THE PRESIDENCY

No. 345 3 May 2012

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

Act No. 3 of 2012: Further Education and Training Colleges Amendment Act, 2012

MO-PRESIDENTE

No. 345 3 May 2012

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

Nmr 3 ya 2012: Molao-Phetošo wa Thuto ya Go iša pele le Dikholetše tša Tlhahlo, 2012
ACT

To amend the Further Education and Training Colleges Act, 2006, so as to remove all references to provincial authority; to assign functions previously assigned to the Member of the Executive Council to the Minister; to remove all references to “Head of Department” and replace them with “Director-General”; to regulate the conduct of members of the council, members of a committee of the council and staff of a public further education and training college engaging in business with the relevant public college; to provide afresh for the appointment of staff; and to provide for transitional arrangements; and to provide for matters connected therewith.

Be it enacted by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 16 of 2006, as amended by section 1 of Act 25 of 2010

1. Section 1 of the Further Education and Training Colleges Act, 2006 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of the definition of “Head of Department”;
(b) by the deletion of the definition of “Member of the Executive Council”;
(c) by the deletion of paragraph (b) of the definition of “policy”; and
(d) by the substitution for the definition of “SAQA” of the following definition:


Amendment of section 3 of Act 16 of 2006

2. Section 3 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The [Member of the Executive Council] Minister may, by notice in the Gazette and from money appropriated for this purpose [by the provincial legislature], establish a public college.”;

(English text signed by the President)
(Assented to 25 April 2012)


**NTLHATHUTO YA TLHALOŠO KAKARETŠO:**

Mantsü a ngwadilwego ka boso ka mašakaneng a sekwere a laetša tlogelo ya mantšu go tšwa molaong wo o lego mo tirišong.

Mantsü a thaletšwego ka methalo ye mekima a laetša mantšu a loketšwego molaong wo o lego mo tirišong.

---

*(English text signed by the President)*

*(Assented to 25 April 2012)*

---

**MOLAO**

Go fetosša Molao wa Thuto ya Go iša Pele le Dikholetše tša Tlhahlo, 2006, ka go tšoša ditšhupetšo ka moka go bolaodi ba seprofense; go fa Mešomo ye o leng gore peleng ebe e filwe Leloko la Kuduthamaga go Tona; go tšoša ditšhupetšo ka moka go “Hlogo ya Kgoro” mme go bewe bakeng tša “Molaodi- Kakaretšo”’’; go laola maitswaro a maloko a khansele, maloko a komiti ya khansele mme bašomi go kholetše ya thuto ya go iša pele le kholetše ya tlhahlo ye dirago kgyvele bo kholetše ya setšhaba ye malebana; go phethagaletša ka leswa go thwalwa ga bašomi; mme le go phethagaletša dipeakanyo tša nakwana; mme le phethagaletša merero ye malebana.

**DIRILWE MOLAO KE Palamente ya Rephabliki ya Afrika Borwa, ka moo go latelago:**

Phetoša ya karolo 1 ya Molao 16 wa 2006, bjalo ka ge e fetosšišwe ka karolo 1 ya Molao 25 wa 2010

1. Karolo 1 ya Molao wa Thuto ya go iša pele le di Kholetše tša Tlhahlo, 2006 (Morago o bitšwa bjalo ka Molao mogolo), o a fetosša—

   (a) ka phumolo ya hlahošo ya “Hlogo ya Kgoro”;
   (b) ka phumolo ya hlahošo ya “Leloko la Khansele Kuduthamaga”;
   (c) ka go phumola tema (b) ya hlahošo ya “pholisi”; mme le
   (d) ka go tšoša go lokelwe go hlahošo ya “SAQA” hlahošo ye latelago:


**Phetoša ya karolo 3 ya Molao 16 wa 2006**

2. Karolo 3 ya Molao mogolo e ya fetosša—

   (a) ka go tšoša go lokelwe go karolwana (1) ya karolwana ye latelago:

   “(1) [Leloko la Khansele Kuduthamaga] Tona, ka tsebišo Kuranteng ya mmašo mme le ka tšhelete ye lekanyedišwe go morero wo, ka tsebišo Kuranteng ya Mmušo mme le go tšwa tšheleteng yeo e
(b) by the substitution for subsection (3) of the following subsection:

“(3) Despite subsection (2) but subject to subsection (4), a public college may not, without the concurrence of the [Member of the Executive Council] Minister, 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.”;

(c) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“The [Member of the Executive Council] Minister—”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) The [Head of Department] Director-General may inspect, and must compile an inventory of all, the assets of a public college.”.

Amendment of section 4 of Act 16 of 2006

3. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The [Member of the Executive Council] Minister may, by notice in the Gazette, declare any institution providing further education and training as a public college.”;

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“The [Member of the Executive Council] Minister may act in terms of subsection (1) only—”; and

(c) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(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] Department; or

(iii) with the concurrence of the owner and the [relevant Member of the Executive Council responsible for finance] Minister of Finance, if it is a private institution; and”.

Amendment of section 5 of Act 16 of 2006

4. Section 5 of the principal Act is hereby amended by the substitution for subsections (6) and (7) of the following subsections, respectively:

“(6) The [Member of the Executive Council] Minister 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] Minister may extend the period referred to in subsection (6) once or for a further period not exceeding six months.”.

Amendment of section 6 of Act 16 of 2006

5. Section 6 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to subsection (2), the [Member of the Executive Council] Minister may, [in consultation with the Minister and] by notice in the Gazette, merge two or more public colleges into a single college”;  

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Before merging two or more public colleges the [Member of the Executive Council] Minister must—”.

5

5

10

15

20

25

30

35

40

45

50

55
lekanyedišwego morero wo [Ke theramelao ya seprofense], a ka dira kholetsše.”;

(b) ka go tlošwa go lokelwe go karolwanana ya (3) ya karolwanana ye latelago:

“(3) Ntle le karolwana (2) mme go ya ka karolwana (4), kholetsše ya setšhaba ga se ya swanela, ntle le tumelo ya [Leloko la Khansele Kuduthamaga] Tona, go lahla goba kgapela thoko ka tselo efe goba efe thoto ye šutago goba ye sa šutego ye hweditšwešwe ka thušo ya thšeleše ya mnušo goba go fa motho ofe goba ofe tokelo ya makgonthe goba tokelo ya go diriša thoto ya motho yo mongwe.”;

(c) Ka go go tloša go lokelwe go karolwana (4) go mantšu a lego go tema (a) ya mantšu a latelago:

“[Leloko la Khansele ya Kuduthamaga] Tona—”; mme

(d) ka go tloša go lokelwe go karolwana (5) ya karolwanana ye latelago:

“(5) [Hlogo ya Kgoro] Molaodi-Kakaretšo a ka hlalahlobo, mme o swanetše go dira lenaneo la diñoto tšoñile tša kholetsše ya setšhaba.”.

Phetošo ya karolo 4 ya Molao 16 wa 2006

3. Karolo 4 ya Molao mogolo e ya fetšoša—

(a) ka go tloša go lokelwe go karolwana (1) ya karolwanana ye latelago:

“(1) [Leloko la Khansele Kuduthamaga] Tona, ka tsebišo Kuranteng ya mnušo, a ka tsebiša seholwanga sefe goba sefe se se ašelago thuto ya go iša pele le kholetsše ya thlošišo ya thšelešo ya setšhaba.”;

(b) ka go tloša go lokelwe go karolwana (3) ya karolwana ye latelago:

“[Leloko la Khansele ya Kuduthamaga] Tona a ka dira go ya ka karolwana (1) ge fela—”; mme

(c) ka go tloša go lokelwe go karolwana (3) ya tema ya (a) ya tema ye latelago:

“(a) (i) morago ga therišano [Tona le] khansele ya seholwanga, ge le seholwanga ya setšhaba;

(ii) ka tumelo ya Tona ye rwelego maikarabelo[, Leloko la kuduthamaga] goba boloadi bja seholwanga, ge seholwanga se sepetsšwa, se laolwa goba se thekgwa ka ditšhelete le lekala le khansele le mnušo ntle le [kgoro ya thuto ya seprofense] Kgoro; goba

(iii) ka tumelo ya mong le [leloko le maleba la khansele kuduthamaga ye rwelego maikarabelo a tša ditšhelete] Tona ya tša Ditsšhelete, ge le seholwanga sa praebete; mme”.

Phetošo ya karolo 5 ya Molao 16 wa 2006

4. Karolo 5 ya Molao mogolo e ya fetšoša ka go tloša go lokelwe dikarolwanang (6) le (7) tša dikarolwana tše latelago, ka tatellano:

“(6) [Leloko la Khansele Kuduthamaga] Tona o swanetše ka tsebišo ye hlalošišwešwe go karolo 3(1) a hlame khansele ya nakwana ya kholetsše ya sešhaba ya nako ye sa fetegó dikgwedi tše tšhela go dira mešomo ye malebana le taolo ya kholetsše gofiša la khansele e hlangwa go ya ka karolo 9(1).

(7) [Leloko la Khansele Kuduthamaga] Tona e ka oketša nako ye go boletša go yona ya karolwana (6) ga tee goba ka nako ye ko pele yeo e sa fetego dikgwedi tše tšhela.”.

Phetošo ya karolo 6 ya Molao 16 wa 2006

5. Karolo 6 ya molao mogolo e ya fetšoša—

(a) ka go tloša go lokelwe go karolwana (1) ya karolwanana ye latelago:

“(1) Go ya ka karolwana (2), [Leloko la Khansele Kuduthamaga] Tona, ka go rerišana le Tona mme ka tsebišo Kuranteng ya mnušo, a ka kopanya dikholetsše tše pedi goba tše ntši tša setšhaba gore e ba kholetsše ye tee”;

(b) ka go tloša go lokelwe go karolwana (2) go mantšu a latelago go tema (a) ya mantšu a latelago:

“Pele go kopanya dikholetsše tše pedi goba tše fetego tšeo tša setšhaba [Leloko la Khansele Kuduthamaga] Tona o swanetsše go—”;
Amendment of section 7 of Act 16 of 2006

6. Section 7 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"The [Member of the Executive Council] Minister may determine that the governance of two or more colleges must vest in a single council if—";

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"The [Member of the Executive Council] Minister may not act in terms of subsection (1) unless he or she has—"; and

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"The [Member of the Executive Council] Minister must, by notice in the Gazette, determine the composition of the single council in a manner that ensures that—".

Amendment of section 8 of Act 16 of 2006

7. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The [Member of the Executive Council] Minister may, by notice in the Gazette, close a public college.");

(b) by the substitution in subsection (2) for paragraph (a) of the following words:

"The [Member of the Executive Council] Minister may not act in terms of subsection (1) unless he or she has—";

(c) by the deletion in subsection (2) of paragraph (a); and

(d) by the substitution in subsection (3) for paragraphs (a) and (b) of the following paragraphs, respectively:

"(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] Minister; and

(b) any assets remaining after payment of all liabilities vest in the [Member of the Executive Council] Minister.”.

Amendment of section 10 of Act 16 of 2006

8. Section 10 of the principal Act is hereby amended—

(a) by the substitution in subsection (2)(a) for subparagraph (iv) of the following subparagraph:

"(iv) be approved by the [Member of the Executive Council] Minister;"

(b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

"(b) determine the language policy of the public college, subject to the approval of the [Member of the Executive Council] Minister; and"

(c) by the substitution in subsection (4) for paragraph (b) of the following paragraph:

"(b) five external persons appointed by the [Member of the Executive Council] Minister;"

(d) by the substitution for subsection (6) of the following subsection:

"(6) The council must, in consultation with the [Member of the Executive Council] Minister, appoint four additional external persons
Phetošo ya karolo 7 ya Molao 16 wa 2006

6. Karolo 7 ya Molao mogolo e ya fetošwa—

(a) ka go tlošwa go lokelwe go karolwana (1) go mantšu a latelago tema (a) a mantšu a latelago:

"[Lelošo la Khansele Kuduthamaga] Tona e ka, ka tsebišo Kuranteng ya mmušo, tšwalela kholetshe ya setšhaba.";

(b) ka go tlošwa go lokelwe go karolwana (2) go mantšu a lego ka morago ga tema (a) a mantšu a latelago:

"[Lelošo la Khansele Kuduthamaga] Tona a ka se dire go ya ka karolwana (1) ntle le ge a na le—"; mme

(c) ka go tlošwa go lokelwe go karolwana (3) go mantšu a lego ka morago ga tema (a) a mantšu a latelago:

"[Lelošo la Khansele Kuduthamaga] Tona e swanetshe, ka tsebišo Kuranteng ya mmušo, le ka laola hlamego ya khansele ye tee ka tse ko tsetšwa gore—".

Phetošo ya karolo 8 ya Molao 16 wa 2006

7. Karolo 8 ya Molao mogolo e ya fetošwa—

(a) ka go tlošwa go lokelwe go karolwana (1) ya karolwana ye latelago:

"(1) [Lelošo la Khansele Kuduthamaga] Tona e ka, ka tsebišo Kuranteng ya mmušo, tšwalela kholetshe ya setšhaba.";

(b) ka go tlošwa go lokelwe go karolwana (2) go mantšu a lego ka morago ga tema (a) a mantšu a latelago:

"[Lelošo la Khansele Kuduthamaga] Tona a ka dira go ya ka karolwana (1) ntle le ge a—";

(c) phumolo go karolwana (2) ya tema (a); mme

(d) ka go tlošwa go lokelwe go karolwana (3) le (b) ya ditema tše latelago, ka tatellano:

"(a) dithoto ka moka le dikoloto tša kholetshe ye di swanetshe gore, ka morago ga go tšwalela, di šongwe go ya ka molao ka [Lelošo la Khansele Kuduthamaga] Tona; mme"

"(b) dithoto dife goba dife tšeo di šaletšego morago ga tefelo ya dikoloto ka moka di bewe boloading bja [Lelošo la Khansele Kuduthamaga] Tona. "

Phetošo ya karolo 10 ya Molao16 wa 2006

8. Karolo 10 ya Molao mogolo e ya fetošwa—

(a) ka go tlošwa go lokelwe go karolwana (2)(a) go temana (iv) ya temana ye latelago:

"(iv) e dumelelwa ke [Lelošo la Khansele Kuduthamaga] Tona;";

(b) ka go tlošwa go lokelwe go karolwana (2) go tema (b) ya tema ye latelago:

"(b) go laola pholisi ya lelema ya kholetshe ya setšhaba, go ya ka tumello ya [Lelošo la Khansele Kuduthamaga] Tona; mme";

(c) ka go tlošwa go lokelwe go karolwana (4) le (b) ya tema ye latelago:

"(b) batho ba bahlano bao ba filwego mosomo ke [Lelošo la Khansele Kuduthamaga] Tona;";

(d) ka go tlošwa go lokelwe go karolwana (6) ya karolwana ye latelago:

"(6) Khansele e swanetshe go, ka go rešišana le [Lelošo la Khansele Kuduthamaga] Tona, a ka thwala batho ba bangwe ba ka ntle ba bane"
with financial, human resources and legal skills as members of the council.’’;

(e) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words:

“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] Minister by notice in the Gazette [or in terms of a provincial law] and must, in so far as it is practically possible, ensure that—’’;

(f) by the substitution in subsection (8) for paragraph (b) of the following paragraph:

“(b) employed by the [Member of the Executive Council] Minister’’;

(g) by the substitution for subsection (9) of the following subsection:

“(9) [The members] A member of a council or an interim council—

(a) must be [persons] a person with knowledge and experience relevant to the objects and governance of the public college in question; [and]

(b) must participate in the deliberations of the council or interim council in the best interest of the public college in question;

(c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a possible conflict of interest with the public college in question;

(d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the council;

(e) (i) may not have a conflict of interest with the public college in question;

(ii) may not have a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest with the public college in question; and

(iii) must, before the meeting and in writing, inform the chairperson of that meeting of the conflict or possible conflict of interest.’’;

(h) by the insertion after subsection (9) of the following subsections:

“(9A) Any person may, in writing, inform the chairperson of a meeting, before the meeting, of a conflict or possible conflict of interest of a member of the council of the public college in question of which such person may be aware.

(9B) A member referred to in subsections (9)(e) and (9A) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

(9C) A committee of the council with delegated functions in terms of section 50(1) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in this section.

(9D) A member of the council or a member of a committee of the council who contravenes subsection (9), (9A) or (9B), after the council has followed a due process, may be—

(a) suspended from attending a meeting; or

(b) disqualified as a member of the council or a member of a committee of the council.

(9E) The council must—

(a) having regard to the provisions of subsections 9, (9A) and (9B) adopt a code of conduct to which all members of the council, all members of committees of the council and all persons who exercise functions of the council in terms of delegated authority must subscribe; and

(b) determine rules and procedures for an annual declaration—

(i) by each member of the council, each member of council committees and each person who exercises functions of the council in terms of delegated authority;
bao na nago le bokgoni bja tša ditšhelete, tša dirisoše tša bomoło le bokgoni bja tša molao bjalo ka maloko a khansele.”;

(e) ka go tlošwa go lokelwe go karošwana (7) mantšu a lego ka morago ga tema
(a) a mantšu a latelago:
“Tsela yeo maloko a khansele ye hlašiššwe go karošwana (4)(c) go ya go (g) a tša kgetšwago ka yona, e swanetše go, moo go kgonegago, e laolwe ka [Lelošo la Khoše Kuduthamaga] Tona, ka tšebišo Kuranšeng ya mmašo [goba go ya ka molao wa sepofšense] mme o swanetše go, ka moo go kgonegago, ba netefaše go—”;

(f) ka go tlošwa go lokelwe go karošwana (8) ya tema (b) ya tema ye latelago:
“(b) athwetše ke [Lelošo la Kuduthamaga] Tona;”;

(g) ka go tloša go lokelwe go karošwana (9) ya karošwana ye latelago:
“(9) [Malošo] Lelošo la khansele goša khansele ya nakwana—
(a) le swanetše go ba [batho] motho yo a nago le tsebo le boitemogelo bjo malebana le dinepo le tšošo ya kholešiše ya setšhaha yeo go bolelwago ka yona; [mme]
(b) o swanetše go khathatema go ditheriššo tša khansele goša khansele ya nakwana dikgahlegeleng tša khošište yeo setšhaha yeo go bolelwago ka yona;
(c) o swanetše, pele a ka thoma go šoma, a tšebiše ka ka kgwebo, mahlahla a go dira tšišelete ao a ka hlolago kgonagalo ya thulano ya dikgahlegelo tša kholešiše yeo go bolelwago ka yona;
(d) ga se a swanela go ba ka fase ga tlame go efe goba efe ya ditšhelete go ya tše dingwe go motho ofe goba ofe sehešo, tše di ka bago le khetšo tiragatsšo ya mošo mo wa khansele;
(e) (i) ga se a swanela go ba le thulano ya kghalešelo le khošište yeo go bolelwago ka yona;
(ii) ga se a swanela go ba le kghalešelo ye tšewi goba yeo e sego ye tšewi ya ditšhelete, ka boyena goba efe goba efe tabeng yeo e tšlešo go rešišanwa ka yona kopanong mme le yeo e tšwešešago goba yeo e ka tšwešešago kgonagalo ya thulano ya dikgahlegelo le khošište yeo setšhaha yeo go bolelwago ka yona; mme
(iii) o swanetše, pele ga kopano mme le ka tšela ya lengwalo, go tšebiša modulasetulo ka kopano ya thulano goba kgonagalo ya thulano ya kghalešelo.”;

(h) ka go lokela morago ga karošwana (9) ya dikarošwana tše latelago:
“(9A) Mošo ofe goba ofe, ka tšela ya lengwalo, a ka tšebiša modulasetulo wa kopano, pele ga kopano, ka ga thulano goba kgonagalo ya thulano ya kghalešelo ya lelošo la khansele ya khošište yeo setšhaha yeo go bolelwago wa yona yeo motho yo a tsebago ka yona.
(9B) Lelošo leu go bolelwago ka tona go dikarošwana (9)(e) le (9A) le swanetše go se be karošo ya bao ba lešo kopanong ge go rešišanwa ka taba le go bontsa.
(9C) Komiti ya khansele yeo e filwešo mešošo go ya ka karolo 50(1) e ka se dire sepheto go taba yeo e akantiššo ke yona ge lelošo la komiti le na le thulano ya kghalešelo yeo e hlašiššwe go karolo ya
(9D) Lelošo la khansele goša lelošo la komiti ya khansele leu go lešo kghanšago le karošwana (9), (9A) goba (9B), morago ga gore khansele e latele tšepetsšo ye swanetšego, le ka—
(a) fegwa go ya kopanong; goba
(b) tlošwa bjalo ka lelošo la khansele goba lelošo la komiti ya khansele.
(9E) Khansele e swanetše go—
(a) ka go elešwa ditaelo tša dikarošwana, (9A) le (9B) dira molao wa mašišhwaro woo o swanetšego go latelwa ke maloko ka moka a khansele, maloko ka moka a komiti ya khansele le batho ka moka bao ba dirago mošošo wa khansele go ya ka balaodi bjo laššwe go ba swanetše go e lešela; le motho wa mašišhmaro; mme
(b) laola melao le ditšepetsšo tša pego ya ngwaga ka ngwaga—
(i) ka lelošo lefe goba lefe la khansele mme le motho ofe goba ofe ye dirago mošošo ya khansele go ya ka balaodi bjo laššwe;
(ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and

(iii) of the financial interests and fiduciary roles of the members of his or her immediate family.”; and

(i) by the substitution in subsection (10) for the words preceding paragraph (a) of the following words:

“[Member of the Executive Council] Minister must—”;

(j) by the addition of the following subsection:

“(11) For the purpose of this section, ‘immediate family’, in relation to a member, means his or her parent, sibling, child, including an adopted child or a step-child, or spouse (whether by statutory, customary or religious law), and including a life partner who is a person living with that member as if they were married to each other.”.

Substitution of section 14 of Act 16 of 2006

9. The following section is hereby substituted for section 14 of the principal Act:

“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] Minister.”.

Amendment of section 17 of Act 16 of 2006

10. Section 17 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(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 the Executive Council] Minister.”; and

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“The council may, subject to applicable policy, the approval of the [Head of Department] Director-General and after consultation with the academic board—”.

Repeal of section 19 of Act 16 of 2006

11. Section 19 of the principal Act is hereby repealed.

Substitution of section 20 of Act 16 of 2006

12. The following section is hereby substituted for section 20 of the principal Act:

“Appointment of staff

20. (1) The staff of public colleges consists of persons appointed by—

(a) the Minister in terms of the Public Service Act in posts established on the organisational structure of the Department and identified as posts to the respective colleges; and

(b) the council in posts established in addition to posts contemplated in paragraph (a).

(2) Subject to the Public Service Act and any other applicable law, the Minister must—

(a) establish the posts contemplated in subsection (1)(a);
(ii) ya dikgahlegelo tša gagwe tša ditšelete goba ditshwanelo tša go dira dikgahlegelong tša kholešhe, morago go akaretša mme go sa felele go dikantoro, bolanoi bja dikhamphani, boloko bja kgwebo le tša trasete; mme 5  
(iii) tša dikgahlegelo tša ditšelete le ditshwanelo tša go dira ka kgaghelgo ya kholešhe tša baloko la lapa la gagwe.”; mme  
(i) ka go tlošwa go lokelwe go karolwana (10) mantšu a lego ka morago ga tema 10  
(a) ya mantšu a latelago: 

“[Leloko la Khansele ya Kuduthamaga] Tona e swanetsę go—”; mme  
(j) ka go lokela karolwana ye latelago: 15  

“(11) bakeng sa mohola wa karolo ye, ‘wa leloko’, malebana le leloko, e ra motswadi wa gagwe, ngwanagabo, ngwana, go akaretša le ngwana yo godišwago ke batswadi bao esego ba gagwe goba ngwana wa molekani, goba molekani (ekaba ka semolao, molao wa tlaešo goba wa bodumedii) mme go akaretša molekani yo a dulago le leloko leb sjalo ka batho ba ba nyalanego.”.  

Go tlošwa go lokelwe go karolo 14 ya Molao 16 wa 2006  
9. Karolo ye latelago e ya tlošwa go lokelwe go karolo 14 ya Molao mogolo: 20  

“Khansele ya kemedi ya baithuti”  

14. Go thoma, hlamego, tseta ya go kgetha, botelele bja nako ya go šoma kantorong, mešomo le menyetla ya khasele ya dikemedi tša baithuti ya kholešhe ya setšhaba di swanetsę go laolwa ke khasele morago ga go rerisša le baithuti ba kholešhe, go ya ka pholisi ye laolwago ke [Leloko la Khansele Kuduthamaga] Tona.”.  

Phetošo ya karolo 17 ya Molao 16 wa 2006  
10. Karolo 17 ya Molao mogolo e ya fetosša— 30  
(a) ka go tlošwa go lokelwe go karolwana (1) ya karolwana ye latelago:  

“(1) Go ya ka pholisi ye šomago [ye laolwago ke Tona], khasele ya kholešhe ya setšhaba le aolwa pholisi ya go amogela kholetšeng, morago ga go rerisša le bota ya tša thuto mme le ka tumelo ya [Leloko la Khansele Kuduthamaga] Tona.”; mme  
(b) ka go tloša go lokelwe go karolwana (3) mantšu a lego ka morago ga tema (a) a mantšu a latelago: 35  

“Khansele e ka, go ya ka pholisi ye šomago, ka tumello ya [Hlogo ya Kogoro] Molaodi-Kakaretsšo mme morago ga go rerisša le bota ya tša thuto—”.  

Phumolo ya karolo 19 ya Molao 16 wa 2006  
11. Karolo 19 ya Molao mogolo e ya phumolwa. 40  

Go tlošwa go lokelwe ga karolo 20 ya Molao 16 wa 2006  
12. Karolo ye latelago e ya tlošwa go lokelwe go karolo 20 ya Molao mogolo:  

“Go thwala bašomi”  

20. (1) Bašomi ba kholetšhe ya setšhaba ba na le batho bao ba thwetšwe ke— 45  
(a) Tona go ya ka Public Service Act dikgobeng tše hlangwego ke sebopelo sa sehlongwa sa Kgoro le dikgoba tše tsopotšwe go dikholetšhe tše malebana; mme  
(b) khasele go dikgoba tše hlangwego godimo ga dikgoba tše hlaloššišwe go tema (a). 50
Act No. 3 of 2012
Further Education and Training Colleges Amendment Act, 2012

(b) appoint staff in the identified posts; and

(c) remunerate staff from the funds allocated to the respective colleges in accordance with the norms and standards contemplated in section 23.

(3) The staff contemplated in subsection (1)(a) must—

(a) report to the council in respect of matters and functions allocated to them by the council in terms of this Act; and

(b) report to the Minister as the employer for all employment purposes.

(4) 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—

(a) may establish posts contemplated in subsection (1)(b) for staff other than the management staff, which posts are additional to the posts contemplated in subsection (2)(a);

(b) may appoint staff in those posts;

(c) must remunerate staff from the funds received by the public college in question from other sources than the money received in terms of section 22;

(d) must determine the functions, conditions of service and privileges of the staff contemplated in paragraph (a); and

(e) must pay remuneration to the staff contemplated in paragraph (a) that may not be less than the remuneration paid to a comparable appointment made in terms of the Public Service Act contemplated in subsection (1)(a).

(5) When presenting the annual financial reports contemplated in section 25 the council must provide sufficient details of any posts envisaged in terms of subsection (4)(a), including the estimated cost relating to the employment of staff in those posts and the manner in which it is proposed that the cost will be met.

(6) The staff contemplated in subsections (2) and (4) 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 representation.

(7) A member of staff must in writing—

(a) before he or she is appointed, declare any business that may raise a conflict or a possible conflict of interest with the further education and training college concerned; and

(b) notify the further education and training college concerned of any conflict or possible conflict of interest before such further education and training college procures any goods or services from such member of staff or an organisation within which such member holds an interest.

(8) A member of staff may not conduct business directly or indirectly with the further education and training college at which he or she is employed that entails or may entail a conflict of interest with the further education and training college unless the council of such further education and training college is of the opinion that—

(a) such goods, products or services are unique;

(b) the supplier is a sole provider; and

(c) it is in the best interest of the institution.

(9) A member of staff of a further education and training college may not, on behalf of that further education and training college, contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
(2) Go ya ka Public Service Act mme le molao ofe goba ofe wo o šomoago, Tona a ka—
(a) dira dikgoba tše hlalošišìwešgo go karolwana (1)(a);
(b) thwala bašomi le dikgoba tše tsopotšwešgo; mme
(c) a ka lefa bašomi ka tšehletse ye abetšwešgo go dikholetšëše tše malebana
go ya ka ditlwaelo le maemo ao a hlalošišìwešgo go karolo 23.
(3) Bašomi bao ba hlalošišìwešgo go karolwana (1)(a) ba swanetše go—
(a) bega go khanešë malebana le merero le mëšomo yeo ba e filwešgo ke
khanešë go ya ka Molao wo; mme
(b) bega go Tona bjalo ka mothwadi wa merero ya thwalo ka moka.
(4) Go ya ka Molao wo, wa Labour Relations Act, le Basic Conditions of
Employment Act, le wa Employment Equity Act le molao wo šomišwašgo,
khanešë—
(a) e ka dira dikgoba tše hlalošišìwešgo go karolwana (1)(b) bakeng sa
bašomi ntle le baladì, mme e leng gore dikgoba di oketšà dikgoba
šeo di hlalošìšìwešgo go karolwana (2)(a);
(b) e ka thwala bašomi go dikgoba šeo;
(c) e swanetše go lefela bašomi go tšwa tšehleteng yeo e hwedìšìwešgo ke
kholešë ya setšàba yeo go bolëwëgo ka yona gotšwa dilong tše
dingw ntle le tšehletse yeo e hwedìšìwešgo go ya ka karolo 22;
(d) e swanetše go laola mëšomo, dipeleloša tša tirele le mënyetša ya
bašomi šeo di hlalošìšìwešgo go tema (a); mme
(e) e swanetše go lefa moputso go bašomi wo o hlalošìšìwešgo go tema
(a) wo e ka se bego wo monnyane kudu go fetwa ke mogolo lefëwëgo
go bathwëšwešgo dikëgobëgëg tšà go swana go ya ka Public Service Act
yo hlalošìšìwešgo go karolwana (1)(a).
(5) Ge ba emëla dipego tsëo di hlalošìšìwešgo go karolo 25
khanešë e swanetše go fa dìnthà ka botìlalo tšà dikgoba šeo di bago gona
go ya ka karolwana (4)(a), go akaretsëšà le tšehletse ye lekanëyìdišìwešgo
malebana le go thwalwa ga bašomi go dikgoba šeo mme le tselà yeo e
šìšìntìšìwešgo gore go ditshënyagalelo di tìla lefelëwa ka gona.
(6) Bašomi bao ba hlalošìšìwešgo go karolwana (2) le (4) ba swanetše go
thwalwa ka go obamela dikëlo le dikëkwëna tìša mothošë telhlalošìšìwešgo
go karolo 195 ya Molašothëtë wa Rephëbliki ya Afrika Bowa, 1996, le dìlo
tši swanetšëgo akanywa ge go thwalwa di swanetëškë go akaretsëšà, efëla ga
di felele go—
(a) bokgoni bja bonkgethëng;
(b) kokwàna ya go lekàna;
(c) hlokešë ya go lokëša kgethollo ya o nakòng ye feltëgo; mme
(d) hlokešë ya boëmedì.
(7) Lëlëko la bašomi ka tselà ya lengwalo—
(a) pele a ka thwalwa, o bolëla kgwebo yeo e ka hloлагo thulano goba
kgonagalo ya thulano ya kgahlegëlo le thuto ya go išà pele le khološëšë
ya thlählo ye malebana; mme
(b) o tsebišà thuto ya go išà pele le khološëšë ya thlählo ye malebana ka
gà thulano goba kgonagalo ya thulano ya kgahlegëlo pele thuto ya go išà
pele le khološëšë ya thlählo e ka amogëla diëthòto goba ditirëlo gotšwa
gà lelëko leo la bašomi goba mokgatlo wo e lego gore lelëko le le
nago le kgahlegëlo go onà.
(8) Lëlëko la bašomi ga se la swanëla go diragatatë kgwebo thwiì goba ka
tselà yeo e sego ye thwiì ye thuto ya go išà pele le khološëšë ya thlählo mo
le thwëtëšwešgo gona yeo e diragò goba yeo e ka diragò gore go be le
thulano ya kgahlegëlo le thuto ya go išà pele le khološëšë ya thlählo ntle
gle khanše lethuto ya go išà pele le khološëšë ya thlählo di na le
boıkgoطولë bja gore—
(a) diëthòto tšë, diëšìwëlešëšà goba ditirëlo di kgëthëgële;
(b) moabi le yena a le teè ye o belagò; mme
(c) e le kgahlegëlo le botse ye sehlongwàa.
(9) Lëlëko la bašomi ba thuto ya go išà pele le khološëšë ya thlählo ga se
la swanëla, bakeng sa thuto ya go išà pele le khološëšë ya thlählo, go tsënëla
tumëllano ka bolòna le sehlongwàa sefë goba sefe mo e lego gore lona le na
le kgahlegëlo ya diëthëletse ye thwiì goba yeo e sego ye thwiì ya diëthëletse
goba ya ka boyëna.
(10) Contracting referred in subsection (9) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subsection (1).”.

Amendment of section 21 of Act 16 of 2006

13. Section 21 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If a dispute arises about the payment or employment conditions of a [lecturer or support] member of the [support] staff, employed in terms of section 20(4), any party to the dispute may refer the dispute in writing to—”.

Substitution of section 22 of Act 16 of 2006

14. The following section is hereby substituted for section 22 of the principal Act:

“Responsibility of State

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

(2) The [Member of the Executive Council] Minister 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.

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

(4) The [Member of the Executive Council] Minister 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.”.

Substitution of section 23 of Act 16 of 2006

15. The following section is hereby substituted for section 23 of the principal Act:

“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.”.

Amendment of section 24 of Act 16 of 2006

16. Section 24 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) money raised by means of loans, subject to the approval of the [Member of the Executive Council] Minister;”;

(b) by the substitution for subsection (2) of the following subsection:

“(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] Minister;” and

(c) by the substitution for subsection (3) of the following subsection:
(10) Tumellano ye go bolelwago ka yona go karolwana (9) e malebana le maitshwaro ao a lebisˇitsˇwego go holega go thwii le go e sego thwii ka bolona efela ga go hlame karolo ya tswalano ya thwalo ye hlalošˇitsˇwego go karolwana (1)."

Phetošo ya karolo 21 ya Molao 16 wa 2006

13. Karolo 21 ya Molao mogolo e ya fetošwa ka go tšošwa go lokelwe go karolwana (1) mantšu a ka morago ga tema (a) a mantšu a latelago:

"Ge tšulano e ba gona ka ga tefelo goba dipelano tša thwalo ya [mofahlosˇi goba] leloko la [bathekGI] ba bašomi, le thwetšwego go ya ka karolo ya 20(4), mang goba mang o e lego karolo ya tšulano a ka isa ngongorego ka tsela ya lengwalo go—".

Phetošo ya karolo 22 ya Molao 16 wa 2006

14. Karolo ye latelago e ya tšošwa go lokelwe go karolo 22 ya Molao mogolo:

"Maika rabelo a mmušo

22. (1) [Leloko la Khansele Kuduthamaga] Tona o swanetše gore, go tšwa tšeltheng yeo e lekanyedišwęgo le lebaka le [Lekgotla théramela go seprofense] Palamente e abele tšhelete go dikholešwę go setshaba ka tšela ye lokilego, ya toka mme ye pepeneng.

(2) [Leloko la Khansele Kuduthamaga] Tona go ya ka ditlwaelo le maemo ao a laolwago go karolo 23, a ka dira—

(a) pelelano efe goba efe malebana le leloko ya tšhelete yeo e hlalošıšweo go karolwana (1); mme

(b) dipelano tše farologanego malebana le dikholešıš tša setshaba tše farologanego, mananeo tlahhlo a thuto ya go isa pæe a farologanego go dikabelo tše farologanego, ge go na le motheo wo kwagalo wa dipharologanyo tše.

(3) Go ya ka dinyakwa go ditlwaelo le maemo a ma nyane ao a laolwago go ya ka karolo 23, [Leloko la Khansele Kuduthamaga] Tona o swanetše go laola magato a a mangwa maleba le go lokišę dikgethollo tša nako ye fetilego.

(4) [Leloko la Khansele Kuduthamaga] Tona o swanetše, ngwaga ka ngwaga, go fa tshedimošo ye lekanego go ktolesıšę ya setshaba malebana le tšhelete yeo go bolelwago ka yona go karolwana (1) bakeng sa go kgotšwa dikholešę go beakanyetša ditšhelete tša bona tša ngwaga yo latelago wa ditšheleta.’’

Go tšošwa go lokelwe go karolo 23 ya Molao 16 wa 2006

15. Karolo ye latelago e ya tšošwa go lokelwe go karolo 23 ya Molao mogolo:

‘‘Ditlwaelo le maemo a go abela tšhelete go dikholešıš tša setshaba

23. Go ya ka Molaotšo le Molao wo, Tona o swanetše, morago ga go rerišana le [Khansele ya Ditona tša Thuto] Tona ya Matlotlo, a laole ditlwaelo le maemo bakeng sa go abela tšhelete go dikholešę tša setshaba.’’

Phetošo ya karolo 24 ya Molao 16 wa 2006

16. Karolo 24 ya Molao mogolo e ya fetošwa—

(a) ka go tšošwa go lokelwe go karolwana (1) go tema (d) ya mantšu a latelago:

‘‘(d) tšhelete yeo e hwedišwęgo ka dikadimo, go ya ka tumellano ya [Leloko la Khansele Kuduthamaga] Tona,’’;

(b) ka go tšošwa go lokelwe go karolwana (2) ya karolwana ye latelago:

‘‘(2) Klosetšę ya setshaba ga se ya swanela go dira tšhelete ka tšela ya kadimo goba go fiwa tšhelete bjalo ka kadimo ntle le tumello ya [Leloko la Khansele Kuduthamaga] Tona,’’; mme
“(3) If a person lends money or grants an overdraft to a public college without the approval of the [Member of the Executive Council] Minister, the State and the college are not bound by the contract of lending money or an overdraft agreement.”.

Amendment of section 25 of Act 16 of 2006

17. Section 25 of the principal Act is hereby amended—
   (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
      “The council of a public college must, in the manner determined by the [Member of the Executive Council] Minister—”;
   (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
      “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] Minister, provide the [Member of the Executive Council] Minister with—”; and
   (c) by the substitution for subsection (4) of the following subsection:
      “(4) The council of a public college must provide the [Member of the Executive Council] Minister with such additional information as the [Member of the Executive Council] Minister may require.”.

Substitution of section 26 of Act 16 of 2006

18. The following section is hereby substituted for section 26 of the principal Act:

   “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] Parliament 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] Minister may call upon the management staff or council to comply with the provision or condition within a specified period.
   (2) If the management staff or council thereafter fails to comply with the provision or condition timeously, the [Member of the Executive Council] Minister may withhold payment of any portion of any allocation appropriated by [the provincial legislature] Parliament in respect of the public college concerned.
   (3) Before taking action under subsection (2), the [Member of the Executive Council] Minister must—
      (a) give notice to the management staff or council of the public college concerned of the intention so to act;
      (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] Minister acts under subsection (2), a report regarding the action must be tabled in [the provincial legislature by the Member of the Executive Council] Parliament by the Minister as soon as reasonably practical after the action.”.

Amendment of section 28 of Act 16 of 2006

19. Section 28 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

   “(a) [registered] incorporated or recognised as a [juristic person] company in terms of the Companies Act, [1973 (Act 61 of 1973)] 2008 (Act No. 71 of 2008); and”.
(c) ka go tloša go lokelwe go karolwana (3) ya karolwana ye latelago:

“(3) Ge motho a kadimisa tšelethe gobaafa tšelethe bjalo ka kadimo go khološi ya setšhaha ntle le tumello ya [Leloko la Khansele Kuduthamaga] Tona, mnušo le tumellano ya go kadimisa”.

Phetošo ya karolo 25 ya Molao 16 wa 2006

17. Karolo 25 ya Molao mogolo e ya fetošwa—

(a) ka go tloša go lokelwe go karolwana (1) mantšu a lego ka morago ga tema (a) a mantšu a latelago:

“Khansele ya khološi ya setšhaha e swanetsše, ka tselo ya laolwago ke [Leloko la Khansele Kuduthamaga] Tona—a”;

(b) ka go tloša go lokelwe go karolwana (3) mantšu a lego ka morago ga tema (a) a mantšu a latelago:

“khansele ya khološi ya setšhaha e swanetsše, mo malebana le ngwaga wa ditšelethe wo latelago, mme le ka letšašišišedi goba maša-tšišišedi mme le ka tselo yeo ya laolwago ke [Leloko la Khansele Kuduthamaga] Tona, go fa [Leloko la Khansele Kuduthamaga] Tona—a”; mme

(c) ka go tloša go lokelwe go karolwana (4) ya karolwana ye latelago:


Go tloša go lokelwe go karolwana 26 ya Molao 16 wa 2006

18. Karolo ye latelago e ya tlošwa go lokelwe karolo 26 ya Molao mogolo:

“Go palelwa ga khansele ya go obamela Molao goba dipeelano tšē išego


(3) Pele go ka tsewa magato ka fase ga karolwana (2), [Leloko la Khansele Kuduthamaga] Tona o swanetsše go—

(a) fa tsebišo go balaodi goba khansele ya khološi ya setšhaha e malebana ka ga maikemisešo a go dira ka tselo yeo; mme

(b) fa balaodi bjoo goba khansele monyetla o kwagalago wa boemedi; mme

(c) akanya ka boemedi bjoo.


Phetošo ya karolo 28 ya Molao 16 wa 2006

19. Karolo 28 ya Molao mogolo e ya fetošwa ka go tloša go tema (a) ya mantšu a latelago:

“(a) [ngwaditsšišego] akareditsšego goba lemogwago bjalo ka [motho wa maikarabelo] khamphani go ya ka the Companies Act, [1973 (Molao 61 wa 1973)] 2008 (Molao 71 wa 2008); mme”.
Amendment of section 31 of Act 16 of 2006

20. Section 31 of the principal Act is hereby amended by the deletion in subsection (2) of paragraph (b).

Amendment of section 41B of Act 16 of 2006, as inserted by section 10 of Act 25 of 2010

21. Section 41B of the principal Act is hereby amended by the deletion of subsections (2) and (3).

Amendment of section 41D of Act 16 of 2006, as inserted by section 10 of Act 25 of 2010

22. Section 41D of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Policy contemplated in section 41B shall be determined by the Minister [after consultation with the Council of Education Ministers established by section 41H].”.

Repeal of section 41E of Act 16 of 2006

23. Section 41E of the principal Act is hereby repealed.

Amendment of section 41G of Act 16 of 2006, as inserted by section 10 of Act 25 of 2010

24. Section 41G of the principal Act is hereby amended—

(a) by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) Each directive issued in terms of subsection (1) shall comply with the provisions of any law establishing a national qualifications framework, and shall be formulated after consultation with the Council of Education Ministers referred to in section 41D(1).”;

“(3) The Department shall undertake the monitoring and evaluation contemplated in subsection (1) by analysis of data gathered by means of further education and training management information systems, or by other suitable means, in co-operation with provincial departments of education.”;

(b) by the substitution for subsection (5) of the following subsection:

“(5) The Department shall prepare and publish a report on the results of each investigation undertaken in terms of subsection (3) [after providing an opportunity for the relevant provincial education department to comment, which comment shall be published with the report].”;

(c) by the deletion of subsection (6); and

(d) by the substitution for subsection (7) of the following subsection:

“(7) A plan [required by the Minister in terms of subsection (6)] in compliance with the Public Finance Management Act, 1999 (Act No.1 of 1999), shall be prepared by the provincial education department concerned, in consultation with the Department, and the Minister, and the Minister shall table the plan in Parliament [with his or her comments within 21 days of receipt], if Parliament is then in session, or, if Parliament is in recess, within 21 days after the commencement of the first ensuing session of Parliament.”.

Repeal of sections 41H, 41I, 41J and 41K of Act 16 of 2006

25. Sections 41H, 41I, 41J and 41K of the principal Act are hereby repealed.

Amendment of section 42 of Act 16 of 2006, as amended by section 11 of Act 25 of 2010

26. Section 42 of the principal Act is hereby amended by the deletion of subsection (2).
Phetošo ya karolo 31 ya Molao 16 wa 2006

20. Karolo 31 ya Molao mogolo e ya fetošwa ka go phumola go karolwana (2) ya tema (b).

Phetošo ya karolo 41B ya Molao 16 wa 2006, bjalo ka ge go loketšwe karolo 10 ya Molao 25 wa 2010

21. Section 41B ya Molao mogolo e ya fetošwa ka go phumola karolwana (2) le (3).

Phetošo ya karolo 41D ya Molao 16 wa 2006, bjalo ka ge go loketšwe karolo 10 ya Molao 25 wa 2010

22. Karolo 41D ya Molao mogolo e ya fetošwa ka go tlošwa go lokelwe go karolwana (1) ya karolwana ye latelago:

“(1) Pholisi ye hlałošitswęgo go karolo 41B di tla laolwa ke Tona [morago ga go rerišana le Khansele ya Ditona tša Thuto ye hlangwe go ka karolo 41H].”.

Phumolo ya karolo 41E ya Molao 16 wa 2006

23. Karolo 41E ya Molao mogolo e ya phumolwa.

Phetošo ya karolo 41G ya Molao 16 wa 2006, bjalo ka ge go loketšwe karolo 10 ya Molao 25 wa 2010

24. Karolo 41 ya Molao mogolo e ya fetošwa—

(a) ka go tlošwa go lokelwe go dikarolwana (2) le (3) ya karolwana ye latelago, ka tatelano:

“(2) Taelo efe goba efe yeo e filwego go ya ka karolwana (1) e tla sepelelana le ditaelo tša molao efe goba ofe yo hlamago tlhako ya bosenšhaba ya Boithutelo [], mme e tla dira morago ga go bolela le Khansele ya Ditona tša Thuto ye go bolelwago ka yona go karolo 41D(1)].

(3) Kgoro e tla dira tekolo le fetelko tše hlałošitswęgo go karolwana (1) ka go sekaseka data ye kgobokeditswęgo ka tsela ya thuto ya go tša pele le tsela ya bołaodi hja tshedimošo ya tlhahlo, goba ka ditsela tše swanetswęgo [], ka tšhomišano le dikgoro tša thuto tša seprofense].”;

(b) ka go tlošwa go lokelwe go karolwana (5) ya karolwana ye latelago:

“(5) Kgoro e tla dira mme ya gatiša pego ka dipolo tša nyakiššo ye ngwe le ye ngwe yeo e dirilwego go ya ka karolwana (3) [morago ga go fa monyetla go kgoro ye maleba ya thuto go dira diswayaswayo, mme diswayaswayo di tla gatiša le pego].”;

(c) ka go phumola karolwana (6); mme

(d) ka go tlošwa go lokelwe go karolwana (7) ya karolwana ye latelago:

“(7) Leanō [le kgopelwago ke Tona go ya ka karolwana (6)] ka go obamela Public Finance Management Act, 1999 (Act No.1 of 1999), le tla beakenywa ke [kgoro ya thuto ya seprofense ye malebana, ka go rerišana le Kgoro, mme le] Tona o tla dira leano go Palamente [ka diswayaswayo tša gagwe mo matšiššing a 21 a khweňšo], ge Palamente e kopana, goba, ge Palamente e tšwaletswę, mo matšatšing a 21 a go thoma go šoma ga Palamente.”.

Phumolo ya dikarolo 41H, 41I, 41J le 41K tša Molao 16 wa 2006

25. Dikarolo 41H, 41I, 41J le 41K tša Molao mogolo di a Phumolo.
Substitution of section 44 of Act 16 of 2006

27. The following section is hereby substituted for section 44 of the principal Act:

“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] Minister at least 30 days before the commencement of the financial year.

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

(a) its performance; and

(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].”.

Amendment of section 45 of Act 16 of 2006

28. Section 45 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(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].

(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.”.

Amendment of section 46 of Act 16 of 2006

29. Section 46 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“‘The [Member of the Executive Council] Minister 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—’”;

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“‘The person appointed in terms of subsection (1) must, in terms of the terms of reference specified by the [Member of the Executive Council] Minister—’”;

(c) by the substitution in subsection (2)(b) for subparagraph (i) of the following subparagraph:

“‘(i) report in writing to the [Member of the Executive Council] Minister the findings of his or her investigation; and’”;

(d) by the substitution for subsections (3), (4) and (5) of the following subsections, respectively:

“(3) The [Member of the Executive Council] Minister 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 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 may, after consultation with [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
Go tšošwa go lokelwe go karolo 44 ya Molao 16 wa 2006

27. Karolo ye latelago e ya tšošwa go lokelwe karolo 44 ya Molao mogolo:

   “Peakanyo ya leano le pego ya ngwaga

44. (1) Kholetšhe ya setšhaba e swanetše go dira leano le hlalošitišwe go ditšwaelo le maemo bakeng sa ngwaga wo mongwe le wo mongwe wa ditšhelete, leo le swanetšešo go dumelelwa ke khansele mme le romelwe go [Leloko la Khansele Kuduthamaga] Tona mo matšašišing a 30 pele go ka thoma ngwaga wa ditšhelete.

   (2) Kholetšhe ya setšhaba e swanetše go dira le go romela go [Leloko la Khansele Kuduthamaga] Tona, pego ya ngwaga malebana le—

(a) tiragatšo ya yona ya mešomo; le
(b) tšomišo ya yona ya didirišwa tšeo di lego gona.

(3) Tona [goba Leloko la Khansele Kuduthamaga] o swanetše go gatiša dipego ka tsela yeo le laolwago ke Tona [goba Leloko la Khansele Kuduthamaga].”

Phetošo ya karolo 45 ya Molao 16 wa 2006

28. Karolo 45 ya Molao mogolo e ya fetšoša ka go tšošwa go lokelwe go dikarolwana (2) le (3) tsša dikarolwana tše latelago, ka tatelano:

   “(2) Kholetšhe ye ngwwe le ye ngwwe e swanetše go fa thshedimošo yeo ka ge go kgopeše [Hlogo ya kgoro] Molaodi-Kakaretšo [ka polešišano le Hlogo ya kgoro].

(3) [Hlogo ya kgoro] Molaodi-Kakaretšo le kholetšhe ye ngwwe le ye ngwwe e swanetše go fa thshedimošo yeo ka ka kholetšhe goba boleng bja thuto ya go iša pele le tlhahlo bjalo ka ge go beilwe ke NBFET.”

Phetošo ya karolo 46 ya Molao 16 wa 2006

29. Karolo 46 ya Molao mogolo e ya fetšoša—

   (a) ka go tšošwa go lokelwe go karolwana (1) mantšu a lego ka morago ga tema
(a) a mantšu a latelago:

   “[Leloko la Khansele Kuduthamaga] Tona a ka thwala motho go dira dinakyšišo kholetšeng ya setšhaba ge e lego gore khansele ya kholetšhe e kgopela thwalo ya motho yoo goba ge e le gore—”;

   (b) ka go tšošwa go lokelwe go karolwana (2) mantšu a lego ka morago ga tema
(a) a mantšu a latelago:

   “Motho yo thwetsšwe go ya ka karolwana (1) o swanetše, go ya ka tšupešo ye laeditišwe ke [Leloko la Khansele Kuduthamaga] Tona—”;

   (c) ka go tšošwa go lokelwe go karolwana (2)(b) go temana (i) ya temana ye latelago:

   “(i) bega ka tsela ya lengwalo go [Leloko la Khansele Kuduthamaga] Tona dikhwešo tša nyakišišo ya gagwe; gape”; mmje

   (d) ka go tšošwa go lokelwe go dikarolwana (3), (4) le (5) ya dikarolwana tše latelago, ka tatelano:

   “(3) [Leloko la Khansele Kuduthamaga] Tona o swanetše, ka bonako bjo kgonegago a romele khophi ya pego ye go bolelwago ka yona go karolwana (2) go khansele ye malebana.

   (4) Ge fetšeko ya direkhošo tša matšotšo a kholetšhe ya setšhaba, goba nyakišišo ka motho yo hlaolšitišwe go karolwana (1), e tšweleša tšhepetšo mmpe ya tša ditšhelete goba ya tše dingwe ye kosì kudu kholetšheng ya setšhaba goba go nytša kudu ka moo kholetšhe ya setšhaba e sømago, [Leloko la Khansele Kuduthamaga le ka, ka go rerišana le] Tona le ka morago ga ga rerišana le [mme] khansele ya kholetšhe ya setšhaba ye ameago, ge go kgonegga, mme ntle le taelo efe goba efe ya Molao wo, a ka thwala motho bjalo ka molaodi gore a eme bakeng go tša bolaodi bja khansele goba bolaodi bja kholetšhe mme motho yo a ka dira mšešo ka moka ye malebana le taelo goba bolaodi bja kholetšhe go nako ye laolwago ke [Leloko la Khansele Kuduthamaga] Tona —”;

   (5) [Leloko la Khansele Kuduthamaga] Tona, pego ya ngwaga malebana le —

22 [Member of the Executive Council] Minister, which period may not exceed two years.

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

Substitution of section 47 of Act 16 of 2006

30. The following section is hereby substituted for section 47 of the principal Act:

“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] Minister, change the name of the public college.

(2) The [Member of the Executive Council] Minister must, by notice in the Gazette, publish the change of name of such college.”.

Amendment of section 49 of Act 16 of 2006

31. Section 49 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph (c) of the following paragraph:

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

Amendment of section 50 of Act 16 of 2006

32. Section 50 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) the following paragraph:

“(b) any [organ of state] public college.”; and

(b) by the deletion of subsection (2).

Amendment of Schedule 1 to Act 16 of 2006

33. Schedule 1 to the principal Act is hereby amended—

(a) by the substitution in item 1 for the definition of “Department” of the following definition:

“ ‘Department’ means the [government department responsible for education at national level] Department of Higher Education and Training.”;

(b) by the deletion in item 1 of the definition of “Head of Department”;

(c) by the deletion of the definition of “lecturer”;

(d) by the deletion in item 1 of the definition of “MEC”;

(e) by the substitution in item 1 for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of Higher Education and Training.”;

(f) by the substitution in item 1 for the definition of “National Qualifications Framework” of the following definition:


(g) by the deletion in item 1 of the definition of “NBFET”;

(h) by the substitution in item 1 for the definition of “policy” of the following definition:

“ ‘policy’ means [—

(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] this Act’”;

(i) by the substitution in item 1 for the definition of “SAQA” of the following definition:

Kuduthamaga][ Tona, mme nako yeo e seke ya feta mengwaga ye mebedi.
(5) [Leloko la Khansele Kuduthamaga] Tona a ka oketša nako ye go bolešwege ka yona go karolwana (4) ga tee gore e be botelele bja nako ye sa fetego dikgwedi tše tshele.

Go tšošwa go lokalwe go karolo 47 ya Molao 16 wa 2006

30. Karolo ye latelelo e ya tšošwa go lokalwe go 47 ya Molao mogolo:

“Phetolo ya leina la kholetšhe ya setšhaba

47. (1) Khansele ya kholetšhe ya setšhaba, morago ga go rerišana le batho bao na nago le kgatlegelo mme le ka tumello ya [Leloko la Khansele Kuduthamaga] Tona, e ka fetola leina la kholetšhe ya setšhaba.
(2) [Leloko la Khansele Kuduthamaga] Tona a ka, ka tsebišo Kuranteng ya Mmusô, gatiša phetosô ya leina la kholetšhe yeo.”.

Phetošo ya karolo 49 ya Molao 16 wa 2006

31. Karolo 49 ya Molao mogolo e ya fetošwa ka go tšošwa go lokalwe go karolwana (3) go tema (c) ya mantšu a latelelo:

“(c) Kgopelo efe goba efe ya ditšhenyagalelo goba tahlegelo ye hlašošišwego go tema (a) e swanetsê go dirwa kgahanong le [Leloko la Khansele Kuduthamaga le malebana] Tona.”.

Phetošo ya karolo 50 ya Molao 16 wa 2006

32. Karolo 50 ya Molao mogolo e ya fetošwa—

(a) ka go tšošwa go lokalwe go karolwana (1) ya tema ye latelelo:

“(b) [lekala la mmušô] lefe goba lefe kholetšhe ya setšhaba”; mme
(b) ka go tšošwa ga karolwana ya (2).

Phetošo ya Šetule 1 go Molao 16 wa 2006

33. Šetule 1 go Molao mogolo e ya fetošwa—

(a) ka go tšošwa go nthla 1 go hlašošo ya “Kgoro” ya hlašošo ye latelelo:

“’Kgoro’ e ra [kgoro ya mmušô ye maikarabelo a thuto ya maemong a bošetšhaba] Kgoro ya Thuto ya go isã Pele le Tlhahlo;”;
(b) ka phumolo go nthla 1 ya hlašošo ya “Hlogo ya Kgoro”;
(c) ka phumolo ya hlašošo ya “mofahloši”;
(d) ka phumolo go nthla 1 ya hlašošo ya “MEC”;
(e) ka go tšošwa go nthla 1 go hlašošo ya “Tona” ya hlašošo ye latelelo:

“ ’Tona’ e ra Tona ya Thuto ya Go isã pele le Tlhahlo;”;
(f) ka go tšošwa go nthla 1 go hlašošo ya “Tlhako ya Boithutelo ya Bosetšhaba ya hlašošo ye latelelo:

(g) ka phumolo go nthla 1 ya hlašošo ya “NBFET”;
(h) ka go tšošwa go nthla 1 go hlašošo ya “pholisî” ya hlašošo ye latelelo:

“’pholisî’ e ra [--
(a) pholisî ye laetšwego ke Tona go ya ka [the National Education Policy Act, 1996 (Molao wa bo 27 wa 1996); goba
(b) pholisî ye laetšwego ke Leloko la Khansele Kuduthamaga go ya ka molao wa seprofense] Molao wo;”;
(i) ka go tšošwa go nthla 1 go hlašošo ya “SAQA” ya hlašošo ye latelelo:


(j) by the deletion in item 1 of the definition of “school”;
(k) by the deletion in item 1 of the definition of “South African Schools Act”;
(l) by the substitution in item 4(1) for paragraph (c) of the following paragraph:

“(c) the [management] staff;”;
(m) by the deletion in item 4(1) of paragraph (e);
(n) by the substitution in item 5(2) for paragraph (d) of the following paragraph:

“(d) subject to applicable policy and the approval of the [Head of Department] Director-General, determines the student admission policy of the college, after consultation with the academic board;”;
(o) by the substitution in item 5(2) for paragraph (f) of the following paragraph:

“(f) subject to the approval of the [Head of Department] Director-General, determines the language policy of the college, after consultation with the academic board;”;
(p) by the substitution in item 5(2) for paragraph (i) of the following paragraph:

“(i) may conclude a loan or overdraft agreement, with the approval of the [MEC] Minister;”;
(q) by the substitution in item 6(1) for paragraph (b) of the following paragraph:

“(b) five external persons appointed by the [MEC] Minister;”;
(r) by the substitution in item 6(1) for paragraph (h) of the following paragraph:

“(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] Minister;”;
(s) by the substitution in item 6 for subitem (2) of the following subitem:

“(2) At least 60 per cent of the members of the council must be external persons who are not employed by the [MEC] Minister or council, or are not students of the college.”;
(t) by the substitution in item 7(1) for paragraph (b) of the following paragraph:

“(b) the [MEC] Minister or entity who appointed or elected the member to the council terminates the membership in writing;”;
(u) by the substitution in item 30 for subitem (1) of the following subitem:

“(1) Management consists of the principal, vice-principal or vice-principals of the college[, as contemplated in section 19 (1) of the Act].”;
(v) by the substitution in item 31 for subitems (3) and (4) of the following subitems, respectively:

“(3) [Subject to section 19(1) and (4) the] The council may assign additional functions and grant additional powers to the principal.
(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] Minister may appoint an acting principal.”;
(w) by the substitution for item 33 of the following item:

“Appointment of [lecturers, support] staff [and financial officers] employed by college

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.”;
(x) by the substitution for item 34 of the following item:

“Conditions of employment

34. The council must approve conditions of employment, including the determination and review of salaries of [lecturers and support] staff employed in terms of section 20(4)(a) and all other forms of remuneration in accordance with the rules.”;
(j) ka phumolo go nthla 1 ya hlalošo ya “sekolo’’;
(k) ka phumolo go nthla 1 ya hlalošo ya “South African Schools Act’’;
(l) ka go tšoša go nthla 4(1) go tema (c) ya mantšu a latelago:

‘‘(c) bāsomi [ba boloaeding];’’

(m) ka phumolo go nthla 4(1) ya tema (e);
(n) ka go tšoša go nthla 5(2) go tema (d) ya mantšu a latelago:

‘‘(d) go ya ka pholisi ye šomago le tumelelo ya [Hlogo ya kgoro] Molao-Kakarešo, o laola pholisi ya kamogelo ya moiňhuti ya kholetšhe, morago ga go ernalsa le bote ya tša thuto;’’

(o) ka go tšoša go nthla 5(2) go tema (f) ya mantšu a latelago:

‘‘(f) go ya ka tumello ya [Hlogo ya kgoro] Molao-Kakarešo, o laola pholisi ya polelo ya kholetšhe, ka morago ga go ernalsa le bote ya tša thuto;’’

(p) ka go tšoša go nthla 5(2) go tema (i) ya mantšu a latelago:

‘‘(i) a ka phethhagāša tumullano ya kadimo go fiwa tšheleke ka tšela ya kadimo, ka tumello ya [MEC] Tona;’’

(q) ka go tšoša go nthla 6(1) go tema (b) ya mantšu a latelago:

‘‘(b) batho ba bahlano ba go tšwa ka ntle ba thwetswe ke [MEC] Tona;’’

(r) ka go tšoša go nthla 6(1) go tema (h) ya mantšu a latelago:

‘‘(h) maloko a mahlano ao a hlalošitswe go karolo 10(6) ya Molao ka bokgoni bjo bophara go tša thuto, kgwebo, ditšeše, molao, thekišo, tshedimošo ya themološi le boloaši bja dirisoše tša bomošo a thwale ke khansele ka go ernalsa le [MEC] Tona;’’

(s) ka go tšoša go nthla 6 go nthana ya (2) ya nthana ye latelago:

‘‘(2) Diphešente tše 60 tša maloko a khansele ba swaneše go ba batho ba ka ntle bao ba sa thwawago ke [MEC] Tona go bao e sego bathiši ba kholetšhe yeo;’’

(t) ka go tšoša go nthla 7(1) go tema (b) ya mantšu a latelago:

‘‘(b) [MEC] Tona goa sehlonoše se thwetšweše goa se kwetšileše leloko go khansele se fediša bokolo ka tšela ya lengwalo;’’

(u) ka go tšoša go nthla 30 go nthana ya (1) ya nthana ye latelago:

‘‘(1) Boloaši bo hlangwe ka hlogo, motlatša hlogo goa batalaša hlogo ba kholetšhe [, bjalo ka ge e hlalošišwe go karolo 19 (1) ya Molao];’’

(v) ka go tšoša go nthla 31 go nthana ya (3) le (4) ya nthana ye latelago, ka tšelano:

‘‘(3) [Go ya ka karolo 19(1) le (4)] khansele e ka fa mešo ya kokelešo mme le go fa maatša a mangwe go hlogo.

(4) Goa hlogo a se goa batho a paleša ke go fa dira mešo ya gāwe, motlatša hlogo o swaneše goa dira ema sekošeng sa hlogo, goa [Lešeto ka Khandi Se Kuduthamaga] Tona a ka thwala hlogo ya go ema bakeng.’’

(w) ka go tšoša go lokelwe go nthla 33 ya nthla ye latelago:

‘‘Thwalo ya [Bafahloši, bathekgi] bāsomi [le bahlankedi ba tša ditšhelele] bao ba thwetšweše ke kholetšhe’’

33. Go bapatša ga sekgoa, tlaletša ya go kgothla bokongetheng, go nyaka batho bao ba swaneše, selekanyetša sa go kgothla bokongetheng le thšepetšo ya dipotsološo le go thwala ga [bafahloši, bathekgi ba] bāsomi [le bahlankedi ba tša ditšhelele] e swaneše go ba ka tšela yeo e laolwago ke khansele;’’

(x) ka go tšoša go lokelwe go nthla 34 ya nthla ye latelago:

‘‘Dipešana tša thwalo’’

34. Khansele e swaneše go dumella dipešana tša thwalo, go akareša taolo le sekaseko ya meputšo ya [bafahloši le bathekgi] ba bāsomi bao ba thwetšweše go ya kaarolo 20(4)(a) mme le mekgwe ye mene ya meputšo go a ka melao.’’
(y) by the substitution for item 35 of the following item:

"Evaluation"

35. (1) The management of the college [are] is subject to evaluation by the [MEC] Minister in the performance of [their] its duties.

(2) The [lecturers and support] staff [are] is subject to continuous evaluation in the performance of [their] its duties."; and

(z) by the substitution for item 36 of the following item:

"Disciplinary code of [lecturers and support] staff"

36. (1) [Every lecturer and] A member of [the support] staff employed in terms of section 20(4)(a) 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.

(2) Every member of staff employed in terms of the Public Service Act is subject to a code of conduct of public servants and disciplinary procedures provided for in terms of the Public Service Act and its Regulations.

Transitional provisions

34. (1) For the purposes of this section, any word or expression to which a meaning has been ascribed in the principal Act bears the meaning so ascribed, and "norms and standards" means the minimum norms and standards for the funding of public colleges contemplated in section 23 of the principal Act as amended by this Act.

(2) Any principal or vice-principal employed in terms of the Public Service Act immediately before section 11 of this Act takes effect, remain so employed.

(3) Any lecturer or member of the support staff employed by a public college immediately before section 12 of this Act takes effect and who occupies a post other than a post contemplated in subsection (4), remains so employed and must be regarded as staff appointed in terms of section 20(4) of the principal Act as amended by this Act.

(4) Any lecturer or member of the support staff employed by a public college in a post that is fully funded in terms of the norms and standards on 1 January 2012, must be verified by the Minister as fully funded posts, and the Minister must, subject to section 197 of the Labour Relations Act, transfer those posts to the organisational structure of the Department in accordance with the Public Service Act.

(5) Subject to section 197 of the Labour Relations Act, staff who, immediately before section 12 of this Act takes effect, renders support services to public colleges situated in provinces, both at district and head office, even if such a staff member is appointed as an educator in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998), must be transferred to the organisational structure of the Department of Higher Education and Training in accordance with the Public Service Act.

(6) If any discrepancy exists between a condition of service relating to an educator’s post and the public service post to which he or she is transferred, the conditions of service in terms of the Public Service Act prevail.

(7) During the translation of the post in terms of this section, any condition attached to a lecturer’s post that is more beneficial to the incumbent continues to exist as a benefit personal to that incumbent until the condition of the public service equivalent to that post is similar or better.

(8) Any disciplinary measure relating to employment of a staff member contemplated in subsection (4) which is pending when section 12 of this Act takes effect, must be finalised in terms of the law that authorised the commencement of that measure.

(9) The General Public Service Sector Bargaining Council or the PSCBC, as the case may be, continues to be the bargaining council to determine salaries and conditions of employment of staff employed by a public college in accordance with section 20(2)(b) of the principal Act as amended by this Act until the parties agree to establish a new structure relevant to public colleges.
(y) ka go tlošwa go lokelwe go nthla 35 ya nthla ye latelago:

"Tshekatsheko

35. (1) Bolaodi ba kholetšhe bo swanetshe go sekasekwa ke [MEC] Tona bakeng sa go phethagatsa ditshwanelo tša bona.

(2) [bafahloši le bathekgi] ba Bašomi batla sekasekwa kgafeša kgafeša ka go diragaša ditshwanelo tša bona.”;

(z) ka go tlošwa go lokelwe go nthla 36 ya nthla ye latelago:

"Molao wa kgalemo wa [bafahloši le bathekgi ba] bašomi

36. (1) [Mofahloši yo mongwe le yo mongwe le] leloko la [bathekgi] ba bašomi ba thwetšwego go ya ka karolo 20(4)(a) ba angwa ke molao wa maitšwaro le magato a kgalemo, ka ge go dumetshe khansele mme go laetsheela melaong, yeo e lego karolo ye bohlokwa ya dippeelano tša tirelo.

(2) Leloko lefe goba lefe la bašomi le thwetšwego go ya ka Public Service Act le angwa ke molao wa maitšwaro wa bahlankedi ba mmušo le magato a kgalemo a bo beilewego go ya ka Public Service Act le Melawana ya ona.”

Ditaelo tša nakwana

34. (1) Bakeng sa merero ya karolo ye, lentšu lefe goba lefe goba mmoolelwana wo hlašo e filwego go Molao mogolo di na le hlašošo yeo, mme “ditlwaelo le maemo” di ra ditlwaelo tše nnyane le maemo bakeng sa go abela tšeleše go dikholetšhe tša setšhaba tše hlašošišwego go karolo 23 ya Molao mogolo bjalo ka ge o fetošišišwe ka molao wo.

(2) Hlogo efe goba efe yeo e thwetšwego go ya ka the Public Service Act pele karolo 11 ya Molao e thoma go šoma, e tša dula e thwetšwe ka tšela yeo.

(3) Mofahloši ofe goba ofe goba leloko la bathekgi la thwetšwego ke kholetšhe ya setšhaba pele ga karolo 12 ya Molao wo e thoma go šoma mme ya a lego sekgobeng nthle le se o setšhabašwego go karolwana (4), o tša dula e thwetšwe ka tšela yeo mme mme o swanetshe go tsewa bjalo ka mošomi o thwetšwego go ya ka karolo 20(4) ya Molao mogolo bjalo ka ge o fetošišišwe ka Molao wo.

(4) Mofahloši leloko la bathekgi bašomi bao ba thwetšwego ka kholetšhe ya setšhaba sekgobeng se beetsšwešišwe tšeleše ka bolotšelo go ya ka ditlwaelo le maemo ka la 1 January 2012, di swanetshe go netšešišweša ke tona bjalo ka dikgoba tše beetsšwešišwe tšeleše ya moputso ka bolotšelo, Tona o swanetshe go ya ka karolo 197 ya the Labour Relations Act, go fetišišišwe dikgoba tše go sebopego sa mokgatlo sa Kgoro go ka the Public Service Act.

(5) Go ya ka karolo 197 ya the Labour Relations Act, mošomi yo a, pele ga karolo 12 ya Molao wo e thoma go šoma, a fago ditirelo a tša thekgo go dikholetšhe tša setšhaba tšo go di lego diprofenseng, seleteng le go ka tšošišwešišwe tšo ka bolotšelo ka karolo 20(2)(b) ya Molao wo e thoma go šoma, le swanetshe go diragatsša go ya ka the Employment of Educators Act, 1998 (Act No. 76 of 1998), o swanetshe go fetišišišwe go sebopego sa mokgatlo sa Kgoro ya Thuto ya Godimo le Thlhalo go ya ka the Public Service Act.

(6) Ge go na le phaerogologa magareng ga peelano ya tirelo go morutišišišwe se sekgoba sa tirelo ya setšhaba se o fetišišišwešišwe go sa, dippeelano tša tirelo go ya ka the Public Service Act di tša dula di šoma.

(7) Mo nako ya photelelo ya dikgoba tša karolo ye, peelano efe goba efe ye sepelago le sekgoba sa mofahlošišišwe ye nago le holego ya thlamego e tšwela pele ka go ba gona bjalo ka holego ya thlamego yeo go fihlela peelano ya tirelo ya setšhaba ye lekanago le yeo e swana goba e le ye kaone.

(8) Legato lefe goba lefe la kgalemo malebana le thwalo ya mošimi ye hlašošišwego go karolwana (4) yeo e sa letešwešišwe go karolo 12 ya Molao wo e thoma go šoma, le swanetshe go diragatsša go ya ka Molao wo dumeletšego go thongwa ga lego lešo.

(9) Khansele ya Ditherišano Kakaretsšo tša Lekala la Tirelø ya Setšhaba goba PSCBC, ka moo go lego ka gona, e tšwela pele ka go ba khansele ya ditherišano bakeng sa go laola moputso le dippeelano tša thwalo ya bašomi bao ba thwetšwego ke kholetšhe ya setšhaba go ya ka karolo 20(2)(b) ya Molao mogolo bjalo ka ge o fetošišišwe ka Molao wo go fihlela mekgatlo e dumela go hlama sebopego se sefsa se malebana le dikholetšhe tša setšhaba.
(10) The Education Labour Relations Council, through its Further Education and Training Colleges Bargaining Unit, continues to be the Bargaining Council to determine salaries and conditions of employment of lecturers employed by a public college in accordance with section 20(4)(b) of the principal Act as amended by this Act until the parties agree to establish a new structure relevant to staff of public colleges employed under that section.

(11) The General Public Service Sector Bargaining Council or the PSCBC, as the case may be, continues to be the bargaining council to determine salaries and conditions of employment of support staff employed by a public college in accordance with section 20(4)(b) of the principal Act as amended by this Act until the parties agree to establish a new structure relevant to support staff of public colleges employed under that section.

Short title and commencement

35. (1) This Act is called the Further Education and Training Colleges Amendment Act, 2012, and comes into operation on a date to be determined by the Minister by notice in the Gazette.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.
(10) Khansele ya Ditswalano tša Mošomong tša Barutiši, ka Yuniti ya yona Ditherišano, e tšwelapele go ba khansele ya ditherišano go laola meputso le dipelano tša thwalo ya barutiši bao ba thwetšwego ke kholetšhe ya setšhaba go ya ka karolo 20(4)(b) ya Molao mogolo bjalo ka ge e fetošitišwego ka Molao wo go fihlela mekgatlo e dumela go hlama sebopego se sefsa se malebana le dikholetšhe tša setšhaba.

(11) Khansele ya Ditherišano ya Lekala Kakarešo la Ditširelo tša Setšhaba goba PSCBC, ka moo go lego ka gona, e tšwela pele ka go ba khansele ya ditherišano bakeng sa go laola meputso le dipelano tša thwalo ya bathekgi bašoni bao ba thwetšwego ke kholetšhe ya setšhaba ka go sepelelana le karolo 20(4)(b) ya Molao mogolo ka ge o fetošitišwe ka Molao wo go fihlela bao ba amegago ba dumela go hlama sebopego se sefsa se malebana go bošomi bathekgi ba kholetšwe ya setšhaba bao ba thwetšwego ka fase ga karolo ye.

Thaetlele ye kopana le go thoma go ŝoma ga Molao

35. (1) Molao wo o bitšwa Molao-Phetošo wa Thuto ya Go iša pele le Dikholetše tša Tlhahlo, 2012, mme o thoma go ŝoma ka lešatišikgwedi leo le laolwago ke Tona ka tsebišo Kuranteng ya mmušo.

(2) Matšatišikgwedi a farologanego a ka laelwa ka fase ga karolwana (1) malebana le ditaelo tše farologanego tša Molao wo.