTURE AND TRANSFORM programmes and colleges to respond better to the human resources, economic and development needs of the Republic;

REDRESS past discrimination and ensure representivity and equal access;

ENSURE access to further education and training and the workplace by persons who have been marginalised in the past, such as women, the disabled and the disadvantaged;

PROVIDE optimal opportunities for learning, the creation of knowledge and the development of intermediate to high level skills in keeping with international standards of academic and technical quality;

PROMOTE the values which underlie an open and democratic society based on human dignity, equality and freedom;

ADVANCE strategic priorities determined by national policy objectives at all levels of governance and management within the further education and training sector;

RESPECT and encourage democracy and foster a collegial culture which promotes fundamental human rights and creates an appropriate environment for teaching and learning;

PURSUE excellence, and promote the full realisation of the potential of every student and member of staff, tolerance of ideas and appreciation of diversity;

*(English text signed by the President.)
(Assented to 5 December 2006.)*

MOLAO

Go beakanyetsa taolo ya thuto ya go iša pele le tlhahlo; go beakanyetsa tlhongo, taolo le thekgo ya ditšhelete ya thuto ya setšhaba ya go iša pele le dikholetšhe tša tlhahlo; go beakanyetsa go thwalwa ga bašomi dikholetšheng tša setšhaba tša thuto ya go iša pele le tlhahlo; go beakanyetsa ngwadišo ya dikholetšhe tša praebete tša thuto ya go iša pele le tlhahlo; go beakanyetsa tihatlošo ya netefatšo ya boleng thutong ya go iša pele le tlhahlo; go beakanyetsa dipeakanyo tša nakwana le phedišo goba tokišo ya melao; le go beakanyetsa tše di amanago le tšona.

MATSENO

BJALO KA GE go a hlokega gore—

GO HLONGWE lenaneo la go laolega la bosetšhaba la thuto ya go iša pele le tlhahlo leo le hlatlošago taolo ya tšhomišano le go beakanyetsa lenaneo la tlhahlo ya thutišotiro le ya mošomo;

GO AGA LEFSA LE GO FETOŠA mananeo le dikholetšhe gore di be maamong a maleba go ditlhoko tša bašomi, ekonomi le tlabologo tša Repabliki;

GO LOKIŠA kgethollo ya malobeng le go netefatša kemedi ya bohle le phihlelelo ya tekatekano;

GO NETEFATŠA gore batho bao ba bego ba hlokomologwa ka nako ya mmušo wa kgethollo, go swana le basadi, ba sa itekanelago le ba timilwego menyetla, ba fihlelela thuto ya go iša pele le tlhahlo le mošomo;

GO BEAKANYETŠA dibaka tše lekanego tša go ithuta, go hlangwa ga tšebo le tlhabollo ya bokgoni bja magareng go ya go ba maemo a godimo go ya ka maemo a boditšhabatšhaba a tša thuto le boleng bja setekgeniki;

GO HLATLOŠA mekgwa yeo e lego motheo wa setšhaba se lokologilego le sa demokrasi se hlamilwego godimo ga tlhompho, tekatekano le tokologo;

GO TŠWETŠA PELE dintlhakgolo tša maano tše di tthamilwego ka maikemišetšo a maano a bosetšhaba mo maamong ka moka a bolaodi le taolo mo go thuto ya go iša pele le tlhahlo;

GO HLOMPHA le go hlohleletsa demokrasi le go hlatloša setlwaedi sa maikarabelo a motlhakanelwa sa go hlatloša ditokelo tša motheo tša botho le go hloma maemo a maleba a go ruta le go ithuta;

GO FIHLELELA bokgoni, le go hlatloša bokgoni bja moithuti le mošomi yo mongwe le yo mongwe ka botlalo, kgotlelelo ya dikgopolo le go hlomphe go fapana ga batho;

GO IKARABELA go ditlhoko tša Repabliki, mmaraka wa bašomi le ditšhaba tšedi direlwago ke dikholetšhe; le

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

RESPOND to the needs of the Republic, the labour market and the communities served by the colleges; and

COMPLEMENT the National Skills Development Strategy in co-operation with the Department of Labour;

AND WHEREAS it is desirable for further education and training colleges to perform specific functions within the context of public accountability and the national need for intermediate to high level skills and knowledge and to provide access to work and higher education,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF ACT

Section

CHAPTER 1

5

DEFINITIONS, PURPOSE AND APPLICATION OF ACT

1. Definitions
2. Purpose and application of Act

CHAPTER 2

PUBLIC COLLEGES

10

3. Establishment of public college
4. Declaration of institution as public college
5. Consequences of declaration as public college
6. Merger of public colleges
7. Single council for two or more public colleges
8. Closure of public college

15

CHAPTER 3

GOVERNANCE OF PUBLIC COLLEGES

9. Public college governance structures
10. Council of public college
11. Academic board of public college
12. Committees of council and academic board
13. Principal of public college
14. Student representative council
15. Disciplinary measures
16. Prohibition of corporal punishment and initiation practices
17. Admission policy of public college
18. Standard college statute

20

25

CHAPTER 4

APPOINTMENT OF MANAGEMENT STAFF, LECTURERS AND SUPPORT
STAFF IN PUBLIC COLLEGES

30

19. Appointment of management staff
20. Appointment of lecturers and support staff
21. Dispute resolution between college, lecturers and support staff

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE TŠA TLHAHLO, 2006 **Act No. 16, 2006**

GO THUŠA go Leano la Tlhabollo ya Bokgoni ka tšhomišano le Kgoro ya tša Mešomo;

EBILE BJALO KAGE go hlokega gore dikholetšhe tša go iša thuto pele le tlhahlo di phethe mešomo ye itšego ka fase ga maemo a boikarabelo bja setšhaba le tlhlokego ya bosetšhaba ya bokgoni bja maemo a magareng go ya go a godimo le tšebo le go diragatša phihlelelo ya go šoma le ya thuto ya maemo a godimo,

KA GO REALO E DIRWE MOLAO ke Palamente ya Repabliki ya Afrika Borwa, ka tsela ye latelago:—

PEAKANYO YA MOLAO

Karolo

KGAOLO YA 1

5

DITLHALOŠO, TIRIŠO LE MAIKEMIŠETŠO A MOLAO

1. Ditlhalošo
2. Tirišo le maikemišetšo a Molao

KGAOLO YA 2

DIKHOLETŠHE TŠA SETŠHABA

10

3. Go hlongwa ga kholetšhe ya setšhaba
4. Tsebišo ya semmušo ya gore sehlongwa ke kholetšhe ya setšhaba
5. Ditlamorago tša kgoeletšo ya kholetšhe ya setšhaba
6. Kopantšho ya dikholetšhe tša setšhaba
7. Khansele ye tee ya dikholetšhe tša setšhaba tše pedi goba go feta
8. Go tswalelwa ga kholetšhe ya setšhaba

KGAOLO YA 3

BOLAODI BJA DIKHOLETŠHE TŠA SETŠHABA

9. Diboego tša bolaodi bja kholetšhe ya setšhaba
10. Khansele ya kholetšhe ya setšhaba
11. Boto ya tša thuto ya kholetšhe ya setšhaba
12. Dikomiti tša khansele le boto ya tša thuto
13. Hlogo ya kholetšhe ya setšhaba
14. Khansele ya boemedi bja baithuti
15. Magato a kgalemo
16. Thibelo ya kgalemo ka kgati le ditlwaedi tša go kgakola dikholetsheng
17. Molao wa go kamogelo go kholetšhe ya setšhaba
18. Molao wa motheo wa kholetšhe

KGAOLO YA 4

**GO THWALWA GA BOLAODI, BAFAHLOŠI LE BAŠOMI BA THEKGO
DIKHOLETŠHENG TŠA SETŠHABA**

30

19. Go thwalwa ga bolaodi
20. Go thwalwa ga bafahloši le bašomi ba thekgo
21. Tharollo ya diithulano magareng ga kholetšhe, bafahloši le bašomi

CHAPTER 5**FUNDING OF PUBLIC COLLEGES**

- | | | |
|-----|---|---|
| 22. | Responsibility of State | |
| 23. | Norms and standards for funding of public colleges | |
| 24. | Funds of public colleges | 5 |
| 25. | Financial records and statements of public colleges | |
| 26. | Failure of council to comply with Act or certain conditions | |

CHAPTER 6**PRIVATE COLLEGES**

- | | | |
|-----|---|----|
| 27. | Designation of registrar | 10 |
| 28. | Registration of private college | |
| 29. | Application for registration | |
| 30. | Requirements for registration | |
| 31. | Determination of application for registration | |
| 32. | Certificate of registration | 15 |
| 33. | Inspection of register and auditor's report | |
| 34. | Records and audits | |
| 35. | Amendment of registration and provisional registration | |
| 36. | Requirements for amendment of registration or provisional registration and determination of application | 20 |
| 37. | Conditions for registration | |
| 38. | Amendment or cancellation of conditions | |
| 39. | Cancellation of registration | |
| 40. | Steps before amendment or cancellation | |
| 41. | Appeal to Minister | 25 |

CHAPTER 7**PROMOTION OF QUALITY**

- | | | |
|-----|--|--|
| 42. | Promotion of quality in further education and training | |
| 43. | Further education and training programmes | |

CHAPTER 8

30

GENERAL

- | | | |
|-----|---|----|
| 44. | Strategic plan and annual report | |
| 45. | Duty of colleges to provide information | |
| 46. | Investigation at public college, and appointment of administrator | |
| 47. | Name change of public college | 35 |
| 48. | Offences | |
| 49. | Limitation of liability | |
| 50. | Delegation of functions | |
| 51. | Regulations | |
| 52. | Application of Act when in conflict with other laws | 40 |

CHAPTER 9**TRANSITIONAL AND OTHER ARRANGEMENTS**

- | | | |
|-----|--|----|
| 53. | Existing public further education and training institutions, structures and bodies | |
| 54. | Staff | 45 |
| 55. | Application for registration by private colleges | |
| 56. | National Board for Further Education and Training (NBFET) | |
| 57. | Disciplinary measures | |
| 58. | Repeal of laws | |

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

KGAOLO YA 5

THUŠO YA DITŠHELETE YA DIKHOLETŠHE TŠA SETŠHABA

- | | | |
|-----|--|---|
| 22. | Maikarabelo a Mmušo | |
| 23. | Ditlwaedi le maemo a thušo ya ditšhelete go dikholetšhe tša setšhaba | |
| 24. | Matlotlo a dikholetšhe tša setšhaba | 5 |
| 25. | Direkhoto tša ditšhelete le ditatamete tša dikholetšhe tša setšhaba | |
| 26. | Go palelwa ga khansele tšhepelelanong le Molao goba mabaka a itšego | |

KGAOLO YA 6

DIKHOLETŠHE TŠA PRAEBETE

- | | | |
|-----|---|----|
| 27. | Mošomo wa mohlankedi mogolo wa tša taolo | 10 |
| 28. | Ngwadišo ya kholetšhe ya praebete | |
| 29. | Kgopelo ya boingwadišo | |
| 30. | Dinyakwa tša boingwadišo | |
| 31. | Tekodišišo ya kgopelo ya boingwadišo | |
| 32. | Setifikeiti sa ngwadišo | 15 |
| 33. | Tekodišišo ya registara le pego ya motlhakiši | |
| 34. | Direkhote le tlhakišo ya ditšhelete | |
| 35. | Tokišo ya ngwadišo le ngwadišo ya nakwana | |
| 36. | Dinyakwa tša tokišo ya ngwadišo goba ngwadišo ya nakwana le tekodišišo ya kgopelo | 20 |
| 37. | Mabaka a ngwadišo | |
| 38. | Tokišo goba phumulo ya mabaka | |
| 39. | Phumulo ya ngwadišo | |
| 40. | Magato pele ga tokišo goba phumulo | |
| 41. | Boipiletšo go Tona | 25 |

KGAOLO YA 7

TLHATLOŠO YA BOLENG

- | | | |
|-----|---|--|
| 42. | Tlhatlošo ya natefatšo ya boleng go thuto ya go iša pele le tlhahlo | |
| 43. | Mananeo a thuto ya go iša pele le tlhahlo | |

KGAOLO YA 8

30

KAKARETŠO

- | | | |
|-----|---|----|
| 44. | Leano le pego ya ngwaga | |
| 45. | Maikarabelo a dikholetšhe mabapi le go aba tshedimošo | |
| 46. | Nyakišišo kholetšheng ya setšhaba, le go thwalwa ga molaodi | |
| 47. | Phetošo ya leina la kholetšhe ya setšhaba | 35 |
| 48. | Melato | |
| 49. | Magomo a maikarabelo a dikoloto | |
| 50. | Kabo ya maikarabelo | |
| 51. | Melawana | |
| 52. | Tirišo ya Molao ge go na le thulano le melao ye mengwe | 40 |

KGAOLO YA 9

DIPEAKANYO TŠA NAKWANA LE TŠE DINGWE

- | | | |
|-----|---|----|
| 53. | Dihlongwa tše lego gona tša thuto ya go iša pele le tlhahlo, dibopego le mekgatlo | |
| 54. | Bašomi | 45 |
| 55. | Kgopelo ya ngwadišo ka dikholetšhe tša praebete | |
| 56. | Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo (NBFET) | |
| 57. | Magato a kgalemo | |
| 58. | Phumulo ya melao | |

59. Short title

SCHEDULE 1**SCHEDULE 2**

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CHAPTER 1**DEFINITIONS, PURPOSE AND APPLICATION OF ACT****Definitions**

1. In this Act, unless the context indicates otherwise—
- “**academic board**” means the body contemplated in section 11; 10
- “**applicant**” means a person who makes an application contemplated in section 29;
- “**auditor**” means a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
- “**Basic Conditions of Employment Act**” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997); 15
- “**college**” means a public or private further education and training institution that is established, declared or registered under this Act, but does not include—
- (a) a school offering further education and training programmes under the South African Schools Act; or 20
- (b) a college under the authority of a government department other than the Department of Education;
- “**college statute**” means policy, code of conduct and any other rules developed by a council in accordance with this Act;
- “**council**” means the governing structure of a public college; 25
- “**Department**” means the government department responsible for education at national level;
- “**Director-General**” means the Director-General of the Department;
- “**Employment Equity Act**” means the Employment Equity Act, 1998 (Act No. 55 of 1998); 30
- “**financial year**” in respect of a college means a year commencing on the first day of January and ending on the 31st day of December of the same year;
- “**foreign juristic person**” means a person that is—
- (a) registered or established as a juristic person in terms of a law of a foreign country; and 35
- (b) recognised or registered as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973);
- “**further education and training**” means all learning and training programmes leading to qualifications at levels 2 to 4 of the National Qualifications Framework or such further education and training levels determined by SAQA and contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; 40
- “**general education**” means the compulsory school attendance phase contemplated in section 3 of the South African Schools Act;
- “**Head of Department**” means the head of a provincial department of education; 45
- “**higher education**” means higher education as defined in the Higher Education Act, 1997 (Act No. 101 of 1997);
- “**Labour Relations Act**” means the Labour Relations Act, 1995 (Act No. 66 of 1995);
- “**lecturer**” means any person who teaches, educates or trains other persons or who provides professional educational services at any college, and who is appointed in a post on any lecturer establishment under this Act; 50
- “**local juristic person**” means a person established as a juristic person in South Africa in terms of the Companies Act, 1973 (Act No. 61 of 1973);
- “**management staff**” means the principal and vice-principal of a public college; 55
- “**Member of the Executive Council**” means the Member of the Executive Council of a province who is responsible for education in that province;

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE
TŠA TLHAHLO, 2006

Act No. 16, 2006

59. Thaetlele ye kopana

ŠEDULO 1

ŠEDULO 2

KGAOLO YA 1

DITLHALOŠO, LE TIRIŠO MAIKEMIŠETŠO A MOLAO

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Ditlhalošo

1. Mo Molaong wo, ntle le gore mateng a laetše gore tlhalošo ye nngwe e lebeletšwe—

“boto ya tša thuto” e ra sebopego se go bolelwago ka sona go dikarolo tša 11 le 12;

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“mokgopedi” e ra motho yo mongwe le yo mongwe yo a dirago kgopelo yeo go bolelwago ka yona go karolo ya 29;

“motlhakiši” e ra motho yo a ngwadišitšwego go ya ka Molao wa Profense wa Botlhakiši, 2005 (Molao No. 26 wa 2005);

“Molao wa Motheo wa Maemo a Mošomo” e ra Molao wa Motheo wa Maemo a Mošomo, 1997 (Molao No. 75 wa 1997);

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“kholetšhe” e ra sehlongwa sa setšhaba goba sa praebete sa thuto ya go iša pele seo se hlomilwego, goeditšwego goba ngwadišitšwego ka fase ga Molao wo; eupša ga e akaretše—

(a) sekolo se se abago mananeo a thuto ya go iša pele le tlhahlo ka fase ga Molao wa Dikolo wa Afrika Borwa; goba

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(b) kholetšhe ya ka fase ga taolo ya kgoro ya mmušo kante le Kgoro ya Thuto; “molao wa kholetšhe” e ra leano, molao le maitshwaro le melao e mengwe ye e hlamilwego ke khansele ka tshepelelano le Molao wo;

“khansele” e ra sehlongwa sa bolaodi sa kholetšhe ya thuto ya go iša pele le tlhahlo;

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“Kgoro” e ra kgoro ya mmušo ye e nago le maikarabelo a thuto maamong a bosetšhaba;

“Molaodi-Pharephare” e ra Molaodi-Pharephare wa Kgoro;

“Molao wa *Employment Equity*” e ra Molao wa Tekatekano Mošomong, 1998 (Molao No. 55 wa 1998);

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“ngwaga wa ditšhelete” go ya ka kholetšhe e ra ngwaga wa go thoma ka letšatši la mathomo la Januware le go fela ka letšatši la di 31 Desemere ya ngwaga woo;

“motho wa maikarabelo wa ka ntle” e ra motho yo a—

(a) ngwadišitšwego goba a kgethilwego bjalo ka motho wa maikarabelo go ya molao wa naga ya ka ntle; le yo a

35

(b) amogelwago goba a ngwadišitšwego bjalo ka khamphani ya ka ntle go ya ka Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

“thuto ya go iša pele le tlhahlo” e ra mananeo ka moka a go ithuta le a tlhahlo ao a išago boithutelong bja go tloga go maemo a 2 go ya go 4 a Motheo wa Bosetšhaba a Boithutelo goba magato a bjalo a thuto ya go iša pele le tlhahlo go ya ka sephetho sa SAQA le go ya hlalošo ya ka go Molao wa Taolo ya Boithutelo wa Afrika Borwa, 1995 (Molao No. 58 wa 1995), magato ao a lego godimo ga thuto ya kakaretšo eupša ka tlase ga thuto ya godimo;

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“thuto ya kakaretšo” e ra boemo bja go tsena sekolo ka kgapeletšo bjalo kage go hlalošwa go karolo 3 ya Molao wa Dikolo tša Afrika Borwa;

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“Hlogo ya Kgoro” e ra hlogo ya kgoro ya profense ya thuto;

“thuto ya maemo a godimo” e ra thuto ya maemo a godimo bjalo kage e hlalošwa go Molao wa Thuto ya maemo a Godimo, 1997 (Molao No. 101 wa 1997);

“Molao wa Dikamano tša Bašomi” e ra Molao wa Dikamano tša Bašomi, 1995 (Molao No. 66 wa 1995);

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“mofahloši” e ra motho yo mongwe le yo mongwe yo a rutago goba a hlahlago batho ba bangwe goba yo a abago ditirelo tša profeshinale tša thuto kholetšheng ye nngwe le ye nngwe ya thuto ya go iša pele le tlhahlo ebile a thwetšwe mošomong wa bofahloši ka fase ga Molao wo;

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“Minister” means the Minister of Education;

“National Qualifications Framework” means the National Qualifications Framework as defined in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

“NBFET” means the National Board for Further Education and Training, established by regulation in terms of section 11 of the National Education Policy Act, 1996 (Act No. 27 of 1996); 5

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

“policy” means— 10

(a) policy determined by the Minister in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996); or

(b) policy determined by the Member of the Executive Council in terms of a provincial law;

“prescribed” means prescribed by regulation made in terms of section 51; 15

“principal” means the chief executive and accounting officer of a public college, and includes a rector of a public college;

“private college” means any college that provides further education and training on a full-time, part-time or distance basis and which is registered or provisionally registered as a private college under this Act; 20

“PSCBC” means the Public Service Coordinating Bargaining Council established in terms of the Labour Relations Act;

“public college” means any college that provides further education and training on a full-time, part-time or distance basis and which is—

(a) established or regarded as having been established as a public college under this Act; or 25

(b) declared as a public college under this Act;

“Public Service Act” means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“SAQA” means the South African Qualifications Authority, established by section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995); 30

“school” means a school as defined in the South African Schools Act;

“South African Schools Act” means the South African Schools Act, 1996 (Act No. 84 of 1996);

“staff” means persons employed at a public college; 35

“student” means any person registered as a student at a college;

“support staff” includes staff who render—

(a) academic support services;

(b) student support services;

(c) human resource management; 40

(d) financial management;

(e) administration;

(f) maintenance of the buildings and gardens;

(g) catering services; and

(h) security services; 45

“this Act” includes any regulation made in terms of section 51;

“to provide further education and training” means—

(a) to register students for all learning and training programmes leading to qualifications at levels 2 to 4 of the National Qualifications Framework or such further education and training levels determined by SAQA and contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; and 50

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- “**motho wa mo gae wa maikarabelo**” e ra motho yo a hlomilwego bjalo ka motho wa maikarabelo mo Afrika Borwa go ya ka Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);
- “**leloko la taolo**” e ra hlogo goba motlatša-hlogo wa kholetšhe ya setšhaba;
- “**Leloko la Khuduthamaga**” e ra Leloko la Khuduthamaga ya profense le le nago 5
le maikarabelo a thuto mo profenseng yeo;
- “**Tona**” e ra Tona ya Thuto;
- “**National Qualifications Framework**” e ra Mahlomo a Bosetšhaba a Boithutelo bjalo kage go hlalošwa go Molao wa Afrika Borwa wa Taolo ya Boithutelo, 1995 (Molao No. 58 wa 1995); 10
- “**NBFET**” e ra Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo, e hlomilwego semolao go ya ka karolo 11 ya Molao wa National Education Policy, 1996 (Molao No. 27 wa 1996);
- “**lekala la mmušo**” e ra lekala la mmušo bjalo kage go hlalošwa go karolo 239 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996; 15
- “**leano**” e ra—
- (a) leano le tlogo ka Tona go ya ka Molao wa Leano la Bosetšhaba la Thuto, 1996 (Molao No. 27 wa 1996); goba
- (b) leano le tlogo ka Leloko la Khuduthamaga go ya ka molao wa profense;
- “**go kgethelwa**” e ra go kgethelwa ka molawana wo o hlamilwego go ya ka karolo 20
51;
- “**hlogo**” e ra molaodi mogolo le mothlakiši wa kholetšhe ya setšhaba, gomme e akaretša morekoro wa kholetšhe ya setšhaba;
- “**kholetšhe ya praebete**” e ra kholetšhe ye nngwe le ye nngwe ye e abago thuto ya go iša pele le tlhahlo ka go tsena sekolo ka mehla, ka matšatši a mangwe goba 25
motho a ithuta a le gae gomme e ngwadišitšwe goba e ngwadišitšwego nakwana bjalo ka kholetšhe ya praebete ya thuto ya go iša pele le tlhahlo ka fase ga Molao wo;
- “**PSCBC**” e ra Khansele ya Dikgohlaganyo ya Ditherišano ya Tirelo ya Setšhaba;
- “**kholetšhe ya setšhaba**” e ra kholetšhe ye nngwe le ye nngwe ye e abago thuto ya go iša pele le tlhahlo ka matšatši ka moka, ka matšatši a mangwe goba ka go ithuta o le gae le yeo e— 30
- (a) hlomilwego goba e tšewa gore e hlomilwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le tlhahlo ka fase ga Molao wo; goba
- (b) e goeditšwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le tlhahlo 35
ka fase ga Molao wo;
- “**Molao wa Public Service**” e ra Molao wa Tirelo ya Setšhaba, 1994 (Kgoeletšo No. 103 ya 1994);
- “**SAQA**” e ra Taolo ya Boithutelo ya Afrika Borwa, e hlomilwe go ya ka karolo 3 ya Molao wa South Africa Qualifications Authority, 1995 (Molao No. 58 wa 1995); 40
- “**sekolo**” e ra sekolo bjalo kage go hlalošwa go Molao wa Dikolo wa Afrika Borwa;
- “**Molao wa Dikolo wa Afrika Borwa**” e ra Molao wa Dikolo wa Afrika Borwa, 1996 (Molao No. 84 wa 1996);
- “**mošomi**” e ra batho ba thwetšwego kholetšeng ya setšhaba; 45
- “**moithuti**” e ra motho yo mongwe le yo mongwe yo a ngwadišitšwego bjalo ka moithuti kholetšheng;
- “**bašomi ba thekgo**” e akaretša bašomi ba abago ditirelo tše latelago:
- (a) ditirelo tša thekgo ya tša thuto;
- (b) ditirelo tša thekgo ya baithuti; 50
- (c) taolo ya mereo ya bašomi;
- (d) taolo ya tša ditšhelete;
- (e) bolaodi;
- (f) tlhokomelo ya meago le dirapa;
- (g) ditirelo tša dijo; le 55
- (h) ditirelo tša tšhireletšo.
- “**Molao wo**” e akaretša molawana ofe goba ofe wo o dirilwego go ya ka karolo 51;
- “**go aba thuto ya go iša pele le tlhahlo**” e ra—
- (a) go ngwadišwa ga baithuti mananeong ka moka a go ithuta le tlhahlo a išago boithutelong bja maemo a 2 go ya go 4 a Mahlomo a Boithutelo bja 60
Bosetšhaba goba maemo a bjalo a thuto ya go iša pele le tlhahlo bjalo kage e laetšwa ke SAQA, gomme e akanywa go Molao wa Taolo ya Boithutelo wa

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- (b) to take responsibility for the registration of students, the provision and delivery of the curriculum and the assessment of students;

“Umalusi” means the council established by section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001);

“vice-principal” includes a vice-rector.

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Purpose and application of Act

2. (1) The purpose of this Act is to—

- (a) enable students to acquire—

(i) the necessary knowledge;

(ii) practical skills; and

(iii) applied vocational and occupational competence; and

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- (b) provide students with the necessary attributes required for—

(i) employment;

(ii) entry to a particular vocation, occupation or trade; or

(iii) entry into a higher education institution.

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- (2) This Act applies to all education institutions which have been established or declared a public college or registered as a private college in terms of this Act.

CHAPTER 2**PUBLIC COLLEGES****Establishment of public college**

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3. (1) The Member of the Executive Council may, by notice in the *Gazette* and from money appropriated for this purpose by the provincial legislature, establish a public college.

- (2) Every public college is a juristic person.

- (3) Despite subsection (2) but subject to subsection (4), a public college may not, without the concurrence of the Member of the Executive Council, dispose of or alienate in any manner any movable or immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

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- (4) The Member of the Executive Council—

- (a) may determine that certain categories of assets below a certain value may be alienated without his or her concurrence; and

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- (b) must publish the value contemplated in paragraph (a) by notice in the *Gazette*.

- (5) The Head of Department may inspect, and must compile an inventory of all, the assets of a public college.

- (6) The assets of a public college may not be attached as a result of any legal action taken against the college.

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Declaration of institution as public college

4. (1) The Member of the Executive Council may, by notice in the *Gazette*, declare any institution providing further education and training as a public college.

- (2) The notice contemplated in subsection (1) must determine—

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(a) the date on which the institution becomes a public college;

(b) the name of the public college; and

(c) the physical location and the official address of the public college.

- (3) The Member of the Executive Council may act in terms of subsection (1) only—

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- Afrika Borwa, 1995 (Molao No. 58 wa 1995), maemo ao a lego ka godimo ga thuto ya kakaretšo eupša ka fase ga thuto ya maemo a godimo; le
- (b) go tšea maikarabelo a go ingwadiša ga baithuti, go aba le go fihliša kharikhulamo le tshekatsheko ya baithuti;
- “Umalusi” e ra khansela ye e hlomilwego go ya ka karolo 4 ya Molao wa *General and Further Education and Training Quality Assurance, 2001* (Molao No. 58 wa 2001);
- “motlatša hlogo” e akaretša le motlatša morektoro.

Tirišo le maikemišetšo a Molao

2. (1) Maikemišetšo a Molao wo ke— 10
- (a) go hloma dihlongwa tše e lego gore baithuti ba tla kgona go hwetša—
- (i) tsebo ya maleba;
- (ii) bokgoni bjo bo ka dirišwago; le
- (iii) bokgoni bjo bo ka dirišwago go tša boithutelomošomo le go bokgoni bja mošomo; 15
- (b) go beakanyetša baithuti dimelo tše bohlokwa tše nyakegago go—
- (i) hwetša mošomo;
- (ii) tseneleng boithutelomošomo bo itšeng, mošomo goba mošomo wa matsogo; goba
- (iii) boingwadišong go sehlongwa sa thuto ya maemo a godimo; le go 20
- (2) Molao wo o ama dihlongwa ka moka tša thuto tše di hlomilwego goba di goeditšwego bjalo ka kholetšhe ya setšhaba goba di ngwadišitšwego bjalo ka kholetšhe ya praebete go ya ka Molao wo.

KGAOLO YA 2

DIKHOLETŠHE TŠA SETŠHABA 25

Go hlongwa ga kholetšhe ya setšhaba

3. (1) Leloko la Khuduthamaga le ka, ka tsebišo go *Gazette* le go tšwa tšheleteng ye e abetšwego lebaka le ke lekgotlatheramelao la profense, hloma kholetšhe ya setšhaba.
- (2) Kholetšhe ye nngwe le ye nngwe ya setšhaba e na le maikarabelo yona.
- (3) Lege karolwana (2) e amega eupša go latelwa karolwana (4), kholetšhe ya setšhaba e ka se, kantle le tumelano ya Leloko la Khuduthamaga, rekiše goba go fetiša tokelo ya thoto, ka tsela efe goba efe, thoto ye nngwe le ye nngwe ya go šutha goba ya go se šuthe ye e hweditšwego ka thušo ya tšhelete ya Mmušo goba thušo ya tšhelete go motho o mongwe le o mongwe tokelo ya nnete efe goba efe mo tulong yeo goba bohlanka bja moo. 35
- (4) Leloko la Khuduthamaga le ka—
- (a) laetša gore mehuta ye mengwe ya dithoto tša ka fase ga boleng bjo itšego ditokelo tša tšona tša thoto di ka fetišwa kantle le tumelano ya lona; le go
- (b) laetša le go gatiša boleng bjo bo lebeletšwego go temana (a) ka tsebišo go *Gazette*. 40
- (5) Hlogo ya Kgoro e ka sekaseka, gomme e swanetše go dira lenaneo la, dithoto ka moka tša kholetšhe ya setšhaba.
- (6) Dithoto tša kholetšhe ya setšhaba di ka no se thopiwe ka lebaka la magato a semolao kgahlanong le kholetšhe.

Isebišo ya semmušo ya gore sehlongwa ke kholetšhe ya setšhaba 45

4. (1) Leloko la Khuduthamaga le ka, ka tsebišo go *Gazette*, goeletša sehlongwa se sengwe le se sengwe se se abago thuto ya go iša pele le tlhahlo bjalo ka kholetšhe ya setšhaba.
- (2) Tsebišo ye e gopolelwago go karolwana (1) e swanetše e laetše—
- (a) letšatši leo sehlongwa se bago kholetšhe ya setšhaba; 50
- (b) leina la kholetšhe ya setšhaba; le
- (c) felo fao kholetšhe ya setšhaba e lego gona le aterese ya semmušo.
- (3) Leloko la Khuduthamaga le ka tšea magato go ya ka karolwana (1) ge fela—

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- (a) (i) after consulting the Minister and the council of the institution, if it is a public institution;
- (ii) with the concurrence of the responsible Minister, Member of the Executive Council or authority of the institution, if the institution is administered, controlled or funded by an organ of State other than the provincial department of education; or
- (iii) with the concurrence of the owner and the relevant Member of the Executive Council responsible for finance, if it is a private institution; and
- (b) after having—
 - (i) published a notice in one or more newspapers circulating in the area in which the institution provides further education and training, containing the reasons for the declaration referred to in subsection (1);
 - (ii) given any interested person an opportunity to make representations; and
 - (iii) considered such representations.

Consequences of declaration as public college

5. (1) From the date determined in terms of section 4(2)(a)—
- (a) the institution in question is regarded as being a public college established under this Act;
 - (b) the assets, liabilities, rights and obligations of the institution vest in the public college; and
 - (c) any agreement lawfully entered into by or on behalf of the institution must be regarded as having been concluded by the public college.
- (2) (a) Immovable property vesting in the public college in terms of subsection (1)(b) must, subject to the concurrence of the Minister of Finance, be transferred into its name without payment by it of any transfer duty, stamp duty or other duty or costs due to the State, but subject to any existing right, encumbrance or trust on or over that property.
- (b) Any fees charged by the Registrar of Deeds resulting from a transfer contemplated in paragraph (a) must be paid in full or in part from funds appropriated by the provincial legislature for that purpose.
- (3) The officer in charge of a deeds office or other office where the immovable property contemplated in subsection (2) is registered must, on submission of the title deed and on application by the public college, make such endorsements on that title deed and such entries in the registers as may be required to register the transfer in question.
- (4) The declaration of an institution as a public college in terms of section 4(1) does not affect anything lawfully done by the institution before the declaration.
- (5) All funds which, immediately before the date determined in terms of section 4(2)(a), were vested in the institution by virtue of a trust, donation or bequest must be applied by the public college in accordance with the trust, donation or bequest, as the case may be.
- (6) The Member of the Executive Council must in the notice contemplated in section 3(1) establish an interim council for the public college for a period not exceeding six months to perform the functions relating to the governance of the college until a council is established in terms of section 9(1).
- (7) The Member of the Executive Council may extend the period referred to in subsection (6) once for a further period not exceeding six months.
- (8) The composition of the interim council must be in accordance with section 10(4) and (7).
- (9) The interim council must co-opt three members of the interim management contemplated in subsection (10)(a) and these co-opted members have no voting powers.
- (10) Apart from the functions contemplated in subsection (6), the interim council must in particular—
- (a) appoint an interim body to manage the day-to-day activities of the college; and
 - (b) ensure that such other structures as may be determined in terms of this Act are constituted.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- (a) (i) le rerišane le Tona le khansele ya sehlongwa, ge e le gore ke sehlongwa sa setšhaba;
- (ii) le dumelelane le Tona ye e lebanego, Leloko la Khuduthamaga goba ba taolo ya sehlongwa, ge sehlongwa se sepedišwa, se laolwa goba se thekgwa ka ditšhelete ke setho sa mmušo kantle le kgoro ya profense ya thuto; goba
- (iii) le dumelelane le mong le Leloko la Khuduthamaga leo le lebanego la go ba le maikarabelo a tšhelete, ge e le sehlongwa sa praebete; le
- (b) morago ga gore go—
 - (i) gatišwe tsebišo go kuranta e tee goba tša go feta moo tše phatlalatšwago mo lefelong leo sehlongwa se abago thuto ya go iša pele le tlhahlo, e na le mabaka a kgoeletšo ao go bolelwago ka ona karolwaneng (1);
 - (ii) fiwe batho ba nago le kgahlego sebaka sa go ntšha maikutlo; le
 - (iii) theeletša maikutlo ao.

Ditlamorago tša kgoeletšo ya kholetšhe ya setšhaba

5. (1) Go tloga ka letšatši le laeditšwego go ya ka karolo 4(2)(a)—
- (a) kholetšhe ye e amegago e bonwa bjalo ka kholetšhe ya setšhaba ye e hlomilwego ka fase ga Molao wo;
 - (b) dithoto, dikoloto, ditokelo le maikarabelo a sehlongwa a beilwego go kholetšhe ya setšhaba; le
 - (c) tumelelano ye nngwe le ye nngwe yeo go dumelelanwago ka yona semolao legatong la sehlongwa e tšewa gore e phethilwe ke kholetšhe ya setšhaba.
- (2) (a) Thoto ya go se šuthe ye e lego ya kholetšhe ya setšhaba go ya ka karolwana (1)(b) e swanetše, ge fela go dumellanwa le Tona ya Ditšhelete, e fetišetšwe leina la yona kantle le go lefela motšhelo wa phetšetšo ya thoto, motšhelo wa setempe goba motšhelo ofe goba ofe goba ditshenyegelo tše di kolotwago Mmušo, eupša e angwe ke tokelo ye nngwe le ye nngwe ye e lego gona, sekoloto sa thoto goba go tshepela go goba godimo ga thoto yeo.
- (b) Ditšhelete tše dingwe le tše dingwe tše di lefišwago ke Mongwadiši wa Ditokumente ka lebaka la phetšetšo ye e lebeletšwego go temana (a) di swanetše di lefelwe ka botlalo goba ka karolo go tšwa matlotlong a abilwego ke lekgotlatheramelao la profense lebakeng leo.
- (3) Mohlankedi yo a lebeletšego kantoro ya ditokumente goba kantoro ye nngwe moo thoto ya go se šuthe yeo go bolelwago ka yona go karolwana (2) e ngwadišitšwego e swanetše, ge go tlišwa tokumente ya thaetlele le ka tsela ya go dira kgopelo ka kholetšhe ya setšhaba, go fa tumelelo go tokumente ya thaetlele le go tsentšha tše bjalo ka mo direjistareng bjalo kage go hlokega go ngwadišwa phetšetšo ye go bolelwago ka yona.
- (4) Kgoeletšo ya sehlongwa bjalo ka kholetšhe ya setšhaba ka fase ga karolo 4 (1) ga e ame selo ka tša molao tše di dirwago ke sehlongwa pele ga kgoeletšo.
- (5) Matlotlo ka moka ao, ka potlako pele ga letšatši le laeditšwego go ya ka karolo 4(2)(a), a filwe sehlongwa maatla a semolao ka lebaka la peakanyo ya semolao ya go hlokomela thoto legatong la mong, mpho goba la go šia thoto go motho a swanetše a šomišwe ke sehlongwa sa setšhaba go ya peakanyo ya semolao ya go hlokomela thoto, mpho goba go šia thoto go motho, ka moo go ka bago ka gona.
- (6) Leloko la Khuduthamaga le swanetše ka tsebišo yeo go bolelwago ka yona go karolo 3(1) la hloma khansele ya nakwana ye tla tšeago nako ye sa fetego dikgwedi tše selelago, go phethagatša mešomo ye e amanago le bolaodi bja kholetšhe go fihlela khansele e hlamiwa bjalo kage go lebeletšwe go karolo 9(1).
- (7) Leloko la Khuduthamaga le ka katološa nako ye go bolelwago ka yona go karolwana (6) gatee nakong ya go se fete dikgwedi tše selelago.
- (8) Tlhamego ya khansele ya nakwana e swanetše go ya ka mabaka a karolwana 10(4) and (7).
- (9) Khansele ya nakwana e swanetše e kgethe maloko a mararo go tšwa go a lego gona go ba taolo ya nakwana ka moo go lebeletšwego go karolwana (10)(a), eupša maloko ao a kgethilwego ga a na maatla a go kgetha.
- (10) Kantle le maikarabelo a go bolelwago ka ona go karolwana (6), khansele ya nakwana e swanetše e lebelele kudu—
- (a) go kgethwa ga sebopego sa nakwana go hlokomela mešomo ya tšatši ka tšatši ya kholetšhe; le
 - (b) go netefatšwa gore dihlongwa tše dingwe tše bjalo kage di ka hlakišwa go ya ka molao wo di hlamiwe.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(11) Any decision of the interim council which may affect the right of any structure of the public college, may only be taken after consultation with such structure.

(12) Despite sections 197 and 197A of the Labour Relations Act, contracts of employment between the institution and its employees are transferred automatically on declaration of an institution as a public college as from the date of the declaration contemplated in section 4, but any redeployment of an employee as a consequence of the declaration is subject to applicable labour legislation. 5

Merger of public colleges

6. (1) Subject to subsection (2), the Member of the Executive Council may, in consultation with the Minister and by notice in the *Gazette*, merge two or more public colleges into a single college. 10

(2) Before merging two or more public colleges the Member of the Executive Council must—

- (a) give written notice to the colleges in question of the intention to merge them;
- (b) publish a notice giving the reasons for the proposed merger in one or two newspapers circulating in the area in which the colleges in question are situated; 15
- (c) give the councils of the colleges in question and any other interested persons an opportunity to make representations within at least 90 days from the date of the notice referred to in paragraph (b); and 20
- (d) consider such representations.

(3) The single college contemplated in subsection (1) is regarded as a public college established under this Act.

(4) Section 5(1)(b), (2), (3), (4) and (5) apply with the necessary changes required by the context to a merger contemplated in subsection (1). 25

(5) The Member of the Executive Council must, after consultation with the councils of the public colleges that are to be merged, determine by notice contemplated in subsection (1)—

- (a) the date of establishment of the college;
- (b) the name of the college; and 30
- (c) the physical location and official address of the college.

(6) The councils of the colleges that are merged must have a meeting before the merger to constitute a single interim council comprising of all members of the councils concerned for a period not exceeding six months.

(7) The Member of the Executive Council may extend the period referred to in subsection (6) once for a further period not exceeding six months. 35

(8) Despite sections 197 and 197A of the Labour Relations Act, the contracts of employment between the institution and its employees are transferred automatically to the merged single public college as from the date of the merger contemplated in subsection (1), but any redeployment of an employee as a consequence of the merger is subject to applicable labour legislation. 40

(9) If two or more public colleges are merged into a single public college as contemplated in subsection (1), all the rights and obligations between the former employers and each employee at the time of the merger continue in force as if they were rights and obligations between the new employer and each employee and anything done before the merger by or in relation to the former employers is considered to have been done by or in relation to the new employer. 45

(10) A merger referred to in subsection (1) does not—

- (a) interrupt the employee's continuity of employment; and
- (b) affect the liability of any person to be disciplined for, prosecuted for, convicted of or sentenced for any misconduct, crime or offence. 50

(11) An employee or a student is subject to the code of conduct and rules applicable to the new single public college as from the date of the merger contemplated in subsection (1), but if any enquiry into incapacity or any proceedings in respect of a charge of misconduct had been instituted or commenced against any employee or student before the date of the merger, such enquiry or proceedings must continue in terms of the codes and rules applicable to the relevant public colleges immediately before the merger. 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(11) Sephetho se sengwe le se sengwe sa khansale ya nakwana se ka ama tokelo ya sehlongwa se sengwe le se sengwe sa kholetšhe ya setšhaba se ka tšewa fela morago ga go kwa maikutlo a sehlongwa se bjalo.

(12) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Mošomo, dikotraka tša mošomo magareng ga sehlongwa le bašomi ba sona di fetišetšwa ntle le mathata ge sehlongwa se goeletšwa bjalo ka kholetšhe ya setšhaba go tloga ka letšatši la kgoeletšo leo le lebeletšwego go karolo 4, eupša go šuthišwa go gongwe le go gongwe ga mošomi ka lebaka la kgoeletšo go swanetše go dirwe ka fase ga molao wa tša bašomi. 5

Kopanyo ya dikholetšhe tša setšhaba

6. (1) Ka tshepelelano le karolwana (2), Leloko la Khuduthamaga le ka, ka tsebišo go *Gazette*, kopanya dikholetšhe tša setšhaba tše pedi goba go feta go kholetšhe e tee. 10

(2) Pele go kopanywa dikholetšhe tše pedi goba go feta Leloko la Khuduthamaga le swanetše le—

- (a) fe tsebišo ye ngwadilwego go dikholetšhe mabapi le go di kopanyo;
- (b) gatiše tsebišo ya go fa mabaka a tšhišinyo ya kopantšho go kuranta e tee goba go feta ye e phatlalatšwago mo lefelong le go lego dikholetšhe tše go bolelwago ka tšona; 15
- (c) fe dikhansele tša dikholetšhe tše go bolelwago ka tšona le batho ba nago le kgahlego sebaka sa go ntšha maikutlo mo matsatšing a 90 go tloga ka letšatši la tsebišo leo go bolelwago ka lona go temana (b); le 20
- (d) gopodišiše maikutlo a bjalo.

(3) Kholetšhe ye tee ye go bolelwago ka yona go karolwana (1) e tšewa bjalo ka kholetšhe ya setšhaba ka fase ga Molao wo.

(4) Temana 5(1)(b), (2), (3), (4) le (5), ka diphetogo tše bohlokwa tše di nyakwago ke maemo e ama kopanyo ye go bolelwago ka yona go karolwana (1). 25

(5) Leloko la Khansale le swanetše, morago ga ditherišano le dikhansele tša kholetšhe ya setšhaba tše di swanetšego go kopantšhwa, le tšee sephetho ka tsebišo kage go lebeletšwe go karolwana (1)—

- (a) letšatši la go hlongwa ga kholetšhe;
- (b) lebitšo la kholetšhe; le 30
- (c) moo kholetšhe e lego gona le aterese ya semmušo.

(6) Dikhansele tša dikholetšhe tše di kopantšwego di swanetše di be le kopano pele ga kopantšho go tlhama khansale ye tee ya nakwana ye e bopšago ke maloko ka moka a dikhansele tše amegago ka nako ya go se fete dikgwedi tše seelago.

(7) Leloko la Khuduthamaga leka katološa nako ye go bolelwago ka yona go karolwana (6) gatee ka nako ya go se fete dikgwedi tše seelago. 35

(8) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Bašomi, dikotraka tša mošomo magareng ga sehlongwa le bašomi ba sona ba fetišetšwe ntle le mathata go kholetšhe ya setšhaba ye tee ye e kopantšwego go tloga ka letšatši la kgomagano bjalo kage go lebeletšwe go karolwana (1), eupša go šuthišwa gofe goba gofe ga mošomi ka lebaka la kopanyo go tla dirwa go ya ka molao wa bašomi wa maleba. 40

(9) Ge dikholetšhe tša setšhaba tše pedi goba go feta di kopanywa go ba kholetšhe ya setšhaba ye tee bjalo kage go lebeletšwe go karolwana (1), ditokelo ka moka le maikarabelo magareng ga bengmošomo ba peleng le mošomi yo mongwe le yo mongwe ka nako ya kgomagano di tšwela pele e ka re ke ditokelo le maikarabelo magareng ga mongmošomo o mofsa le mošomi yo mongwe le yo mongwe, le sengwe le sengwe se se dirwago ke goba ka kamano le bengmošomo ba peleng pele ga ge kopanyo e amogelwa gore e dirilwe ke goba ka kamano le mongmošomo o mofsa. 45

(10) Kopano ye go bolelwago ka yona go karolwana (1) ga e—

- (a) šitiše go tšwela pele ga mošomo wa mošomi; le 50
- (b) ame maikarabelo a motho ofe goba ofe yo a swanetšwego go tšeelwa magato a kgalemo, a sekišwago goba a ahlolaelwago go hloka maitshwaro gofe goba gofe, bosenyi goba molato.

(11) Mošomi goba moithuti o tlangwa ke molao wa maitshwaro wo o dirišwago go kholetšhe ye mpsha ya setšhaba ye tee go tloga ka letšatši la kopanyo leo le lebeletšwego go karolwana (1), eupša ge nyakišišo efe goba efe mabapi le go šitega go dira mošomo goba magato afe goba afe a molato wa go hloka maitshwaro o beilwe goba o thomile kgahlanong le mošomi goba moithuti pele ga letšatši la kopanyo, nyakišišo ye bjalo goba magato a bjalo a swanetše go tšwela pele go ya ka melao ye e ka dirišwago go kholetšhe ya setšhaba ye e amegago ka ponyo ya leihlo pele ga kgomagano. 55

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(12) Until the new single public college has made a code of conduct or rules, the disciplinary codes and rules of the respective old public colleges are applicable to the respective employees and students.

(13) If two or more public colleges are merged into a single public college in terms of subsection (1), the new single public college continues with all academic programmes offered by the former colleges under the rules applicable to the respective colleges immediately before the date of the merger, until such programmes and rules are amended or restructured by the new council. 5

Single council for two or more public colleges

7. (1) The Member of the Executive Council may determine that the governance of two or more public colleges must vest in a single council if— 10

- (a) it is in the best interests of education and the colleges;
- (b) it is in the public interest; or
- (c) he or she was so requested by the councils of those colleges.

(2) The Member of the Executive Council may not act in terms of subsection (1) unless he or she has— 15

- (a) given written notice to the colleges in question of the intention to merge them;
- (b) given notice in the *Gazette* of his or her intention so to act;
- (c) given the councils of the colleges in question and interested parties an opportunity to make written submissions to him or her within a period of not less than 90 days; and 20
- (d) considered all such submissions.

(3) The Member of the Executive Council must, by notice in the *Gazette*, determine the composition of the single council in a manner that ensures that—

- (a) each public college is equitably represented; and 25
- (b) it complies with section 10(6), (7) and (9).

(4) Any council that is the subject of a notice in terms of subsection (2) continues to exist until the first meeting of the single council constituted in terms of this section.

Closure of public college

8. (1) The Member of the Executive Council may, by notice in the *Gazette*, close a public college. 30

(2) The Member of the Executive Council may not act in terms of subsection (1) unless he or she has—

- (a) consulted with the Minister;
- (b) given written notice to the college in question of the intention to close it; 35
- (c) given notice in the *Gazette* of his or her intention so to act;
- (d) given the council of the college in question and interested parties an opportunity to make written representations within a period of not less than 90 days; and
- (e) considered those representations. 40

(3) If a public college is closed under subsection (1)—

- (a) all assets and liabilities of such college must, after such closure, be dealt with according to law by the Member of the Executive Council; and
- (b) any assets remaining after payment of all liabilities vest in the Member of the Executive Council. 45

(4) Subsections (2) to (5) of section 5 and section 6(2) apply with the necessary changes required by the context to a closure referred to in subsection (1).

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(12) Go fihlela ge kholetšhe ye tee ya setšhaba ye mpsha e dirile molao wa maitshwaro, melao ya magato a kgalemo ya kholetšhe ya kgale ya setšhaba a ama bašomi le baithuti.

(13) Ge dikholetšhe tša setšhaba tše pedi goba go feta kopanyo go ba kholetšhe ye tee ya setšhaba go ya ka karolwana (1), kholetšhe ye mpsha ye tee ya setšhaba e tšwela pele ka mananeo ka moka a thuto ao a bego a abiwa ke dikholetšhe tša peleng ka fase ga melao ye e amago dikholetšhe tše go bolelwago ka tšona ka potlako pele ga letšatši la kopanyo, go fihlela mananeo a bjalo le melao a lokišwa goba a agwa lefisa ke khansele ye mpsha. 5

Khansele ye tee ya dikholetšhe tša setšhaba tše pedi goba go feta 10

7. (1) Leloko la Khuduthamaga le ka laetša gore bolaodi bja dikholetšhe tša setšhaba tše pedi goba go feta di swanetše go fa maatla khansele ye tee ge e le gore—

- (a) go kgahlegong ya thuto le dikholetšhe;
- (b) go kgahlegong ya setšhaba; goba
- (c) motho yoo a kgopetšwe ke dikhansele tša dikholetšhe tše bjalo. 15

(2) Leloko la Khuduthamaga le ka no se tšee magato go ya ka karolwana (1) ge e se gore motho yoo o—

- (a) file tsebišo ka lengwalo go dikholetšhe tše amegago ka maikemišetšo a go di kgomagantšha;
- (b) file tsebišo go *Gazette* ka maikemišetšo a go tšea magato; 20
- (c) file dikhansele tša dikholetšhe tše amegago le bao ba nago le kgahlego sebaka sa go dira ditlhagišo tša go ngwalwa ka nako ya go se be ka fase ga matšatši a 90; le
- (d) lekodišitšitše ditlhagišo tše bjalo ka moka.

(3) Leloko la Khuduthamaga le swanetše, ka tsebišo go *Gazette*, le laetše tlhamego ya khansele ye tee ka tsela ya go netefatša gore— 25

- (a) kholetšhe ye nngwe le ye nngwe e emetšwe ka tekatekanelo; le
- (b) gore e gata ka mošito o tee le karolo 10(6), (7) le (9).

(4) Khansele efe goba efe ye e angwago ke tsebišo go ya ka karolwana (2) e tšwele pele go ba gona go fihlela kopano ya pele ya khansele e hlamiwa go ya karolo ye. 30

Go tswalelwa ga kholetšhe ya setšhaba

8. (1) Leloko la Khuduthamaga le ka, ka tsebišo go *Gazette*, tswalela kholetšhe ya setšhaba.

(2) Leloko la Khuduthamaga le ka no se tšee magato go ya ka karolwana (1) ge e se le— 35

- (a) rerišane le Tona;
- (b) fe tsebišo ya go ngwalwa go kholetšhe ye go bolelwago ka yona ka maikemišetšo a go di kgomagantšha;
- (c) fe tsebišo go *Gazette* mabapi le maikemišetšo a gagwe a go tšea magato;
- (d) fe khansele ya kholetšhe ye go bolelwago ka yona le bao ba nago le kgahlego sebaka sa go dira ditlhagišo tša go ngwalwa ka nako yeo e sego ka fase ga matšatši a 90; le
- (e) lekodišitšitše ditlhagišo tše bjalo ka moka.

(3) Ge kholetšhe ya setšhaba e tswaletšwe ka fase ga molawana (1)—

- (a) dithoto ka moka le dikoloto tša kholetšhe ye bjalo di swanetše, morago ga tswalelo ye bjalo, di rarollwe go ya ka molao ke Leloko la Khuduthamaga; le 45
- (b) dithoto tše dingwe le tše dingwe tše di šetšego morago ga go lefela dikoloto ka moka tše di lego maikarabelo a Leloko la Khuduthamaga.

(4) Dikarolwana tša (2) go fihla go (5) tša karolo 5 le karolo 6(2) le diphetogo tše bohlokwa tše di nyakwago ke maemo di ama tswalelo ye go bolelwago ka yona go karolwana (1) 50

CHAPTER 3

GOVERNANCE OF PUBLIC COLLEGES

Public college governance structures

9. (1) Every public college must establish a council, an academic board and a student representative council. 5
- (2) Every public college may establish such other structures as may be determined in the college statute.
- (3) The structures referred to in subsection (1) must elect a chairperson, vice-chairperson and other office-bearers from among its members in accordance with the college statute. 10
- (4) A member of a structure contemplated in subsection (1)—
- (a) holds office for a period of five years: Provided that such a member remains eligible to be a member of that structure; and
 - (b) may not serve for more than two consecutive terms of office.
- (5) The procedures for the disqualification, removal and filling of vacancies must be determined in the college statute. 15
- (6) The council may not establish or create any juristic person in terms of any other legislation or common law.

Council of public college

10. (1) The council of a public college must perform all the functions, including the development of a college statute, which are necessary to govern the public college, subject to this Act and any applicable national or provincial law. 20
- (2) The council must, with the concurrence of the academic board—
- (a) develop a strategic plan for the public college which must—
 - (i) incorporate the mission, vision, goals and planning for funding of the college; 25
 - (ii) address past imbalances and gender and disability matters;
 - (iii) include safety measures for a safe learning environment for students, lecturers and support staff; and
 - (iv) be approved by the Member of the Executive Council; 30
 - (b) determine the language policy of the public college, subject to the approval of the Member of the Executive Council; and
 - (c) ensure that the public college complies with accreditation requirements necessary to provide learning programmes in terms of standards and qualifications as registered on the National Qualifications Framework. 35
- (3) The council, after consultation with the student representative council, must provide for a suitable structure to advise on policy for student support services within the public college.
- (4) The council of a public college consists of—
- (a) the principal; 40
 - (b) five external persons appointed by the Member of the Executive Council;
 - (c) one member of the academic board elected by the academic board;
 - (d) one external member representing donors;
 - (e) one lecturer of the public college, elected by the lecturers of the college;
 - (f) one member of the support staff of the public college, elected by the support staff; and 45
 - (g) two students of the public college, elected by the student representative council of the public college.
- (5) The chairperson, vice-chairperson or other office-bearers of the council may not be students or members of the staff of the college, but the secretary may be a member of staff. 50

KGAOLO 3**BOLAODI BJA DIKHOLETŠHE TŠA SETŠHABA****Diboego tša bolaodi bja kholetšhe ya setšhaba**

9. (1) Kholetšhe ye nngwe le ye nngwe ya setšhaba e swanetše e hlome khansele, boto 5
ya tša thuto le khansele ya boemedi bja baithuti.

(2) Kholetšhe ye nngwe le ye nngwe ya setšhaba e ka hloma dihlongwa tše bjalo tše
dingwe bjalo kage go ka laetšwa ka go molao wa kholetšhe.

(3) Dihlongwa tše go bolelwago ka tšona go karolwana (1) di swanetše di kgethe
modulasetulo, motlatša modulasetulo le bahlankedi ba bangwe go tšwa go maloko a 10
yona ka tsela ya molao wa kholetšhe.

(4) Leloko la sebopego seo se lebeletšwego go karolwana (1)—

(a) le ka dula setulo lebaka la mengwaga ye mehlano: Ge fela leloko leo le dula
le ka ba gona go ba leloko la sebopego seo; le gore

(b) le ka no se dule setulo nako ya go feta mengwaga ye mebedi ka tatelano. 15

(5) Magato a swanetšego go latelwa a go fediša le go tloša maloko mošomong le go
tlatša dikgoba tša mošomo a swanetše a laetšwe go molao wa kholetšhe.

(6) Khansele e ka no se hlome goba go hlama motho wa semolao go ya ka molao ofe
goba ofe goba molao o tlwaelegilego.

Khansele ya kholetšhe ya setšhaba

20

10. (1) Khansele ya kholetšhe ya setšhaba e swanetše e dire mešomo ka moka, go
akaretšwa go hlabollwa ga molao wa kholetšhe, ye e lego bohlokwa go laola kholetšhe
ya setšhaba, ka tshepelelano le Molao wo le molao ofe goba ofe wa maleba wa
bosetšhaba goba wa profense.

(2) Khansele e swanetše, ka tumelelano ya boto ya tša thuto—

25

(a) go hlama leano la kholetšhe ya setšhaba leo le swanetšego go—

(i) akaretša tlhomo, ponelopele, maikemišetšo le maano a go thekga
kholetšhe ka ditšhelete;

(ii) rarolla go se lekalekane ga peleng le tša bong le tša bogole;

(iii) akaretša magato a tšhireletšo a maemo a bolokegilego a go ithuta a 30
baithuti, bafahloši le bašomi ba thekgo; le

(iv) go dumelelwa ke Leloko la Khansele;

(b) go rera leano la polelo la kholetšhe ya setšhaba, ge fela Leloko la
Khuduthamaga e dumela; le go

(c) netefatša gore kholetšhe ya setšhaba e sepelelana le dinyakwa tša tumelelo ya 35
go aba tirelo ya thuto tšeo di lego bohlokwa go aba mananeo a go ithuta go ya
ka maemo le boithutelo bjalo kage go ngwadišitšwe go Mahlomo a Kholetšhe
ya Bosetšha.

(3) Khansele, morago ga go kwa maikutlo a khansele ya boemedi bja baithuti, e
swanetše go aba sehlongwa sa maleba go fa maele mabapi le leano go ditirelo tša thekgo 40
ya baithuti mo kholetšheng ya setšhaba.

(4) Khansele ya kholetšhe ya setšhaba e bopša ke—

(a) hlogo;

(b) maloko a mahlano a ka ntle a kgethilwego ke Leloko la Khuduthamaga;

(c) leloko le tee la boto ya tša thuto; le kgethilwego ke boto ya tša thuto; 45

(d) leloko le tee la ka ntle la go emela bathekgi ka ditšhelete;

(e) mofahloši o tee wa kholetšhe ya setšhaba, yo a kgethilwego ke bafahloši ba
kholetšhe;

(f) leloko le tee la bašomi ba thekgo ba kholetšhe ya setšhaba, le kgethilwe ke
bašomi ba thekgo ba kholetšhe ya setšhaba; le 50

(g) baithuti ba babedi ba kholetšhe ya setšhaba, ba kgethilwego ke khansele ya
boemedi bja baithuti ba kholetšhe ya setšhaba.

(5) Modulasetulo, motlatša modulasetulo le bahlankedi ba bangwe ba khansele ba ka
no se be baithuti goba maloko a bašomi ba kholetšhe, eupša mongwaledi e ka ba leloko
la bašomi. 55

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(6) The council must, in consultation with the Member of the Executive Council, appoint four additional external persons with financial, human resources and legal skills as members of the council.

(7) The manner in which the members of the council contemplated in subsection (4)(c) to (g) are to be elected, must, where applicable, be determined by the Member of the Executive Council by notice in the *Gazette* or in terms of a provincial law and must, in so far as it is practically possible, ensure that— 5

- (a) the functions of the council or interim council are performed according to the highest professional standards;
- (b) the council or interim council is broadly representative of the further education and training system and related interests; 10
- (c) the members have a thorough knowledge and understanding of the further education and training sector;
- (d) the members appreciate the role of further education and training in reconstruction and development; and 15
- (e) the council is broadly representative of the community served by the public college in respect of race, gender and disability.

(8) At least 60 per cent of the members of a council must be external persons who are not—

- (a) students or support staff of the public college; 20
- (b) employed by the Member of the Executive Council;
- (c) employed by the college.

(9) The members of a council or an interim council—

- (a) must be persons with knowledge and experience relevant to the objects and governance of the public college in question; and 25
- (b) must participate in the deliberations of the council or interim council in the best interest of the public college in question.

(10) The Member of the Executive Council must—

- (a) by notice in the *Gazette*, or by any other reasonably practicable means, invite nominations for the appointment of the members contemplated in subsection (4)(b); and 30
- (b) consider the nominations and appoint the members with due regard to the criteria contemplated in this section.

Academic board of public college

11. (1) The academic board of a public college is accountable to the council for— 35

- (a) the academic functions of the public college and the promotion of the participation of women and the disabled in the learning programmes;
- (b) establishing internal academic monitoring and quality promotion mechanism;
- (c) ensuring that the requirements of accreditation to provide learning against standards and qualifications registered on the National Qualifications Framework are met; and 40
- (d) performing such other functions as may be delegated or assigned to it by the council.

(2) Subject to the approval of the council and to any applicable policy, the academic board must determine the learning programmes contemplated in section 43 that will be offered at the public college. 45

(3) The academic board of a public college consists of—

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) lecturers; 50
- (d) members of the council;
- (e) members of the student representative council; and
- (f) such additional persons as may be determined by the council.

(4) The number of persons contemplated in subsection (3)(c), (d), (e) and (f) and the manner in which they are appointed or elected, as the case may be, must be determined by the council in accordance with the college statute. 55

(5) The majority of the members of the academic board must be lecturers.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(6) Khansele e swanetše, ka therišano le Leloko la Khuduthamaga, go kgetha batho ba ka ntle ba bane ba tlaeletšo ba nago le bokgoni bja tša matlotlo, tša merero ya bašomi le bja semolao bjalo ka maloko a khansele.

(7) Tsela yeo maloko a khansele a a lebeletšwego go karolwana (4)(c) go fihla go (g) le tsela yeo ba kgethwago, e swanetše, moo go kgonagalago, e rerwe ke Leloko la Khuduthamaga ka tsebišo go *Gazette* goba go ya ka molao wa profense gomme e swanetše go, mo go kgonagalago, netefatša gore— 5

(a) maikarabelo a khansele goba a khansele ya nakwana a phethagatšwa go ya ka maemo a godimodimo a seprofešinale;

(b) khansele goba khansele ya nakwana e emetše ka bophara lenaneo la thuto ya go iša pele le tlhahlo le dikgahlego tše amegago; 10

(c) maloko a na le tsebo ye e tletšego le kwešišo ya lekala la thuto ya go iša pele le tlhahlo;

(d) maloko a thabela tema ye e kgathwago ke thuto ya go iša pele le tlhahlo go kagolefsa le tlhabollo; le 15

(e) khansele e emetše setšhaba ka bophara seo se direlwago ke kholetšhe ya setšhaba go ya ka semorafe, bong le bogole.

(8) Bonnyane dipresente tše 60 tša maloko a khansele di swanetše e be batho ba ka ntle bao ba sego—

(a) baithuti goba bašomi ba thekgo ba kholetšhe ya setšhaba; 20

(b) ba thwetšwe ke Leloko la Khuduthamaga;

(c) ba thwetšwe ke khansele.

(9) Maloko a khansele goba khansele ya nakwana—

(a) ba swanetše ba be batho ba nago le tsebo le maitemogelo a lebanego le maikemišetšo le bolaodi bja kholetšhe ya setšhaba ye go bolelwago ka yona; 25
le go

(b) go tšea karolo go dikakanyo tša khansele goba tša khansele ya nakwana go lebeletšwe dikgahlegelo tša kholetšhe ya setšhaba ye go bolelwago ka yona.

(10) Leloko la Khuduthamaga le swanetše—

(a) ka tsebišo go *Gazette*, goba ka tsela ye kgonagalago, le meme dikgetho tša maloko ao go bolelwago ka ona go karolwana (4)(b); le 30

(b) lekodišiša dikgetho le go kgetha maloko go ya ka tsela ye e lebeletšwego go karolo ye.

Boto ya tša thuto ya kholetšhe ya setšhaba

11. (1) Boto ya tša thuto ya kholetšhe ya setšhaba e ka fase ga khansele ka taolo mabapi le— 35

(a) maikarabelo a tša thuto a kholetšhe ya setšhaba le tthatlošo go tšea karolo ga basadi le digole go mananeo a go ithuta;

(b) go hloma tsela ya tekodišišo ya ka gare ya tša thuto le tthatlošo ya tša boleng;

(c) go netefatša gore dinyakwa tša tumelelo ya go aba thuto go ya ka maemo le boithutelo bjo bo ngwadišitšwego go Mahlomo a Dikholetšhe di a fihlelelwa; 40
le

(d) go phethagatša maikarabelo a mangwe bjalo kage go ka romelwa goba gwa laelwa ke khansele.

(2) Ge khansele e dumelelana le leano le lengwe le lengwe la maleba, boto ya tša thuto e swanetše e rere mananeo a go ithuta bjalo kage go lebeletšwe go karolo 43 ao a tla abjago ke kholetšhe ya setšhaba. 45

(3) Boto ya tša thuto ya kholetšhe ya setšhaba e swanetše e bopše ke—

(a) hlogo;

(b) motlatša hlogo; 50

(c) bafahloši;

(d) maloko a khansele;

(e) maloko a khansele ya boemedi bja baithuti; le

(f) batho ba bjalo ba ka rerwago ke khansele.

(4) Palo ya batho bao ba lebeletšwego go karolwana (3)(c), (d), (e) le (f) le tsela ye e lego gore ba fiwago mošomo goba ba kgethwago, ka moo go ka bago ka gona, e swanetše e rerwe ke khansele, go ya ka molao wa kholetšhe. 55

(5) Bontši bja maloko a boto ya tša thuto bo swanetše go ba bafahloši.

Committees of council and academic board

12. (1) The council may—
- (a) establish a committee to assist it in the performance of its functions; and
 - (b) appoint a person who is not a member of the council as member of the committee. 5
- (2) The chairperson of a committee must be a member of the council.
- (3) The council is not divested of the responsibility for the performance of any function delegated to a committee.
- (4) The council must determine the—
- (a) composition of a committee; 10
 - (b) functions of a committee;
 - (c) procedure at meetings; and
 - (d) dissolution of a committee.
- (5) Subsections (1) to (4) apply with the necessary changes to the academic board.
- (6) The council and the academic board may jointly establish a committee to assist them in the performance of functions that are common to the council and the academic board. 15
- (7) Subsections (1) to (4) apply with the necessary changes to a joint committee established in terms of subsection (6).

Principal of public college 20

13. The principal of a public college is responsible for the management and administration of the college.

Student representative council

14. The establishment, composition, manner of election, term of office, functions and privileges of the student representative council of a public college must be determined by the council after consultation with the students of the college, subject to policy determined by the Member of the Executive Council. 25

Disciplinary measures

15. (1) Every student at a public college is subject to a code of conduct, disciplinary measures and procedures which are determined by the council, subject to provincial policy. 30
- (2) The code of conduct, disciplinary measures and procedures may only be determined after consultation with the academic board and the student representative council of the public college in question.
- (3) The policy contemplated in subsection (1) must include measures to curb racism and any form of unfair discrimination, violence and harassment, especially sexual violence and sexual harassment. 35

Prohibition of corporal punishment and initiation practices

16. (1) No person may administer corporal punishment to a student at a college.
- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which may be imposed for assault. 40
- (3) No person may conduct or participate in initiation practices at a college.
- (4) Any person who contravenes subsection (3) is guilty of misconduct and disciplinary action must be instituted against such a person.
- (5) Despite subsection (4), a person may institute civil action against any person or group of persons who manipulated or forced the first-mentioned person to conduct or participate in initiation practices. 45
- (6) For the purposes of this section, "initiation practice" means any act that in the process of initiation, admission into or affiliation with, or as condition for continued membership of, a college, a group, intramural or extramural activities, a sports team or an organisation— 50
- (a) endangers the mental or physical health or safety of a person;

Dikomiti tša khansele le boto ya tša thuto

12. (1) Khansele e ka—
- (a) hloma komiti go thuša ka go phethagatša maikarabelo a yona; le go
 - (b) kgetha motho yo e sego leloko la khansele bjalo ka leloko la komiti. 5
- (2) Modulasetulo wa komiti o swanetše go ba leloko la khansele.
- (3) Khansele ga e šitišwe maikarabelong a yona a go phetha maikarabelo a mangwe le a mangwe ao e rongwago goba ao e laelwago ke komiti.
- (4) Khansele e swanetše go rera—
- (a) tlhamego ya komiti;
 - (b) maikarabelo a komiti; 10
 - (c) tshepedišo dikopanong; le
 - (d) phatlalatšo ya komiti.
- (5) Dikarolwana (1) go fihla go (4) ka diphetogo tše bohlokwa, di ama boto ya tša thuto.
- (6) Khansele le boto ya tša thuto di ka hlongwa ka mohlakanelwa komiti go ba thuša 15 ka phethagatšo ya maikarabelo ao a swanago a khansele le a boto ya tša thuto.
- (7) Dikarolwana (1) go fihla go (4) ka diphetogo tše bohlokwa, di ama komiti ya mohlakanelwa ye e hlomilwego go ya ka karolwana (6).

Hlogo ya kholetšhe ya setšhaba

13. Hlogo ya kholetšhe ya setšhaba e na le maikarabelo a taolo le tshepedišo ya 20 kholetšhe.

Khansele ya boemedi bja baithuti

14. Go hlongwa, tlhamego, tsela ya kgetho, nako ya go dula setulo, maikarabelo le diputseletšo tša khansele ya boemedi bja baithuti ya kholetšhe ya setšhaba di swanetše go rerwa ke khansele ka therišano le baithuti ba kholetšhe, go ya ka molao o laeditšwego 25 ke Leloko la Khuduthamaga.

Magato a kgalemo

15. (1) Moithuti o mongwe le o mongwe wa kholetšhe ya setšhaba o angwa ke molao wa maitshwaro, magato a kgalemo le ditshepedišo tše rerilwego ke khansele, go ya ka leano la profense. 30
- (2) Molao wa maitshwaro, magato a kgalemo le ditshepedišo di ka rerwa fela morago ga therišano le boto ya tša thuto le khansele ya boemedi bja baithuti ya kholetšhe ya setšhaba ye e amegago.
- (3) Leano leo go bolelwago ka lona go karolwana (1) le swanetše go akaretša magato a go fediša semorafe kgethollo ye e sego maleba le mohuta ofe goba ofe wa ntwale 35 tlaišo, kudu ntwale ya tša thobalano le tlaišo ya thobalano.

Thibelo ya kgalemo ka kgati le ditlwaedi tša go kgakola dikholetšheng

16. (1) Ga go motho yo a dumeletšwego go kgalema moithuti ka kgati kholetšheng.
- (2) Motho ofe goba ofe yo a ka tshelago molawana (1) o bonwa molato gomme a ka fiwa kotlo ye e ka bewago ya go iša letsogo. 40
- (3) Motho ga a dumelelwa go dira goba go tšea karolo go ditlwaedi tša go kgakola dikholetšheng.
- (4) Motho yo a ka tshelago karolwana (3) o molato wa go hloka maitshwaro gomme magato a kgalemo a swanetše a tšewe kgahlanong le motho yo bjalo.
- (5) Kantle le karolwana (4), motho a ka swariša motho yo mongwe goba sehlopha sa 45 batho ba hlalefeditšego goba ba gapeletša motho yoo go dira goba tšea karolo go ditlwaedi tša kgakolo.
- (6) Go lebeleletšwe fela karolo ye, “ditlwaedi tša kgakolo” di ra tiragalo efe goba efe yeo mo tiragalong ya kgakolo, go tsentšhwa kgakolong, goba go ikamanya le, goba e le lebaka la boleloko bja go tšwela pele bja, kholetšhe, sehlopha, ditiragalo tša kgabišo ya 50 ka gare goba ya ka ntle, sehlopha sa dipapadi goba mokgatlo—
- (a) o tsenya kotseng bophelo bja monagano goba bja mmele goba polokego ya motho;

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- (b) undermines the intrinsic worth of human beings by treating some as inferior to others;
- (c) subjects individuals to humiliating or violent acts that undermine the constitutional guarantee to dignity in the Bill of Rights;
- (d) undermines the fundamental rights and values that underpin the Constitution; 5
- (e) impedes the development of a culture that entitles an individual to be treated as worthy of respect and concern; or
- (f) destroys public or private property.

(7) In considering whether conduct or participation of a person in any initiation practice falls within the definition of "initiation practice", the relevant disciplinary authority must take into account the right of the student not to be subjected to such practice. 10

Admission policy of public college

17. (1) Subject to applicable policy determined by the Minister, the council of a public college determines the admission policy of the college, after consulting the academic board and with the approval of the Member of Executive Council. 15

(2) The admission policy of a public college may not unfairly discriminate in any way and must provide appropriate measures for the redress of past inequalities.

(3) The council may, subject to applicable policy, the approval of the Head of Department and after consultation with the academic board— 20

- (a) determine admission requirements in respect of particular further education and training programmes;
- (b) determine the number of students who may be admitted for a particular further education and training programme and the manner of their selection;
- (c) determine the minimum requirements for readmission to study at the public college in question; and 25
- (d) refuse the readmission of a student who fails to satisfy the minimum requirements for readmission.

(4) The council of a public college must take the necessary steps within its available resources to ensure that the college is accessible to disabled students. 30

Standard college statute

18. A public college that has not developed a college statute in terms of section 10(1) must make use of the standard college statute set out in Schedule 1.

CHAPTER 4**APPOINTMENT OF MANAGEMENT STAFF, LECTURERS AND
SUPPORT STAFF IN PUBLIC COLLEGES 35****Appointment of management staff**

19. (1) The Member of the Executive Council must appoint the members of the management staff of a public college in terms of the Public Service Act.

(2) The management staff must report to and are accountable to the council in respect of matters and functions allocated to them by the council in terms of this Act. 40

(3) The principal must report to the Head of Department in terms of his or her performance agreement.

Appointment of lecturers and support staff

20. (1) The college is the employer of all lecturers and support staff. 45

(2) Subject to this Act, the Labour Relations Act, the Basic Conditions of Employment Act, the Employment Equity Act and any other applicable law, the council must establish posts for lecturers and support staff.

(3) The council must appoint and remunerate staff from the funds allocated in accordance with the norms and standards contemplated in section 23 and other income received by the college from other sources. 50

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- (b) o nyatša boleng bja tlhago bja batho ka go ba tšea gore ba tlase ka maemo go ba bangwe;
- (c) o dira gore batho ba gobošwe goba ba lwantšhwe e lego seo se nyatšago netefatšo ya molaotseo ya tlhompho go Molaokakanywa wa Ditokelo;
- (d) o nyatša ditokelo tša motheo le ditaelelo tše di theilego Molaotseo;
- (e) o šitiša tlhabollo ya setlwaedi sa demokrasi ya nnete seo se fago motho tokelo ya go swara ka tlhompho le tshwenyego; goba
- (f) o senya thoto ya setšhaba goba ya praebete.

(7) Ge go lebelelwa gore maitshwaro goba go tšea karolo ga motho go tiragalo efe goba efe ya kgakolo e wela ka fase ga tlhalošo ya “tiragalo ya kgakolo”, bolaodi bja maleba bja magato a kgalemo bo swanetše go šetša tokelo ya moithuti gore a se tšee karolo tiragalong ye bjalo. 10

Molao wa go amogela baithuti kholetšheng ya setšhaba

17. (1) Go ya ka leano la maleba le rerilwego ke Tona, khansele ya kholetšhe ya setšhaba e rera leano la kamogelo la kholetšhe, morago ga ditherišano le boto ya tša thuto le ka tumelelo ya Leloko la Khuduthamaga. 15

(2) Leano la kamogelo la kholetšhe ya setšhaba ga la dumelelwa go kgetholla ka tsela efeng goba efeng gomme le swanetše go tšea magato a maleba a go rarolla tlhokego ya tekatekano.

(3) Khansele e ka, go ya ka leano la maleba, tumelelo ya Hlogo ya Kgoro le morago ga ditherišano le boto ya tša thuto— 20

- (a) rera dinyakwa tša kamogelo go ya ka mananeo a itšego a thuto ya go iša pele le tlhahlo;
- (b) rera palo ya baithuti bao ba ka amogelwago go lenaneo le itšego la thuto ya go iša pele le tlhahlo le tsela ya kgatho ya ona;
- (c) rera magomo a bonnyane a dinyakwa tša go amogelwa gape go ithuta kholetšheng ya setšhaba ye e amegago; le
- (d) gana go amogela gape moithuti yo a palelwago go kgotsofatša dinyakwa tše bjalo tša magomo a bonnyane tša go amogelwa gape. 25

(4) Khansele ya kholetšhe ya setšhaba e swanetše go netefatša gore kholetšhe e fihlelelega go baithuti ba digole. 30

Molao o tlwaelegilego wa kholetšhe

18. Kholetšhe ya setšhaba yeo e sa thalago molao wa kholetšhe go ya ka karolo 10(1) e swanetše go šomiša molao o tlwaelegilego wa kholetšhe wo o humanegago go Šedulo 1. 35

KGAOLO YA 4

GO THWALWA GA BOLAODI, BAFAHLOŠI LE BAŠOMI BA THEKGO DIKHOLETŠHENG TŠA SETŠHABA

Go thwalwa ga baloadi

19. (1) Leloko la Khuduthamaga le swanetše go thwala bašomi ba taolo ba kholetšhe ya setšhaba go ya ka Molao wa Tirelo ya Setšhaba. 40

(2) Bašomi ba taolo ba swanetše go bega go le go ba ka fase ga taolo ya khansele mabapi le mabaka le maikarabelo ao ba abetšwego ona ke khansele go ya ka Molao wo.

(3) Hlogo e swanetše go bega go Hlogo ya Kgoro go ya kontraka ya gagwe ya mošomo. 45

Go thwalwa ga bafahloši le bašomi ba thekgo

20. (1) Kholetšhe ke mongmošomo wa bafahloši le bašomi ka moka.

(2) Go ya ka Molao wo, Molao wa Dikamano tša Bašomi, Molao wa Maemo a Motheo a Mošomo, Molao wa Tekatekano Mošomong le molao ofe goba ofe wa maleba, khansele e swanetše go hloma dikgoba tša mošomo tša bafahloši le bašomi ba thekgo. 50

(3) Khansele e swanetše go thwala bašomi le go ba lefela go tšwa sekhwameng seo se abilwego go ya ka ditlwaedi le maemo ao go bolelwago ka ona go karolo 23 le ditseno tše dingwe tše di amogelwago ke kholetšhe go tšwa methopong ye mengwe.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(4) Despite anything to the contrary in any other law but subject to this section, the Labour Relations Act or any other collective agreement concluded by a bargaining council that has jurisdiction in respect of employees of a public college, the council must determine the functions, conditions of service and privileges of lecturers and support staff.

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(5) The lecturers and support staff are accountable to the principal.

(6) When presenting the annual budget contemplated in section 22 the council must provide sufficient details of any posts envisaged in terms of subsection (2), including the estimated cost relating to the employment of lecturers and support staff in such posts and the manner in which it is proposed that such costs will be met.

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(7) The lecturers and support staff contemplated in subsection (1) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution of the Republic of South Africa, 1996, and factors to be taken into account when making appointments include, but are not limited to—

- (a) the ability of the candidates;
- (b) the principle of equity;
- (c) the need to redress past injustices; and
- (d) the need for representivity.

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(8) The council must adopt a Disciplinary Code for lecturers and support staff in accordance with the college statute.

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Dispute resolution between college, lecturers and support staff

21. (1) If a dispute arises about the payment or employment conditions of a lecturer or a member of the support staff, any party to the dispute may refer the dispute in writing to—

- (a) a bargaining council established in terms of the Labour Relations Act, if the employer or employee parties to the dispute fall within the registered scope of a bargaining council; or
- (b) the Commission for Conciliation, Mediation and Arbitration established by section 12 of the Labour Relations Act, if no bargaining council has jurisdiction.

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(2) The party referring the dispute must satisfy the bargaining council or the Commission for Conciliation, Mediation and Arbitration that a copy of the referral has been served on the other party.

(3) The bargaining council or the Commission for Conciliation, Mediation and Arbitration must attempt to resolve the dispute through conciliation.

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(4) If the bargaining council or the Commission for Conciliation, Mediation and Arbitration is satisfied that the dispute remains unresolved, a party may refer the dispute for adjudication to the Labour Court established in terms of section 151 of the Labour Relations Act.

CHAPTER 5

40

FUNDING OF PUBLIC COLLEGES

Responsibility of State

22. (1) The Member of the Executive Council must from money appropriated for this purpose by the provincial legislature fund public colleges on a fair, equitable and transparent basis.

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(2) The Member of the Executive Council may, subject to the norms and standards determined in terms of section 23, impose—

- (a) any condition in respect of an allocation of funding contemplated in subsection (1); and
- (b) different conditions in respect of different public colleges, different further education and training programmes or different allocations, if there is a reasonable basis for such differentiation.

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(3) Subject to the requirements in the minimum norms and standards determined in terms of section 23, the Member of the Executive Council must determine further appropriate measures for the redress of past inequalities.

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MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(4) Kantle le gore go ka ba le se sengwe seo se lego kgahlanong ka molao ofe goba ofe eupša se angwa ke karolo ye, Molao wa Dikamano tša Bašomi goba tumellano ya motlhakanelwa ye e fihleletšwego ke khansele ya ditherišano yeo e nago le maikarabelo a bašomi ba kholetšhe ya setšhaba, khansele e swanetše go rera maikarabelo, maemo a tirelo le diputseletšo tša bafahloši le bašomi. 5

(5) Bafahloši le bašomi ba swanetše ba be ka fase ga taolo ya hlogo.

(6) Ge go alwa pego ya merero ya ditšhelete yeo go bolelwago ka yona go karolo 22, Khansele e swanetše go fa mabaka ka botlalo a dikgoba tša mošomo tšeo di lebeletšwego go ya ka karolwana (2), go akaretšwa le ditshenyagalelo tše amanago le go thwalwa ga bašomi mo dikgobeng tše bjalo tša bašomi le tsela yeo e lego gore go šišinywa gore ditshenyagalelo tše bjalo di phethagatšwe. 10

(7) Bafahloši le bašomi bao go bolelwago ka bona go karolwana (1) ba swanetše ba thwalwe go ya ka tshepelelano le maemo a maitshwaro a motheo le metheo yeo go bolelwago ka yona go karolo 195 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996, le mabaka ao a swanetšego go elwa hloko ge go fiwa batho mešomo a akaretša, eupša a sa felele fela go— 15

(a) bokgoni bja bahlahlobiwa;

(b) motheo wa tekatekano;

(c) tlhokego ya go lokiša tlhokatoka ya maloba; le

(d) tlhokego ya boemedi. 20

(8) Khansele e swanetše e fetiše Molao wa Magato a kgalemo wa bafahloši le bašomi bjalo kage go hlalošwa go molao wa kholetšhe.

Tharollo ya dithulano magareng ga kholetše, bafahloši le bašomi

21. (1) Ge go ka ba le thulano mabapi le go lefelwa goba maemo a go thwalwa ga mofahloši goba leloko la bašomi ba thekgo, mongwe le mongwe yo a amegago a ka fetiša thulano yeo ka go ngwala go— 25

(a) khansele ya ditherišano yeo e hlomilwego go ya ka Molao wa Dikamano tša Bašomi, ge mongmošomo goba mošomi yoo a angwago ke thulano yeo ba wela ka fase ga morero o ngwadišitšwego wa khansele ya ditherišano; goba

(b) Komišene ya Poelanyo, Bonamodi le Boahlodi bjalo kage e hlomilwe ka karolo 12 ya Molao wa Dikamano tša Bašomi, ge e le gore khansele ya ditherišano ga e na maatla. 30

(2) Molli yo a fetišetšago thulano o swanetše go kgotsofatša khansele ya ditherišano goba Komišene ya Poelano, Bonamodi le Boahlodi gore khophi ya phetisetšo e filwe motho yo mongwe yo a amegago. 35

(3) Khansele ya ditherišano goba Komišene ya Poelano, Bonamodi le Boahlodi e swanetše go leka go rarolla thulano ka poelantšho.

(4) Ge Khansele ya ditherišano goba Komišene ya Poelano, Bonamodi le Boahlodi e kgotsofetše gore thulano ga ya rarolwa, molli a ka fetišetša thulano yeo go Kgorotsheko ya Bašomi bjalo kage go hlomilwe go ya ka karolo 151 ya Molao wa Dikamano tša Bašomi gore e ahlolwe. 40

KGAOLO YA 5

THUŠO YA DITŠHELETE DIKHOLETŠENG TŠA SETŠHABA

Maikarabelo a Mmušo

22. (1) Leloko la Khuduthamaga le swanetše go tšwa go tšhelete ye e abetšwego mošomo wo ke lekgotlatheramelao la profense ya go thekga dikholetšhe tša setšhaba ka ditšhelete ka tsela ya botshepegi, tekatekano le ponagalo. 45

(2) Leloko la Khuduthamaga le ka, go ya ka ditlwaedi le maemo ao a rerwago go ya ka karolo 23, netefatše gore—

(a) lebaka le lengwe le lengwe la go kwagala mabapi le kabo ya ditšhelete ye e akanywago go karolwana (1); le 50

(b) gore mabaka a fapanego go ya ka dikholetše tše fapanego tša setšhaba, thuto tše fapanego tša go iša pele le mananeo a tlhahlo goba ditekanyetšo tše fapanego, ge ele gore go na le mabaka a phapano e bjalo.

(3) Godimo ga dinyakwa go bonnyane ditlwaedi le maemo ao a akanywago go karolo 23, Leloko la Khuduthamaga le swanetše go rera magato a maleba a mangwe a go lokiša go se lekalekane ga maloba. 55

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**

(4) The Member of the Executive Council must, on an annual basis, provide sufficient information to public colleges regarding the funding referred to in subsection (1) to enable the colleges to prepare their budgets for the next financial year.

Norms and standards for funding of public colleges

23. Subject to the Constitution and this Act, the Minister must, after consultation with the Council of Education Ministers and the Minister of Finance, determine minimum norms and standards for the funding of public colleges. 5

Funds of public colleges

- 24.** (1) The funds of a public college consist of—
- (a) funds allocated by the State; 10
 - (b) any donations or contributions received by the public college;
 - (c) money raised by the public college;
 - (d) money raised by means of loans, subject to the approval of the Member of the Executive Council;
 - (e) income derived from investments; 15
 - (f) money received from services rendered;
 - (g) money payable by students for further education and training programmes provided by the public college;
 - (h) money received from students or employees of the public college for accommodation or other services provided by the public college; and 20
 - (i) funds from any other source.

(2) A public college may not raise money by means of a loan or overdraft without the approval of the Member of the Executive Council.

(3) If a person lends money or grants an overdraft to a public college without the approval of the Member of the Executive Council, the State and the college are not bound by the contract of lending money or an overdraft agreement. 25

Financial records and statements of public colleges

- 25.** (1) The council of a public college must, in the manner determined by the Member of the Executive Council—
- (a) keep records of all its proceedings; 30
 - (b) keep complete accounting records of all assets, liabilities, income and expenses and any other financial transactions of the public college as a whole, of its substructures and of other bodies operating under its auspices; and
 - (c) implement internal audit and risk management systems which are not inferior to the standards contained in the Public Finance Management Act, 1999 (Act No. 1 of 1999). 35

(2) The council of a public college must appoint an auditor to audit the records and financial statements referred to in this section.

(3) The council of a public college must, in respect of the preceding financial year, and by a date or dates and in the manner determined by the Member of the Executive Council, provide the Member of the Executive Council with— 40

- (a) a report on the overall management and governance of the college;
- (b) a report on the overall performance of students on the programmes offered by the college;
- (c) a duly audited statement of income and expenditure; and 45
- (d) a balance sheet and cash flow statement.

(4) The council of a public college must provide the Member of the Executive Council with such additional information as the Member of the Executive Council may require.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(4) Leloko la Khuduthamaga le swanetše gore, ngwaga ka ngwaga, le fane ka tshedimošo ye lekanego go dikholetšhe tša setšhaba mabapi le thekgo ya ditšhelete ye go boletswago ka yona go karolwana (1) go kgontšha dikholetšhe go lokišetša ditekanyetšo tša bona tša ngwaga o latelago wa ditšhelete.

Ditlwaedi le maemo a thušo ya ditšhelete go dikholetšhe tša setšhaba

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23. Go ya ka Molaotheo le ka Molao wo, Tona e swanetše, morago ga ditherišano le Khansele ya Matona a Thuto le Tona ya Ditšhelete, go laetša bonnyane ditlwaedi le maemo a thekgo ya ditšhelete go dikholetšhe tša setšhaba.

Matlotlo a dikholetšhe tša setšhaba

24. (1) Matlotlo a kholetšhe ya setšhaba a bopja ke—

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- (a) matlotlo ao a abilwego ke Mmušo;
- (b) thušo efe goba efe goba kabo ya thušo ya tšhelete yeo e amogetšwego ke kholetšhe ya setšhaba;
- (c) tšhelete yeo e kgoboketšwago ke kholetšhe;
- (d) tšhelete ye e kgoboketšwago ka tsela ya dikadimo tša ditšhelete ka tumello ya Leloko la Khuduthamaga;
- (e) tšhelete ye e humanwago go dipeeletšo;
- (f) tšhelete ye e humanwago go tšwa ditirelong tša go abelwa kholetšhe efe goba efe ya setšhaba goba motho;
- (g) tšhelete ye e swanetšego go lefelwa ke baithuti mabapi le mananeo a thuto ya go iša pele le tlhahlo ao a abjago ke kholetšhe ya setšhaba;
- (h) tšhelete ye e amogelwago go tšwa baithuting goba bašoming ba kholetšhe ya setšhaba mabapi le madulo goba ditirelo tše dingwe tše di abjago ke kholetšhe ya setšhaba; le

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(i) matlotlo a mangwe a go tšwa methopong efe goba efe.

(2) Kholetšhe ya setšhaba ga ya swanela go kgoboketša tšhelete ka tsela ya kadimo goba sekoloto go akhaonte ya panka kantle le tumello ya Leloko la Khuduthamaga.

(3) Ge motho a ka adima tšhelete goba a fa sekoloto akhaontong ya panka go kholetšhe ya setšhaba kantle ga tumello ya Leloko la Khuduthamaga, mmušo le kholetšhe ga di tlangwe ke kontraka ya tumellano ya kadimo ya tšhelete goba sekoloto sa akhaonto ya panka.

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Direkhoto tša ditšhelete le ditatamente tša dikholetšhe tša setšhaba

25. (1) Khansele ya kholetšhe ya setšhaba e swanetše, ka tsela ye e rerilwego ke Leloko la Khuduthamaga—

- (a) e lote direkhoto tša dikopano tša yona ka moka;
- (b) e lote direkhoto tša tšhupamatlotlo tša dithoto, dikoloto, meputso le ditshenyegelo ka moka le tšhomišo efe goba efe ya ditšhelete ya kholetšhe ya setšhaba ka botlalo, le makalana a yona le dihlolongwa tše dingwe tše di šomago ka tlase ga taolo ya yona; le go
- (c) hloma tlhakišo ya ka gare le mananeo a taolo ya kotsi, ao a se nago maemo a tlase go maemo a lego go Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao No. 1 wa 1999).

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(2) Khansele ya kholetšhe ya setšhaba e swanetše go kgetha mohlakiši a hlakiše direkhoto le ditatamente tša ditšhelete tše go boletšwego ka tšona mo karolong ye.

(3) Khansele ya kholetšhe ya setšhaba e swanetše, go ya ka ngwaga wo o fetilego wa ditšhelete le ka letšatšikgwedi go ba matšatšikgwedi ao a beilwego ke Leloko la Khuduthamaga, go abela Leloko la Khuduthamaga ka—

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- (a) pego mabapi le bolaodi ka kakaretšo le tshepedišo ya kholetšhe;
- (b) pego mabapi le go šoma ga baithuti ka kakaretšo mananeong a abiwago ke kholetšhe;
- (c) setatamente se hlakišitšwego ka maleba sa ditseno le ditshenyagalelo; le
- (d) letlakala la mašaledi le setatamente sa kelo ya tšhelete.

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(4) Khansele ya kholetšhe ya setšhaba e swanetše go fa Leloko la Khuduthamaga tshedimošo ya tlaleletšo ye bjalo go ya ka moo Leloko la Khuduthamaga le ka e hlokago.

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Failure of council to comply with Act or certain conditions

26. (1) If the management staff or council of a public college fails to comply with any provision of this Act under which an allocation from money appropriated by the provincial legislature is paid to the college, or with any condition subject to which any allocation is paid to the public college, the Member of the Executive Council may call upon the management staff or council to comply with the provision or condition within a specified period. 5

(2) If the management staff or council thereafter fails to comply with the provision or condition timeously, the Member of the Executive Council may withhold payment of any portion of any allocation appropriated by the provincial legislature in respect of the public college concerned. 10

(3) Before taking action under subsection (2), the Member of the Executive Council must—

- (a) give notice to the management staff or council of the public college concerned of the intention so to act; 15
- (b) give such management staff or council a reasonable opportunity to make representations; and
- (c) consider such representations.

(4) If the Member of the Executive Council acts under subsection (2), a report regarding the action must be tabled in the provincial legislature by the Member of the Executive Council as soon as reasonably practical after the action. 20

CHAPTER 6**PRIVATE COLLEGES****Designation of registrar**

27. (1) The Director-General is the registrar of private colleges. 25

(2) The registrar may delegate any of his or her functions in terms of this Act to any employee in the Department.

Registration of private college

28. No person other than a public college or an organ of state may provide further education and training unless that person is— 30

- (a) registered or recognised as a juristic person in terms of the Companies Act, 1973 (Act No. 61 of 1973); and
- (b) registered or provisionally registered as a private college in terms of this Act.

Application for registration

29. An application for registration as a private college must be made to the registrar in the manner determined by the registrar and must be accompanied by the prescribed fee. 35

Requirements for registration

30. (1) The registrar must register an applicant as a private college if the registrar has reason to believe that the applicant— 40

- (a) is financially capable of satisfying its obligations to prospective students; and
- (b) with regard to all its further education and training programmes—
 - (i) will maintain acceptable standards that are not inferior to standards at comparable public colleges;
 - (ii) will comply with the requirements of Umalusi; and 45
 - (iii) complies with any other reasonable requirement prescribed by the Minister.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

Magato kgahlanong le khansele ge e paletšwe go latela Molao goba mabaka a itšego

26. (1) Ge khansele ya kholetšhe ya setšhaba e palelwa ke go latela taelelo efe goba efe ya Molao o e lego gore kabo ya ditšhelete go tšwa go lekgotlatheramelao la profense e lefelwa kholetšhe, goba ka mabaka a ka bago gona ao e lego gore kabo efe goba efe e lefelwa kholetšhe, Leloko la Khuduthamaga le ka dira boipiletšo go khansele go latela taelelo goba mabaka ka nako ye e beilwego. 5

(2) Ge ba taolo goba khansele morago ga moo e hlolwa ke go latela taolelo goba maemo ka nako ye e beilwego, Leloko la Khuduthamaga le ka swara tefelo ya karolo efe goba efe ya kabo efe goba efe ya ditšhelete ye e abilwego ke lekgotlatheramelao la profense go ya ka kholetšhe ye e amegago ya setšhaba. 10

(3) Pele go tšewa magato ka fase ga karolwana (2), Leloko la Khuduthamaga le swanetše—

- (a) go fa tsebišo go ba taolo goba khansele ya kholetšhe ya setšhaba ye e amegago mabapi le maikemišetšo a go tšea magato;
- (b) go fa ba taolo yeo goba khansele sebaka sa go amogelega go ntšha maikutlo; 15
le go
- (c) lekodišiša maikutlo a bjalo.

(4) Ge Leloko la Khuduthamaga le tšea magato ka fase ga karolwana (2), pego mabapi le tiragalo yeo e swanetše go alwa lekgotlatheramelaong la profense ke Leloko la Khuduthamaga ka ponyo ya leihlo ka moo go ka kgonagalago morago ga tiragalo. 20

KGAOLO YA 6

DIKHOLETŠHE TŠA PRAEBETE

Maikarabelo a moregistara

27. (1) Molaodi-Pharephare ke moregistara wa dikholetšhe tša praebete.

(2) Moregistara a ka laela gore a mangwe le a magwe a maikarabelo a gagwe go ya ka Molao wo a phethagatšwe ke mošomi ofe goba ofe wa Kgoro. 25

Ngwadišo ya kholetšhe ya praebete

28. Ga go motho kantle le kholetšhe ya setšhaba yo a swanetšego go aba thuto ya go iša pele le tlhahlo kantle le kholetšhe ya setšhaba goba lekala la Mmušo ge e se fela motho yoo e le gore o— 30

- (a) ngwadišitšwe goba a amogetšwe bjalo ka motho wa semolao go ya ka *Companies Act*, 1973 (Molao 61 wa 1973); gape a
- (b) ngwadišitšwe goba a ngwadišitšwe nakwana bjalo ka kholetšhe ya praebete go ya ka Molao wo.

Kgopelo ya ngwadišo

29. Kgopelo ya ngwadišo bjalo ka kholetšhe ya praebete e swanetše go dirwa go moregistara ka tsela ye e rerilwego ke moregistara gomme e swanetše e felegetšwe ke setlamo se beilwego. 35

Dinyakwa tša ngwadišo

30. (1) Moregistara o swanetše go ngwadiša mkgopedi bjalo ka kholetšhe ya praebete ge moregistara a na le lebaka la go kgolwa gore mkgopedi o— 40

- (a) ikemetše ka tša ditšhelete go phethagatša maikarabelo a gagwe go baithuti ba ka moso;
- (b) mabapi le mananeo ka moka a thuto ya go iša pele le tlhahlo—
 - (i) go tla netefatšwa gore maemo a amogegago ao a sego tlase ka maemo ge go bapetšwa le dikholetšhe tša setšhaba; 45
 - (ii) go tla latelwa dinyakwa tša Khansele ya Thuto ya Kakaretšo le ya go Iša Pele le Netefatšo ya Boleng bja Tlhahlo; le
 - (iii) go kgotsofatše senyakwa sefe goba sefe go ya ka taelo ya Tona; le

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(2) The registrar may require further information, particulars and documents in support of any application for registration.

Determination of application for registration

31. (1) The registrar—
- (a) must consider any application for registration as a private college and any further information, particulars or documents provided by the applicant; 5
 - (b) may, when considering the application, differentiate between a foreign juristic person and a local juristic person with regard to matters such as its scope and range of operations, its size and its collegial configuration; and
 - (c) may register the applicant as a private college if the requirements for registration contemplated in section 30 are fulfilled. 10
- (2) (a) If the registrar decides to grant the application, the registrar must—
- (i) enter the applicant's name in the appropriate register of private colleges;
 - (ii) issue a certificate of registration, stating the terms of such registration;
 - (iii) furnish the certificate to the applicant; and 15
 - (iv) as soon as practicable after the decision, publish the name of the applicant so registered and the title of the qualification offered by the applicant, in the *Gazette*.
- (b) The registrar must notify the relevant Head of Department of the registration of a private college in that province. 20
- (c) If the registrar decides not to grant the application, the registrar must advise the applicant in writing of the decision and furnish the applicant with written reasons for the decision.
- (3) Despite subsection (1), the registrar may provisionally register an applicant other than a foreign juristic person who does not fulfil the requirements for registration contemplated in section 30 if the registrar believes that the applicant will be able to fulfil the relevant requirements within a reasonable period. 25
- (4) If the registrar provisionally registers an applicant under subsection (3), the registrar must—
- (a) determine the period within which the applicant must satisfy the requirements for registration; 30
 - (b) enter the applicant's name in the appropriate register of private colleges;
 - (c) issue a certificate of provisional registration, stating the terms and the duration of such registration;
 - (d) provide the certificate of provisional registration to the applicant; and 35
 - (e) as soon as practicable after the decision, publish the name of the applicant so provisionally registered and the title of the qualifications offered by the applicant in the *Gazette*.
- (5) The registrar may, on good cause shown, extend the period referred to in subsection (4)(a). 40
- (6) If, on the expiry of the period referred to in subsection (4)(a) or any extension thereof, the applicant—
- (a) satisfies the requirements for registration specified by the registrar, the registrar must register the applicant in accordance with subsection (2)(a); or
 - (b) fails to satisfy the requirements for registration specified by the registrar, the applicant's provisional registration lapses. 45

Certificate of registration

32. (1) A private college must conspicuously display—
- (a) its certificate of registration or provisional registration or a certified copy thereof on its premises; and 50
 - (b) its registration number and an indication that it is registered or provisionally registered on all its official documents.
- (2) If the registrar has cancelled the registration or provisional registration of a private college in terms of section 39, the private college must return the original certificate of registration or provisional registration to the registrar within 14 days of such cancellation. 55

Tekodišišo ya kgopelo ya ngwadišo**31. (1) Moregistara—**

- (a) o swanetše go lekodišiša kgopelo efe goba efe ya ngwadišo bjalo ka kholetšhe ya praebete le tshedimošo ye nngwe le ye nngwe ya go iša pele, ditshwanelo goba ditokomane tše di tlišitšwego ke mokgopedi; 5
- (b) a ka, ge a lebelela kgopelo, ahlologantšha magareng ga motho wa semolao wa ka ntle le wa semolao wa mo gae mabapi le mabaka a go swana le merero le mehuta ya mešomo, bogolo bja yona le peakanyo ya yona ya baithuti ba kholetšhe; le
- (c) a ka ngwadiša mokgopedi bjalo ka kholetšhe ya praebete ge e le gore dinyakwa tša ngwadišo bjalo kage di akanywa go karolo 30 di a phethagatšwa. 10

(2) (a) Ge e le gore moregistara o tšea sephetho sa go fetiša kgopelo, moregistara o swanetše—

- (i) go ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša praebete; 15
- (ii) go ntšha setifikeiti sa ngwadišo, se hlalošago mabaka a ngwadišo e bjalo;
- (iii) go fa mokgopedi setifikeiti; le
- (iv) ka potlako ka moo go ka kgonagalago morago ga sephetho, gatiša ka go *Gazette* lebitšo la mokgopedi yo a ngwadišitšwego le thaetlele ya boithutelo ye e abjago ke mokgopedi. 20

(b) Moregistara o swanetše go tsebiša Hlogo ye lebanego ya Kgoro mabapi le ngwadišo ya kholetšhe ya praebete mo profenseng yeo.

(c) Ge moregistara a tšea sephetho sa go se fetiša kgopelo, moregistara o swanetše go lemoša mokgopedi ka lengwalo ka sephetho gomme a fe mokgopedi mabaka a ngwadilwego a sephetho seo. 25

(3) Kantle le karolwana (1), moregistara a ka ngwadiša mokgopedi nakwana kantle le motho wa semolao wa ka ntle yoo a sa kgotsofatšego dinyakwa tša ngwadišo tše akanywago go karolo 30 ge moregistara a tshepa gore mokgopedi o tla kgona go kgotsofatša dinyakwa tša maleba ka nako ye e amogelegago.

(4) Ge moregistara a ka ngwadiša mokgopedi nakwana ka fase ga karolwana (3), moregistara o swanetše go— 30

- (a) rera nako yeo mokgopedi a swanetšego go kgotsofatša dinyakwa tša ngwadišo;
- (b) ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša praebete; 35
- (c) ntšha setifikeiti sa ngwadišo ya nakwana, se hlaloša mabaka le lebaka l a ngwadišo ye bjalo; le gore
- (d) fa setifikeiti sa ngwadišo ya nakwana go mokgopedi; le gore
- (e) ka potlako ka moo go ka kgonagalago morago ga sephetho, gatiša lebitšo la mokgopedi yo a ngwadišitšwego nakwana le thaetlele ya boithutelo bjo bo abjago ke mokgopedi ka go *Gazette*. 40

(5) Moregistara a ka, ka maikemišetšo a mabotse a laeditšwego, katološa lebaka leo le akanywago go karolwana (4)(a).

(6) Ge, nako ya lebaka e fihlile mafellong yeo e akanywago go karolwana (4)(a) goba katološo efe goba efe, mokgopedi— 45

- (a) a kgotsofatša dinyakwa tša ngwadišo tše di hlalošwago ke moregistara, moregistara o swanetše go ngwadiša mokgopedi go ya ka karolwana (2)(a); goba
- (b) a sa kgotsofatša dinyakwa tša ngwadišo ka moo e hlalošwago ke moregistara, ngwadišo ya nakwana ya mokgopedi e fihla mafellong. 50

Setifikeiti sa ngwadišo**32. (1) Kholetšhe ya praebete e swanetše e laetše pepeneneng—**

- (a) setifikeiti sa yona sa ngwadišo goba ngwadišo ya nakwana goba khopi ye e tlišeditšwego mo meagong ya yona; le
- (b) nomoro ya yona ya ngwadišo le taetšo ya gore kholetšhe e ngwadišitšwe goba e ngwadišitšwe nakwana mo ditokomaneng tša yona ka moka tša semmušo. 55

(2) Ge moregistara a phumutše ngwadišo goba ngwadišo ya nakwana ya kholetšhe ya praebete go ya ka karolo 39, kholetšhe ya praebete e swanetše go buša setifikeiti sa mathomo sa ngwadišo goba sa ngwadišo ya nakwana go moregistara ka matšatši a 14 a phumulo ye bjalo. 60

Inspection of register and auditor's report

33. (1) Any person may inspect the register of private colleges and the auditor's report contemplated in section 34(2)(b).

(2) The registrar must furnish a certified copy of, or extract from, any of the documents referred to in subsection (1) to any person who has paid the prescribed fee. 5

Records and audits

34. (1) Every private college must, in accordance with generally accepted accounting practice, principles and procedures—

- (a) keep books and records of income, expenditure, assets and liabilities; and
- (b) prepare financial statements within three months after the end of its financial year, including at least— 10
 - (i) a statement of income and expenditure for the previous year;
 - (ii) a balance sheet as at the end of the previous year; and
 - (iii) such other information as the registrar may require.

(2) Every private college must, within the period determined by the registrar— 15

- (a) ensure that an annual audit of its books, records of account and financial statements is carried out by an auditor, who must conduct the audit in accordance with generally accepted auditing standards;
- (b) furnish the registrar with a certified copy of the auditor's report in respect of the financial statements referred to in subsection (1); and 20
- (c) furnish the registrar with any additional information, particulars or documents in the manner determined by the registrar.

Amendment of registration and provisional registration

35. A private college may apply to the registrar to amend its registration or provisional registration— 25

- (a) in the manner determined by the registrar; and
- (b) by paying the prescribed fee.

Requirements for amendment of registration or provisional registration and determination of application

36. (1) The registrar may not amend the registration or provisional registration of a private college unless he or she is satisfied that such amendment is in the interests of further education and training and is compatible with this Act. 30

(2) The registrar may require further information, particulars or documents in support of any application for such amendment.

(3) (a) If the registrar decides to grant the application, he or she must— 35

- (i) amend the certificate of registration or provisional registration accordingly;
- (ii) furnish a copy of the amended certificate to the applicant; and
- (iii) as soon as reasonably practicable after the decision, publish the name of the applicant whose certificate has been amended in the *Gazette*.

(b) If the registrar decides not to grant the application, he or she must advise the applicant in writing of the decision and furnish the applicant with written reasons for the decision. 40

Conditions for registration

37. (1) The registrar may impose any condition on a private college in respect of— 45

- (a) its registration;
- (b) its provisional registration; or
- (c) any amendment of its registration or provisional registration.

Tekodišišo ya rejistara le pego ya motlhakiši

33. (1) Motho o mongwe le o mongwe a ka lekola registara ya dikholetšhe tša praebete le pego ya mohlakiši bjalo kage go akanywa go karolo 34(2)(b).

(2) Moregistara o swanetše go tšweletša khophi ya tiišetšo ya, goba setsopolwa go tšwa go, ye nngwe le ye nngwe ya ditokomane tše go bolelwago ka tšona go karolwana (1) go motho ofe goba ofe yo a lefilego setlamo se se beilwego. 5

Direkhote le ditlhakišo ya ditshelete

34. (1) Kholetšhe ye nngwe le ye nngwe ya praebete e swanetše, go ya ka setlwaedi sa botlhakiši sa go amogelega, metheo le ditshepedišo—

- (a) boloke dibuka le direkhote tša ditseno, ditshenyegelo, dithoto le dikoloto; le 10
- (b) lokiše ditatamete tša ditshelete ka dikgwedi tše tharo morago ga go fela ga ngwaga wa yona wa ditshelete go akaretšwa bonnyane—
 - (i) setatamete sa ditseno le ditshenyegelo tša ngwaga wo o fetilego;
 - (ii) letlakala la mašaledi ka moo le lego ka gona ge ngwaga wo o fetilego o fela; le 15
 - (iii) tshedimošo ye nngwe ye bjalo yeo moregistara a ka e kgopelago.

(2) Kholetšhe ye nngwe le ye nngwe ya praebete e swanetše, ka nako ye e beilwego ke moregistara—

- (a) go netefatša gore tlhakišo ya dibuka tša yona ya ngwaga ka ngwaga, direkhote tša tšhupaletlotlo le ditatamete tša ditshelete e phethagatšwa ke mohlakiši, yoo a swanetšego go hlakiša go ya ka maemo a amogelegago a tlhakišo; 20
- (b) fa moregistara khophi ye tiišeditšwego ya pego ya mohlakiši mabapi le ditatamete tša ditshelete tše go bolelwago ka tšona go karolwana (1); le go
- (c) fa moregistara tshedimošo ye nngwe le ye nngwe ya tlaleletšo, ditshwanelo goba ditokomane ka tsela ye e rerilwego ke moregistara. 25

Tokišo ya ngwadišo le ngwadišo ya nakwana

35. Kholetšhe ya praebete e ka dira kgopelo go moregistara go lokiša ngwadišo ya yona goba ngwadišo ya nakwana—

- (a) ka tsela ye e rerilwego ke moregistara; le
- (b) ka go lefela setlamo se beilwego. 30

Dinyakwa tša tokišo ya ngwadišo goba ngwadišo ya nakwana le tekodišišo ya kgopelo

36. (1) Moregistara a ka se kgone go lokiša ngwadišo goba ngwadišo ya nakwana ya kholetšhe ya praebete ge e se fela e le gore o kgotsofetše gore tokišo yeo e mo dikgahlegong ya thuto ya go iša pele le tlhahlo ebile e sepelelana le metheo ya Molao wo. 35

(2) Moregistara a ka nyaka tshedimošo ya go iša pele, ditshwanelo goba ditokomane go thekga kgopelo fe goba efe ya tokišo ye bjalo.

- (3) (a) Ge moregistara a tšea sephetho sa go fetiša kgopelo, o swanetše go—
 - (i) lokiša setifikeiti sa ngwadišo goba sa ngwadišo ya nakwana ka tshwanelo; 40
 - (ii) fa khophi ya setifikeiti se lokišitšwego go mokgopedi; le
 - (iii) ka potlako morago ga sephetho, gatiša lebitšo la mokgopedi yoo setifikeiti sa gagwe se lokišitšwego ka go *Gazette*.

(b) Ge moregistara a tšea sephetho sa go se dumelle kgopelo, o swanetše go lemoša mokgopedi ka lengwalo mabapi le sephetho gomme a fe mokgopedi mabaka a 45 ngwadilwego sephetho seo.

Mabaka a ngwadišo

37. (1) Moregistara a ka tla ka lebaka lefe goba lefe la go amogelega go kholetšhe ya praebete mabapi le—

- (a) ngwadišo ya yona; 50
- (b) ngwadišo ya yona ya nakwana; goba
- (c) tokišo efe goba efe ya ngwadišo ya yona goba ngwadišo ya yona ya nakwana.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(2) The registrar may impose different conditions under subsection (1) in respect of different private colleges, if there is a reasonable basis for such differentiation.

Amendment or cancellation of conditions

38. Subject to section 40, the registrar may, on reasonable grounds, amend or cancel any condition imposed under section 37 or impose new conditions under that section. 5

Cancellation of registration

39. (1) Subject to section 40, the registrar may, on reasonable grounds, cancel any registration or provisional registration in terms of this Act.

(2) If the accreditation of any further education and training programme offered by a private college is withdrawn, the registrar must review the registration of such college. 10

Steps before amendment or cancellation

40. The registrar may not act under section 38 or 39 unless he or she—

- (a) has informed the private college of the intention so to act and the reasons therefor;
- (b) has granted the private college and other interested persons an opportunity to make written representations in relation to such action, within 30 working days of the notice of the Registrar; and 15
- (c) has considered such representations.

Appeal to Minister

41. (1) Any interested party may appeal to the Minister against any decision of the registrar in terms of this Chapter, and the Minister may confirm or set aside, in whole or in part, or vary, the decision of the registrar. 20

(2) A decision of the Minister contemplated in subsection (1) may include an order setting aside any condition attached to a registration if the Minister is not satisfied that the condition is reasonable and justifiable. 25

(3) An appeal referred to in subsection (1) must be lodged with the Minister within 60 days of the date of the decision of the registrar.

(4) The Minister may, on good cause shown, extend the period within which an appeal may be noted against the decision of the registrar.

CHAPTER 7

30

PROMOTION OF QUALITY**Promotion of quality in further education and training**

42. (1) Subject to the norms and standards set by the Minister in terms of section 3 of the National Education Policy Act, 1996 (Act No. 27 of 1996), and by SAQA, the Director-General must— 35

- (a) promote quality in further education and training; and
- (b) assess and report on the quality of education and training provided at colleges.

(2) A provincial department of education or college must, on the request of the Director-General, provide him or her with any relevant information required to comply with subsection (1). 40

Further education and training programmes

43. (1) The Minister may prescribe minimum norms and standards for further education and training programmes that are offered at colleges.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(2) Moregistara a ka tla ka mabaka a fapanego ka fase ga karolwana (1) mabapi le dikholetšhe tša praebete tše fapanego, ge e le gore go na le lebaka la go kwagala la phapano ye bjalo.

Tokišo goba phumulo ya mabaka

38. Go ya ka karolo 40, moregistara a ka, ka mabaka a kwagalago, lokiša goba a phumula lebaka le beilwego ka fase ga karolo 37 goba a tla ka mabaka a mafsa ka fase ga karolo yeo. 5

Phumulo ya ngwadišo

39. (1) Go ya ka karolo 40, moregistara a ka, ka mabaka a kwagalago, phumula ngwadišo efe goba efe goba ngwadišo ya nakwana go ya ka Molao wo. 10

(2) Ge tumello ya go aba thuto ya lenaneo le lengwe le lengwe la thuto ya go iša pele le tlhahlo yeo e abjago ke kholetšhe ya praebete e gogelwa morago, moregistara o swanetše go sekaseka gape ngwadišo ya kholetšhe ye bjalo.

Magato pele ga tokišo goba phumulo

40. Moregistara ga a dumellwa go tšea magato ka fase ga karolo 38 goba 39 ge ese a— 15

- (a) tsebišitše kholetšhe ya praebete ka maikemišetšo a go tšea magato le mabaka a seo;
- (b) a file kholetšhe ya praebete le batho ba bangwe ba nago le kgahlego sebaka sa go ntšha maikutlo a ngwadilwego mabapi le magato a bjalo, ka matsatši a 30 a mošomo a tsebišo ya Moregistara; le 20
- (c) a lekodišitše maikutlo a bjalo.

Boipiletšo go Tona

41. (1) Mongwe le mongwe yo a nago le kgahlego ya go dira boipiletšo a ka dira bjalo go Tona kgahlanong le sephetho se sengwe le se sengwe sa moregistara go ya ka Karolo ye, gomme Tona a ka netefatša goba a phaela ka thoko, ka botlalo goba seripa, goba ka go fapana, sephetho sa moregistara. 25

(2) Sephetho sa Tona seo go bolelwago ka sona go karolwana (1) se ka akaretša taelo ya go beela ka thoko lebaka lefe goba lefe leo le filwego go ngwadišo ge Tona a sa kgotsofale gore lebaka leo ga le kwagale le go amogelega.

(3) Boipiletšo bjo go bolelwago ka bjona go karolwana (1) bo swanetše bo išwe go Tona ka matsatši a 60 a letšatšikgwele la sephetho sa moregistara. 30

(4) Tona a ka, ka taetšo ye botse, katološa nako yeo boipiletšo bo ka lebellwago kgahlanong le sephetho sa moregistara.

KGAOLO YA 7

TLHATLOŠO YA BOLENG

35

Tlhatlošo ya netefatšo ya boleng go thuto ya go iša pele le tlhahlo

42. (1) Go ya ka ditlwaedi le maemo a beilwego ke Tona go ya ka karolo 3 ya Molao wa Bosetšhaba wa Leano la Thuto, 1996 (Molao No. 27 wa 1996), le ka SAQA, Molaodi-Pharephare o swanetše go—

- (a) tlhatloša netefatšo ya boleng go thuto ya go iša pele le tlhahlo; le go 40
- (b) sekaseka le go bega ka boleng bja thuto le tlhahlo yeo e abjago ke dikholetšhe.

(2) Kgoro ya thuto ya profense goba kholetšhe e swanetše, ka kgopelo ya Molaodi-Pharephare, e mo abele tshedimošo ya maleba yeo a ka e kgopelago go sepelelana le ditaolelo tša karolwana (1).

Mananeo a thuto ya go iša pele le tlhahlo

45

43. (1) Tona e ka laetša bonnyane ditlwaedi le maemo a mananeo a thuto ya go iša pele le tlhahlo ao a abiwago ke dikholetšhe.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(2) Quality assurance must be conducted by Umalusi in terms of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).

(3) A public college may only provide higher education programmes under the authority of a higher education institution.

(4) A public college intending to offer the higher education programmes contemplated in subsection (3)— 5

(a) must apply to the Minister for permission to offer such programmes after the commencement of this Act; and

(b) may offer such programmes only after the permission contemplated in paragraph (a) is published by the Minister in the *Gazette*. 10

CHAPTER 8

GENERAL

Strategic plan and annual report

44. (1) A public college must prepare a strategic plan contemplated in the norms and standards for each financial year, which must be approved by the council and submitted to the Member of the Executive Council at least 30 days before the commencement of the financial year. 15

(2) A public college must prepare and submit to the Member of the Executive Council an annual report in respect of—

(a) its performance; and 20

(b) its use of available resources.

(3) The Minister or Member of the Executive Council must publish the reports in a manner determined by the Minister or Member of the Executive Council.

Duty of colleges to provide information

45. (1) A college must make information available for inspection by any person in so far as such information is required for the exercise and protection of the rights of such person. 25

(2) Every college must provide such information about the college as is required by the Head of Department or the Director-General in consultation with the Head of Department. 30

(3) The Head of Department, Director-General and any college must provide such information about the college or the quality of the further education and training as is required by the NBFET.

Investigation at public college, and appointment of administrator

46. (1) The Member of the Executive Council may appoint a person to conduct an investigation at a public college if the council of the college requests the appointment of such a person or if— 35

(a) circumstances arise at the college that—

(i) involve financial or other maladministration of a serious nature; or

(ii) seriously undermine the effective functioning of the college; and 40

(b) the council of the college has failed to resolve such circumstances; and

(c) the appointment is in the interests of further education and training in an open and democratic society.

(2) The person appointed in terms of subsection (1) must, in terms of the terms of reference specified by the Member of the Executive Council— 45

(a) within 30 days of his or her appointment, conduct an investigation at the public college in question; and

(b) within 60 days after his or her appointment—

(i) report in writing to the Member of the Executive Council the findings of his or her investigation; and 50

(ii) suggest appropriate measures to resolve the matter.

(3) The Member of the Executive Council must as soon as practicable furnish a copy of the report referred to in subsection (2) to the council concerned.

(4) If an audit of the financial records of a public college, or an investigation by the person as contemplated in subsection (1), reveals financial or other maladministration of 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(2) Netefatšo ya boleng e swanetše go dirwa ke Umalusi go ya ka Molao wa Kakaretšo wa Netefatšo ya Boleng bja Thuto ya go iša Pele le Tlhahlo, 2001 (Molao No. 58 wa 2001).

(3) Kholetšhe ya setšhaba e ka aba mananeo a thuto ya maemo a godimodimo fela ka fase ga taolo ya sehlongwa sa thuto ya maemo a godimodimo. 5

(4) Kholetšhe ya setšhaba ye e ikemišeditšego go aba mananeo a thuto ya maemo a godimodimo bjalo kage go lebeletšwe go karolwana (3)—

(a) e swanetše go dira kgopelo go Tona ya tumello ya go aba mananeo a bjalo morago ga go thoma go šoma ga Molao wo; le

(b) e ka aba mananeo a bjalo fela morago ga tumello ye go bolelwago ka yona go temana (a) e gatišwe ke Tona go *Gazette*. 10

KGAOLO YA 8

KAKARETŠO

Leano le pego ya ngwaga

44. (1) Kholetšhe ya setšhaba e swanetše go lokiša leano le go bolelwago ka lona go ditlwaedi le maemo a ngwaga o mongwe le o mongwe wa ditšhelete, leo le swanetšego go dumellwa ke khansele gomme le išwe go Leloko la Khuduthamaga bonnyane matšatši a 30 pele ga ge go ka thoma ngwaga wa ditšhelete. 15

(2) Kholetšhe ya setšhaba e swanetše go lokiša le go iša pego ya ngwaga ka ngwaga go Leloko la Khuduthamaga mabapi le— 20

(a) ka moo e šomago ka gona; le

(b) tšhomišo ya didirišwa.

(3) Tona goba Leloko la Khuduthamaga le swanetše go gatiša dipego ka tsela ye e laetšwago ke Tona goba Leloko la Khuduthamaga.

Maikarabelo a dikholetšhe go aba tshedimošo

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45. (1) Kholetšhe e swanetše e tšweletše tshedimošo gore e lekolwe ke motho ofe goba ofe ge tshedimošo ye bjalo e nyakega mabapi le go diriša le go tšhireletša ditokelo tša motho yo bjalo.

(2) Kholetšhe ye nngwe le ye nngwe e swanetše go aba tshedimošo ka kholetšhe ge Hlogo ya Kgoro goba Molaodi-Pharephare a e nyaka ka therišano le Hlogo ya Kgoro. 30

(3) Hlogo ya Kgoro, Molaodi-Pharephare goba kholetšhe efe goba efe ba swanetše go aba tshedimošo ye bjalo ka kholetšhe goba ka boleng bja thuto ya go iša pele le tlhahlo bjalo nkage NBFET e nyaka.

Nyakišišo ya kholetšhe ya setšhaba, le thwalo ya mosepediši

46. (1) Leloko la Khuduthamaga le ka kgetha motho a dira dinyakišišo kholetšheng ya setšhaba ge khansele ya kholetšhe e kgopela go thwalwa ga motho yo bjalo goba ge— 35

(a) maemo a tšwelela kholetšheng a—

(i) mabapi le tšhelete goba taolo ye nngwe ye mpe ya go šiša; goba

(ii) go nyatša ka kudu go šoma gabotse ga kholetšhe; le

(b) khansele ya kholetšhe e paletšwe go rarolla maemo a bjalo; le 40

(c) go thwalwa go dikgahlegong tša thuto ya go iša pele le tlhahlo mo setšhabeng se lokologilego le sa demokrasi.

(2) Motho yo a thwetšwego go ya ka karolwana (1) o swanetše, go ya ka mabaka a beilwego ke Leloko la Khuduthamaga—

(a) mo matšatšing a 30 morago ga go thwalwa, go dirwe dinyakišišo tša kholetšhe ya setšhaba ye e amegago; le 45

(b) mo matšatšing a 60 morago ga go thwalwa—

(i) bega ka lengwalo; go Leloko la Khuduthamaga; mabapi le diphetho tša dinyakišišo; le go

(ii) šišinya magato a maleba a tlogo rarolla bothata. 50

(3) Leloko la Khuduthamaga le swanetše gore ka potlako ka mo go ka kgonagalago le fe khansele khophi ya pego ye go bolelwago ka yona go karolwana (2).

(4) Ge tlhakišo ya direkhote tša ditšhelete tša kholetšhe ya setšhaba, goba nyakišišo ka motho yo go bolelwago ka yena go karolwana (1), a utolla tšhomišompe ya ditšhelete goba ye nngwe ya go šiša kholetšheng ya setšhaba goba go nyatša go šoma gabotse ga 55

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

a serious nature at a public college or the serious undermining of the effective functioning of a public college, the Member of Executive Council may, after consultation with the Minister and the council of the public college concerned, if practicable, and despite any other provision of this Act, appoint a person as administrator to take over the authority of the council or the management of the college and such person may perform all the functions relating to governance or management on behalf of the college for a period determined by the Member of the Executive Council, which period may not exceed two years. 5

(5) The Member of the Executive Council may extend the period referred to in subsection (4) once for a further period not exceeding six months. 10

(6) If an administrator is appointed in terms of subsection (4), the council is deemed to have resigned and the administrator must—

- (a) take over the authority of the council;
- (b) perform the council's functions relating to governance; and
- (c) ensure that a new council is constituted. 15

Name change of public college

47. (1) The council of a public college may, after consultation with interested parties and with the approval of the Member of the Executive Council, change the name of the public college.

(2) The Member of the Executive Council must, by notice in the *Gazette*, publish the change of name of such college. 20

Offences

48. (1) Any person other than a college or organ of state who, without the authority of a college—

- (a) offers or pretends to offer any further education and training programme; 25
- (b) confers a further education and training qualification that purports to have been granted by a college or in collaboration with a college; or
- (c) purports to perform an act on behalf of a college,

is guilty of an offence and is liable on conviction to any sentence which may be imposed for fraud. 30

(2) Any person who pretends that a further education and training qualification has been awarded to him or her by a college whereas in fact no such qualification has been so awarded is guilty of an offence and is liable on conviction to any sentence which may be imposed for fraud.

(3) Any person who contravenes section 28 is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment. 35

(4) Any private college that contravenes or fails to comply with section 32 is guilty of an offence and is liable on conviction to a fine not exceeding R250 000.

(5) Any person who claims that he or she is offering a further education and training qualification that is registered with the National Qualifications Framework whereas such qualification is not so registered is guilty of an offence and is liable on conviction to any sentence that may be imposed for fraud. 40

Limitation of liability

49. (1) Neither the State, the NBFET nor any person appointed in terms of this Act is liable for any loss or damage suffered by any person as a result of any act performed or omitted in good faith in the course of performing any function for which that person was appointed in terms of this Act. 45

(2) The State is not liable for any act or omission by a public college relating to its contractual responsibility as the employer in respect of staff employed in terms of section 20(3). 50

(3) (a) The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public college for which such public college would have been liable but for the provisions of this section.

(b) The State Liability Act, 1957 (Act No. 20 of 1957), applies to any claim under paragraph (a). 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

kholetšhe ya setšhaba. Leloko la Khuduthamaga le ka, morago ga ditherišano le Tona le khansele ya kholetšhe ya setšhaba ye e amegago, ge go kgonagala, go sa lebalwe taolelo efe goba efe ya Molao wo, kgetha molaodi go tšea taolo ya khansele goba taolo ya kholetšhe gomme motho yo bjalo a ka phethagatša mešomo ka moka ye e amanago le bolaodi goba taolo legating la kholetšhe lebala le le rerilwego ke Leloko la Khuduthamaga, gomme lebaka leo ga la swanela go feta nako ya mengwaga ye mebedi. 5

(5) Leloko la Khuduthamaga le ka oketša nako ye go bolelwago ka yona go karolwana (4) ga tee ka nako ya go se fete dikgwedi tše seelago.

(6) Ge molaodi a thwetšwe go ya ka karolwana (4), khansele e bonwa e ka re e itokolotše gomme molaodi o swanetše go— 10

(a) tšea taolo ya khansele;

(b) phethagatša maikarabelo a khansele a amanago le bolaodi; le go

(c) netefatša gore khansele ye mpsha e hlange.

Phetošo ya leina la kholetšhe ya setšhaba

47. (1) Khansele ya kholetšhe ya setšhaba e ka, morago ga ditherišano le bao ba nago le kgahlego le ka tumello ya Leloko la Khuduthamaga, fetoša leina la kholetšhe ya setšhaba. 15

(2) Leloko la Khuduthamaga le swanetše, ka tsebišo go *Gazette*, gatiša phetošo ya leina la kholetšhe ye bjalo.

Melato 20

48. (1) Motho ofe goba ofe kantle le kholetšhe goba lekala la mmušo wo, kantle le go fiwa maatla ke kholetšhe—

(a) a ka aba goba a itira o ka re o aba lenaneo lefe goba lefe la thuto ya go iša pele le tlhahlo;

(b) a ka neelana ka boithutelo bja thuto ya go iša pele le tlhahlo ye e bonalago e ka re e abilwe ke kholetšhe goba ka mohlakanelwa le kholetšhe; goba 25

(c) a ka itirago e ka re o dira mošomo legatong la kholetšhe, o molato gomme o na le maikarabelo a kotlo ye e ka bewago mabapi le bosenyi.

(2) Motho ofe goba ofe yo a dirago e ka re o abetšwe boithutelo ke kholetšhe bja thuto ya go iša pele le tlhahlo mola e le gore ga go na boithutelo bjo bo abilwego o molato gomme o na le maikarabelo a kotlo ya kahlolo ye e ka bewago mabapi le bosenyi. 30

(3) Motho ofe goba ofe yo a tshelago karolo 28 o na le molato gomme o na le maikarabelo a tefišo goba kgolego ya go se fete mengwaga ye mehlano goba bobedi tefišo le kgolego.

(4) Kholetšhe efe goba efe ya praebete ye e sa latelego karolo 32 e molato gomme e na le maikarabelo a kotlo ya tefišo ya go se fete R250 000. 35

(5) Motho ofe goba ofe yo a itirago e ka re o aba boithutelo bja thuto ya go iša pele le tlhahlo ye e ngwadišitšwego le Mahlomo a Bosetšhaba a Boithutelo mola e le gore boithutelo bjo bjalo ga ba ngwadišwa o na le molato gomme o na le maikarabelo a kotlo ya kahlolo efe goba efe ye e ka bewago ya bosenyi. 40

Magomo a maikarabelo a dikoloto

49. (1) Le ga e le Mmušo, goba NBFET goba motho ofe goba ofe yo a thwetšwego go ya ka Molao wo o na le maikarabelo a tahlegelo efe goba efe goba tshenyego ye e ka itemogelwago ke motho ofe goba ofe ka lebaka la tiragalo efe goba efe ye e dirilwego goba e sa dirwago ka moya o mobotse ge go ntše go dirwa mošomo ofe goba ofe wo e lego gore motho yoo o thwaletšwe ona go ya ka Molao wo. 45

(2) Mmušo ga o na maikarabelo a tiragalo efe goba efe goba tlhokego ya tiragalo ka kholetšhe ya setšhaba mabapi le maikarabelo a kontraka bjalo ka mongmošomo mabapi le mošomi yo a thwetšwego go ya ka karolo 20(3).

(3) (a) Mmušo o na le maikarabelo a tshenyego efe goba efe goba tahlegelo ye e bago gona ka lebaka la tiragalo efe goba efe goba tlhokego ya tiragalo mabapi le tiragalo efe goba efe ya tša thuto ye e dirwago ke kholetšhe ya setšhaba yeo e lego gore kholetšhe ye bjalo ya setšhaba e be e tla rwala maikarabelo eupša ka ditaelelo tša karolo ye. 50

(b) Molao wa Maikarabelo a Mmušo, 1957 (Molao No. 20 wa 1957), o ama molato ofe goba ofe ka fase ga temana (a). 55

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**

(c) Any claim for damage or loss contemplated in paragraph (a) must be instituted against the Member of the Executive Council concerned.

(d) Despite paragraph (a), the State is not liable for any damage or loss caused as a result of any act or omission in connection with any enterprise or business operated under the authority of a public college for the purposes of supplementing the resources of the college, including the offering of practical educational activities relating to that enterprise or business. 5

(e) Any legal proceedings against a public college for any damage or loss contemplated in paragraph (d), or in respect of any act or omission relating to its contractual responsibility as employer, may only be instituted after written notice of the intention to institute proceedings against the college has been given to the Head of Department for his or her information. 10

Delegation of functions

50. (1) The Minister may, on such conditions as he or she may determine, delegate the performance of any of his or her functions under this Act, except the power to make regulations, to— 15

- (a) any employee of the Department; or
- (b) any organ of state.

(2) The Member of the Executive Council may, on such conditions as he or she may determine, delegate the performance of any of his or her functions under this Act, to— 20

- (a) any employee in a provincial department responsible for education and training; or
- (b) any organ of state.

(3) The Director-General may, on such conditions as he or she may determine, delegate the performance of any of his or her functions under this Act to any employee in the Department. 25

(4) The council of a public college may, on such conditions as it may determine, delegate the performance of any of its functions under this Act to any other internal structure, lecturer or support staff of such college.

Regulations 30

51. The Minister may make regulations consistent with this Act on—

- (a) any matter which may or must be prescribed;
- (b) safety measures at public and private colleges;
- (c) a national process and procedures for the assessment of student achievement at public and private colleges; 35
- (d) a national process for the assessment, monitoring and evaluation of the quality of education in public and private colleges;
- (e) initiation practices at public and private colleges; and
- (f) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 40

Application of Act when in conflict with other laws

52. This Act prevails over any other law dealing with further education and training other than the Constitution of the Republic of South Africa, 1996.

CHAPTER 9 45**TRANSITIONAL AND OTHER ARRANGEMENTS****Existing public further education and training institutions, structures and bodies**

53. (1) The public further education and training institutions listed in Schedule 2 continue to exist and are deemed to be public colleges for the purposes of this Act.

(2) Members of the council, academic board and student representative council of the institutions referred to in subsection (1) continue to hold office until they are replaced in terms of this Act. 50

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(c) Molato ofe goba ofe wa tshenyegelo goba wa tahlegelo wo o akanywago go temana (a) o swanetše go hlongwa kgahlanong le Leloko la Khuduthamaga le le amegago.

(d) Kantle le ditaelelo tša temana (a), Mmušo ga o na maikarabelo a tshenyego efe goba efe goba tahlegelo ye e bago gona ka lebaka la tiragalo efe goba efe goba tlhokego ya tiragalo mabapi le kgwebo efe goba efe ye e dirwago ka fase ga taolo ya kholetše ya setšhaba ka maikemišetšo a go thuša didirišwa tša kholetše, go akaretšwa go abiwa ga ditiragalo tša thuto tše ka diregago tša mabapi le kgwebo yeo. 5

(e) Magato a semolao kgahlanong le kholetše ya setšhaba mabapi le tshenyegelo le tahlegelo ye e akanywago go temana (d), goba mabapi le tiragalo efe goba efe goba tlhokego ya tiragalo mabapi le maikarabelo a yona a kontraka bjalo ka mongmošomo, a ka phethagatšwa ge fela go bile le tsebišo ka lengwalo ya maikemišetšo a go tšea magato kgahlanong le kholetše a filwe Hlogo ya Kgoro gore e be le tshedimošo. 10

Kabo ya maikarabelo

50. (1) Tona e ka, ka mabaka a bjalo ao a ka a rerago, aba tirišo ya maatla afe goba afe a maikarabelo a gagwe ka fase ga Molao wo, kantle le maatla a go dira melawana, go— 15

(a) mošomi ofe goba ofe wa Kgoro; goba

(b) lekala lefe goba lefe la Mmušo.

(2) Leloko la Khuduthamaga le ka, ka mabaka a bjalo ao a ka a rerago, aba tirišo ya a mangwe a maatla a gagwe ka fase ga Molao wo, go— 20

(a) mošomi ofe goba ofe mo kgorong ya profense ye e nago le maikarabelo a thuto le tlhahlo; goba

(b) lekala lefe goba lefe la mmušo.

(3) Molaodi-Pharephare a ka, ka mabaka a bjalo ao a ka a rerago, aba tirišo ya a mangwe a maatla a gagwe ka fase ga Molao wo go mošomi ofe goba ofe mo Kgorong. 25

(4) Khansele ya kholetše ya setšhaba e ka, ka mabaka ao e ka a rerago, aba tirišo ya a mangwe a maatla a yona ka fase ga Molao wo go dihlongwa tše dingwe tša ka gare, goba maloko a bašomi ba kholetše ye bjalo.

Melawana

51. Tona a ka dira melawana ye e sepelelanago le Molao wo ka— 30

(a) morero ofe goba ofe wo o ka goba o swanetšego go rerwa;

(b) magato a polokego go dikholetše tša setšhaba le tša praebete;

(c) lenaneo la bosetšhaba le tshepedišo mabapi le tshekatsheko ya tšwelelo ya baithuti go dikholetše tša setšhaba le tša praebete;

(d) lenaneo la bosetšhaba la tshekatsheko le tekolo ya thuto go dikholetše tša setšhaba le tša praebete; 35

(e) ditlwaedi tša kgakolo go dikholetše tša setšhaba le tša praebete; le

(f) magato afe goba afe a thekgo mošomong goba taba ye nnyane ya taolo goba ya tshepedišo gore go bohlokwa go laodiša phethagatšo ya maleba goba taolo ya Molao wo. 40

Tirišo ya Molao ge go na le thulano le melao ye mengwe

52. Molao wo o buša go fetiša molao ofe goba ofe wo o lego mabapi le tša thuto ya go iša pele le tlhahlo kantle le Molaotheo wa Repabliki ya Afrika Borwa, 1996.

KGAOLO YA 9

DIPEAKANYO TŠA NAKWANA LE TŠE DINGWE

45

Dihlongwa tse lego gona tsa thuto ya go iša pele le tlhahlo le makgatlo

53. (1) Dihlongwa tša setšhaba tša thuto ya go iša pele le tlhahlo go Šedulo 2 di tla tšwela pele go ba gona le go bonwa e le dikholetše tša setšhaba mabapi le Molao wo.

(2) Maloko a khansele, boto ya tša thuto le khansele ya boemedi bja baithuti ya dihlongwa ye go bolelwago ka yona go karolwana (1) di tla tšwela pele go šoma go fihlela go bewa ba bangwe go ya ka Molao wo. 50

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006****Staff**

54. (1) The principal, vice-principal, lecturers and support staff employed by the State continue to be so employed until appointed in terms of this Act.

(2) Section 197 of the Labour Relations Act applies to the appointment or transfer as contemplated in subclause (1). 5

(3) The Education Labour Relations Council and the PSCBC continue to be the bargaining council to determine salaries and conditions of employment until the parties agree to establish a new structure relevant to public colleges.

Application for registration by private colleges

55. Application for registration by private colleges made in terms of the Further Education and Training Act, 1998 (Act No. 98 of 1998), before the commencement of this Act must be deemed to be applications made in terms of this Act. 10

National Board for Further Education and Training (NBFET)

56. The NBFET continues to exist until replaced by an advisory body in terms of section 11 of the National Education Policy Act, 1996 (Act No. 27 of 1996). 15

Disciplinary measures

57. The existing code of conduct, disciplinary measures and procedures of colleges referred to in section 53(1) must continue to operate until new measures are determined in terms of this Act.

Repeal or amendment of laws

20

58. (1) The Further Education and Training Act, 1998 (Act No. 98 of 1998), is hereby repealed.

(2) Any regulations made or anything done under any provision of any law repealed by this Act must be regarded as having been made or done under the corresponding provision of this Act. 25

(3) The Employment of Educators Act, 1998 (Act No. 76 of 1998), is hereby amended to the extent set out in Schedule 3.

Short title

59. This Act is called the Further Education and Training Colleges Act, 2006.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

Bašomi

54. (1) Hlogo, motlatša hlogo, bafahloši le bašomi ba thwetšwego ke Mmušo ba tšwela pele go thwalwa bjalo go fihlela ba thwalwa go ya ka Molao wo.

(2) Karolo 197 ya Molao wa Dikamano tša Bašomi ka diphetogo tše bohlokwa tše nyakwago ke maemo, e ama go thwalwa goba go fetišetšwa bjalo kage go hlaloš wa go karolwama (1). 5

(3) Khansele ya Thuto ya Dikamano tša Bašomi le PSCBC e tšwela pele ka go ba khansele ya ditherišano go rera megolo le maemo a mošomo go fihlela ba amegago ba dumellana go hloma sebopego se sefsa sa maleba go dikholetšhe tša setšhaba.

Kgopelo ya ngwadišo ka dikholetšhe tša praebete

10

55. Kgopelo ya ngwadišo ka dikholetšhe tša praebete tše di dirilwego go ya ka Molao wa Thuto ya go iša Pele le Tlhahlo, 1998 (Molao No. 98 wa 1998), pele ga tsena tšhomong ga Molao wo e swanetše go bonwa e le dikgopelo tše dirilwego go ya ka Molao wo.

Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo (NBFET)

15

56. NBFET e tšwela pele go ba gona go fihlela e nnela legato ke mokgatlo wa keletšo go ya ka karolo 11 ya Molao wa Leano la Thuto wa Bosetšhaba, 1996 (Molao No. 27 wa 1996).

Magato a kgalemo

57. Molao o lego gona wa maitshwara, magato a kgalemo le ditshepedišo tša dikholetšhe wo go bolelwago ka wona go karolo 53(1) o swanetše go tšwela pele go šomišwa go fihlela magato a mafsa a rerwa go ya ka Molao wo. 20

Phumulo ya Molao

58. (1) Molao wa Thuto ya go iša Pele le Tlhahlo, 1998 (Molao No. 98 wa 1998); ka go realo o o fedišwe goba o lokišwe. 25

(2) Melawana efe goba efe ye e ka dirwago goba sengwe le sengwe seo se ka dirwago ka fase ga taolelo efe goba efe ya molao ofe goba ofe wo o phomutšwego ke Molao wo e swanetše go tšewa gore e dirilwe goba e hlamilwe ka fase ga taolelo ye swanago ya Molao wo.

(3) Molao wa go Thwalwa ga Barutiši, 1998 (Molao No. 76 wa 1998), ka go realo o lokišitšwe go fihla go Šedulo 3. 30

Thaetlele ye kopana

59. Molao wo o tla bitšwa Molao wa Thuto ya go iša Pele le Dikholetšhe tša Tlhahlo, 2006.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**SCHEDULE 1***(Section 18)***STANDARD COLLEGE STATUTE****CONTENTS****DEFINITIONS AND APPLICATION 5**

1. Definitions
2. Application

INSTITUTION

3. Name, seat and powers
4. Constitution of College 10

COUNCIL

5. Functions of council
6. Composition of council
7. Termination of membership and filling of vacancies
8. Election and term of office of chairperson, vice-chairperson and secretary of council 15
9. Meetings of council
10. Council meeting procedures
11. Conflict of interest of council members
12. Committees of council 20
13. Minutes of council and committee meetings
14. Drafting, amending or rescinding statute

ACADEMIC BOARD

15. Functions of academic board
16. Termination of membership of academic board 25
17. Composition of academic board
18. Term of office of members of academic board
19. Chairperson, vice-chairperson and secretary of academic board
20. Meeting procedure of academic board
21. Committees of academic board 30
22. Joint committees of council and academic board

STUDENT REPRESENTATIVE COUNCIL (SRC)

23. Functions of SRC
24. Composition of SRC
25. Office-bearers of SRC 35
26. Term of office of SRC members
27. Meetings of SRC
28. SRC committees
29. General meeting

MANAGEMENT STAFF 40

30. Management staff
31. Functions of principal
32. Vice-principal and financial officer
33. Appointment of lecturers and support staff
34. Conditions of employment 45
35. Evaluation
36. Disciplinary code of lecturers and support staff
37. Representative organisation of employees

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE
TŠA TLHAHLO, 2006

Act No. 16, 2006

ŠEDULO 1

(Karolo 18)

MOLAO WO TLWAELEGILEGO WA KHOLETŠHE

MATENG

DITLHALOŠO LE TIRIŠO

5

1. Ditlhalošo
2. Tirišo

SEHLONGWA

3. Leina, aterese le maatla
4. Molaotheo wa Kholetšhe

10

KHANSELE

5. Maikarabelo a khansele
6. Tlhamago ya khansele
7. Phedišo ya boleloko le go tlatšwa ga dikgoba tša mošomo
8. Kgetho ya modulasetulo le motlatša modulasetulo wa khansele le lebaka la mošomo 15
9. Dikopano tša khansele
10. Ditshepedišo tša dikopano tša khansele
11. Thulano ya dikgahlego tša maloko a khansele
12. Dikomiti tša khansele 20
13. Metsotso ya dikopano tša khansele le komiti
14. Go thalwa, go lokiša goba go sekaseka Molao o fetišitšwego

BOTO YA TŠA THUTO

15. Maikarabelo a boto ya tša thuto
16. Phedišo ya Boleloko go boto ya tša thuto 25
17. Tlhamago ya boto ya tša thuto
18. Lebaka la mošomo la maloko a boto ya tša thuto
19. Modulasetulo, motlatša modula setulo le mongwaledi wa boto ya tša thuto
20. Tshepedišo ya kopano ya boto ya tša thuto
21. Dikomiti tša diboto tša thuto 30
22. Dikomiti tša khansele ya mohlakanelwa le boto ya tša thuto

KHANSELE YA KEMEDI YA BAITHUTI (SRC)

23. Maikarabelo a SRC
24. Tlhamago ya SRC
25. Maloko a SRC 35
26. Lebaka la mošomo wa maloko a SRC
27. Dikopano tša SRC
28. Dikomiti tša SRC
29. Kopano ya kakaretšo

BOLAODI

40

30. Bolaodi
31. Maikarabelo a hlogo
32. Motlatša hlogo le Mohlankedi wa tša Ditšhelete
33. Go thwalwa ga bafahloši le bašomi
34. Mabaka a Mošomo 45
35. Tshekatsheko
36. Magato a kgalemo a bafahloši le bašomi
37. Baemedi ba mekgatlo ya bašomi

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

STUDENTS

38. Admission and registration of students
39. Student disciplinary code

DONORS

40. Donors

5

DEFINITIONS AND APPLICATION

Definitions

1. In this Statute, unless the context indicates otherwise—
- “**academic board**” means the body contemplated in section 11 of the Act;
- “**auditor**” means any person registered in terms of the Auditing Professions Act, 2005 (Act No. 26 of 2005); 10
- “**college**” means the college referred to in section 3;
- “**council**” means the governing structure of the college;
- “**Department**” means the government department responsible for education at national level; 15
- “**Director-General**” means the Director-General of the Department;
- “**external person**” means a person referred to in section 10(8) of the Act;
- “**financial year**” in respect of the college means a year commencing on the first day of January and ending on the 31st day of December of the same year;
- “**foreign juristic person**” means a person— 20
- (i) registered or established as a juristic person in terms of a law of a foreign country; and
- (ii) recognised or registered as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973);
- “**further education and training**” means all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; 25
- “**further education and training college**” means any college that provides further education and training on a full-time, part-time or distance basis and which is— 30
- (a) established or regarded as having been established as a public further education and training college under the Act;
- (b) declared as a public further education and training college under the Act; or 35
- (c) registered or provisionally registered as a private further education and training college under the Act;
- “**general education**” means the compulsory school attendance phase referred to in section 3 of the South African Schools Act;
- “**Head of Department**” means the head of a provincial department of education; 40
- “**higher education**” means higher education as defined in the Higher Education Act, 1997 (Act No. 101 of 1997);
- “**institutional statute**” means policy, a code of ethics and any rules developed by the council consistent with the Act;
- “**Labour Relations Act**” means the Labour Relations Act, 1995 (Act No. 66 of 1995); 45
- “**lecturer**” means any person who teaches, educates or trains other persons or who provides professional educational services at the college and who is appointed in a post on a lecturer establishment under the Act;
- “**local juristic person**” means a person established as a juristic person in South Africa in terms of the Companies Act, 1973 (Act No. 61 of 1973); 50
- “**management**” means the principal and vice-principal of the college;
- “**MEC**” means the Member of the Executive Council of a province who is responsible for education in that province;
- “**Minister**” means the Minister of Education; 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

BAITHUTI

38. Kamogelo le ngwadišo ya baithuti
39. Molao wa magato a kgalemo wa baithuti

BAABI BA DITŠHELETE

40. Baabi ba ditšhelete

5

DITLHALOŠO LE TIRIŠO

Ditlhalošo

1. Mo Molaong wo, ge e se fela maemo a laetša ka tsela ye nngwe—
 - “boto ya tša thuto” e ra mokgatlo o akanywago go karolo 11 ya Molao;
 - “mohlakisi” e ra motho ofe goba ofe yo a ngwadišitšwego go ya ka Molao wa 10
 - Profešene ya Bahlahlobi ba Dibuka tša Ditjhelete, 2005 (Molao No. 26 wa 2005);
 - “kholetšhe” e ra kholetšhe ye go bolelwago ka yona go karolo 3;
 - “khansele” e ra sehlongwa sa bolaodi sa kholetšhe;
 - “Kgoro” e ra kgoro ya mmušo ye e nago le maikarabelo a thuto maemong a 15
 - bosetšhaba;
 - “Molaodi-Pharephare” e ra Molaodi-Pharephare wa Thuto;
 - “motho wa ka ntle” e ra motho yo go bolelwago ka yena go karolo 10(8) ya 10
 - Molao;
 - “ngwaga wa ditšhelete” mabapi le kholetšhe e ra ngwaga wo o thomago ka 20
 - letsatsi la mathomo la January gomme la fela ka di 31 December ya ngwaga wona woo;
 - “motho wa semolao wa ka ntle” e ra motho—
 - (i) yo a ngwadišitšwego goba a hlomilwe bjalo ka motho wa semolao go ya ka 25
 - molao wa naga ya ka ntle; le go
 - (ii) amogelwa goba go ngwadišwa bjalo ka khamphani ya kantle go ya ka 25
 - Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);
 - “thuto ya go iša pele le tlhahlo” e ra mananeo ka moka a go ithuta le 30
 - a tlhahlo ao a išago boithutelong bja go tloga maemong a 2 go iša go a 4 a Mahlomo
 - a Boithutelo a Bosetšhaba bjalo kage go lebeletšwe go Molao wa Bolaodi bja
 - Boithutelo bja Afrika Borwa, 1995 (Molao No. 58 wa 1995), maemo ao a lego
 - godimo ga thuto ya kakaretšo eupša ka fase ga thuto ya godimodimo.
 - “kholetšhe ya thuto ya go iša pele le tlhahlo” e ra kholetšhe efe goba efe ye e
 - abago thuto ya go iša pele le tlhahlo ka matsatši ka moka, ka matsatši a mangwe
 - goba ka go ithuta ka gae gomme yona e—
 - (a) hlomilwe goba e bonwa e hlomilwe bjalo ka kholetšhe ya thuto ya go iša pele 35
 - le tlhahlo ka fase ga Molao;
 - (b) goleditšwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le tlhahlo ka 40
 - fase ga Molao; goba
 - (c) e ngwadišitšwe goba e ngwadišitšwe nakwana bjalo ka kholetšhe ya praebete
 - ya thuto ya go iša pele le tlhahlo ka fase ga Molao;
 - “thuto ya kakaretšo” e ra kgato ya ya go tsena sekolo ka kgapeletšo bjalo kage go
 - hlalošwa go karolo 3 ya Molao wa Dikolo wa Afrika Borwa;
 - “Hlogo ya Kgoro” e ra hlogo ya kgoro ya thuto ya profense;
 - “thuto ya maemo a godimodimo” e ra thuto ya maemo a godimodimo bjalo kage
 - go hlalošwa go Molao wa Thuto ya Maemo a Godimodimo, 1997 (Molao 101 wa 45
 - 1997);
 - “molao wa sehlongwa” e ra leano, molao wa maitshwaro le melao ye e
 - hlamilwego ke khansale ka tshepelelano le Molao;
 - “Molao wa Dikamano tša Mošomong” e ra Molao wa Dikamano tša Mošomong, 50
 - 1995 (Molao 66 wa 1995);
 - “mofahloši” e ra motho ofe goba ofe yo a rutago goba a tlhahlagobatho ba
 - bangwe goba yo a abago ditirelo tša profešinale tša thuto kholetšheng gomme a
 - thwetšwe mo mošomong wa bofahloši ka fase ga Molao;
 - “motho wa semolao wa mo gae” e ra motho yo a hlomilwego bjalo ka motho wa
 - semolao mo Afrika Borwa go ya ka Molao wa Dikhamphani, 1973 (Molao No. 61 55
 - wa 1973);
 - “taolo” e ra hlogo le motlatša hlogo ya kholetšhe;

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- “National Qualifications Framework”** means the National Qualifications Framework as defined in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- “NBFET”** means the National Board for Further Education and Training, established by regulations in terms of section 11 of the National Education Policy Act, 1996 (Act No. 27 of 1996); 5
- “organ of state”** means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;
- “policy”** means—
- (a) policy determined by the Minister in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996); or 10
- (b) policy determined by the Member of the Executive Council in terms of a provincial law;
- “prescribed”** means prescribed by regulation;
- “principal”** means the chief executive and accounting officer of the college, and includes a rector; 15
- “programmes”** means a list of education programmes approved and promulgated by the Minister in the *Gazette*;
- “public college”** means any further education and training college that is established, deemed to be established or declared as a public further education and training college under the Act; 20
- “Public Service Act”** means the Public Service Act, 1994 (Proclamation No. 103 of 1994);
- “rules”** means rules made by the council in terms of section 5(2)(a);
- “SAQA”** means the South African Qualifications Authority established by section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995); 25
- “school”** means a school as defined in the South African Schools Act;
- “South African Schools Act”** means the South African Schools Act, 1996 (Act No. 84 of 1996);
- “staff”** means persons employed at a public college; 30
- “statute”** means the standard college statute, which includes policy, code of conduct and any other rules developed by the council which are consistent with the Act;
- “student”** means any person registered as a student at the college;
- “SRC”** means the student representative council of the college; 35
- “the Act”** means the Further Education and Training Colleges Act, 2006;
- “to provide further education and training”** means—
- (a) to register students for all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework or such further education and training levels as determined by SAQA and contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; and 40
- (b) to take responsibility for the registration of students, the provision and delivery of the curriculum and the assessment of students; 45
- “vice-principal”** includes a vice-rector.

Application

2. This statute applies to the college until a statute is developed in terms of section 10 of the Act.

INSTITUTION

50

Name, seat and powers

3. (1) The name of the college is _____
- (2) The seat of the college is at _____

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- “**MEC**” e ra Leloko la Khuduthamaga la profense le le nago le maikarabelo a tša thuto mo profenseng yeo;
- “**Tona**” e ra Tona ya Thuto;
- “**Mahlomo a Bosetšhaba a Boithutelo**” e ra Mahlomo a Bosetšhaba a Boithutelo bjalo kage go hlalošwa go Molao wa Bolaodi bja Boithutelo bja Afrika Borwa, 1995 (Molao No. 58 wa 1995) 5
- “**NBFET**” e ra Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo, ye e hlomilwego ka melawana go ya ka karolo 11 ya Molao wa Leano la Thuto wa Bosetšhaba, 1996 (Molao No. 27 wa 1996);
- “**lekala la mmušo**” e ra lekala la mmušo bjalo kage go hlalošwa go Molaotheo wa Repabliki ya Afrika Borwa, 1996; 10
- “**leano**” e ra—
- (a) leano le rerilwego ke Tona go ya ka Molao wa Leano la Thuto la Bosetšhaba, 1996 (Molao No. 27 wa 1996); goba
- (b) leano le rerilwego ke Leloko la Khuduthamaga go ya ka molao wa profense; 15
- “**go šupetsa**” e ra go šupetsa ka molawana;
- “**hlogo**” e ra mohlankedi mogolo le mohlakiši wa kholetšhe ya setšhaba ya thuto ya go iša pele le tlhahlo gomme go akaretšwa morektoro;
- “**mananeo**” e ra lenaneo la mananeo a tša thuto ao a dumeletšwego gomme a tsebišwa ke Tona go *Gazette*; 20
- “**kholetšhe ya setšhaba**” e ra kholetšhe efe goba efe ya thuto ya go iša pele le tlhahlo yeo e hlomilwego, e bonwa e hlomilwe goba e goeditšwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le tlhahlo ka fase ga Molao;
- “**Molao wa Tirelo ya Setšhaba**” e ra Molao wa Tirelo ya Setšhaba, 1994 (Tsebišo ya Semmušo No. 103 ya 1994); 25
- “**melao**” e ra melao ye e dirilwego ke khansele go ya karolo 5(2)(a);
- “**SAQA**” e ra Bolaodi bja Boithutelo bja Afrika Borwa, e hlomilwe go ya ka karolo 3 ya Molao wa Bolaodi bja Boithutelo wa Afrika Borwa, 1995 (Molao No. 58 wa 1995);
- “**sekolo**” e ra sekolo bjalo kage go hlalošwa go Molao wa Dikolo wa Afrika Borwa; 30
- “**Molao wa Dikolo wa Afrika Borwa**” e ra Molao wa Dikolo wa Afrika Borwa, 1996 (Molao No. 84 wa 1996);
- “**mošomi**” e ra batho ba šomago kholetšheng ya setšhaba;
- “**molao**” e ra molao wo tlwaelegilego wa kholetšhe, o akaretšago leano, molao wa maitshwaro le melao ye mengwe ye e hlamilwego ke khansele go ya ka Molao; 35
- “**moithuti**” e ra motho ofe goba ofe yo a ngwadišitšwego bjalo ka moithuti kholetšheng;
- “**SRC**” e ra khansele ya boemedi bja baithuti ya kholetšhe;
- “**Molao**” e ra Molao wa Dikholetšhe wa Thuto ya go iša Pele le Tlhahlo, 2006; 40
- “**go aba thuto ya go iša pele le tlhahlo**” go ra—
- (a) go ngwadišwa ga baithuti mananeong ka moka a go ithuta le tlhahlo a išago boithutelong bja go tloga maamong a 2 go ya go 4 a Mahlomo a Boithutelo a Bosetšhaba goba maemo a bjalo a thuto ya go iša pele le Tlhahlo bjale kage go rerilwe ke SAQA le go akanywa go Molao wa Bolaodi bja Boithutelo wa Afrika Borwa, 1995 (Molao 58 wa 1995), maemo ao a lego ka godimo ga thuto ya kakaretšo eupša a le ka fase ga thuto ya maemo a godimo; le 45
- (b) go tšea maikarabelo a ngwadišo ya baithuti, kabo le neelo ya kharikhulamo le tshekatsheko ya baithuti;
- “**motlatša hlogo**” e akaretša motlatša morektoro. 50

Tirišo

2. Molao wo o ama kholetšhe go fihlela molao o hlamiwa go ya ka karolo 10 ya Molao.

SEHLONGWA

Leina, aterese le maatla:

55

3. (1) Leina la kholetšhe ke _____
- (2) Aterese ya kholetšhe e ko _____

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**

(3) Every public college is a juristic person with legal capacity to perform its functions in terms of this Statute and the Act.

Constitution of college

4. (1) The college consists of—

- (a) the council; 5
- (b) the academic board;
- (c) the management staff;
- (d) the SRC;
- (e) the lecturers and support staff of the college;
- (f) the students of the college; and 10
- (g) such other offices, bodies or structures as may be established by the council.

(2) No vacancy in any of the offices contemplated in subsection (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subsection (1) impairs or affects the existence of the college as a juristic person or any function conferred by the Act or this Statute upon the college. 15

COUNCIL**Functions of council**

5. (1) Subject to the Act and this statute the council governs the college.

(2) Without derogating from the generality of subsection (1), the council—

- (a) makes rules for the college; 20
- (b) establishes the council committees and determines the composition and functions of each committee;
- (c) establishes, in consultation with the academic board, joint committees of the council and the academic board to perform functions which are common to the council and the academic board; 25
- (d) subject to applicable policy and the approval of the Head of Department, determines the student admission policy of the college, after consultation with the academic board;
- (e) determines and provides student support services after consultation with the SRC; 30
- (f) subject to the approval of the Head of Department, determines the language policy of the college, after consultation with the academic board;
- (g) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
- (h) approves the annual budget of the college; and 35
- (i) may conclude a loan or overdraft agreement, with the approval of the MEC.

(3) Without derogating from the generality of subsection (1), the council—

- (a) determines conditions of service, code of conduct and privileges and functions of its employees and may, in the manner set out in the code of conduct, suspend or dismiss employees of the college; and 40
- (b) may order an employee of the college who has been suspended to refrain from being on any premises under the control of the college and to refrain from participating in any of the activities of the college, or issue such other conditions as it may consider necessary.

Composition of council

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6. (1) The council, as contemplated in section 10(4) of the Act, consists of—

- (a) the principal;
- (b) five external persons appointed by the MEC;
- (c) one member of the academic board elected by the academic board;
- (d) one lecturer elected by the lecturers at the college; 50
- (e) two students of the college elected by the SRC;
- (f) one member of the support staff elected by the support staff of the college;

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(3) Kholetšhe ye nngwe le ye nngwe ya setšhaba ke motho wa semolao yo a nago le maatla a semolao a go dira mešomo ya gagwe go ya ka Molao.

Molaotheo wa kholetšhe

4. (1) Kholetšhe e bopša ke—

- (a) khansele; 5
- (b) Boto ya tša thuto;
- (c) bolaodi;
- (d) SRC;
- (e) bafahloši le bašomi ba kholetšhe;
- (f) baithuti ba kholetšhe; le 10
- (g) dikantoro tše dingwe tše bjalo, mekgatlo goba dibopego bjalo kage di ka hlongwa ke khansele.

(2) Ga go sekgoba sa mošomo go dikantorong dife goba dife bjalo kage go akanywa go karolwana (1) ya Molao o fetišitšwego le ga ele tlhaelele efe goba efe ya mo dipalong goba bošaedi mo tlhamegong ya mekgatlo goba dibopego tše akangwago go karolwana (1) ya Molao o fetišitšwego šitiša goba e ama go ba gona ga kholetšhe bjalo ka motho wa semolao goba mošomo ofe goba ofe o abilwego ke Molao goba Molao o fetišitšwego. 15

KHANSELE

Maikarabelo a khansele

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5. (1) Go ya ka Molao o fetišitšwego khansele e laola kholetšhe.

(2) Kantle le go kgeloga go tšwa kakaretšong ya karolwana (1), khansele—

- (a) e dira melao ya kholetšhe;
- (b) e hloma dikomiti tša khansele le go rera tlhamego le maikarabelo a komiti ye nngwe le ye nngwe; 25
- (c) e hloma, ka therišano le boto ya tša thuto, dikomiti tša mohlakanelwa tša khansele le boto ya tša thuto go phethagatša maikarabelo a tlwaelegilego go khansele le boto ya tša thuto;
- (d) go ya ka leano la maleba le ka tumello ya Hlogo ya Kgoro, e rera leano la kamogelo ya baithuti ya kholetšhe ya setšhaba, morago ga go rerišana le boto ya tša thuto; 30
- (e) e rera le go aba ditirelo tša thekgo ya baithuti morago ga ditherišano le SRC;
- (f) go ya ka tumello ya Hlogo ya Kgoro, e rera leano la polelo la kholetšhe, morago ga ditherišano le boto ya tša thuto;
- (g) e rera ditefo tša thuto, ditefo tša madulo le ditefo dife goba dife tše dingwe tše lefelwago ke baithuti gammogo le ditefo tša madulo tše lefiwago ke bašomi; 35
- (h) e dumella kabo ya ngwaga ka ngwaga ya kholetšhe; ebile
- (i) e ka phetha tumellano ya kadimo goba sekoloto sa akhaonto ya panka, go ya ka tumello ya MEC.

(3) Kantle le go kgeloga go tšwa kakaretšong ya karolwana (1), khansele—

- (a) e rera maemo a tirelo, molao wa maitshwaro le diputseletšo le maikarabelo a bašomi ba yona gape e ka, ka tsela ye e beilwego go molao wa maitshwaro, fega goba ya lebogiša bašomi ba kholetšhe mošomo; ebile
- (b) e ka laela mošomi wa kholetšhe yoo a fegilwego go tlogela go ba mo meagong efe goba efe ye e lego ka fase ga taolo ya kholetšhe ya setšhaba le go se tšee karolo mo ditiragalong dife goba dife tša kholetšhe, goba go ntšha mabaka a mangwe a bjalo kage go ka bonwa go le bohlokwa. 45

Tlhamego ya khansele

6. (1) Khansele, bjalo kage go akanywa go karolo 10(4) ya Molao, e bopša ke—

- (a) hlogo; 50
- (b) batho ba bahlano ba ka ntle ba thwetšwego ke MEC;
- (c) leloko le tee la boto ya tša thuto le kgethilwe ke boto ya tša thuto;
- (d) leloko le tee la bašomi ba bafahloši ba kholetšhe ya setšhaba ye e kgethilwego ke bašomi ba bafahloši;
- (e) baithuti ba babedi ba dikholetšhe tša setšhaba ba kgethilwego ke SRC; 55
- (f) leloko le tee la bathekgi ba thekgo le kgethilwe ke bašomi ba thekgo;

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**

- (g) one external member representing donors; and
- (h) four members contemplated in section 10(6) of the Act with a broad spectrum of competencies in the fields of education, business, finance, law, marketing, information technology and human resource management appointed by the council in consultation with the MEC. 5

(2) At least 60 per cent of the members of the council must be external persons who are not employed by the MEC or council, or are not students of the college.

(3) The council members contemplated in section 10(8) and (9) of the Act must have knowledge and experience relevant to the objects and governance of the college.

Termination of membership and filling of vacancies 10

7. (1) A member of the council's term of office terminates if—

- (a) he or she tenders a written resignation;
- (b) the MEC or entity who appointed or elected the member to the council terminates the membership in writing;
- (c) he or she is absent from three consecutive meetings without leave of the council; 15
- (d) he or she is declared insolvent;
- (e) he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; or 20
- (f) he or she is incapacitated to perform his or her functions.

(2) The council has the power to suspend and take disciplinary action against a member.

(3) If 75 per cent or more of the members of the council resign, the council is deemed to have resigned. 25

(4) If the council resigns as contemplated in subsection (3) a new council must be constituted in terms of this statute and the Act.

(5) Whenever any vacancy occurs, section 10 of the Act must apply with the necessary changes thereto.

(6) Any member appointed in terms of subsection (5) must serve only the remainder of the term of office. 30

Election and term of office of chairperson, vice-chairperson and secretary of council

8. (1) The chairperson and vice-chairperson of the council must not be elected from members contemplated in section 6(1)(a), (c), (d), (e) and (f) of the statute. 35

(2) The chairperson, vice-chairperson and secretary of the council are elected for a period not exceeding three years.

(3) The chairperson, vice-chairperson and secretary are eligible for re-election.

(4) Nominations for the office of the chairperson, vice-chairperson and secretary of the council must be in writing and directed to the electoral officer. 40

(5) If more than one candidate is nominated, voting is by secret ballot.

(6) Each member of the council has only one vote during a ballot and no proxy is allowed.

(7) Whenever a vacancy occurs in the office of the chairperson, vice-chairperson or secretary, subsections (4) to (6) apply with the necessary changes to the filling of such vacancy. 45

(8) A person who fills a vacancy in terms of subsection (7) holds office until the end of the term of his or her predecessor.

Meetings of council

9. (1) The council has at least four ordinary meetings during each academic year. 50

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 days before the date determined by the council for such meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting. 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- (g) leloko le tee la ka ntle le emetšego bathuši ka ditšhelete; le
- (h) maloko a mane a akanywago go karolo 10(6) wa Molao ka bokgoni bja go phatlalala go mafapha a tša thuto, kgwebo, ditšhelete, molao, papatšo, teknolotši ya tshedimošo le taolo ya bašomi ba kgethilwego ke khansele, ka therišano le MEC.

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(2) Bonnyane diperesente tše 60 tša maloko a khansele di swanetše e be batho ba sa thwalwago ke MEC goba khansele, goba baithuti ba kholetšhe.

(3) Maloko a khansele a akanywago ke karolo 10(8) le (9) ya Molao ba swanetše ba be le tsebo le maitemogelo a lebanego le maikemišetšo le bolaodi bja kholetšhe.

Phumulo ya boleloko le go tlatšwa ga dikgoba tša mošomo

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7. (1) Lebaka la leloko la khansele la mošomo le fela ge—

- (a) a tliša lengwalo la go itokolla;
- (b) MEC goba motho yo a thwalago goba a kgetha leloko go khansele a fediša boleloko ka tsela ya lengwalo;
- (c) a sa iponagatše go dikopano tša tatelano tše tharo kantle le tumello ya khansele;
- (d) a goleditšwe gore o tšhonne;
- (e) a tlošwa kantorong ya potego ke kgoro ya molao goba a ahloletšwe molato oo kahlolo ya gona e lego go tswalelelwa kgolegong kantle le sebaka sa go lefa faene; goba
- (f) a tšetšwe maikarabelo a semolao.

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(2) Khansele e na le maatla a go fega le go tšea magato a kgalemo kgahlanong le leloko.

(3) Ge diperesente tše 75 goba maloko a go feta a itokolla go Khansele, khansele e bonwa e itokolotše.

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(4) Ge khansele e itokolla bjalo kage go akanywa go karolwana (3) khansele ye mpsha e swanetše go tlangwa go ya ka Molao.

(5) Nako efe goba efe ge sekgoba sa mošomo se hlolega, karolo 10 ya Molao e swanetše go dirišwa ka diphetogo tše bohlokwa tše.

(6) Leloko lefe goba lefe le thwetšwego go ya ka karolwana (5) le swanetše le šome fela lebaka le le šetšego la mošomo.

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Kgetho le lebaka la mošomo la modulasetulo, motlatša modulasetulo le mongwaledi wa khansele

8. (1) Modulasetulo le motlatša modulasetulo wa khansele ga ba swanela go kgethwa go tšwa malokong a go bolelwago ka ona go karolo 6(1)(a), (c), (d), (e) le (f) ya Molao o fetišitšwego.

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(2) Modulasetula, motlatša modulasetulo le mongwaledi wa khansele ba kgethwa lebaka la mengwaga ye e sego go feta e meraro.

(3) Modulasetulo, motlatša modulasetulo le mongwaledi ba ka tsenela dikgetho gape.

(4) Dikgetho tša bonkgetheng ba mošomo wa modulasetulo, motlatša modulasetulo le mongwaledi wa khansele di swanetše di ngwalwe gomme di romelwe go mohlankedi wa dikgetho.

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(5) Ge e le gore go kgethilwe bonkgetheng ba go feta o tee, go bouta go tla ba ka tsela ya sephiri.

(6) Leloko le lengwe le le lengwe la khansele le na le boutu e tee fela ge go boutiwa gomme ga go maatla a go phetha ao a dumeletšwego.

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(7) Nako efe le efe ge sekgoba sa mošomo se ba gona ka kantorong ya modulasetulo, motlatša modulasetulo goba mongwaledi, dikarolwana (4) go fihla go (6) di dirišwa ka diphetogo tše bohlokwa ge go tlatšwa sekgoba se bjalo sa mošomo.

(8) Motho yo tlatšago sekgoba sa mošomo go ya ka karolwana (7) o fetišitšwego o ba mošomong go fihlela mafellong ga lebaka la yo a tsenego sebakeng sa gagwe.

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Dikopano tša khansele

9. (1) Khansele e na le dikopano tše nne tše tlwaelegilego mongwageng o mongwe le o mongwe wa tša thuto.

(2) Tsebišo ya tšhišinyo efe goba efe ye e tla tsinkelwago kopanong ye latelago ye e tlwaelegilego e swanetše e be ka tsela ya lengwalo gomme e swanetše e išwe go mongwaledi bonnyane matšatši a 21 pele ga letšatšikgwele le le rerilwego ke khansele

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Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

(3) At least 14 days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at such meeting and states the time and place of such meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of at least five members, if the objective of such meeting is clearly stated in the request, provided that at least seven days' notice of a special meeting is given. 5

(6) No business other than that for which the special meeting was called may be transacted at such meeting.

(7) An emergency meeting may be called by the chairperson or, in his or her absence, by the principal at any time. 10

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The objective of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting. 15

Council meeting procedures

10. (1) The council members must participate in the deliberations of the council in the best interest of the college.

(2) Except where otherwise provided in this statute, all acts or matters authorised or required to be done or decided by the council or its committees and all questions that may come before it are done or decided by the majority of the members present at any meeting, provided that the number present at any meeting is at least half plus one of the total number of members of the council or its committees holding office on the date of such meeting. 20

(3) In the absence of the chairperson and the vice-chairperson of the council, the members present must elect one of their members to preside at such meeting. 25

(4) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes. 30

(5) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right of reply. 35

(6) Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.

(7) A motion or an amendment seconded as contemplated in subsection (6) may not be withdrawn except with the consent of the meeting.

(8) The chairperson has a deliberative vote on any matter and, in the event of an equality of votes, also a casting vote. 40

(9) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes or, if so requested by any member, the chairperson must direct that such votes be recorded.

(10) When a majority of the members of the council reach agreement on a matter referred to them by the chairperson by letter or electronic means, without a meeting having been convened, and convey such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting. 45

(11) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member. 50

(12) The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting whose decision is final.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

ka kopano ye bjalo, ge fela e le gore taba efe goba efe ye e lego ya potlako e ka, kantle le tsebišo peleng, ka tumello ya modulasetulo le bontši bja maloko a lego gona, e tsinkelwe kopanong ye bjalo.

(3) Bonnyane matsatši a 14 pele ga letšatšikgwedi la kopano ye e tlwaelegilego, mongwaledi go laetša ka tsebišo go leloko le lengwe le le lengwe mabapi le merero ka moka ye e swanetšego go ahlaahlwa mo kopanong ye bjalo gomme a fe nako le lefelo la kopano ye bjalo. 5

(4) Kopano ye ikgethilego e ka bitšwa nako efe goba efe ka modulasetulo.

(5) Kopano ye e ikgethilego e swanetše go bitšwa ke modulasetulo ka kgopelo ka tsela ya ya lengwalo ka bonnyane maloko a mahlano, ge maikemišetšo a kopano ye bjalo a laetšwa gabotse mo kgopelong, ge fela go filwe tsebišo bonnyane matsatši a šupago ya kopano ye ikgethilego. 10

(6) Ga go tše dingwe tše di ka ahlaahlwago mo kopanong ye ikgethilego kantle le tše di lego mo lenaneong thero.

(7) Kopano ya tšhoganetšo e ka bitšwa ke modulasetulo goba, ge a se gona, ke hlogo nako efe goba efe. 15

(8) Tsebišo ya kopano ya tšhoganetšo e ka fiwa ka tsela goba efe ye e kgonagalago ka fase ga maemo.

(9) Maikemišetšo a kopano ya tšhoganetšo a swanetše go hlalošetšwa maloko gomme ga go seo se ka ahlaahlwago kantle le seo se lego lenaneotherong. 20

Ditshepedišo tša kopano ya khansele

10. (1) Maloko a khansele a swanetše go tšea karolo mo ditherišanong tša khansele ka dikgahlegelo tša kholetšhe.

(2) Kantle le moo go laetšwago mo molaong o fetišitšego, ditiragalo ka moka goba merero ye e dumeletšwego goba ye e swanetšego go phethagatšwa goba e rerilwe ke khansele goba dikomiti tša yona le dipotšišo ka moka tše di ka tlišwago go yona di a dirwa goba tša rarollwa ke bontši bja maloko a lego gona kopanong efe goba efe, ge fela palo ya maloko a lego gona kopanong efe goba efe ke bonnyane seripa le leloko le tee la palomoka ya maloko a khansele goba dikomiti tša yona di sa dutše setulo ka letšatšikgwedi la kopano ye bjalo. 25 30

(3) Ge modulasetulo a se gona le motlatša modulasetulo wa khansele, maloko a lego gona a kgetha o mongwe wa maloko a bona go dula setulo kopanong ye bjalo.

(4) Tiragalo ya mathomo ya kopano ye tlwaelegilego, morago ga go tlhangwa, ke go bala le go netefatša ka go saenela metsotso ya kopano ye e tlwaelegilego ya mafelelo ke modulasetulo le ya kopano efe goba efe ye ikgethilego ye tla latelago, ge fela kopano yeo e ka amogela metsotso ka mo e balwago ge khophi ya metsotso yeo e ile ya romelwa go leloko le lengwe le le lengwe la khansele, le ge fela e le gore boipelaetšo bja metsotso ya kopano bo a hlagišwa gomme bja rarollwa pele ga netefatšo ya metsotso. 35

(5) Leloko la khansele le ka no se, kantle le tumello ya modulasetulo, bolele go feta ga tee ka tšhišinyo goba ka tokišo efe goba efe gomme mošišinyi wa tšhišinyo goba wa tokišo efe goba efe o na le tokelo ya go fetola. 40

(6) Tšhišinyo ye nngwe le ye nngwe goba tokišo e swanetše e thekgiwe le go, ge go ka laetšwa ke modulasetulo, e swanetše go ba ka tsela ya go ngwala.

(7) Tšhišinyo goba tokišo ye e thekgilwego bjale kage go akantšwe go karolwana (6) e ka no se bušetšwe morago kantle le tumello ya kopano. 45

(8) Modulasetulo o na le boutu ya kakanyo go taba efe goba efe le, ge go diragala gore go be le tekatekano ya diboutu, le go bouta.

(9) Ge go ka tšewa sephetho ke kopano, palo ya maloko a boutago thekgong goba kgahlanong le tšhišinyo efe goba efe e swanetše go rekhotiwa ka metsotsong, modulasetulo o swanetše go laela gore diboutu tše bjalo di rekhotiwe. 50

(10) Ge bontši bja maloko a khansele ba fihlella tumellano ka taba ye e fetišeditšwego go bona ka tsela ya lengwalo goba ya elektroniki ka modulasetulo, kantle le go bitša kopano, le go bega sephetho se bjalo ka tsela ya lengwalo goba ya elektroniki, sephetho se bjalo se lekana le sephetho sa khansele gomme se swanetše go rekhotiwa mo metsotsong ya kopano ye latelago ye tlwaelegilego. 55

(11) Maikutlo a leloko la khansele leo le sa kgonego go tsenela kopano a ka tlišwa kopanong ka tsela ya lengwalo eupša a ka se tšewe bjalo ka boutu ya leloko le bjalo.

(12) Sephetho sa modulasetulo ka tšielala goba ka tshepedišo ke sa semolao ntle lege se ka hlotla ka potlako ke leloko, moo e leng gore sephetho se bjalo se swanetše go tlišwa kantle le go ahlaahla kopano yeo sephetho sa yona e lego sa mafelelo. 60

Conflict of interest of council members

11. (1) A member of the council may not have a conflict of interest with the college.
- (2) A member of the council who has a direct or indirect financial, personal or other interest in any matter which is to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest. 5
- (3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a member of the council of which such person may be aware.
- (4) The council member referred to in subsections (2) and (3) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon. 10

Committees of council

12. (1) The council appoints—
- (a) an executive committee; 15
 - (b) an audit committee;
 - (c) a finance committee;
 - (d) a conditions of employment committee;
 - (e) a planning and resource committee; and
 - (f) such other committees as may be required. 20
- (2) The composition and functions of the committees are determined by the council.
- (3) At least 50 per cent of the members of a committee must be external persons who are members of the council.
- (4) The chairperson of a committee must be a member of the council. 25

Minutes of council and committee meetings

13. (1) The secretary of the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of section 9(3).
- (2) The minutes of all committee meetings must be included in the agenda of the next ordinary meeting of the council following the respective committee meetings. 30
- (3) The members of the council must be provided with copies of the minutes referred to in subsection (2).

Drafting, amending or rescinding statute

14. No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least 75 per cent of all members of the council present at the meeting, provided that a quorum is present at such meeting. 35

ACADEMIC BOARD**Functions of academic board**

15. (1) Subject to the Act, the academic board of the college—
- (a) is accountable to the council for— 40
 - (i) all the teaching, learning, research and academic functions of the college;
 - (ii) the academic functions of the college and the promotion of the participation of women and the disabled in its learning programmes;
 - (iii) establishing internal academic monitoring and quality promotion mechanisms; 45
 - (iv) ensuring that the requirements of accreditation to provide learning against standards and qualifications registered in the National Qualifications Framework are met; and
 - (v) performing such other functions as may be delegated or assigned to it by the council; 50
 - (b) must—
 - (i) advise the council on a code of conduct and rules concerning students;

Thulano ya dikgahlego tša maloko a khansele

11. (1) Leloko la khansele le ka no se be le thulano ya dikgahlego le kholetšhe.
- (2) Leloko la khansele leo le nago le kgahlego ya thwii goba ya go rarela ya ditšhelete, ya boyena goba ye nngwe mabapi le taba efe goba efe ye e ka ahla-ahlwago kopanong ebile e akaretša goba e ka akaretša thulano goba kgonagalo ya thulano le swanetše, pele goba ka nako ya kopano ye bjalo, go tsebiša ka kgahlego. 5
- (3) Motho ofe goba ofe a ka, ka tsela ya lengwalo, a tsebiše modulasetulo ka kopano, pele ga kopano, ya thulano goba kgonagalo ya thulano ya kgahlego ya leloko la khansele yeo motho o bjalo a ka e tsebago.
- (4) Leloko le gapeletšega go itokolla go tšwa kopanong ge go ahlaahlwa taba yeo le go bouta moo. 10

Dikomiti tša khansele

12. (1) Khansele e kgetha—
- (a) komiti ya khuduthamaga; 15
- (b) komiti ya bohlaikiši;
- (c) komiti ya ditšhelete;
- (d) komiti ya maemo a mošomo;
- (e) komiti ya go maano le ditlabakelo; le
- (f) dikomiti tše bjalo tše dingwe bjalo kage go ka nyakega. 20
- (2) Tlhamego le maikarabelo a dikomiti a rerwa ke khansele.
- (3) Bonnyane dipresente tše 50 tša maloko a komiti a swanetše go ba batho ba kantle bao e lego maloko a khansele.
- (4) Modulasetulo wa komiti e swanetše go ba leloko la khansele.

Metsotso ya dikopano tša khansele le dikomiti 25

13. (1) Mongwaledi wa khansele o bea metsotso ya kopano ye nngwe le ye nngwe ya khansele le go akaretša metsotso ye bjalo go lenaneothero la kopano ye latelago ya khansele ge lenaneothero le romelwa go ya ka karolo 9(3).
- (2) Metsotso ya dikopano ka moka tša komiti e swanetše e akaretšwe go lenaneothero la kopano ye latelago ye e tlwaelegilego ya khansele go latela dikopano tše amegago tša komiti. 30
- (3) Maloko a Khansele a swanetše go fiwa dikhophi tša metsotso ye go boelwago ka yona go karolwana (2).

Go thalwa, go lokiša le go sekaseka Molao o fetišitšwego

14. Ga go tšhišinyo ya go thalwa, go lokišwa goba tshekatsheko ya molao o fetišitšwego goba molao wo o ka dirišwago le go ama ge e se wa fetišwa ka bonnyane dipresente tše 75 tša maloko ka moka a lego gona kopanong, kantle lege go na le maloko a lekanego. 35

BOTO YA TŠA THUTO**Maikemišetšo a boto ya tša thuto 40**

15. (1) Go ya ka Molao, boto ya tša thuto ya kholetšhe—
- (a) e na le maikarabelo go khansele a—
- (i) go ruta, go ithuta, dinyakišišo le maikemišetšo a tša thuto a kholetšhe;
- (ii) maikarabelo a tša thuto a kholetšhe le kwalakwatšo ya go tšea karolo ga basadi le digole mananeong a go ithuta; 45
- (iii) hloma molebeledi wa ka gare wa tša thuto le dikwalakwatšo tša boleng;
- (iv) netefatša gore dinyakwa tša tumello ya go aba thuto kgahlanong le maemo le boithutelo bjo ngwadišitšwego go; le
- (v) phethagatša maikarabelo a mangwe a bjalo kage go ka romelwa goba go šupetšwa ke khansele; 50
- (b) e swanetše go—
- (i) eletša khansele mabapi le tša molao wa maitshwaro le melao ye e amago baithuti;

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- (ii) determine, in accordance with any relevant deed or gift and after consultation with the principal, the conditions applicable to any scholarships and other academic prizes;
- (iii) determine the persons to whom scholarships and academic prizes are awarded; 5
- (iv) determine the functions of its committees as well as the procedure of meetings of these committees; and
- (v) take note of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the academic board; and 10
- (c) may—
 - (i) establish committees to perform any of its functions, and may for this purpose deem a single person to be a committee;
 - (ii) make standing orders on procedures and delegation of powers; and
 - (iii) delegate its functions to a committee. 15
- (2) Without derogating from the generality of subsection (1) the organisation and supervision of instruction and examinations, and of lectures and classes, vest in the academic board.
- (3) The academic board submits to the council—
 - (a) such reports upon its work as may be required by the council; 20
 - (b) recommendations on matters referred to it by the council; and
 - (c) recommendations on any other matter affecting the college that the academic board considers useful.

Termination of membership of academic board

- 16. (1) Members of the academic board must participate in the deliberations of the academic board in the best interest of the college. 25
- (2) Failure to act in the best interest of the college or behaviour that brings the college into disrepute may result in the removal of a member from the academic board by the council following due process.

Composition of academic board 30

- 17. (1) The academic board of the college must consist of—
 - (a) the principal;
 - (b) the vice-principal or vice-principals;
 - (c) lecturers at the college;
 - (d) members of the council; 35
 - (e) members of the SRC; and
 - (f) such additional persons as may be determined by the council.
- (2) The majority of members of the academic board must be lecturers.
- (3) The manner of election and appointment of members must be determined by the council. 40
- (4) The number of persons contemplated in subsection (1)(c) to (f) must be determined by the council.

Term of office of members of academic board

- 18. (1) Members appointed in terms of section 17(1)(a), (b) and (c) may hold office for as long as they are employed by the college in that capacity. 45
- (2) The term of office for student members automatically lapses when a student ceases to be a registered student or a member of the SRC.

Chairperson, vice-chairperson and secretary of academic board

- 19. (1) The principal is the chairperson of the academic board and shall preside at meetings of the academic board. 50
- (2) The vice-principal is the vice-chairperson of the academic board and shall preside at meetings of the academic board in the absence of the chairperson.
- (3) The secretary of the academic board is elected by the academic board and he or she must perform functions as the board may decide.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- (ii) rera, go ya ka mošomo ofe goba ofe wa maleba goba mpho le gona morago ga therišano le hlogo, maemo a lebanego le thekgo ya baithuti ka ditšhelete le difoka tše dingwe tša thuto;
- (iii) rera batho bao ba ka abelwago difoka tša thekgo ya baithuti ka ditšhelete le tša thuto; 5
- (iv) rera maikarabelo a dikomiti tša yona gammogo le tshepedišo ya dikopano tša dikomiti tše; le go
- (v) ela hloko ya tiragalo efe goba efe ye e tšewago ke komiti ge e phethagatša maatla goba maikarabelo ae abetšwego ge komiti e bega mešomo ya yona go kopano ye e latelago ya boto ya tša thuto; le gore 10
- (c) e ka no—
 - (i) hloma dikomiti go phethagatša maikarabelo afe goba afe a yona, gomme lebakeng le e ka bona motho o tee go ba komiti;
 - (ii) ntšha ditaelo mabapi le ditshepedišo le kabo ya maatla; le go
 - (iii) aba maikarabelo a yona go komiti. 15
- (2) Kantle le go kgeloga gotšwa kakaretšong ya karolwana (1) mokgatlo le mohlakomedi wa go ruta le ditlhahlobo, le ya bafahloši le baithuti, a filwego Boto ya tša Thuto.
- (3) Boto ya tša thuto e bega go khansele—
 - (a) dipego tše bjalo mabapi le mošomo wa yona bjalo kage go ka nyakwa ke khansele; 20
 - (b) ditšhišinyo mabapi le ditaba tše tlišitšwego go yona ke khansele; le
 - (c) ditšhišinyo tša taba efe goba efe ye e amago kholetšhe tše boto ya tša thuto e ka bona go le bohlokwa.

Phedišo ya Boleloko go boto ya tša thuto

25

16. (1) Maloko a boto ya tša thuto a swanetše go tšea karolo ditherišanong tša boto ya tša thuto ka dikgahlegelo tša kholetšhe.

(2) Go se diragatše go ya ka dikgahlego tša kholetšhe goba maitshwaro a tsentšhago kholetšhe go nyatšweng go ka felletša go dira gore go tlošwe leloko go tšwa go boto ya tša thuto ke khansele go latelwa tsela ya maleba. 30

Tlhamego ya Boto ya tša Thuto

- 17. (1) Boto ya tša thuto ya kholetšhe e swanetše go bopša ke—
 - (a) hlogo;
 - (b) motlatša hlogo goba batlatša hlogo;
 - (c) maloko a bašomi ba bafahloši ba kholetšhe; 35
 - (d) maloko a khansele;
 - (e) maloko a khansele ya kemedi ya baithuti; le
 - (f) batho ba bjalo ba tlaleletšo bjalo kage go ka rerwa ke khansele.
- (2) Bontšhi bja maloko a boto ya tša thuto bo swanetše bo be bafahloši.
- (3) Tsela ya go kgetha le go thwala ga maloko e swanetše e rerwe ke khansele. 40
- (4) Palo ya batho ye e akanywago go karolwana (1)(c) go ya go (f) e swanetše e rerwe ke khansele.

Lebaka la mošomo la maloko a boto ya tša thuto

18. (1) Maloko a kgethwago go ya ka karolo 17(1)(a), (b) le (c) ba ka šoma go fihlela ge fela ba ntše ba thwetšwe ke kholetšhe ka maemo ao. 45

(2) Lebaka la mošomo la maloko a baithuti le fela ge moithuti a se sa le moithuti yo a ngwadišitšwego goba a se sa le leloko la SRC.

Modulasetulo, motlatša modulasetulo le mongwaledi wa boto ya tša thuto

19. (1) Hlogo ke modulasetulo wa boto ya tša thuto gomme o tla sepediša dikopano tša boto ya tša thuto. 50

(2) Motlatša hlogo ke motlatša modulasetulo wa boto ya tša thuto gomme o tla sepediša dikopano tša boto ya tša thuto ge modulasetulo a se gona.

(3) Mongwaledi wa boto ya tša thuto o kgethwa ke boto ya tša thuto gomme a ka dira mešomo ka moo boto e ka laelago ka gona.

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**

(4) The chairperson presides at the meetings of the subcommittees of the academic board if the academic board considers it appropriate for him or her to do so.

(5) The chairperson and vice-chairperson shall perform such other functions as the academic board may determine.

(6) If both the chairperson and the vice-chairperson are absent, the academic board must elect from among its members a chairperson for the meeting concerned. 5

Meeting procedure of academic board

20. The procedure applicable to council meetings is applicable with the necessary changes to meetings of the academic board.

Committees of the academic board

10

21. (1) The academic board appoints—

(a) an executive committee; and

(b) such other committees as may be required.

(2) The composition and functions of the committees are determined by the academic board. 15

Joint committees of council and academic board

22. The council, in consultation with the academic board, appoints such joint committees of the council and the academic board as may be necessary for the performance of particular tasks.

STUDENT REPRESENTATIVE COUNCIL

20

Functions of SRC

23. (1) The students of the college are represented by the SRC in all matters that may affect them.

(2) The matters contemplated in subsection (1) include—

(a) liaison with management, the general public, other colleges, student representative councils of other colleges, national or international student organisations, unions and news media; 25

(b) being the umbrella organisation for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it considers appropriate; 30

(c) coordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with management;

(d) convening and conducting of all authorised meetings of the student body and being the managing body in all general referenda and petitions organised by the students within the rules; 35

(e) the election of office-bearers and establishing committees as the SRC considers necessary;

(f) the organisation and promotion of extramural activities among students;

(g) keeping account of all moneys allocated to the SRC by the council and any other moneys which may accrue to the SRC in its capacity as representative of the students; 40

(h) allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils;

(i) the responsibility for preserving order at student functions and ensuring good conduct at other approved meetings of students; 45

(j) coordination of student involvement in all community projects initiated by the SRC;

(k) responsibility for all student publications;

(l) final decision making in all matters falling within the jurisdiction of the SRC; and 50

(m) such additional functions and privileges as may be specifically conferred upon the SRC in writing by the council.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(4) Modulasetulo o sepediša dikopano tša dikomiti tša ka fase tša boto ya tša thuto ge boto ya tša thuto e bona go swanela gore a dire bjalo.

(5) Modulasetulo le motlatša modulasetulo o tla phethagatša maikarabelo a mangwe a bjalo go ya ka moo boto ya tša thuto e ka rerago ka gona.

(6) Ge bobedi modulasetulo le motlatša modulasetulo ba se gona, boto ya tša thuto e swanetše go kgetha modulasetulo wa kopano yeo go tšwa malokong a yona. 5

Tshepedišo ya kopano ya boto ya tša thuto

20. Tshepedišo ye e amago dikopano tša khansele e dirišwa le diphetogo tše bohlokwa dikopanong tša boto ya tša thuto.

Dikomiti tša boto ya tša thuto

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21. (1) Boto ya tša thuto e kgetha—

(a) komiti ya khuduthamaga; le

(b) dikomiti tše dingwe tše bjalo bjale kage go ka nyakega.

(2) Tlhamego le maikarabelo a dikomiti a rerwa ke boto ya tša thuto.

Dikomiti tša mohlakanelwa tša khansele ya boto ya tša thuto

15

22. Khansele, ka therišano le boto ya tša thuto, e kgetha dikomiti tše bjalo tša mohlakanelwa tša khansele le boto ya tša thuto bjalo kage go ka ba bohlokwa phethagatšong ya mešomo ye itšego.

KHANSELE YA KEMEDI YA BAITHUTI (SRC)

Maikarabelo a SRC

20

23. (1) Baithuti ba kholetšhe ba emelwa ke SRC mo mererong ka moka e ka ba amago.

(2) Ditaba tše akanywago go karolwana (1) di akaretšwa—

(a) dikamano le ba taolo, setšhaba ka kakaretšo, dikholetšhe tše dingwe, dikhansele tša boemedi bja baithuti tša dikholetšhe tše dingwe, mekgatlo ya baithuti ya bosetšhaba le ya boditšhabatšhaba, mekgatlo ya bašomi le boraditaba; 25

(b) go ba mmago mekgatlo ya dikomiti tša baithuti ka moka, dihlopha, dikhansele le mekgatlo ka moo e bonago go lokile;

(c) taolo le tlhokomelo ya tirišo ya ditlabakelo tša baithuti le tšohle tše amanago le tšona, ka tšhomišano le bolaodi; 30

(d) go bitša le go laola dikopano ka moka tše di lego molaong tša mekgatlo wa baithuti le go ba mekgatlo wa taolo go direferentamo ka moka tša kakaretšo le diphethišene tše di beakanywago ke baithuti go ya ka melao;

(e) kgetho ya maloko a khuduthamaga le go hlongwa ga dikomiti ka moo SRC e ka bona go le bohlokwa; 35

(f) peakanyo le kwalakwatšo ya ditiragalo tša mekgabišo ya ka ntle mo baithuting;

(g) go bea tšhupaletlotlo la ditšhelete ka moka tše e di abetšwego SRC ke khansele le ditšhelete dife goba dife tše dingwe tše di ka oketšegago ge ba sa le kemedi ya baithuti; 40

(h) go aba goba go phatlalatša matlotlo a tla šomišwago ke baithuti, le go aba ditšhelete go dihlopha tša baithuti tše dumeletšwego, dikomiti, mekgatlo le dikhansele;

(i) maikarabelo a go lota maitshwaro meletlong ya baithuti le go netefatša maitshwaro a mabotse mo dikopanong tše dingwe tše dumeletšwego tša baithuti; 45

(j) taolo ya go tšea karolo ga baithuti go diprojeke tša setšhaba tše di thomilwego ke yona;

(k) maikarabelo a dikgatišo ka moka tša baithuti; 50

(l) go tšewa ga sephetho sa mafelelo go merero e lego ka fase ga SRC; le

(m) maikarabelo a bjalo a tlaleletšo le diputseletšo bjalo kage e ka fiwa ke khansele.

Composition of SRC

24. (1) Only registered students are eligible to serve on the SRC.
 (2) The SRC must be representative of the student body.
 (3) The election of SRC members must be democratic and transparent.
 (4) The SRCs of colleges that are to be merged must have a meeting before the merger to constitute a single interim SRC comprising all members of the SRC concerned for a period not exceeding six months. 5

Office-bearers of SRC

25. (1) The SRC elects from among its members a president to act as chairperson and a deputy president to act as deputy chairperson. 10
 (2) The functions of other office-bearers and the election of such office-bearers are determined by the SRC.

Term of office of SRC members

26. (1) The term of office of the members of the SRC must be one academic year.
 (2) A member of the SRC may serve more than one term of office. 15

Meetings of SRC

27. The number of meetings, the quorum at a meeting and the meeting procedures are determined by the constitution of the SRC as approved by the council, provided that four ordinary meetings are held during an academic year.

SRC committees 20

28. (1) The SRC must establish a disciplinary committee responsible for the discipline of any members of the SRC and members of the student structures affiliated to the SRC.
 (2) The SRC may establish such other committees as may be required.

General meeting

29. (1) The SRC must convene at least one general meeting of students per semester. 25
 (2) If a majority of students sign a petition to the SRC requesting a general meeting, the SRC must comply with such a request.
 (3) Meetings of the SRC may not disrupt academic activities.

MANAGEMENT**Management 30**

30. (1) Management consists of the principal, vice-principal or vice-principals of the college, as contemplated in section 19(1) of the Act.
 (2) The principal is the chief executive and accounting officer of the college.

Functions of principal

31. (1) The principal is responsible for the day-to-day management and administration of the college and has all the powers necessary to perform these functions. 35
 (2) By virtue of his or her office the principal is a member of all the committees of the council and the academic board.
 (3) Subject to section 19(1) and (4) the council may assign additional functions and grant additional powers to the principal. 40
 (4) When the principal is absent or unable to carry out his or her duties, the vice-principal must act as principal, or the Member of the Executive Council may appoint an acting principal.

Tlhamego ya SRC

24. (1) Ke fela baithuti ba ngwadišitšwego ba ka bago maloko a SRC.
 (2) SRC e swanetše e be kemedi ya mokgatlo wa baithuti.
 (3) Kgetho ya maloko a SRC e swanetše go ba ka tsela ya demokrasi le ya ponagalo;
 (4) DiSRC tša dikholetšhe tše di kgomagantšhitšwego di swanetše go ba le kopano 5
 pele ga kgomagano go aga SRC e tee ya nakwana ye e bopšago ke maloko ka moka a
 SRC ye e amegago lebaka le sa fetego dikgwedi tše seelago.

Maloko a SRC

25. (1) SRC e kgetha go tšwa go maloko a yona moporesidente yo a tla emago bjalo 10
 ka modulasetulo le motlatša mopresidente yo a tla emago bjalo ka motlatša
 modulasetulo.
 (2) Maikarabelo a maloko a mangwe le kgetho ya maloko a bjalo e rerwa ke SRC.

Lebaka la mošomo wa maloko a SRC

26. (1) Lebaka la mošomo la maloko a SRC e swanetše go ba ngwaga o tee wa 15
 dithuto.
 (2) Leloko la SRC le ka kgethwa go feta lebaka le tee la mošomo.

Dikopano tša SRC

27. Palo ya dikopano, palo ye lekanego kopanong le ditshepedišo tša dikopano di 20
 rerwa ke molaotheo wa SRC bjalo kage go dumeletšwe ke khansele, ge fela dikopano tše
 nne tše tlwaelegilego di ka swarwa mo ngwageng wa thuto.

Dikomiti tša SRC

28. (1) SRC e swanetše go hloma komiti ya kgalemo ye e nago le maikarabelo a go 25
 kgalema maloko afe goba afe a SRC le maloko a dihlolongwa tša baithuti tše di lego ka
 fase ga taolo ya SRC.
 (2) SRC e ka hloma dikomiti tše dingwe tše bjalo kage go ka hlokega.

Kopano ya kakaretšo

29. (1) SRC e swanetše go bitša bonnyane kopano ye tee ya kakaretšo ya baithuti ka
 dikgwedi tše seelago.
 (2) Ge bontšhi bja baithuti bo ka saenela SRC phethišene ba kgopela kopano ya 30
 kakaretšo, SRC e swanetše e phethagatše kgopelo ye bjalo.
 (3) Dikopano di ka no se šitiše dithuto.

BOLAODI**Bolaodi**

30. (1) Bolaodi bo bopša ke hlogo, motlatša hlogo goba batlatša hlogo ba kholetšhe, 35
 bjalo kage go hlalošwa go karolo 19(1) ya Molao.
 (2) Hlogo ke mohlankedi mogolo le motlhakiši wa matlotlo wa kholetšhe.

Maikarabelo a hlogo

31. (1) Hlogo e na le maikarabelo a taolo ya tšatši ka tšatši le tshepedišo ya kholetšhe 40
 gomme e na le maatla ka moka a nyakegago go phethagatša maikarabelo a.
 (2) Ka lebaka la mošomo wa gagwe hlogo ke leloko la dikomiti ka moka tša khansele
 le boto ya tša thuto.
 (3) Go ya ka karolo 19(1) le (4) khansele e ka abela hlogo maikarabelo a tlaleletšo le
 maatla a tlaleletšo.
 (4) Ge hlogo a sego goba a palelwa ke go phethagatša maikarabelo a gagwe, motlatša 45
 hlogo o tšea marapo a hlogo, goba Leloko la Khuduthamaga le ka kgetha hlogo ya
 monaaswere.

Act No. 16, 2006**FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006****Vice-principal and financial officer**

32. (1) The vice-principal or vice-principals are responsible for assisting the principal in the management and administration of the college.

(2) The council of a public college must appoint a financial officer.

Appointment of lecturers, support staff and financial officers

5

33. The advertising of the post, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes for lecturers, support staff and financial officers must be in the manner determined by the council.

Conditions of employment

10

34. The council must approve conditions of employment, including the determination and review of salaries of lecturers and support staff and all other forms of remuneration in accordance with the rules.

Evaluation

35. (1) The management of the college are subject to evaluation by the MEC in the performance of their duties. 15

(2) The lecturers and support staff are subject to continuous evaluation in the performance of their duties.

Disciplinary code of lecturers and support staff

36. Every lecturer and member of the support staff is subject to a code of conduct and disciplinary procedures, as approved by the council and determined in the rules, which serve as an integral part of their conditions of service. 20

Representative organisation of employees

37. Agreements with representative organisations of employees may, with reference to salary and related negotiations and according to the relevant labour legislation, be entered into by the representatives of lecturers and support staff and recommended to the council for approval. 25

STUDENTS**Admission and registration of students**

38. A person may register as a student only if he or she satisfies the legal requirements for admission to study at the college and satisfies any other requirements for admission that may be determined by the council and laid down in the rules. 30

Student disciplinary code

39. The disciplinary measures and disciplinary provisions applicable to students are set out in the disciplinary code determined by the council after consultation with the SRC. 35

DONORS**Donors**

40. (1) The college may receive moneys and equipment of any sort from donors to assist the college in providing quality education. 40

(2) The college may recognise and register certain donors as determined in the rules.

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

Motlatša hlogo le Mohlankedi wa tša Ditshelete

32. (1) Motlatša hlogo goba batlatša hlogo ba na le maikarabelo a go thuša hlogo ka taolo le tshepedišo ya kholetšhe.

(2) Khansele ya kholetšhe e swanetše go kgetha mohlankedi wa ditšhelete.

Go thwalwa ga bafahloši, bašomi le bahlankedi ba ditšhelete

5

33. Go bapatswa ga mošomo, go mengwa ga kgetho ya bonkgetheng, go tsongwa ga bonkgetheng ba maleba, tsela ya kopafatšo ya bonkgetheng le go hloma dipotšišo le mananeo a go thwalwa ga bafahloši, bašomi le bahlankedi ba ditšhelete go swanetše go be ka tsela ye e rerilwego ke khansele.

Mabaka a mošomo

10

34. Khansele e swanetše go dumella mabaka a mošomo, go akaretšwa go rerwa le tshekatsheko ya meputso ya bafahloši le bašomi le ditsela ka moka tša meputso go ya ka melao.

Tshekatsheko

35. (1) Bolaodi bja kholetšhe bo tla dula bo sekasekwa ke MEC ge ba ntše ba 15 phethagatša maikarabelo a bona.

(2) Bafahloši le bašomi ba tla dula ba sekasekwa ge ba phethagatša maikarabelo a bona.

Molao wa maitshwaro wa bafahloši le bašomi

36. Mofahloši o mongwe le o mongwe le leloko la bašomi ba angwa ke molao wa 20 maitshwaro le magato a kgalemo, ka moo go dumeletšwego ke khansele le go laetšwa mo melaong, yeo e lego karolo ye bohlokwa ya maemo a bona a tirelo.

Baemedi ba mekgatlo ya bašomi

37. Ditumellano le baemedi ba mekgatlo ya bašomi di ka, ka go lebelela meputso le ditherišano tše amegago le go ya ka molao wa maleba wa bašomi, di dumellanwe ke 25 baemedi ba bafahloši le bašomi le go šišinywa go khansele gore e dumele.

BAITHUTI

Kamogelo le ngwadišo ya baithuti

38. Motho a ka ngwadiša bjalo ka moithuti ge fela a kgotsofatša dinyakwa tša semolao tša kamogelo go ithuta kholetšheng le go kgotsofatša dinyakwa dife goba dife 30 tše dingwe tša kamogelo tše di ka rerwago ke khansele gomme tša akaretšwa mo melaong.

Molao wa maitshwaro wa baithuti

39. Magato a kgalemo le ditaelelo tša kgalemo tše di amago baithuti di hlalošwa go molao wa kgalemo wo o rerilwego ke khansele ka therišano le SRC. 35

BAABI BA DITŠHELETE

Baabi ba ditšhelete

40. (1) Kholetšhe e ka amogela ditšhelete le didirišwa tša mohuta ofe goba ofe go tšwa go baabi go thuša kholetšhe go aba thuto ya boleng.

(2) Kholetšhe e ka amogela le go ngwadiša baabi ba bangwe bjalo kage go rerwa ka 40 melaong.

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

SCHEDULE 2

Existing public further education and training institutions, structures and bodies

(Section 53)

Province	College Name	Campus Name	CONTACT DETAILS	
			Postal Address	Physical Address
Eastern Cape	Port Elizabeth FET College (A)	Central Office	Private Bag X6040, Port Elizabeth 6000	139 Russell Road Central Port Elizabeth
	East Cape Midlands FET College (B)	Central Office	Private Bag X35 Uitenhage 6230	High Street Uitenhage 6229
	Buffalo City FET College (C)	Central Office	Private Bag 9016 East London 5200	Lukin Road Selborne East London 5201
	Lovedale FET College (D)	Central Office	PO Box 2156 King Williams Town 5600	Amatola Row. King Williams Town 5600
	King Sabata Dalindyebo FET College (E)	Central Office	Private Bag X5011 Umtata	Engcobo Road c/n Cicira
	Ingwe FET College (F)	Central Office	PO Box 92491 Mt Frere 5090	3rd West Street Mt Frere Easter Cape 5090
	Ikhala FET College (G)	Central Office	Private Bag X7110 Queenstown 5320	Robinson c/n Zeiler Street Queenstown 5320
Free State	King Hintsa FET College (H)	Central Office	Private Bag X3018 Butterworth 4960	Macibe Road Kentane Butterworth 4960
	Goldfields FET College (A)	Central Office	Private Bag X95 Welkom 9460	14107 Ndaki Road Thabang 9463
	Motheo FET College (B)	Central Office	Private Bag X20509 Bloemfontein 9300	St George Street Bloemfontein 9300
	Maluti FET College (C)	Central Office	Private Bag X870 Mampoi Street Witsieshoek 9870	Mampoi Street Phuthaditjhaba Qwaqwa
	Flavius Mareka (D)	Central Office	Private Bag X22 Kroonstad 9500	Bukes Street Kroonstad 9499
Gauteng	Tshwane South FET College (A)	Central Office	Private Bag X1018 Lyttelton 0140	Lyttelton Tekbase College Street Centurion 0140
	Tshwane North FET College (B)	Central Office	PO Box 26193 Arcadia 0007	Cnr Potgieter & Pretorius Streets Pretoria 0001
	Ekurhuleni West College (C)	Central Office	Private Bag X1030 Germiston 1400	Driendek Street c/n Sol Road Germiston 1400
	Ekurhuleni East FET College (D)	Central Office	Private Bag X52 Springs 1560	Sam Ngema Road Kwa-Thema Springs 1560
	South West FET College (E)	Central Office	PO Box 164 Florida 1710	Koma c/n Molele Road Molapo Section Soweto
	Central Johannesburg (F)	Central Office	Private Bag X2336 Houghton 2041	5 Ubla Street Parktown 2041
	Western College FET (G)	Central Office	Private Bag X17 Randfontein 1760	Kiewiet Street Helikon Park Randfontein 1760
KwaZulu-Natal	Sedibeng FET College (H)	Central Office	Private Bag X020 Vereeniging 1930	37 Voortrekker Street 1930
	Mthashana FET College (A)	Central Office	PO Box 9424 Vryheid 3100	92 Hlobane Street Vryheid 3100
	Umfolozi FET College (B)	Central Office	Private Bag X5023 Richards Bay 3900	Via Richardia Naboomnek Richardsbay 3900
	Majuba FET College (C)	Central Office	Private Bag X5020 Newcastle 2940	Centre For People Development Police Station Road Section 2 Madadeni 2951
	Mnambithi FET College (D)	Central Office	Private Bag X9903 Ladysmith 3370	12 Walton Street Ladysmith 3370
	Sivananda FET College (E)	Central Office	Private Bag X13 Westville 3630	22 Westville Road Westville Durban 3630

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

ŠEDULO 2

Dihlongwa tše di lego gona tša setšhaba tša thuto ya go iša pele le tlhahlo, dibopego ke mekgatlo

(Karolo 53)

Profense	Leina la Kholetšhe	Leina la Kha-mphase	Dinthla tsa Kgokagano	
			Aterese ya Poso	Aterese ya Mmila
Eastern Cape	Port Elizabeth FET College (A)	Central Office	Private Bag X6040, Port Elizabeth 6000	139 Russell Road Central Port Elizabeth
	East Cape Midlands FET College (B)	Central Office	Private Bag X35 Uitenhage 6230	High Street Uitenhage 6229
	Buffalo City FET College (C)	Central Office	Private Bag 9016 East London 5200	Lukin Road Selborne East London 5201
	Lovedale FET College (D)	Central Office	PO Box 2156 King Williams Town 5600	Amatola Row, King Williams Town 5600
	King Sabata Dalindyebo FET College (E)	Central Office	Private Bag X5011 Umtata	Engcobo Road c/n Cicira
	Ingwe FET College (F)	Central Office	PO Box 92491 Mt Frere 5090	3rd West Street Mt Frere Easter Cape 5090
	Ikhala FET College (G)	Central Office	Private Bag X7110 Queenstown 5320	Robinson c/n Zeiler Street Queenstown 5320
	King Hintsa FET College (H)	Central Office	Private Bag X3018 Butterworth 4960	Macibe Road Kentane Butterworth 4960
Free State	Goldfields FET College (A)	Central Office	Private Bag X95 Welkom 9460	14107 Ndaki Road Thabang 9463
	Motheo FET College (B)	Central Office	Private Bag X20509 Bloemfontein 9300	St George Street Bloemfontein 9300
	Maluti FET College (C)	Central Office	Private Bag X870 Mampoi Street Witsieshoek 9870	Mampoi Street Phuthaditjhaba Qwaqwa
	Flavius Mareka (D)	Central Office	Private Bag X22 Kroonstad 9500	Bukes Street Kroonstad 9499
Gauteng	Tshwane South FET College (A)	Central Office	Private Bag X1018 Lyttelton 0140	Lyttelton Tekbase College Street Centurion 0140
	Tshwane North FET College (B)	Central Office	PO Box 26193 Arcadia 0007	Cnr Potgieter & Pretorius Streets Pretoria 0001
	Ekurhuleni West College (C)	Central Office	Private Bag X1030 Germiston 1400	Driendek Street c/n Sol Road Germiston 1400
	Ekurhuleni East FET College (D)	Central Office	Private Bag X52 Springs 1560	Sam Ngema Road Kwa-Thema Springs 1560
	South West FET College (E)	Central Office	PO Box 164 Florida 1710	Koma c/n Molele Road Molapo Section Soweto
	Central Johannesburg (F)	Central Office	Private Bag X2336 Houghton 2041	5 Ubla Street Parktown 2041
	Western College FET (G)	Central Office	Private Bag X17 Randfontein 1760	Kiewiet Street Helikon Park Randfontein 1760
	Sedibeng FET College (H)	Central Office	Private Bag X020 Vereeniging 1930	37 Voortrekker Street 1930
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	Majuba FET College (C)	Central Office	Private Bag X5020 Newcastle 2940	Centre For People Development Police Station Road Section 2 Madadeni 2951
	Mnambithi FET College (D)	Central Office	Private Bag X9903 Ladysmith 3370	12 Walton Street Ladysmith 3370
	Sivananda FET College (E)	Central Office	Private Bag X13 Westville 3630	22 Westville Road Westville Durban 3630

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

Province	College Name	Campus Name	CONTACT DETAILS	
			Postal Address	Physical Address
	Coastal FET College (Mobeni) (F)	Central Office	P O Box 1795 Amanzimtoti 4125	No 50051 Old Main Road Kwamathutha 4125
	Thekwini FET College (G)	Central Office	Private Bag X06 Dormerton 4015	262 Daintree Avenue Asherville 4091
	Umgungu-ndlovu FET College (H)	Central Office	Private Bag X9060 Pietermaritzburg	4 Prince Alfred Street Pietermaritzburg
	Esayidi FET College (I)	Central Office	Private Bag X713 Port-Shepstone 4240	22 Veronica Gamalakhe 4249
Limpopo	Lephalale FET College (A)	Central Office	Private Bag X210 Lephalale 0555	Cnr Nelson Mandela & Ramatlhodi Streets Onverwacht 0557
	Capricorn FET College (B)	Central Office	Private Bag X367 Polokwane 0700	Cnr Dort & College Streets Polokwane 0700
	Waterberg FET College (C)	Central Office	Private Bag X2449 Mokopane 0600	20 Simmentaler Street Mokopane
	Vhembe FET College (D)	Central Office	Private Bag X2415 Makhado 0920	113 Burger Street Makhado 0920
	Mopani South East FET College (E)	Central Office	Private Bag X01024 Phalaborwa 1390	21 Wildevey Avenue Phalaborwa
	Letaba FET College (F)	Central Office	Private Bag X4017 Tzaneen 0850	Claude Whaetly Street, Tzaneen
	Sekhu-khune FET College (G)	Central Office	Private Bag X8660 Grobelaarsdal 0470	Stand No 676 Motetema 0473
Mpumalanga	Ehlanzeni FET College (A)	Central Office	Private Bag X11297 Nelspruit 1200	Louis Trichardt Street Nelspruit Sanlam Building 7th Floor
	Nkangala FET College (B)	Central Office	PO Box 2282 Witbank 1035	Cnr Haig & Northey Streets Witbank 1035
	Gert Sibande FET College (C)	Central Office	Private Bag X3475 Standerton 2430	18A Piet Retief Street Standerton 2430
Northern Cape	Northern Cape Urban FET College (A)	Central Office	Private Bag X5031 Kimberley 8300	Jan Smuts Ave Kimberley
	Northern Cape Rural FET College (B)		PO Box X1834 Steve Naude Street Upington 8800	Steve Naude Street Upington
North West	Taletso FET College (A)	Central Office	Private Bag X128 Mmabatho 2735	13 Andesiet Drive Riviera Park Mafikeng 2745
	Vuselela FET College (B)	Central Office	PO Box 10107 Klerksdorp 2570	133 Church Street Klerksdorp
	Orbit FET College (C)	Central Office	Private Bag X82096 Rustenburg 0300	Bosch c/n Fatima Bhayat Street Rustenburg
Western Cape	West Coast FET College (A)	Central Office	PO Box 935 Malmesbury 7300	Rainier c/n Kerk Street Clicks Building 2nd Floor Voortrekker Road Malmesbury 7300
	Boland FET College (B)	Central Office	Private Bag 5068, Stellenbosch 7599	85 Bird Street Stellenbosch 7600
	South Cape FET College (C)	Central Office	P O Box 10400 GEORGE 6530	Tommy Joubert Building (South) Cnr Courtenay & Cradock Streets George 6529
	NorthLink FET College (D)	Central Office	Private Bag X1 Panorama 7506	Detijger Office Park Unit 1 Corner Haneslow & McTyre Streets Parow
	College of Cape Town FET College (E)	Central Office	PO Box 1054 Cape Town 8000	Bytes Technology CS Holdings Bldg, 2nd Floor Golf Park, Raapenberg Road Pinelands, 7405
	False Bay FET College (F)	Central Office	Private Bag X25 Tokai 7988	False Bay College Tokai on Main Tokai 7988

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE **Act No. 16, 2006**
TŠA TLHAHLO, 2006

Profense	Leina la Kholetšhe	Leina la Kha-mphase	Dinthla tsa Kgokagano	
			Aterese ya Poso	Aterese ya Mmila
	Coastal FET College (Mobeni) (F)	Central Office	P O Box 1795 Amanzimtoti 4125	No 50051 Old Main Road Kwamathutha 4125
	Thekwini FET College (G)	Central Office	Private Bag X06 Dormerton 4015	262 Daintree Avenue Asherville 4091
	Umgungu-ndlovu FET College (H)	Central Office	Private Bag X9060 Pietermaritzburg	4 Prince Alfred Street Pietermaritzburg
	Esayidi FET College (I)	Central Office	Private Bag X713 Port-Shepstone 4240	22 Veronica Gamalakhe 4249
Limpopo	Lephalale FET College (A)	Central Office	Private Bag X210 Lephalale 0555	Cnr Nelson Mandela & Ramathodi Streets Onverwacht 0557
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	Waterberg FET College (C)	Central Office	Private Bag X2449 Mokopane 0600	20 Simmentaler Street Mokopane
	Vhembe FET College (D)	Central Office	Private Bag X2415 Makhado 0920	113 Burger Street Makhado 0920
	Mopani South East FET College (E)	Central Office	Private Bag X01024 Phalaborwa 1390	21 Wildevey Avenue Phalaborwa
	Letaba FET College (F)	Central Office	Private Bag X4017 Tzaneen 0850	Claude Whaetly Street, Tzaneen
	Sekhu-khune FET College (G)	Central Office	Private Bag X8660 Grobelaarsdal 0470	Stand No 676 Motetema 0473
Mpumalanga	Ehlanzeni FET College (A)	Central Office	Private Bag X11297 Nelspruit 1200	Louis Trichardt Street Nelspruit Saulam Building 7th Floor
	Nkangala FET College (B)	Central Office	PO Box 2282 Witbank 1035	Crn Haig & Northey Streets Witbank 1035
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	Northern Cape Rural FET College (B)		PO Box X1834 Steve Naude Street Upington 8800	Steve Naude Street Upington
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	Boland FET College (B)	Central Office	Private Bag 5068, Stellenbosch 7599	85 Bird Street Stellenbosch 7600
	South Cape FET College (C)	Central Office	P O Box 10400 GEORGE 6530	Tommy Joubert Building (South) Cnr Courtenay & Cradock Streets George 6529
	NorthLink FET College (D)	Central Office	Private Bag X1 Panorama 7506	Detijger Office Park Unit 1 Corner Haneslow & McTyre Streets Parow
	College of Cape Town FET College (E)	Central Office	PO Box 1054 Cape Town 8000	Bytes Technology CS Holdings Bldg, 2nd Floor Golf Park, Raapenberg Road Pinelands, 7405
	False Bay FET College (F)	Central Office	Private Bag X25 Tokai 7988	False Bay College Tokai on Main Tokai 7988

SCHEDULE 3

AMENDMENT OF EMPLOYMENT OF EDUCATORS ACT, 1998
(ACT NO. 76 OF 1998)

(Section 58(3))

Amendment of section 1 of Act 76 of 1998, as amended by section 6 of Act 53 of 2000 5
and section 1 of Act 24 of 2005

1. Section 1 of the Employment of Educators Act, 1998 (in this Schedule referred to as the Educators Act), is hereby amended—

(a) by the substitution for the definition of “departmental office” of the following definition: 10

“**‘departmental office’** means any office or institution controlled or administered by the Department of Education or any provincial department of education, but does not include any public school[, **further education and training institution**] or adult basic education centre;”;

(b) by the substitution for the definition of “educator” of the following definition: 15

“**‘educator’** means any person who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at any public school, [**further education and training institution,**] departmental 20
office or adult basic education centre and who is appointed in a post on any educator establishment under this Act;”;

(c) by the deletion of the definition of “further education and training institution”.

Amendment of section 2 of Act 76 of 1998 25

2. Section 2 of the Educators Act is hereby amended by the deletion of paragraph (b).

Amendment of section 3 of Act 76 of 1998

3. Section 3 of the Educators Act is hereby amended by the deletion of subsection (5).

Amendment of section 6 of Act 76 of 1998, as amended by section 6 of Act 48 of 1999, section 7 of Act 53 of 2000 and section 7 of Act 24 of 2005 30

4. Section 6 of the Educators Act is hereby amended—

(a) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) Subject to paragraph (m), any appointment, promotion or transfer to any post on the educator establishment of a public school [**or a further 35
education and training institution,**] may only be made on the recommendation of the governing body of the public school [**or the council of the further education and training institution, as the case may be,**] and, if there are educators in the provincial department of education concerned who are in excess of the educator establishment of 40
a public school [**or further education and training institution**] due to operational requirements, that recommendation may only be made from candidates identified by the Head of Department, who are in excess and suitable for the post concerned.”;

(b) by the substitution in subsection (3)(b) for subparagraph (v) of the following subparagraph: 45

“(v) procedures that would ensure that the recommendation is not obtained through undue influence on the members of the governing body [**or the council, as the case may be.**]”;

(c) by the substitution in subsection (3)(c) for the words preceding subparagraph (i) of the following words: 50

“The governing body [**or the council, as the case may be,**] must submit, in order of preference to the Head of Department, a list of—”;

ŠEDULO 3

TOKIŠO YA MOLAO WA GO THWALWA GA BARUTIŠI, 1998
(MOLAO NO. 76 WA 1998)

(Karolo 58(3))

Tokišo ya karolo 1 ya Molao 76 wa 1998, bjalo kage o lokišitšwe ke karolo 6 ya Molao 53 wa 2000 le karolo 1 ya Molao 24 wa 2005

1. Karolo 1 ya Molao wa go Thwalwa ga Barutiši, 1998 (mo Šedulong ye o bitšwa Molao wa Barutiši), ka go realo o lokišitšwe—

- (a) sebakeng sa tlhalošo ya “kantoro ya kgoro” ga go be ye e latelago:
 “**‘kantoro ya kgoro’** e ra kantoro efe goba efe goba sehlolongwa seo se laolwago goba se sepedišwago ke Kgoro ya Thuto goba kgoro efe goba efe ya thuto ya profense, eupša e sa akaretše sekolo sefe goba sefe sa mmušo, **[thuto ya go iša pele le sehlolongwa sa tlhahlo]** goba lefelo la thuto ya motheo ya batho ba bagolo;”;
- (b) sebakeng sa tlhalošo ya “murutiši” ga go be ye e latelago:
 “**‘murutiši’** e ra motho ofe goba ofe yo a rutago goba a tlhahlago batho ba bangwe goba yo a babgo ditirelo tša profeshinale tša thuto, go akaretšwa kalafo ya profeshinale le ditirelo tša saekholotši ya thuto, sekolong sefe goba sefe sa mmušo, **[thuto ya go iša pele le sehlolongwa sa tlhahlo,]** kantoro ya kgoro goba lefelo la thuto ya motheo ya batho ba bagolo gomme e le motho yo a thwetšwego mo sekgobeng sa mošomo mo mošomong wa borutiši ka fase ga Molao wo;”;
- (c) ka go phumula tlhalošo ya ‘thuto ya go iša pele le sehlolongwa sa tlhahlo’.

Tokišo ya karolo 2 ya Molao 76 wa 1998

2. Karolo 2 ya Molao wa Barutiši ka go realo o lokišitšwe ke phumulo ya temana (b).

Tokišo ya karolo 3 ya Molao 76 wa 1998

3. Karolo 3 ya Molao wa Barutiši ka go realo e lokišitšwe ke phumulo ya karolwana (5).

Tokišo ya karolo 6 ya Molao 76 wa 1998, bjalo kage o lokišitšwe ke karolo 6 ya Molao 48 wa 1999, karolo 7 ya Molao 53 wa 2000 le karolo 7 ya Molao 24 wa 2005

4. Karolo 6 ya Molao wa Barutiši ka go realo e lokišitšwe—

- “(a) Go ya ka temana (a) sebakeng sa yona ke:
 “(a) Go ya ka temana (m), thwalo efe goba efe, tlhatlošo goba phetišetšo go sekgoba sefe goba sefe sa sehlolongwa sa borutiši sa sekolo sa mmušo **[goba thuto ya go iša pele le sehlolongwa sa tlhahlo,]** se ka dirwa fela ka tšhišinyo ya lekgotla la taolo la sekolo sa mmušo **[goba khansele ya thuto ya go iša pele le sehlolongwa sa tlhahlo, ka moo go ka bago ka gona,]** le, ge go na le barutiši mo kgorong ya thuto ya profense ye e amegago bao ba fetago palo ye e nyakegago mo sehlongweng sa borutiši sa sekolo sa mmušo **[goba thuto ya go iša pele le sehlolongwa sa tlhahlo]** go ya ka dinyakwa tša tshepedišo, tšhišinyo yeo e ka dirwa fela go tšwa go bakgopedi ba mošomo ba lebeletšwego ke Hlogo ya Kgoro, bao bal ego palong ye e fetišago ba swanela sekgoba seo sa mošomo.”;
- (b) Sebakeng sa karolwana (3)(b) ya temana (v) ya temana ye e latelago e dulelwa legato ke:
 “(v) ditshepedišo tše di tla netefatšwago gore tšhišinyo ga e humanege ka tsela ya khuetšo ye e sego ya maleba go maloko a lekgotla la taolo **[goba khansele, ka moo ga ka bago ka gona,]**.”;
- (c) Sebakeng sa mantšu ao a tlogo pele ga temana (i) a ka emelwa legato go temana (3)(c) ka mantšu a latelago:
 “Lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona,]** e swanetše go hlagiša, ka tatelano go ya ka dikgahlego go Hlogo ya Kgoro, lenanco la—”;

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

- (d) by the substitution in subsection (3) for paragraphs (d) and (e) of the following paragraphs, respectively:
- “(d) When the Head of Department considers the recommendation contemplated in paragraph (c), he or she must, before making an appointment, ensure that the governing body **[or council, as the case may,]** has met the requirements in paragraph (b). 5
- (e) If the governing body **[or council, as the case may be,]** has not met the requirements in paragraph (b), the Head of Department must decline the recommendation.”;
- (e) by the substitution in subsection (3) for paragraph (h) of the following paragraph: 10
- “(h) The governing body **[or the council, as the case may be,]** may appeal to the Member of the Executive Council against the decision of the Head of Department regarding the temporary appointment contemplated in paragraph (g).”;
- (f) by the substitution in subsection (3) for paragraph (l) of the following paragraph: 15
- “(l) A recommendation contemplated in paragraph (a) shall be made within two months from the date on which a governing body **[or council, as the case may be,]** was requested to make a recommendation, failing which the Head of Department may, subject to paragraph (g), make an appointment without such recommendation.”;
- (g) by the substitution in subsection (3)(m) for the words preceding subparagraph (i) of the following words: 20
- “Until the relevant governing body **[or council, as the case may be,]** is established, the appointment, promotion or transfer in a temporary capacity to any post on the educator establishment must be made by the Head of Department where a—”; and 25
- (h) by the repeal in subsection (3)(m) of subparagraph (ii).

Substitution of section 6B of Act 76 of 1998, as inserted by section 8 of Act 24 of 2005 30

5. The following section is hereby substituted for section 6B of the Educators Act:

“Conversion of temporary employment to permanent employment

6B. The Head of Department may, after consultation with the governing body of a public school, **[or the council of a further education and training institution, as the case may be,]** convert the temporary appointment of an educator appointed to a post on the educator establishment of the public school **[or the further education and training institution]** into a permanent appointment in that post without the recommendation of the governing body **[or the council, as the case may be]**.”. 35 40

Amendment of section 8 of Act 76 of 1998, as amended by section 16 of Act 48 of 1999 and section 3 of Act 1 of 2004

6. Section 8 of the Educators Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection: 45
- “(2) Subject to subsections (4) and (5), no transfer to any post on the educator establishment of a public school **[or a further education and training institution]** shall be made unless the recommendation of the governing body of the public school **[or the council of the further education and training institution, as the case may be,]** has been obtained.”;
- (b) by the substitution for subsection (5) of the following subsection: 50
- “(5) The Head of Department may, without a recommendation contemplated in subsection (2), transfer an educator temporarily for a stated period from a post at a public school **[or public further education and training institution,]** to a post at another public school **[or public further education and training institution]**.”; and 55

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

- (d) sebakeng sa karolwana (3) ya ditemana (d) le (e) ya dote, ama tše di latelago, ka tatelano:
 “(d) Ge Hlogo ya Kgoro e amogela tšhišinyo ye e hlalošwago go temana (c), o swanetše, pele ga go thwala, netefatša gore lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona.]** e kgotsofaditše dinyakwa go temana (b).
 (e) Ge lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona.]** le sa kgotsofatša dinyakwa go temana (b), Hlogo ya Kgoro e swanetše e ganetše tšhišinyo.”;
- (e) sebakeng sa karolwana (3) go temana (h) ya temana ye e latelago:
 “(h) Lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona.]** le ka dira boipelaetšo go Leloko la Khuduthamaga kgahlanong le sephetho sa Hlogo ya Kgoro mabapi le go thwalwa ga nakwana goo go hlalošwago go temana (g).”;
- (f) sebakeng sa karolwana (3) go temana (1) ya temana ye e latelago:
 “(1) Tšhišinyo ye e hlalošwago go temana (a) e tla dirwa mo dikgweding tše pedi go tloga ka letšatši kgwedi leo lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona.]** e kgopetšwe go dira tšhišinyo, go sego bjalo Hlogo ya Kgoro e ka, go ya ka temana (g), thwala kante le tšhišinyo ye bjalo.”;
- (g) sebakeng sa karolwana (3)(m) go mantšu a lego pele ga temana (i) ka mantšu a a latelago:
 “Go fihlele lekgotla la taolo le le amegago **[goba khansele, ka moo go ka bago ka gona.]** le hlongwa, go thwalwa, tlhatlošo goba phetišetšo mo maamong a sebakanyana go sekgoba sefe goba sefe sa mošomo wa borutiši se swanetše go dirwa ke Hlogo ya Kgoro moo go—”; le
- (h) ka phedišo ya karolwana (3)(m) ya temana (ii).

Go dulelwa legato ga karolo 6B ya Molao 76 wa 1998, bjalo kage e loketšwe ke karolo 8 ya Molao 24 wa 2005

5. Karolo ye e latelago ka go realo e dulelwa legato ke karolo 6B ya Molao wa Borutiši:

“Phetolelo ya mošomo wa nakwana go ya go wa go ya go ile

6B. Hlogo ya Kgoro e ka, morago ga go kwa maikutlo a lekgotla la taolo la sekolo sa mmušo, **[goba khansele ya thuto ya go iša pele le sehlongwa sa tlhahlo, ka moo go ka bago ka gona.]** fetoletsa go thwalwa ga nakwana ga morutiši yo a thwetšwego mo sekgobeng sa mošomo sa borutiši sa sekolo sa mmušo **[goba thuto ya go iša pele le sehlongwa sa tlhahlo]** go ya go mošomo wa go ya go ile kante le tšhišinyo ya lekgotla la taolo **[goba khansele, ka moo go ka bago ka gona.]**.”.

Tokišo ya karolo 8 ya Molao 76 wa 1998, bjalo kage e lokišitšwe ke karolo 16 ya Molao 48 wa 1999 le karolo 3 ya Molao 1 wa 2004

6. Karolo 8 ya Molao wa Borutiši ka go realo e lokišitšwe—

- (a) ka go dulelwa legato ke karolwana (2) ya karolwana ye e latelago:
 “(2) Go ya ka dikarolwana (4) le (5), ga go phetišetšo go sekgoba sefe goba sefe sa mošomo sa borutiši sa sekolo sa mmušo **[goba thuto ya go iša pele le sehlongwa sa tlhahlo]** se ka dirwa kante le tšhišinyo ya lekgotla la taolola sekolo sa mmušo **[goba khansele ya thuto ya go iša pele le sehlongwa sa tlhahlo, ka moo go ka bago ka gona.]** e hwetšege.”;
- (b) ka go dulelwa legato ga karolwana (5) ya karolwana ye e latelago:
 “(5) Hlogo ya Kgoro e ka, kante le tšhišinyo ye e hlalošwago go karolwana (2), fetišetša morutiši nakwana nako ye itšego go tšwa sekgobeng sa mošomo mo sekolong sa mmušo **[goba thuto ya mmušo ya go iša pele le sehlongwa sa tlhahlo.]** go ya go sekgoba sa mošomo sekolong se sengwe sa mmušo **[goba thuto ya mmušo ya go iša pele le sehlongwa sa tlhahlo.]**”; le

(c) by the substitution for subsection (7) of the following subsection:

“(7) Despite section 6(3)(a) and subsection (2), in the case of an educator who has been awarded a bursary by the employer to follow a course approved by the employer, the employer may transfer such an educator, with his or her consent, to any suitable post on the educator establishment of a public school[, **a further education and training institution**] or an adult basic education and training centre.”. 5

Amendment of section 18 of Act 76 of 1998, as substituted by section 11 of Act 53 of 2000

7. Section 18 of the Educators Act is hereby amended— 10

(a) by the substitution in subsection (1) for paragraphs (b), (c) and (d) of the following paragraphs, respectively:

“(b) wilfully or negligently mismanages the finances of the State, a school[, **a further education and training institution**] or an adult learning centre; 15

(c) without permission possesses or wrongfully uses the property of the State, a school, [**a further education and training institution**,] an adult learning centre, another employee or a visitor;

(d) wilfully, intentionally or negligently damages or causes loss to the property of the State, a school [, **a further education and training institution**] or an adult learning centre;” 20

(b) by the substitution in subsection (1) for paragraphs (f) and (g) of the following paragraphs, respectively:

“(f) unjustifiably prejudices the administration, discipline or efficiency of the Department of Education, an office of the State or a school[, **further education and training institution**] or adult learning centre; 25

(g) misuses his or her position in the Department of Education or a school[, **further education and training institution**] or adult learning centre to promote or to prejudice the interests of any person;” 30

MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE Act No. 16, 2006
TŠA TLHAHLO, 2006

(c) ka go dulelwa legato ga karolwana (7) ga karolwana ye e latelago:

“(7) Kantle le karolo 6(3)(a) le karolwana (2), mo tabeng ya morutiši yo a abetšwego pasari ke mongmošomo go latela thuto ye e dumeletšwego ke mongmošomo, mongmošomo a ka fetišetša morutiši o bjalo, ka tumello ya gagwe, go sekgoba sefe goba sefe sa maleba mošomong wa borutiši sekolong sa mmušo, **[thuto ya go iša pele le sehlongwa sa tlhahlo]** goba thuto ya motheo ya batho ba bagolo le lefelo la tlhahlo.”.

Tokišo ya karolo 18 ya Molao 76 wa 1998, ka go dulelwa legato ke karolo 11 ya Molao 53 wa 2000

7. Karolo 18 ya Molao wa Barutiši ka go realo o lokišitšwe—

(a) ka go dulelwa legato ga karolwana (1) ga ditemana (b), (c) le (d) ya ditema tše di latelago, ka tatelano:

“(b) a senya ka boomo goba ka go hloka šedi go ditšhelete tša Mmušo, sekolo **[, thuto ya go iša pele le sehlongwa sa tlhahlo]** goba lefelo la go ithuta la batho ba bagolo;

(c) kantle le tumello a tšea goba a šomiša thoto ya Mmušo, sekolo, **[thuto ya go iša pele le sehlongwa sa tlhahlo,]** lefelo la go ithuta la batho ba bagolo, mošomi o mongwe goba moeti;

(d) a senya goba a lahla ka boomo, ka maikemišetšo goba ka go hloka šedi go thoto ya Mmušo, sekolo, **[thuto ya go iša pele le sehlongwa sa tlhahlo]** goba lefelo la go ithuta la batho ba bagolo;”;

(b) ka go dulelwa legato ke karolwana (1) go ditemana (f) le (g) tša ditemana tše latelago, ka tatelano:

“(f) kantle le mabaka a gegea tshepedišo, maitshwaro le go se šome gabotse ga Kgoro ya Thuto, kantoro ya Mmušo goba sekolo **[, thuto ya go iša pele le sehlongwa sa go ithuta]** goba sa batho ba bagolo;

(g) šomiša bošaedi maemo a gagwe a Kgoro ya Thuto goba a sekolo, **[thuto ya go iša pele le sehlongwa sa tlhahlo]** goba lefelo la go ithuta la batho ba bagolo go hlatloša goba go gegea dikgahlego tša motho ofe goba ofe;”.

