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

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;
MOLAO

Go beakanyetsa taolo ya thuto ya go iša pele le tlhahlo; go beakanyetsa thlongo, taolo le thekgo ya ditšhelete ya thuto ya setšhaba ya go iša pele le dikهوLETšHE tša tlhahlo; go beakanyetsa go thwalwa ga bašomi dikهوLETšHE tša setšhaba tša thuto ya go iša pele le tlhahlo; go beakanyetsa ngwadišo ya dikهوLETšHE tša praebete tša thuto ya go iša pele le tlhahlo; go beakanyetsa tlhatšo 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 hlatšošago taolo ya tšhomisšano le go beakanyetsa lenaneo la tlhahlo ya thutishotiro le ya mošomo;

GO AGA LEFSÁ LE GO FETOŠA mananeo le dikهوLETšHE gore di be maemong a maleba go dithhoko tša bašomi, ekonomi le tlhabologo tša Repabliki;

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

GO NETEFATŠA gore batho bao ba hegö ba hlokologogwa ka nako ya mmušo wa kgethollo, go swana le basadi, ba sa itekanelago le ba temišwe menyétša, ba fihlelela thuto ya go iša pele le tlhahlo le mošomo;

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

GO HLATŁOŠA mekgwa yoe e lego motheo wa setšhaba se lokologilego le sa demokrasi se hlamilešwe godimo ga tlhomphe, tekatekano le tokologo;

GO TSWETŠA PELE dintlхakošo tša maamо tše di tlhаlimеšwe ka maikеmеštšо a mаamо a bосеtšhaba mo maemоng ka mоka a bоlaоdi le taolo mo go thuto ya go išа pele le tlhahlo;

GO HLOMPHE la go hloheletsа demokrasi le go hlatšоša setlaeди sa maikarабelo a mоthhakаnelwa sa go hlatšоša ditokelo tšа motheо tšа bothо le go hlоме a maleба a go rуtа le go ihtuta;

GO FIHLELELA bokgoni, le go hlatšоša bokgoni bja moihuti le mošomi yo mongwe le yo mongwe ka botлао, kgotelеlele ya dikgopo로 ge hломпе go fапана ga bathо;

GO IKARABELA go dintlхoko tša Repabliki, mmarаka wa bašomi le ditšhabа tšеди dирелwаго ke dikهوLETšHE; le
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

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Definitions</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>2. Purpose and application of Act</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3. Establishment of public college</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>4. Declaration of institution as public college</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5. Consequences of declaration as public college</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6. Merger of public colleges</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>7. Single council for two or more public colleges</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>8. Closure of public college</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>9. Public college governance structures</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>10. Council of public college</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>11. Academic board of public college</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>12. Committees of council and academic board</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>13. Principal of public college</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>14. Student representative council</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>15. Disciplinary measures</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>16. Prohibition of corporal punishment and initiation practices</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>17. Admission policy of public college</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>18. Standard college statute</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Appointment of management staff</td>
<td></td>
</tr>
<tr>
<td>20. Appointment of lecturers and support staff</td>
<td></td>
</tr>
<tr>
<td>21. Dispute resolution between college, lecturers and support staff</td>
<td></td>
</tr>
</tbody>
</table>
GO THUŞA go Leano la Thhabollo ya Bokgoni ka tšhomisano le Kgolo ya tša Mešomo;

EBILE BJALO KAGE go hlokega gore dikholetše tša go iša thuto pele le thahlo di phethe mešomo ye itšego ka fše ga maemo a boikarabelo bja setšhaba le thlholo ya bsetšhaba ya bokgoni bja maemo a magareng go ya so ga 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

DITLHALOŠO, TIRIŠO LE MAIKEMIŠETŠO A MOLAO

1. Ditlhalošo
2. Tirišo le maikemišetšo a Molao

KGAOLO YA 2

DIKOHELETSHE TSA SETŠHABA

3. Go hlongwa ga khološhe ya setšhaba
4. Tsebišo ya semmušo ya gore sehlongwa ke khološhe ya setšhaba
5. Ditlamorago tša kgoeletshe ya khološhe ya setšhaba
6. Kopantšho ya dikholetše tša setšhaba
7. Khansele ye tee ya dikholetše tša setšhaba tše pedi goba go feta
8. Go tswalelwag ga khološhe ya setšhaba

KGAOLO YA 3

BOLAODI BJA DIKOHELETSHE TSA SETŠHABA

9. Dibopošo tša bolaodi bja khološhe ya setšhaba
10. Khansele ya khološhe ya setšhaba
11. Boto ya tša thuto ya khološhe ya setšhaba
12. Dikomiti tša khansele le bote ya tša thuto
13. Hlogo ya khološhe 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 khološhe ya setšhaba
18. Molao wa motheo wa khološhe

KGAOLO YA 4

GO THWALWA GA BOLAODI, BAFAHLÖŠI LE BAŠOMI BA THEKGO DIKOHELETSHENG TSA SETŠHABA

19. Go thwalwa ga bolaodi
20. Go thwalwa ga bafahloši le bašomi ba thekgo
21. Tharollo ya ditlulano magareng ga khološhe, 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
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
28. Registration of private college
29. Application for registration
30. Requirements for registration
31. Determination of application for registration
32. Certificate of registration
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
37. Conditions for registration
38. Amendment or cancellation of conditions
39. Cancellation of registration
40. Steps before amendment or cancellation
41. Appeal to Minister

CHAPTER 7

PROMOTION OF QUALITY

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

CHAPTER 8

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
48. Offences
49. Limitation of liability
50. Delegation of functions
51. Regulations
52. Application of Act when in conflict with other laws

CHAPTER 9

TRANSITIONAL AND OTHER ARRANGEMENTS

53. Existing public further education and training institutions, structures and bodies
54. Staff
55. Application for registration by private colleges
56. National Board for Further Education and Training (NBFET)
57. Disciplinary measures
58. Repeal of laws
KGAOLO YA 5

THUSO YA DITŠHELETE YA DIKHOLETŠHE TŠA SETŠHABA

22. Maikarabelo a Mmušo
23. Ditlwadi le maemo a thuso ya ditšhelete go dikholetšhe tša setšhaba
24. Matlotlo a dikholetšhe tša setšhaba
25. Direkhoto tša ditšhelete le ditatamente tša dikholetšhe tša setšhaba
26. Go palelwa ga khansele tshepelelanong le Molao goba mabaka a itšego

KGAOLO YA 6

DIKHOLETSHE TŠA PRAEBETE

27. Mošomo wa mohlankedi mogolo wa tša taolo
28. Ngwadišo ya kholetšhe ya praebele
29. Kgopelo ya boingwadišo
30. Dinyakwa tša boingwadišo
31. Tekodišišo ya kgopelo ya boingwadišo
32. Setifikeši sa ngwadišo
33. Tekodišišo ya registara le pego ya motlhakiši
34. Direkhoto 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
37. Mabaka a ngwadišo
38. Tokišo goba phumulo ya mabaka
39. Phumulo ya ngwadišo
40. Magato pele ga tokišo goba phumulo
41. Boipilešo go Tona

KGAOLO YA 7

TLHATLOŠO YA BOLENG

42. Thlatlošo ya natefatsö ya boleng go thuto ya go iša pele le tlhahlo
43. Mananeo a thuto ya go iša pele le tlhahlo

KGAOLO YA 8

KAKARETSÖ

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
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

KGAOLO YA 9

DIPAEEKANYO TŠA NAKWANA LE TŠE DINGWE

53. Dihlongwa tše lego gona tša thuto ya go iša pele le tlhahlo, dibopego le mekgato
54. Bašomi
55. Kgopelo ya ngwadišo ka dikholetšhe tša praebele
56. Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo (NBFET)
57. Magato a kgalemo
58. Phumulo ya melao
1. In this Act, unless the context indicates otherwise—
   “academic board” means the body contemplated in section 11;
   “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);
   “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
   (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;
   “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);
   “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
   (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;
   “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;
   “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;
   “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;
   “Member of the Executive Council” means the Member of the Executive Council of a province who is responsible for education in that province;
59. Thaetlele ye kopana

ŠEDULO 1

ŠEDULO 2

KGAOLO YA 1

DITLHALOŠO, LE TIRIŠO MAIKEMIŠETŠO A MOLAO

Ditlhalošo

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

“boto ya tša thuto” e ra sebopego se go bolelwago ka sona go dikarolo tša 11 le 12; 10
“mokgopedi” e ra motho yo mongwe le yo mongwe ya a dirago kgopelo yeo go 20
bolelwago ka yona go karolo ya 29;
“motlhakiši” e ra motho yo a ngwadiššwe yo go ka Molao wa Profense wa 25
Bothhiši, 2005 (Molao No. 26 wa 2005);
“Molao wa Motheo wa Maemo a Mošomo” e ra Molao wa Motheo wa Maemo 30
a Mošomo, 1997 (Molao No. 75 wa 1997);
“kholetshe” e ra sehlongwa sa setšhaba goba sa praebete sa thuto ya go iša pele 20
seo se hlomilwego, goeliditswe goba ngwadiššwe ko faše ga Molao wo; 25
eupša ga e akaretsĕ—
(a) sekolo se se abago mananeo a thuto ya go iša pele le tlhalo ka faše ga Molao 20
wa Dikolo wa Afrika Borwa; goba 25
(b) kholetshe ya ka faše ga taolo ya kgoro ya mmušo kantle le Kgoro ya Thuto;
“molao wa kholetshe” e ra leano, molao le maitshwaro le molao e mengwe ye e 20
hlamilwego le khansele ka tshepelele le Molao wo;
“khansele” e ra sehlongwa sa bolaodi sa kholetshe ya thuto ya go iša pele le 25
tlhalo;
“Kgoro” e ra kgoro ya mmušo ye e nago le maikarabelo a thuto maemong a 20
bosetshaba;
“Molaodi-Pharephare” e ra Molaodi-Pharephare wa Kgoro;
“Molao wa Employment Equity” e ra Molao wa Tekatekano Mošomon, 1998 30
(Molao No. 55 wa 1998);
“ngwaga wa ditšhelete” go ya ka kholetshe e ra ngwaga wa go thoma ka letšaši 20
la mathomo la Januware le go fela ka letšaši la di 31 Desemere ya ngwaga woe;
“motho wa maikarabelo wa ka ntle” e ra motho yo a— 25
(a) ngwadiššwe goba a kgethšilegwe bjalo ka motho wa maikarabelo go ya 20
molao wo naga ya ka ntle; le yo a 25
(b) amogelwago goba a ngwadiššwe bjalo ka khamphani ya ka ntle go ya ka 20
molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);
“thuto ya go iša pele le tlhalo” e ra mananeo ka moka a go ithuta le a tlhalo ao 40
a isago boihutelong bja go tšoga go maemo a 2 go ya go 4 a Motheo wa Bosetshaba 20
Boithutele go magato a bjalo a thuto ya go iša pele le tlhalo go ya ka sephetho 45
sa SAQA le go ya hlahše ya ka go Molao wa Taolo ya Boithutele wa Afrika Borwa, 20
1995 (Molao No. 58 wa 1995), magato ao a lego godimo ga thuto ya kakaretsĕ 20
eupša ka tlase ga thuto ya godimo;
“thuto ya kakaretsĕ” e ra boemo bja go tsena sekolo ka kgapeletšo bjalo kage go 45
hlalošwa go karolo 3 ya Molao wa Dikolo tša Afrika Borwa;
“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 hlahše 20
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 50
(Molao No. 66 wa 1995);
“mofahlōši” e ra motho yo mongwe le yo mongwe yo a rutago goba a hlahlago 20
batho ba bangwe goba yo a abago ditirelo tša profesinale tša thuto kholetshegeng ye 55
ngwe le ye ngwe le thuto ya go iša pele le tlhalo ebile a thwetswe moshomong 20
wa bofahlōši ka faše ga Molao wo;
“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);

“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
(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;

“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;

“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
(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);

“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;

“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;
(d) financial management;
(e) administration;
(f) maintenance of the buildings and gardens;
(g) catering services; and
(h) security services;

“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
“motho wa mo gae wa maikarabelo” e ra motho yo a hloniwe 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 hislo goa motlaša-hislo wa kholetšhe ya setšhaba;
“Leloło la Khuduthamaga” e ra Leloło la Khuduthamaga ya profense le le nago 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);
“NBFET” e ra Boto ya Bosetšhaba ya Thuto ya go iša Pele le Thlahelo, e hloniwe semolao go ya ka karolo 11 ya Molao wa National Education Policy, 1996 (Molao No. 27 wa 1996);
“lekalala la mnušo” e ra lekalala la mnušo bjalo kage go hlalošwa go karolo 239 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996;
“leano” e ra—
(a) leano le tlago ka Tona go ya ka Molao wa Leano la Bosetšhaba la Thuto, 1996 (Molao No. 27 wa 1996); goba
(b) leano le tlago ka Leleko la Khuduthamaga go ya ka molao wa profense;
“go kgethelwa” e ra go kgethelwa ka molawana wo o hloniwe go ya ka karolo 51;
“hloko” e ra molao di mogolo le mothlakisi wa kholetšhe ya setšhaba, gomme e akareša morekoro wa kholetšhe ya setšhaba;
“kholetšhe ya praebe” e ra kholetšhe ye ngwe le ye ngwe ye e abago thuto ya go iša pele le thlahlo ka go tsena sekolo ka mehla, ka mašaši a mangwe goba motho a ihuta a le gae gotho e ngwadišišwe goba e ngwadišišwe nkgwana bjalo ka kholetšhe ya praebe ya thuto ya go iša pele le thlahlo ka fase ga Molao wo;
“PSCBC” e ra Khaselela ya Dikgothlaganyo ya Dithirishano ya Tirelo ya Setšhaba;
“kholetšhe ya setšhaba” e ra kholetšhe ye ngwe le ye ngwe ye e abago thuto ya go iša pele le thlahlo ka mašaši ka moka, ka mašaši a mangwe goba ka go ihuta o le gae le yeo e—
(a) hloniwe goba e thswa gore e hloniwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le thlahlo ka fase ga Molao wo; goba
(b) e gochletšwe bjalo ka kholetšhe ya setšhaba ya thuto ya go iša pele le thlahlo 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 hloniwe go ya ka karolo 3 ya Molao wa South Africa Qualifications Authority, 1995 (Molao No. 58 wa 1995);
“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);
“mosomi” e ra batho ba thwetswe go kholetšeng ya setšhaba;
“moithuthe” e ra motho yo mongwe le yo mongwe yo a ngwadišišwe bjalo ka moithuthi kholetšeng;
“bašomi ba thekgo” e akareša bašomi ba abago ditirelo tše latelago:
(a) ditirelo tša thekgo ya tša thuto;
(b) ditirelo tša thekgo ya baithuthe;
(c) taolo ya mereo ya bašomi;
(d) taolo ya tša dišhelele;
(e) boloedi;
(f) tšhokomela yo meago le dirapa;
(g) ditirelo tša dijo; le
(h) ditirelo tša tšhirelešo.
“Molao wo” e akareša molawana ofe goba ofe wo o dirilwe go ya ka karolo 51;
“go aba thuto ya go iša pele le thlahlo” e ra—
(a) go ngwadišwa ga baithuthi mananeong ka moka a go ihuta le thlahlo a išago boithutelong bja maemo a 2 go ya go 4 a Mahlomo a Boithutelo bja Bosetšhaba goba maemo a bjalo a thuto ya go iša pele le thlahlo bjalo kage e laetšwa ke SAQA, gomme e akanywa go Molao wa Taolo ya Boithutelo wa

11 DECEMBER 2006
GOVERNMENT GAZETTE

TSHA TLHAHLO. 2006
No. 29469
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.

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
   (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.

(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

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.

(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
   (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.

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—
   (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—
Tirišo le maikemišetšo a Molao

2. (1) Maikemišetšo a Molao wo ke—
   (a) go hloma dihlongwa tše e lego gore baithuti ba tla kgona go hwetša—
      (i) tšebo ya maleba;
      (ii) bokgoni bjo bo ka dirišwago; le
      (iii) bokgoni bjo bo ka dirišwago go tša boithutelomošomo le go bokgoni bja mošomo;
   (b) go beakanyetša baithuti dimelo tše boholkwa 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

(2) Molao wo o ama dihlongwa ka moka tša thuto tše di hlonmilwego go di goeledišwego bjalo ka kholetše ya setšhaba goba di ngwadišitšwego bjalo ka kholetše ya præbete go ya ka Molao wo.

KGAOLO YA 2

DIKHOLETŠE TŠA SETŠHABA

Go hlongwa ga kholetše 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 kholetše ya setšhaba.
   (2) Kholetše ye ngwadis e na le maikarabelo yona.
   (3) Lege karolwana (2) e amega kupša go latelwa karolwana (4), kholetše ya setšhaba e ka se, kantle le tumelelana ya Leloko la Khuduthamaga, rekiše goba go fetša tokelo ya thoto, ka tsela efe goba efe, thoto ye ngwwe le ye ngwe ye go sutha goba ya go se sutha ye e hweditišnego ka thušo ya tšelele ye Mmušo goba thušo ya tšelele go motho o mongwe le o mongwe tokelo ya nnete efe goba efe mo tulung yeo go bohanka bja moo.

(4) Leloko la Khuduthamaga le ka—
   (a) laetiša gore mehuta ye mengwe ya dithoto tša ka fase ga boleng bjo itšego ditokelo tša tšona tša thoto di ka fetša kantle le tumelelana ya lona; le go
   (b) laetiša le go gatiša boleng bjo bo lebeletšwego go temana (a) ka tsebišo go Gazette.

(5) Hlogo ya Kgore e ka sekaseka, gomme e swanetše go dira lenanelo la, dithoto ka moka tša kholetše ya setšhaba.
   (6) Dithoto tša kholetše ya setšhaba di ka no se thopiwe ka lebaka la magato a semolao kgahlanong le kholetše.

Isebišo ya semmušo ya gore sehlongwa ke kholetše ya setšhaba

4. (1) Leloko la Khuduthamaga le ka, ka tsebišo go Gazette, goeleša sehlongwa se sengwe le se sengwe se se abago thuto ya go iša pele le lhaši bjalo ka kholetše ya setšhaba.
   (2) Tsebišo ye e gopololwego go karolwana (1) e swanetše e laetiše—
      (a) lešatiši le sehlongwa se bago kholetše ya setšhaba;
      (b) leina la kholetše ya setšhaba; le
      (c) telo fao kholetše ya setšhaba e lego gona le aterese ya semmušo.
   (3) Leloko la Khuduthamaga le ka tšea magato go ya ka karolwana (1) ge fela—
(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.
(a) (i) le rerišane le Tona le khansele ya sehlongwa, ge e le gore ke sehlongwa sa setšha;
(ii) le dumelelane le Tona ye e lebanego, Leloko la Khuduthamaga goba ba taolo ya sehlongwa, ge sephedišwa, se laolwe goba se thekgwa ka dišhelele ka 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 tšhelele, ge e le sehlongwa sa praebede; le
(b) morago ga gore go—
(i) gatišwe tsebišo go kuranta e te e goba tša go feta moo tše phatlaletšwago mo lefelong leo sehlongwa sa abago thuto ya go tša go lehlahle, no na le mabaka a kgoeletšo ao go bolelwago ka ona karolwaneng (1);
(ii) fiwe batho ba nago le kgahlego sebaka sa go nšha maikutlo; le
(iii) theleletša maikutlo ao.

Ditlamorago tša kgoeletšo ya kholešte ya setšha

5. (1) Go tloa ka letšatši le laedišwešego go ya ka karolo 4(2)(a)—
(a) kholešte ye e amegago e bonwa bjalo ka kholešte ya setšha ye e hlonišwego ka fase ga Molao wo;
(b) ditšho, dikolo, ditokelo le maikarabelo a sehlongwa a beilwago go kholešte ya setšha; le
(c) tumelelelo ye ngwele le ye ngwe yeo go dumelelanwago ka yona semolao legatong la sehlongwa e tšwa gore e phethilwe ke kholešte ya setšha.
(2) (a) Thoto ya go se šuthile ye e lebo ya kholetšhe ya setšha go ya ka karolwana (1)(b) e sehlongwa phetis, ge fela go dumellanwa le Tona ya Dišhelele, e fetišešwe leina la yona kantle le go lefela motšhelo wa phetšišešo ya thoto, motšhelo wa setempe goba motšhelo ofe goba ofe goba ditšenyelegelo tši di kolotwago Mmušo, eupša e angwe ke tokelo ye ngwe le ye ngwe ye e lebo gona, sekoloto sa thoto goba go tshepela go goba godimo ga thoto yeo.
(b) Dišhelele tše dingwe le tše dingwe tši di lešišweke goba Mongwadiši wa Ditkomunte ka lebaka la phetišešo ye e lebeletšwešego go temana (a) di swanetši di lefelwe ka boltlalo goba ka karolo go tšwa matlotlong a abilwago ke lekgotlatheramelao la profense lebakeng leo.
(3) Mohlankedi yo a lebeletšešego kanoro ya ditkomunte goba kanoro ye ngwe moo thoto ya go se šuthile yeo go bolelwago ka yona ya karolwana (2) e ngwadiššitišwego e swanetši, ge go tšišwa tokumente ya thatelele le ka tsela ya go dira kgopeno ka kholetšhe ya setšha, go fa tumelelelo go tokumente ya thatelele le go tsentsša tše bjalo ka mo direjistareng bjalo kage go hlokega go ngwadiššišešo ye go bolelwago ka yona.
(4) Kgoeletšo ya sehlongwa bjalo ka kholetšhe ya setšha ka fase ga karolo 4 (1) ga e ame sele ko tsa tša molao tše di dirwago ke sehlongwa pele ga kgoeletšo.
(5) Matlotlo ka moka ao, ka potlakoe pele ka letšatši le laedišwešego go ya ka karolo 4(2)(a), a filwe sehlongwa maatla a semolao ka lebaka la peke ka yona semolao ya go hlokomela thoto legatong la mong, mpho goba la go tša thoto go motho a swanetši le šomišwe ke sehlongwa sa setšha go ya peke ka yona semolao ya go hlokomela thoto, mpho goba go tša thoto go motho, ka moo go ka bago ka gona.
(6) Leloko la Khuduthamago le swanetši le tšebišo yeo go bolelwago ka yona go karolo (3) la hloma khansele ya nakwana ye tša tšega nako ye sa fetego dikgwedi tše selelago, go phethagatša mešomo ye e amanago le boloadi bja kholetšhe go fihlela khansele e hlamwi bjalo kage go lebeletšwe ke go karolo 9(1).
(7) Leloko la Khuduthamaga le ka kalotša nako ye go bolelwago ka yona go karolwana (6) gatee nakwana ya go se fetego dikgwedi tše selelago.
(8) Thamego ya khansele ya nakwana e swanetši le go ya mabaka a karolwana 10(4) and (7).
(9) Khansele ya nakwana e swanetši e kgethe maloko a mararo go tšwa go a lebo gona go ba taolo ya nakwana ka moo go lebeletšwešego go karolwana (10)(a), eupša maloko ao a kgethilwešego ga a na maatla a go kgetha.
(10) Kantle le maikarabelo a go bolelwago ka ona go karolwana (6), khansele ya nakwana e swanetši e lebelele kudu—
(a) go kgethwa ga sebopego sa nakwana go hlokomela mešomo ya tšaši ka tšaši ya kholetšhe; le
(b) go neteťašwa gore dišlongwa tše dingwe tše bjalo kage di ka hlakšišwa go ya ka molao wo di hlamwi.
(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.

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.

(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;

(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

(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).

(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

(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.

(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.

(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.

(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.

(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.
(11) Sepetho se sengwe le se sengwe sa khansele ya nakwana se ka ama tokelo ya sehlongwa se sengwe sa khotsele ya setšhaba se ka tšwa fela morago ga go kwa maikutlo a sehlongwa se bjalo.

(12) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Mošomo, dikontrakga tša mošomo magareng ga sehlongwa le bāšomi ba sona di fetšišewa ntle le mathata ge sehlongwa se goelešišwa bjalo ka khotšele ya setšhaba go tšoga ka leštšati le kgoletšo le o lebeletšwego go karolo 4, eupša go šuthšišwa go gongwe le go gongwe ga mošomi ka lebaka la kgoletšo le swanets go dirwe ka fase ga molao wa tša bāšomi.

Kopanyo ya dikholešiše tša setšhaba

6. (1) Ka tshepelelano le karolwana (2), Leloko la Khuduthamaga le ka, ka tšebišo go Gazette, kopanyi dikholešiše tša setšhaba tše pedi goba go feta go khotšeleše e tee.

(2) Pele go kopanyiwa dikholešiše tše pedi goba go feta Leloko la Khuduthamaga le swanets le—

(a) fe tšebišo ye ngwadišwe go dikholešiše mabapi le go di kopanyo;

(b) gatiše tšebišo ya go fa mabaka a tšhišinyo ya kopantšho go kuranta e tee goba go feta ye e phatlatalšwago mo lefelong le go lego dikholešiše tše go boletšwago ka tšona;

(c) fe dikhansele tša dikholešiše tše go boletšwago ka tšona le batho ba nago le kgahlego sebaka sa go ntsa maikutlo mo matšatšing a 90 go tšoga ka leštšati la tšebišo le o go boletšwago ka lona go temana (b); le

(d) gopodišše maikutlo a bjalo.

(3) Khotšeleše ye tee ye go bolelwago ka yona go karolwana (1) e tšwa bjalo ka khotšeleše ya setšhaba ka fase ga Molao wo.

(4) Temana 5(1)(b), (2), (3), (4) le (5), ka diphetogob e bōhlokwa tše di nyakwago ke maemo e amu kopanyo ye go boletšwago ka yona go karolwana (1).

(5) Leloko la Khanele le swanets, morago ga ditherišano le dikhansele tša khotšeleše ya setšhaba tše di swanetsšego go kopantsšwa, le tše sepepe ke tšebišo kage go lebeletšwe go karolwana (1)—

(a) leštšati la go hlongwa ga khotšeleše;

(b) lebišo la khotšeleše; le

(c) moo khotšeleše le lego gona le aterese ya semmušo.

(6) Dikhansele tša dikholešiše tše di kopanšego di swanets di be le kopano pele ga kopantšho go thama khansele ye tee ya nakwana ye e bōpsago ke maloko ka moka a dikhansele tše amegago ka nako ya go se fete dikgwedi tše se lelela.

(7) Leloko la Khuduthamaga leka katoša nako ye go bolelwago ka yona go karolwana (6) gate kae ka nako ya go se fete dikgwedi tše se lelela.

(8) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Bāšomi, dikontrakga tša mošomo magareng ga sehlongwa le bāšomi ba sona ba fetšišewa ntle le mathata go khotšeleše ya setšhaba ye tee ye e kopantsšego go tšoga ka leštšati la kgomagano bjalo kage go lebeletšwe go karolwana (1), eupša go šuthšišwa gofe goba gofe ga mošomi ka lebaka la kopanyo go tla dirwa go ya ka molao wa bāšomi wa maleba.

(9) Ge dikholešiše tša setšhaba tše pedi goba go feta di kopanyiwa go ba khotšeleše 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 mngomošomo o mofsa le mošomi yo mongwe le yo mongwe, le se lelela se se dirwago ke goba ka kamano le bengmošomo ba peleng pele ga go kopanyo e amogelwa gore e dirišwe ke goba ka kamano le mngomošomo o mofsa.

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

(a) šišše go tšwela pele ga mošomo wa mošomi; le

(b) ame maikarabelo a motho ofe gofe ofe ya a swanetsšego go tšwelwa magato a kgalamo, a sekisišwe goa a hlotalwelago go hloka maitsšwaro gofe gofe, bosenyi goba molato.

(11) Mošomi goba moithuti o tlangwa ke molao wa maitsšwaro wo o dirišwe go khotšeleše ye mpsha ya setšhaba ye tee go tšoga ka leštšati la kopanyo le o lebeletšwego go karolwana (1), eupša ge nyakišišo efe gofe efe mabapi le go šitega go diro mošomo goba magato afe gofe a molato wa go hloka maitsšwaro o bēlwe goa o thomile kgahlanong le mošomi goba moithuti pedi lea leštšati la kopanyo, nyakišišo ye bjalo goba magato a bjalo a swanets go tšwela pele go ya ka molao ye e ka dirišwe go khotšeleše ya setšhaba ye e amegago ka ponya ya leihle pedi ga kgomagano.
(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.

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—
   (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—
      (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
      (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
      (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.
   (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;
      (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.
   (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.
   (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).
(12) Go fihlela ge kholetshe ye tee ya setšhaba ye mpsha e dirile molao wa maithshwaro, melao ya magato a kgalemo ya kholetshe ya kgale ya setšhaba a ama bašomi le baithuthi.

(13) Ge dikholetshe tša setšhaba tšedi pedi goba go feta kopano go ba kholetshe ye tee ya setšhaba go ya ka karolwana (1), kholetshe ye mpsha ye tee ya setšhaba e tšwela pele ka mananeo ka moka a thuto ao a bego a abiwa ke dikholetshe tša peleng ka fase ga melao ye e amago dikholetshe tše go bolelwago ka tšona ka potlako pele ga lešaši la kopano, go fihlela mananeo a bjalo le melao a lokiswá goba a agwa lefsa ke khansele ye mpsha.

**Khansele ye tee ya dikholetshe tša setšhaba tšedi pedi goba go feta**

7. (1) Leloko la Khuduthamaga le ka laetša gore bolaodi bja dikholetshe tša setšhaba tšedi pedi goba go feta di swanetše go fa maatla khansele ye tee ge e le gore—
   
   (a) go kgahlegong ya thuto le dikholetshe;
   
   (b) go kgahlegong ya setšhaba; goba
   
   (c) motho yoo a kgotšetšwe ke dikhansele tša dikholetshe tše bjalo.  

(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 dikholetshe tše amegago ka maikemišešo a go di kgomagantsša;
   
   (b) file tsebišo go Gazette ka maikemišešo a go tšea magato;
   
   (c) file dikhansele tša dikholetshe tše amegago le bao ba nago le kgahlego sebaka sa go dira ditlhagisí tša go ngwalwa ka nako ya go se be ka fase ga matšaši a 90; le
   
   (d) lekodišišiši dithagišo tše bjalo ka moka.

(3) Leloko la Khuduthamaga le swanetše, ka tsebišo go Gazette, le laetše thamego ya khansele ye tee ka tsela ya go netetšaša gore—
   
   (a) kholetshe ye ngwe le ye ngwe e emetšwe ka tekatekanelo; le
e (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.

**Go tswelewa ga kholetshe ya setšhaba**

8. (1) Leloko la Khuduthamaga le ka, ka tsebišo go Gazette, tswelela kholetshe ya setšhaba.

(2) Leloko la Khuduthamaga le ka no se tšee magato go ya ka karolwana (1) ge e se le—
   
   (a) rerišane le Tona;
   
   (b) fe tsebišo ya go ngwalwa go kholetshe ye go bolelwago ka yona ka maikemišešo a go di kgomagantsša;
   
   (c) fe tsebišo go Gazette mabapi le maikemišešo a gagwe a go tšea magato;
   
   (d) fe khansele ya kholetshe ye go bolelwago ka yona le bao ba nago le kgahlego sebaka sa go dira ditlhagisí tša go ngwalwa ka nako yeo e sego ka fase ga matšaši a 90; le
   
   (e) lekodišišiši dithagišo tše bjalo ka moka.

(3) Ge kholetshe ya setšhaba e tswelešwe ka fase ga molawanana (1)—
   
   (a) dithoto ka moka le dikoloto tša kholetshe ye bjalo di swanetše, morago ga tswana le ye bjalo, di rolollwe go ya ka molao le Leloko la Khuduthamaga; le
   
   (b) dithoto tše dingwe le tše dingwe tše di setšego morago ga go lefela dikoloto ka moka tše di legö maikarabelo a Leloko a La Khuduthamaga.

(4) Dikolowane tša (2) go fihla go (5) tša karolo 5 le karolo 6(2) le diphetgo tše boholwà tše di nyakwago ke maemo di ama tswana le ye go bolelwago ka yona go karolwana (1)
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.

(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.

(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.

(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.

(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;

(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;

(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.

(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;

(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

(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.
**KGAOLO 3**

**BOLAODI BJA DIKHOLETSHE TSA SETŠHABA**

Dibopego tša bolaodi bja kholetšhe ya setšhaba

9. (1) Kholetšhe ye ngwe le ye ngwe ya setšhaba e swanetše e hlome khansele, boto ya tša thuto le khansele ya boemedi bja baihuti.  
(2) Kholetšhe ye ngwe le ye ngwe 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 kgetše modulasetulo, motlatša modulasetulo le bahankedi ba bangwe go tšwa go maloko a yona ka tsela ya molao wa kholetšhe.  
(4) Leloko la sebopego seo se lebeletseng ya swanetshe ya boemedi bja baithuti, e  
(a) le ka dula setulo lebaka la mengwaga ye mehlano: Ge fela leloko le 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.  
(5) Magato a swanetshe go latelwa a go fediša le go tšoša maloko mošomong le go tlaša dikgoba tša mošoko a swanetše a laetšwe go molao wa kholetšhe.  
(6) Khasnale e ka no se hlome goba go hlama motho wa semolao go ya ka molao ofe gofe ofe goba molao o tlwaegilego.

**Khansele ya kholetšhe ya setšhaba**

10. (1) Khansele ya kholetšhe ya setšhaba e swanetše e dire mšomo ka moka, go akaretša go habobliwa ga molao wa kholetšhe, ye e lego boholokwa go laola kholetšhe ya setšhaba, ka tshepelelano le Molao wo le molao ofe gofe wa malebu wa boesetšhapa gaba wa profese.  
(2) Khansele e swanetše, ka tumelelano ya boto ya tša thuto—  
(a) go hlama leano la kholetšhe ya setšhaba lelo le swanetšego go—  
(i) akaretša tlhomo, ponelopele, maikemišeto le maano a go thekga kholetšhe ka ditšhelele;  
(ii) rarolla go se lekalekane ga peleng le tša bong le tša bogole;  
(iii) akaretša magato a tšireletšo a maemo a bolokegilego a go ithuta a baihuti, bafahlosi le basomi ba thekgo; le  
(iv) go dumelelwa ke Leloko la Khansele;  
(b) go rera leano la polelo la kholetšhe ya setšhaba, ge fela Leloko la Khuduthama e dumela; le go  
(c) netefatša gore kholetšhe ya setšhaba e sepelelana le dinyakwa tša tumelelo ya go aba tirelo ya thuto tšo di lego boholokwa go aba mananeo a go ithuta go ya ka maemo le boithutele bjalo kage go ngwadišišwe go Mahlomo a Kholetšhe ya Bosetša.  
(3) Khansele, morago ga go kwa maikutlo a khansele ya boemedi bja baihuti, e swanetše go aba sehlongwa sa malebu go fa maele mahapi le leano go ditirelo tša thekgo ya baihuti mo kholetšheng ya setšhaba.  
(4) Khansele ya kholetšhe ya setšhaba e bopša ke—  
(a) hlogo;  
(b) maloko a mašono a ka ntle a kgetšilwego ke Leloko la Khuduthama;  
(c) leloko le te le boto ya tša thuto; go kgetšilwego ke boto ya tša thuto;  
(d) leloko le te le ka ntle la go emela bathekgi ka ditšhelele;  
(e) mofahlosi o te e kholetšhe ya setšhaba, yo a kgetšilwego ke bafahlosi ba kholetšhe;  
(f) leloko le te le bašomi ba thekgo ba kholetšhe ya setšhaba, le kgetšilwē ke bašomi ba thekgo ba kholetšhe ya setšhaba; le  
(g) baihuti ba babedi ba kholetšhe ya setšhaba, ba kgetšilwēgo ke khansele ya boemedi bja baihuti ba kholetšhe ya setšhaba.  
(5) Modulasetulo, motlatša modulasetulo le bahankedi ba bangwe ba khansele ba ka no se be baihuti goba maloko a bašomi ba kholetšhe, eupsa mongwaledi e ka ba leloko la bašomi.
(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—
   (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;
   (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
   (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;
   (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
   (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
   (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—
   (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
   (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.

(3) The academic board of a public college consists of—
   (a) the principal;
   (b) the vice-principal or vice-principals;
   (c) lecturers;
   (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.

(5) The majority of the members of the academic board must be lecturers.
(6) Khansele e swanetsê, ka therišano le Lelo ko la Khuduthamaga, go kgetha batho ba ka ntle ba bane ba tlaletšo ba nago le bokgomi bj’a tša matšotšo, tša merero ya bašomi le bj’a semolao bjalo ka maloko a khansele.

(7) Tšela yeo maloko a khansele a le lebeletšwe go karolwana (4)(c) go fihla go (g) le tšela yeo ba kgethwago, e swanetsê, moo go kgonagalago, e rerwe ke Lelo ko la Khuduthamaga ka tsebišo go Gazette go ba ka molao wa profense gomme e swanetsê go, mo go kgonagalago, netefatsa gore—

(a) maikarabelo a khansele goba a khansele ya nakwana a phethagatsa go ya ka maemo a godimodimo a seprosféniale;
(b) khansele goba khansele ya nakwana e emetša ka bophara lenaneo la thuto ya go iša pele le tšahlšo le dikgahlego tše amegago;
(c) maloko a na le tšebo ye e tletšego le kwešišo ya lekala la thuto ya go iša pele le tšahlšo;
(d) maloko a thabela tema ye e kgathwago ke thuto ya go iša pele le tšahlšo go kagolefsa le tšhalbollo; le
e) khansele e emetša setšhába ka bophara seo se direlwago ke khotšše ya setšhába go ya ka semorafe, bong le bogle.

(8) Bonnyane diferense tše 60 tša maloko a khansele di swanetsê e be batho ba ka ntle bao ba segô—

(a) baiithuti goba bašomi ba thekgo ba khotšše ya setšhába;
(b) ba thwētšwe ke Lelo ko la Khuduthamaga;
(c) ba thwētšwe ke khansele.

(9) Maloko a khansele goba khansele ya nakwana—

(a) ba swanetsê ba be batho ba nago le tšebo le maitemogelo a lebanego le maikemišetsšo le bolaodi bj’a khotšše ya setšhába ye go bolelwago ka yona; le go
(b) go tšea karolo go dikakanyo tša khansele goba tša khansele ya nakwana go lebeletšwe dikgahlegelo tša khotšše ya setšhába ye go bolelwago ka yona.

(10) Lelo ko la Khuduthamaga le swanetsê—

(a) ka tsebišo go Gazette, goba ka tšela ye kgonagalago, le meme dikgetho tša maloko ao go bolelwago ka ona go karolwana (4)(b); le
(b) lekodišiša dikgetho le go kgetha maloko go ya ka tšela ye e lebeletšwe go karolo ye.

Boto ya tša thuto ya kholetšwe ya setšhába

11. (1) Boto ya tša thuto ya kholetšwe ya setšhába e ka fase ga khansele ka taolo mabapi le—

(a) maikarabelo a tša thuto a kholetšwe ya setšhába le tšhatšošo go tšea karolo ga basadi le digole go mananeo a go ifutura;
(b) go hloma tšela ya tekodišišo ya ka gare ya tša thuto le tšhatšošo ya tša boleng;
(c) go netefatsa gore dinyakwa tša tumelelo ya go aba thuto go ya ka maemo le boithutelo bjo go ngwadišiššwe go Mahlomo a Dikholetšhe di a filhelelwa; le
d) go phethagatsa maikarabelo a mangwe bjalo kage go ka romelwa goba gwa laelwa ke khansele.

(2) Ge khansele e dumelaiane le leano le lengwe le lengwe la maleba, boto ya tša thuto e swanetsê e rere mananeo a go ifutura bjalo kage go lebeletšwe go karolo 43 ao a tla abjago ke keholetšwe ya setšhába.

(3) Boto ya tša thuto ya kholetšwe ya setšhába e swanetsê e bopše ke—

(a) hlogo;
(b) motlatša hlogo;
(c) bafahloši;
(d) maloko a khansele;
(e) maloko a khansele ya boemedi bj’a baiithuti; le
(f) batho ba bjalo ba ka rerwago ke khansele.

(4) Palo ya batho bao ba lebeletšwe go karolwana (3)(c), (d), (e) le (f) le tšela ye e leego gore ba fiwago mošomo goba ba kgethwago, ka moo go ka bago ka gona, e swanetsê e rerwe ke khansele, go ya ka molao wa keholetšhe.

(5) Bontši bj’a maloko a boto ya tša thuto bo swanetsê 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.

(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;
   (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.

(7) Subsections (1) to (4) apply with the necessary changes to a joint committee established in terms of subsection (6).

Principal of public college

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.

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.

(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.

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.

(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.

(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—
   (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) kgetša motho yo e sego leloko la khansele bjalo ka leloko la komiti.  
   (2) Modulasetulo wa komiti o swanetše go ba leloko la khansele.  
   (3) Khansele ga e šiššwe maikarabelong a yona a go phetha maikarabelo a mangwe le a mangwe ao e rongwago goba ao e laelwago ke komiti.  
   (4) Khansele e swanetsše go bera—  
      (a) tlhamego ya komiti;  
      (b) maikarabelo a komiti;  
      (c) tshepedišo dikopanong; le  
      (d) phatlalatsše o 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 thusa 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 hlomilwe go ya ka karolwana (6).

Hlogo ya kholetsše ya setšhaba

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

Khansele ya boemedi bja baithuti

14. Go hlongwa, tlhamego, tsela ya kgetšo, nako ya go dula setulo, maikarabelo le diputseletsše tša khansele ya boemedi bja baithuti ya kholetsše ya setšhaba di swanetsše go rerwa ke khansele ka therisšano le baithuti ba kholetsše, go ya ka molao o laeditšwe go ke Leloko la Khuduthamaga.

Magato a kgalemo

15. (1) Moithuti o mongwe le o mongwe wa kholetsše ya setšhaba o angwa ke molao wa maits’hwaro, magato a kgalemo le ditsehpedšo tše rerišwe ke khansele, go ya ka leano la profense.  
   (2) Molao wa maits’hwaro, magato a kgalemo le ditsehpedšo di ka rerwa fela morago ga therisšano le bota ya tša thuto le khansele ya boemedi bja baithuti ya kholetsše ya setšhaba ye e amegago.  
   (3) Leano lego 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 ntwa le tša thobalano ye e amegago.  
   (4) 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 ntwa le tša thobalano ye e amegago.  
   (5) Kantle le karolwana (4), magato a ka swarisšo motho mongwe sa batho ba hlalelidišego goba ba gapeleša motho yoo go dira goba tša karolo go ditša le dixeša tša kgakola dikholešheng.

Thibelo ya kgalemo ka kgati le ditlwaedi tša go kgakola dikholešheng

16. (1) Ga go motho yo a dumelešego go kgalemo moithuti ka kgati kholetsše.  
   (2) Motho ofe goba ofe yo a ka tshelago molawana (1) o bonwa molato gomme a ka fiwa kotše ye e ka bewago ya go iša lethogo.  
   (3) Motho ga a dumeleša go dira goba go tša karolo go ditša le dixeša tša kgakola dikholešheng.  
   (4) Motho yo a ka tshelago karolwana (3) o molato wa go holka maits’hwaro gomme magato a kgalemo a swanetše a tšwe kgahanong le motho yo bjalo.  
   (5) Kantle le karolwana (4), motho a ka swariša motho yo mongwe goba sehlopha sa batho ba hlateledišego goba ba gapeleša motho yoo go dira goba tša karolo go ditša le dixeša tša kgakola.  
   (6) Go lebelešše fela karolo ye, “ditša le dixeša tša kgakola” di ra tiragalo efe goba efe yeo mo tiragalo ya kgakola, go tsentšša kgakola, goba go ikanya le, goba e le lebaka la bolokolo bja go tšwela pele bja, kholetsše, sehlopha, ditiragalo tša kgabišo ya ka gare goba ya ka ntla, sehlopha sa dipapadi goba mokgato—  
      (a) o tseny a kotseng bophelo bja monagano goba bja mmele goba poloko ke motho;
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;
(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.

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.

(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—

(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
(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.

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

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.

(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.

(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.
(b) o nyatša boleng bja tšhago bja batho ka go ba tšea gore ba tlase ka maemo go ba bangwe;
(c) o dira gore batho ba gobošwe goba ba lwantsëwe e lego se o nyatša go molaøtheo ya tlhompho go Molaoakanywa wa Ditokelo;
(d) o nyatša ditokelo tša motheo le ditaelo tšë di theilego Molaøtheo;
(e) o štša tlhobolo ya setlwædi sa demokrasi ya nne se fago motho tokelo ya go swara ka tlhompho le tšhwenyego; goba
(f) o senya thoto ya setšàbà go ya præbete.

Ge go lebelëlwà gore maïshwaro goba go tšëa karolo go motho go tiragalo efe goba efe ya kgalokolo; bolàbø-di bja maleba bja magato a kgalemo bo swanëtšë go setšà tokelo ya mothuthi gore a se tšëe karolo tiragalong ye bjalo.

Molao wa go amogela baithuthi khološëheng ya setšàbà

17. (1) Go ya ka leano la maleba le rerilwëgo ke Tona, khansele ya khološëhë ya setšàbà e rera leano la kamoøgelø la khološëhë, morago ga ditherišaño le boto ya tšà thuto le ka tumëlelo ya Leloko la Khuduthamaga.
   (2) Leano la kamoøgelo ya khološëhë ya setšàbà ga la dumëlelwà go kgetholla ka tšëla efëng goba efëng gomme le swanëtšë go tšëa magato a maleba a go rarollà tlhokëgo ya tekatekano.
   (3) Khansele e ka, go ya ka leano la maleba, tumëlelo ya Hlogo ya Kgqoro le morago ga ditherišaño le boto ya tšà thuto—
      (a) rera dinyakwa tšà kamoøgelø go ya ka mananëo a itšëgo a thuto ya go išà pele le tlhahlò;
      (b) rera palo ya baithuthi bao ba ka amogelwago go lenanëo le itšëgo la thuto ya go išà pele le tlhahlò le tšëla ya kgátho ya ona;
      (c) rera magomo a bonnyane a dinyakwa tšà go amogelwa gape go ithuta khološëheng ya setšàbà ye e amegago; le
      (d) gana go amogela gape moithuthi yo a palelwago go kgotšëfotšëfànya dinyakwa tšè bjalo tšà magomo a bonnyane tšà go amogelwa gape.
   (4) Khansele ya khološëhë ya setšàbà e swanëtšë go netefatsà go khološëhë e fihlelelega go baithuthi ba digole.

Molao o tlwëlegilego wa khološëhë

18. Khološëhë ya setšàbà yeo e sa thalago molao wa khološëhë go ya ka karolo 10(1) e swanëtšë go šomisà molao o tlwëlegilego wa khološëhë wo o humanegago go Sêduño 1.

KGAOLO YA 4
GO THWALWA GA BOLAODI, BAFÁHLOŠI LE BAŠOMI BA THEKGÓ DIKHÓLETSHENG TŠA SETŠÀBÀ

Go thwàlwa ga balaodi

19. (1) Leloko la Khuduthamaga le swanëtšë go thwàla bášomi ba taolo ba khološëhë ya setšàbà go ya ka Molao wa Tírelo ya Setšàbà.
   (2) Bášomi ba taolo ba swanëtšë go bëga go le go ba ka fase ya taolo ya khansele mbapàni le machàbalø le mai karabelø o ba abetshëgo ona ke khansele go ya ka Molao wo.
   (3) Hlogo e swanëtšë go bëga go Hlogo ya Kgqoro go ya kontraka ya gagwe ya mošòmo.

Go thwàlwa ga bafáhloši le bášomi ba thekgó

20. (1) Khološëhë ke mungëmóšomo wa bafáhloši le bášomi ka moka.
   (2) Go ya ka Molao wo, Molao wa Dikamanó tšà Básòmi, Molao wa Maëmo a Motheo a Mošòmo, Molao wa Tekatekano Mošòmông le molalô ofe goba ofe wa maleba, khansele e swanëtšë go hloma dikgòbà tšà mošòmo tšà bafáhloši le bášomi ba thekgò.
   (3) Khansele e swanëtšë go thwàla bášomi le go ba lefela go tšwa sekhwàmeng seo se abilwëgo go ya ka ditlwædi le maëmo ao go bolelwagø ka ona go karolo 23 le ditseño tše dingwe tše di amogelwago ke khološëhë go tšwa methëpøng ye mengwe.
(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.

(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.

(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.

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

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.

(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.

(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

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.

(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.

(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.
(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 Dikaman tša Bašomi goba tumellano ya mothlahankanewa ye e fihleletšwe go ke khansele ya ditherişa yeo e nago le maikarabelo a bašomi ba kholeše ye setšhaba, khansele e swanets ő go rera maikarabelo, maemo a tirelo le diputseletšo tša bafahloši le bašomi.

(5) Bafahloši le bašomi ba swanetsše ba be ke ka fase ga taolo ya hloko.

(6) Ge go alwa pego ya merero ya ditšhelete yeo go bolelwago ka yona go karolo 22, Khsanela e swanetsše go fa mabaka ka botlalo a dikgoba tša mošomo tšo di lebeletšwego go ya ka kolarlwana (2), go akaretsšwa le ditšhenyagalelo tšo amanago le go thwalwa ga bašomi mo dikgobeng tše bjalo tša bašomi le tsela yeo le lebo gore go ššinya gore ditšhenyagalelo tše bjalo di phethagatšwe.

(7) Bafahloši le bašomi bao go bolelwago ka bona go kolarlwana (1) ba swanetsše ba thwalwe go ya ka tshepelelano le maemo a maitsbharo a motheo yeo go bolelwago ka yona go karo 195 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996, le mabaka ao a swanetšego ga elwa hloko ge go fiwa batšo mošomo a akaretša, eupša a sa felele fela go—

(a) bokgoni bja bahlahlobiwa;
(b) motheo wa tekatekano;
(c) tlhokoego ya go lokiša tlhokatoka ya maloba; le
(d) tlhokoego ya boemedi.

(8) Khansele e swanetsše e fetšise Molao wa Magato a kgalemo wa bafahloši le bašomi bjalo kage go hloalošwa go molao wa kholetsše.

**Tharollo ya ditšulana magareng ga kholešše, bafahloši le bašomi**

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

(a) khansele ya ditherişa yeo e hlošilego go ya ka Molao wa Dikaman tša Bašomi, ge mongmošomo goa mošomo yoo a angwago ke thulano yeo ba wela ka fase ga morero o ngwadišišišwe go khansele ya ditherişo; goba
(b) Komishene ya Poelanyo, Bonamodi le Boahlodi bjalo kage e hlošilego ka karolo 12 ya Molao wa Dikaman tša Bašomi, ge e le gore khansele ya ditherişo ga e na maatla.

(2) Molli yo a fetšisišasgo thulano o swanetsše go kgotsosatša khansele ya ditherişo goba Komishene ya Poelano, Bonamodi le Boahlodi gore khophi ya phetšišeto e filwe motho yo mongwe yo a amegago.

(3) Khansele ya ditherişo goba Komishene ya Poelano, Bonamodi le Boahlodi e swanetsše go leka go rarolla thulano ka poelantšo.

(4) Ge Khansele ya ditherişo goba Komishene ya Poelano, Bonamodi le Boahlodi e kgotsosetša gore thulano ga ya rarolwa, molli a ka fetšišeto thulano yeo go Kgorotsheko ya Bašomi bjalo kage go hlošilego go ya ka karolo 151 ya Molao wa Dikaman tša Bašomi gore a aholwe.

**KGAOLE YA 5**

**THUŠO YA DITŠHELETE DIKOHELETŠENG TŠA SETŠHABA**

**Maikarabelo a Mmušo**

22. (1) Leloko la Khuduthamaga le swanetsše go tšwa go tšhelete ye e abetšwe go mošomo wo ke lekgotlatheramela la profense ya go thekga dikholetše tša setšhaba ka ditšhelete ka tsel la botshepegi, tekatekano le ponagalo.

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

(a) lebaka le lengwe le lengwe la go kwagala mabapi le kabo ya ditšhelete ye e akanywago go karolwana (1); le
(b) gore mabaka a fapanego go ya ka dikholetše tše fapanego tša setšhaba, thuto tše fapanego tša go iša pele e le mananeo a tlhaho goa ditekanyetšo tše fapanego, ge ele gore na le mabaka a phapano e bjalo.

(3) Godimo ga dinyaka go bonnyane ditlwaedi le maemo ao a akanywago go karolo 23, Leloko la Khuduthamaga le swanetsše go rera magato a maleba a mangwe a go lokiiša go se lekalekanė ga maloba.
(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.

Funds of public colleges

24. (1) The funds of a public college consist of—

(a) funds allocated by the State;
(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;
(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
(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.

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;
(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).

(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—

(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
(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.
Ditlwedi le maemo a thušo ya ditšhele go dikholetšhe tša setšhaba

23. Go ya ka Moloatheo le ka Molaol wo, Tona e swanetše, morago ga ditherišano le Khanele ya Matona a Thuto le Tona ya Ditšhele, go laetša bonnyane ditlwedi le maemo a thękgo ya ditšhele go dikholetšhe tša setšhaba.

Matlotlo a dikholetšhe tša setšhaba

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

(a) matlotlo ao a abilwego ke Mmušo;

(b) thušo efe goba efe goba kabo ya thušo ya tšhelete yeo e amogetšwe go kheletšhe ya setšhaba;

(c) tšhelete yeo e kgoboketswago ke kholešhe;

(d) tšhelete ye e kgoboketswago ka tselo ya dikadimo tša ditšhele ka tumello ya Leloko la Khuduthamaga;

(e) tšhelete ye e humanwago go dipeetšelo;

(f) tšhelete ye e humanwago go tšwa ditirelšo tša go abelwa kholešhe efe goba efe ya setšhaba goba motho;

(g) tšhelete ye e swanetšego go lefelwe ka baithuti mabapi le mananeo a thušo ya go isa pele le tlahlo ao a abagjo ke kholešhe ya setšhaba;

(h) tšhelete ye e amgelwago go tšwa baithuting goba bašoming ba kholešhe ya setšhaba mabapi le madulo goba ditirelo tše dingwe tše di abagjo ke kholešhe ya setšhaba; le

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

(2) Kholešhe ya setšhaba ga ya swanela go kgoboketsša tšhelete ka tselo 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 kholešhe ya setšhaba kantle ga tumello ya Leloko la Khuduthamaga, mmušo le kholešhe ga di tlangwe ke kontra ka tumellano ya kadimo ya tšhelete goba sekoloto sa akhaonto ya panka.

Direkho tša ditšhelete le ditatamente tša dikholetšhe tša setšhaba

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

(a) e lote direkho tša dikopano tša yona ka moka;

(b) e lote direkho tša tšhpamatlétlo tša ditšho, dikoloto, meputšo le ditšhenyegelo ka moka le tšhomisšo efe goba efe ya ditšhelete ya kholetšhe ya setšhaba ka botšalo, le makalana a yona le diholwago tše dingwe tše di šomago ka tše ga taolo ya yona; le go

(c) hloma tlhaksišo ya ka gare le mananeo a taolo ya kotsi, ao a se nago maemo a tše go maemo a lego go Molaol wo Taolo ya Ditšhele tša Setšhaba, 1999 (Molaol No. 1 wa 1999).

(2) Khansele ya kholetšhe ya setšhaba e swanetše go kgetha mohlakisi a hlakise direkho le ditatamente tša ditšhelete tšeo go boletšwe go ka tšona mo karolong ye.

(3) Khansele ya kholetšhe ya setšhaba e swanetše, go ya ka ngwago wo o letilego wa ditšhelete le ka letšatsšikgwedi go ba mašatsšikgwedi ao a bešišwe ke Leloko la Khuduthamaga, go abela Leloko la Khuduthamaga ka—

(a) pego mabapi le bolaadi ka kakaretšo le tšhepedišo ya kholetše;

(b) pego mabapi le goba a baithuti ka kakaretšo mananeong a abiwago ke kholetšhe;

(c) setatamente se hlakisišwešwe ka maleba sa ditšeno le ditšhenyagagelo; le

(d) letlakala le mašaledi le setatamente sa kelo ya tšhelete.

(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.
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.

(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.

(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;
   (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.

CHAPTER 6
PRIVATE COLLEGES

Designation of registrar

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

(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—
   (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.

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—
   (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
      (iii) complies with any other reasonable requirement prescribed by the Minister.
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 lekgotlatheramela Molao gore lefela khansele, goba ka mabaka a ka bago gona ao e lego gore kabo efe efe e lefela kholetšhe. Leloko la Khuduthamaga le ka dira boipilešo go khansele go latela taelelo goba mabaka ka nako ye e beilwego.  

(2) Ge ba taolo goba khansele morago ga moo e hlolwa ke go latela talaolwe goba mabapi a ka bago gona ao e kego gore kabo efe efe ya Molao o e lefelwa kholetšhe, Leloko la Khuduthamaga le ka swara tefelo ya karolo efe goba efe ya ditshelete ye e abilwego ke lekgotlatheramela Molao gore lefela go ya ka kholetšhe ye e amegago ya setšhaba.  

(3) Pele go ts'ewa magato ka fase ga karolwana (2), Leloko la Khuduthamaga le swanetswe—  
(a) go fa tsebišo go ba taolo goba khansele ya kholetšhe ya setšhaba ye e amegago mabapi le maikemišets'o a go tšea magato;  
(b) go fa ba taolo yeo goba khansele sebaka sa go amogegago meko goba nyekela maikemisets'o;  
(c) lekodišiša maikemisets'o a bjalo.  

(4) Ge Leloko la Khuduthamaga le 'tšea magato ka fase ga karolwana (2), pego mabapi le tiragalo yeo goba khansele sebaka sa go amogegago ya maikutlo go ya ka Molao wo.  

KGAOLO YA 6
DIKHOLETSHHE TŠA PRAEBETE

Maikarabelo a moregistara

27. (1) Molaodi-Pharephare ke moregistara wa dikholetšhe tša praebete.  
(2) Moregistara a ka lael'a gore a mangwe le a magwe a maikarabelo a gagwe go ya ka Molao wo a phethagatswe ke mošomi ofe goba ofe wa Kgoro.

Ngwadišo ya kholetšhe ya praebete

28. Ga go motho kantle le kholetšhe ya setšhaba yo a swanets'ego go aba thuto ya go iša pele le tlhahlo kantle le kholetšhe ya setšhaba goba lekal'a Mmušo ge e se fela motho yoo e le gore o—  
(a) ngwadišišišwe goba a amogetšwe bjalo ka motho wa semolao go ya ka Companies Act, 1973 (Molao 61 wa 1973); gape a  
(b) ngwadišišišwe goba a ngwadišišišwe nakwana bjalo ka kholetšhe ya praebete go ya ka Molao wo.

Kgopelo ya ngwadišo

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

Dinyakwa tša ngwadišo

30. (1) Moregistara o swanets'ego go ngwadiša mokgopedi bjalo ka kholetšhe ya praebete ge moregistara a na le lebaka la go kgorwa gore mokgopedi o—  
(a) ikemets'o ka tša ditšhelete go phethagats'a maikarabelo a gagwe go baithuti ba ka moso;  
(b) mabapi le manane o moka a thuto ya go iša pele le tlhahlo—  
(i) go tla netefatišwe goba maikutlo go a sego tlase ka maikutlo go go bapetšwa le dikholetšhe tša setšhaba;  
(ii) go tla latelwa dinyakwa tša Khaanele ya Tšuto ya Kakaretšo le ya go iša Pele le Netefatišwe ya Boleng bja Tlhahlo; le  
(iii) go kgotsofatšo senyakwa sefe goba sefe go ya ka taelo ya Tona; le
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;
(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.

(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
(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.

(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.

(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;
(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
(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).

(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.

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
(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.
Tekodišišo ya kgopelo ya ngwadišo

31. (1) Moregistara—

(a) o swanetše go lekodišiša kgopelo efe goba efe ya ngwadišo bjalo ka kholetšhe ya praebe te le tshedimošo ye ngwé le ye ngwe ya go iša pele, ditshwanelo goba ditšokomane tše di tšiššwešwe ke mokgopedi;

(b) a ka, ge a lebelela kgopelo, ahlolegantša magareng ga motho wa semolao wa ka ntle le wa semolao wo mo goe mabapie le mabaka a go swana le merero le mheša ya mesomo, bogolo hja yona le pehakano ya yona ya baithuti ba kholetšhe; le

(c) a ka ngwadiša mo kgopedi bjalo ka kholetšhe ya praebe ge e le gore dinałyaka tša ngwadišo bjalo kage di akanywa go karolo 30 di a phethagatšwa.

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

(i) go ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša praebe te;

(ii) go nhša 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 ngwadišiššwe le thatelele ya boithutelo ye e abjago ke mokgopedi.

(b) More gistara o swanetše go tšebiša Hlogo ya lebanego ya Kgoro mabapie le ngwadišo ya kholetshe ya praebe te mo profenseng yeo. le

(c) Ge more gistara a tše sephetho sa go se fetiša kgopelo, more gistara o swanetše go lemoša mokgopedi ka lengwalo ka sephetho gomme a fe mokgopedi mabapie a ngwadišwe go sephetho se.

(3) Kantele le karolwana (1), more gistara a ka ngwadiša mokgopedi nakwana kantele mo motho wa semolao wa ka ntle yoo a sa kgotsofaša tša ngwadišo tše akanywago go karolo 30 ge more gistara a tšepa gore mokgopedi o tša kgona go kgotsofaša tša mokgopedi tše maleba ka nako ye e amogelegago.

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

(a) rera nako yeo mokgopedi a swanetše go kgotsofaša dinyaka tša ngwadišo;

(b) ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša praebe te;

(c) nhša setifikeiti sa ngwadišo ya nakwana, se hlaloša mabaka le lebaka la ngwadišo e 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 ngwadišiššwe nakwana le thatelele ya boithutelo bo bo abjago ke mokgopedi ka go Gazette.

(5) More gistara a ka, ka maikemiššeto a mabotse a laeditšwešwe, katološa lebaka leo le akanywago go karolwana (4)(a).

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

(a) a kgotsofaša dinyaka tša ngwadišo tše di hlalošwago ke more gistara, more gistara o swanetše go ngwadiša mokgopedi go ya ka karolwana (2)(a);

(b) a sa kgotsofaša dinyaka tša ngwadišo ka moo e hlalošwago ke more gistara, ngwadišo ya nakwana ya mokgopedi e fihla mafellong.

Setifikeiti sa ngwadišo

32. (1) Kholetšhe ya praebe te e swanetše e laetše pepeneneng—

(a) setifikeiti sa yona sa ngwadišo goba ngwadišo ya nakwana goba khopi ye e tiššiššwešwe mo meqang ya yona; le

(b) nomoro ya yona ya ngwadišo le taetsa ye gore kholetšhe e ngwadišiššwe goba e ngwadišiššwe nakwana mo ditokomane tša yona ka moka tša semmušo.

(2) Ge more gistara a phumutiše ngwadišo goba ngwadišo ya nakwana ya kholetšhe ya praebe go ya ka karolo 39, kholetšhe ya praebe te e swanetše go buša setifikeiti sa mathomo sa ngwadišo goba sa ngwadišo ya nakwana go more gistara ka matšatši a 14 a phumulo ye bjalo.
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.

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—
(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—
(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
(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—
(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.
(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—
(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.

Conditions for registration

37. (1) The registrar may impose any condition on a private college in respect of—
(a) its registration;
(b) its provisional registration; or
(c) any amendment of its registration or provisional registration.
Tekodiššo 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 tšišetšo ya, goba setsopolwa go tšwa go, ye ngwe le ye ngwe ya ditokomane tšo go bolelwago ka tšona go karolwana (1) go motho ofe goba ofe yo a lefilego setlamo se se beilwego.

Direkhote le ditlhakišo ya ditshelete

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

(a) boloke dibuka le direkhote tša ditsetso, ditshenyegelo, dithoto le dikolotlo; le

(b) lokiše ditatamente tša ditšhelete ka dikgwedi tše tharo morago ga go fela ga ngwaga wa yona wa ditšhelete go akarešwa bonnyane—

(i) setatamente sa ditsetso 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

(iii) tshedimošo ye ngwe ye bjalo yeo moregistara a ka e kgopelago.

(2) Kholetšhe ye ngwe le ye ngwe 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 ditatamente tša ditšhelete e phethagašwa ke mohlakiši, yoo a swanetšego go hlakiša go ya ka maka a amogelega a tlhakišo;

(b) fa moregistara khophi ye tišediššwego ya pego ya mohlakiši mabapi le ditatamente tša ditšhelete tše go bolelwago ka tšona go karolwana (1); le go

(c) fa moregistara tshedimošo ye ngwe le ye ngwe ya tlaleletšo, ditshwanelo goba ditokomane ka tsela ye e rerilwego ke moregistara.

Tokisšo ya ngwadišho le ngwadišho ya nakwana

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

(a) ka tsele ye e rerilwego ke moregistara; le

(b) ka go lefela setlamo se beilwego.

Dinyakwa tša tokisšo ya ngwadišo go ngwadišo ya nakwana le tekodiššo ya kgopelo

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

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

(3) (a) Ge moregistara a tšea sephetho sa go fetiša kgopelo, o swanetše go—

(i) lokiša setifikeši sa ngwadišo goba sa ngwadišo ya nakwana ka tshwanelo;

(ii) fa khophi ya setifikeši se lokišiššwego go mokgopedi; le

(iii) ka potlako morago ga sephetho, gatiša lebitšo la mokgopedi yoo setifikeši sa gagwe se lokišiššwego ka go Gazette.

(b) Ge moregistara a tšea sephetho sa go se dumelle kgopelo, o swanetše go lemoša mokgopedi ka lengwalo mabapi le sephetho gommе a fe mokgopedi mabaka a ngwadiššwego sephetho seо.

Mabaka a ngwadišho

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

(a) ngwadišho ya yona;

(b) ngwadišho ya yona ya nakwana; goba

(c) tokisšo efe goba efe ya ngwadišho ya yona goba ngwadišho ya yona ya nakwana.
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.

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.

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
   (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.
   (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.
   (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
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—
   (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).

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

Tokišo go bhumulo ya mabaka

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

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.

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

Magato pele ga tokišo go bhumulo

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

(a) tsebišišišë khološišë ya praebete ka maikemišišë ao go tšea magato le mabaka a seo;

(b) a file khološišë ya praebete le batho ba bangwe ba nago le kgahlego sebaka sa go ntša maikutlo a ngwadišego mabapi le magato a bjalo, ka mašatiši 30 a mošomo a tsebišišë ya Moregistara; le

(c) a lekodišišišë maikutlo a bjalo.

Boipilešo go Tona

41. (1) Mongwe le mongwe yo a nago le kgahlego ya go dira boipilešo a ka dira bjalo go Tona kgalahang le sephetho se sengwe le se sengwe sa moregistara go ya ka Karolo ye, gomme Tona a ka netefatsa goba a phaela ka thoko, ka botlalo goba seripa, goba ka go fapano, sephetho sa moregistara.

(2) Sephetho sa Tona se a bolelwago ka sona go karolwana (1) se ka akaretsa taelo ya go beela ka thoko lebaka lefe goba lefe le lefelo go ngwadišo ge Tona a sa kgotosofale gore lebaka leo ga le kwagale le go amogele.

(3) Boipilešo bjo go bolelwago ka bjona go karolwana (1) bo swanetsê bo išwe go Tona ka mašatiši a 60 a lešatišikgwedi la sephetho sa moregistara.

(4) Tona a ka, ka taetsa ye botse, katološa nako yeo boipilešo bo ka lebellwago kgalahang le sephetho sa moregistara.

KGAOLO YA 7

TLHATLOŠO YA BOLENG

Thlatlošo ya netefatsa 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 swanetsê go—

(a) thlatloša netefatsa ya boleng go thuto ya go iša pele le tlhahlo; le go

(b) sekaseka le go bega ka boleng bja thuto le tlhahlo yeo e abjago ke dikholetšë.

(2) Kgoro ya thuto ya profense goba khološišë e swanetsê, ka kgopo ya Molaodi-Pharephare, e mo abele tsedimoša ya maleba yeo a ka e kgopelago go sepelelana le ditaoelešo iša karolwana (1).

Mananeo a thuto ya go iša pele le tlhahlo

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

(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)—
(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.

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.

(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
(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.

(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.

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—
(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
(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—
(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
(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...
KGAOLO YA 8

KAKARETSÔ

Leano le pego ya ngwaga

44. (1) Kholetšê ya setšhaba e swanetše go lokiša leano le go bolelwaga ka lona go ditlwaedi le maemo a ngwaga o mongwe le o mongwe wa ditšhelete, le o swanetsêgo go dumellwa ke khansele gomme le isîwe go Leloko la Khuduthamaga bonnyane matšatši a 30 pele ga ge ka thoma ngwaga wa ditšhelete.
(2) Kholetšê ya setšhaba e swanetsê go lokiša le go isîa pego ya ngwaga ka ngwaga go Leloko la Khuduthamaga mabapi le—
(a) ka moo e šomago ka gona; le
(b) tšomišo ya didirišwa.
(3) Tona goba Leloko la Khuduthamaga le swanetsê go gatiša dipêgo ka tsela ye e laetšwago ke Tona goba Leloko la Khuduthamaga.

Maikarabelo a dikholešêgo go abo tshedimošo

45. (1) Kholetšê e swanetsê e tšweletšê tshedimošo gore e lekolwe ke motho ofe goba ofe ge tshedimošo ye bjalo e nyakega mabapi le go díriša le go tšhireletša ditokelo tša motho yo bjalo.
(2) Kholetšê ye nngwe le ye nngwe e swanetše go abo tshedimošo ka kholetšê go Hlogo ya Kgoro goba Molaoedi-Pharephare a e nyaka ka therišaše le Hlogo ya Kgoro.
(3) Hlogo ya Kgoro, Molaoedi-Pharephare goba kholetšê efe goba efe bá swanetsê go abo tshedimošo ye bjalo ka kholetšê gova ka boleng bja thuto ya go isîa pele le tháhlohó bjalo nkage NBFEF e nyaka.

Nyakišišo ya kholetšêgo ya setšhaba, le thwalo ya mosepediši

46. (1) Leloko la Khuduthamaga le ka kgetha motho a dira dinyakišišo kholetšêng ya setšhaba ge khansele ya kholetšê e kgehola go thwalwa ga motho yo bjalo goba ge—
(a) maemo a tšwelela kholetšêng a—
(i) mabapi le tšhelele goa taolo ye nngwe ye mpe ya go šiiša; goba
(ii) go nayatsa ka kudu go šoma gabotše go kholetšê; le
(b) khansele ya kholetšê e paletšwe go rarolla maemo a bjalo; le
(c) go thwalwa go dikgahlegong tša thuto ya go isîa pele le tháhlohó mo setšhabeng se lokologilego se la demokrási.
(2) Motho yo a thwetsêgo ye go ya ka karolwana (1) o swanetše, go ya ka mabaka a beilwego ke Leloko la Khuduthamaga—
(a) mo matsátsing a 30 morago ga go thwalwa, go dirwe dinyakišišo tša kholetšê ya setšhaba ye e amegao; le
(b) mo matsátsing a 60 morago ga go thwalwa—
(i) beka ka lengwalo; go Leloko la Khuduthamaga; mabapi le diphetho tša dinyakišišo; le go
(ii) šišínya magato a maleba a tlago rarolla botháta.
(3) Leloko la Khuduthamaga le swanetše gore ka potlako ka mo go ka kgonagalago le le khansele khophi ya pego ye go bolelwago ka yona go karolwana (2).
(4) Ge tháhloši ya direkhotše tša ditšhelete tša kholetšê go setšhaba, goba nyakišišo ka motho yo go bolelwago ka yena go karolwana (1), a utolla tšomišome ya ditšhelete goba ye nngwe ya go šiša kholetšêng ya setšhaba goba go nyatsa go šoma gabotše ga
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) The Member of the Executive Council may extend the period referred to in subsection (4) once for a further period not exceeding six months.

(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.

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.

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;
(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.

(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.

(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.

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.

(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).

(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).
kholetše ya setšhaba, Leloko la Khuduthamaga le ka, morago ga ditherišano le Tona le khansele ya kholetše ya setšhaba ye e amegao, ge go kgonagalag, ga sa lebalwe taolelo efe goba efe ka Molao wo, kgatho molaodi go tšēa taolo ya khansele goba taolo ya kholetše gomme motho yo bjalo a ka phethagatša mešomo ka moka ye e amanago le bolaodi goba taolo legating la kholetše lebala le le reilibwe ke Leloko la Khuduthamaga, gomme lebaka lea ga la swanela go feta nako ya mengwaga ya mebedi.

(5) Leloko la Khuduthamaga le ka oketšē nako ye go bolelwago ka yona go karolwana (4) ga tee ka nako ya go se fete dikgwedi tšē selelagoe.

(6) Ge molaodi a thwetswe go ya ka karolwana (4), khansele e bonwa e ka re e itokolosphate gomme molaodi o swanetšē go—

(a) tšēa taolo ya khansele;
(b) phethagatša maikarabelo a khansele a amanago le bolaodi; le go
(c) netefatsa gore khansele ye mpsha e hlangwe.

Phetošo ya leina la kholetše ya setšhaba

47. (1) Khasantelela ya kholetše ya setšhaba e ka, morago ga ditherišano le bao ba nago le kgahelego la ka tumeloa ya Leloko la Khuduthamaga, fetoša leina la kholetše ya setšhaba.

(2) Leloko la Khuduthamaga le swanetšē, ka tsebišo go Gazette, gatši phetošo ya leina la kholetše ye bjalo.

Melato

48. (1) Motho ofe goba ofe kantlele ke kholetše go leka la mmašo wo, kantle le go fiwa maatla ke kholetše—

(a) a ka abo abo a itira o ka re o abo lenaneo lefe gofe lefe la thuto ya go isša pele le tlhahlo;
(b) a ka neelana ka boithutelo bja thuto ya go isša pele le tlhahlo ye e bonala e ka re e abilwe ke kholetše goba ka mohlakanelwa la kholetše; goba
(c) a ka itira e ka re o dira mošomo legatong la kholetše, 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 kholetše bja thuto ya go isša pele le tlhahlo mola e le gore ga ga no boithutelo bjo bo abilwego o molato gomme o na le maikarabelo a kotlo ya khalolo ye e ka bewago mabapi le bosenyi.

(3) Motho ofe goba ofe yo a tshelago karolo 28 o na le molato gomme o na le maikarabelo a tšēšo go bolelo ke khalolo ya go se fete mengwaga ya mehlaano go bolelo bobedi tšēšo le khalolo.

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

(5) Motho ofe goba ofe yo a itira e ka re o abo boithutelo bja thuto ya go isša pele le tlhahlo ye e ngwadišša le le Mahlomo a Bosetsa la Boithutelo mola e le gore boithutelo bjo bjalo ga ba ngwadišša o na le molato gomme o na le maikarabelo a kotlo ya khalolo efe goba efe ye e ka bewago ya bosenyi.

Magomo a maikarabelo a dikoloto

49. (1) Le ga le Mmusho, goba NBFET goba motho ofe ofe yo o a thwetswe go ga ka Molao wo o na le maikarabelo a tahlegelo efe gofa efe goba tshenyego ye e ka itemgelewago le motho ofe goba ofe ka lebaka la tiragalo efe gofa efe ye e dirilwe go e sa dirago ka moya o mobotse ge go ntsē go dirwa mošomo ofe gofa ofe wo e lego gore motho yoo o thwetswe ona ya ya ka Molao wo.

(2) Mmusho ga o na maikarabelo a tiragalo efe gofa efe goba tlhoko eka ya tiragalo ka kholetše ya setšhaba mabapi le maikarabelo a kontrakla bjalo ka mognomo mabapi le mognomo yo a thwetswe go ya ka karolo 20(3).

(3) (a) Mmusho o na le maikarabelo a tshenyego efe goba efe goba tahlegelo ye e e bago gona ka lebaka la tiragalo efe gofa efe goba tlhoko eka ya tiragalo mabapi le tiragalo efe gofa efe ya tša thuto ye e dirwago ke kholetše ya setšhaba yeo e lego gore kholetše ye bjalo ya setšhaba e be e tša rwala maikarabelo ephuša ka ditaelo tša karolo ye.

(b) Molao wa Maikarabelo a Mmusho, 1957 (Molao No. 20 wa 1957), o ama molato ofe gofa ofe ka fase ya temana (a).
(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.

(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.

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—
   (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—
   (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.

(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

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;
   (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.

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

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

(d) Tona le ditaelo tsa temana (a), Mmušo ga o na maikarabelo a tshenyego efe goba efe goba tlahlegelo ye e bago gona ka leboka la tiragalo efe goba efe goba thlokego ya tiragalo mabapi le kgwebo efe goba efe ye e dirwago ka fase ga taolo ya kholetsê ya setšhaba ka maikemisëtšo a go thuša didirišwa tša kholetsê, go akaretsê wa abia ga ditiragalo tša thuto tše ka diregago tša mabapi le kgwebo yeo.

(e) Magato a semolao kgahlanong le kholetsê ya setšhaba mabapi le tshenyegelo le tlahlegelo ye e akanywago go temana (d), goba mabapi le tiragalo efe goba efe goba thlokego ya tiragalo mabapi le maikarabelo a yona a kontra ka bjalao ka mongmošomo, a ka phethagatšwa ge fela go bile le tsebišo ka lengwalo ya maikemisëtšo a go tšea magato kgahlanong le kholetsê a filwe Hlogo ya Kgoro gore be le tshedimošo.

Kabo ya maikarabelo

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

(a) mošomi ofe goba ofe wa Kgoro; goba
(b) lekala lefe goba lefe la Mmušo.

(2) Leloko la Khuduthamaga le ka, ka mañkola a bjalo ao a ka a rerago, abo tirišo ya mañgwe a maatla a gagwe ka fase ga Molao wo, go—

(a) mošomi ofe goba ofe mo Kgoring ya profense ye e nago le maikarabelo a thuto le thihlo; goba
(b) lekala lefe goba lefe la Mmušo.

(3) Molaodi-Pharephare a ka, ka mañkola a bjalo ao a ka a rerago, abo tirišo ya mañgwe a maatla a gagwe ka fase ga Molao wo go mošomi ofe goba ofe mo Kgoring.

(4) Khansele ya kholetsê ya setšhaba e ka, ka mañkola ao e ka a rerago, abo tirišo a mañgwe a maatla a yona ka fase ga Molao wo go dihlongwa tša dingwe tša kgare, goba maloko a bašomi ba kholetsê ye bjalo.

Melawana

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

(a) more ofe goba ofe wo o ka goba o swanetsêgo go rerwa;
(b) magato a polokego go dikholetsê tša setšhaba le tša praebete;
(c) lenane o la botšëtëtša le tshepëtišo mabapi le tshekatsëko ya tswelelo ya baihuti go dikholetsê tša setšhaba le tša praebete;
(d) lenane o la botšëtëtša le tshekatsëko ya tekolo ya thuto go dikholetsê tša setšhaba le tša praebete;
(e) ditlwaedi tša kgakolo go dikholetsê tša setšhaba le tša praebete; le
(f) magato afe goba afe a thekg o mošonomoga goba taba ye nnyane ya taolo goba ya tshepëtišo gore go bohlwoka ya loadiša phethagatšo ya maleba goba taolo ya Molao wo.

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 thihlole kantle le Molaoteho wa Republíki ya Afrika Borwa, 1996.

KGAOLO YA 9

DIPEAKANYO TŠA NAKWANA LE TŠE DINGWE

Dihlongwa tše lego gona tša thuto ya go iša pele le thihlole le makgatlo

53. (1) Dihlongwa tša setšhaba tša thuto ya go iša pele le thihlole go Šeduło 2 di tša tšwela pele go ba gona le go bonwa e le dikholetsê tša setšhaba mabapi le Molao wo.

(2) Maloko a khanele, boto ya tša thuto le khanele ya boemedi bja baihuti ya dihlongwa ye go bolelwago ka yona go karolwana (1) di tša tšwela pele go soma go fihlêla go bewa ba bangwe go ya ka Molao wo.
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).

(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.

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).

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


(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.


Short title

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

54. (1) Hlogo, motlatša hlogo, bafahloši le bašomi ba thwetšwe 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 fetšetšwa bjalo kage go hlaloš wa go karolwama (1).

(3) Khansele ya Thuto ya Dikamanao 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 sebote go sefsa sa maleba go dikholetšhe tša setšaba.

**Kgopelo ya ngwadišo ka dikholetšhe tša praebe te**

55. Kgopelo ya ngwadišo ka dikholetšhe tša praebe te tše di dirilwe go ya ka Molao wa Thuto ya go iša Pele le Tlhahlo, 1998 (Molao No. 98 wa 1998), pele ga tsena tšomong ga Molao wo e swanetše go bonwa e le dikgopele tše dirilwe go ya ka Molao wo.

**Boto ya Bosetsšaba ya Thuto ya go iša Pele le Tlhahlo (NBFET)**

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 Bosetsšaba, 1996 (Molao No. 27 wa 1996).

**Magato a kgalemo**

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

**Phumulo ya Melao**

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

(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 phomutšwe 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 lokišišwe go fihla go Šeduło 3.

**Thaetlele ye kopana**

59. Molao wo o tša bitšwa Molao wa Thuto ya go iša Pele le Dikholetšhe tša Tlhahlo, 2006.
SCHEDULE 1

(Section 18)

STANDARD COLLEGE STATUTE

CONTENTS

1. Definitions
2. Application

INSTITUTION

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

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
9. Meetings of council
10. Council meeting procedures
11. Conflict of interest of council members
12. Committees of council
13. Minutes of council and committee meetings
14. Drafting, amending or rescinding statute

ACADEMIC BOARD

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

STUDENT REPRESENTATIVE COUNCIL (SRC)

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

MANAGEMENT STAFF

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

5
10
15
20
25
30
35
40
45
Sedulo 1

(Karolo 18)

Molao wo tlwaelegilego wa kholetshe

Mateng

Ditlhaloso le Tirišo

1. Ditlhalošo
2. Tirišo

Sehlongwa

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

Khansele

5. Maikarabelo a khansele
6. Thamego ya khansele
7. Phedišo ya boleloko le go tlatswa ga dikgoba tša mošomo
8. Kgetho ya modulasetulo le motlatša modulasetulo wa khansele le lebaka la mošomo
9. Dikopano tša khansele
10. Ditšepedišo tša dikopano tša khansele
11. Thulano ya dikghahelo tša maloko a khansele
12. Dikomiti tša khansele
13. Metsotsa ya dikopano tša khansele le komiti
14. Go thalwa, go lokiša goba go sekaseka Molao o fetšitišwe go

Boto ya Tša Thuto

15. Maikarabelo a boto ya tša thuto
16. Phedišo ya Boleloko go boto ya tša thuto
17. Thamego 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
22. Dikomiti tša khansele ya mohlakanelwa le boto ya tša thuto

Khansele ya Kemedi ya Baithuti (SRC)

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

Bolaodi

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

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

DONORS

40. Donors

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);
   “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;
   “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—
   (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;
   “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—
   (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
   (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;
   “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);
   “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);
   “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;
38. Kamogelo le ngwadišo ya baithuthi
39. Molao wa magato a kgalemo wa baithuthi

BAABI BA DITŠHELETE

40. Baabi ba ditšhelete

DITLHALOŠO LE TIRISO

Ditlhalošo

1. Mo Molaong wo, ge e se fela maemo a laetša ka tsela ye ngwe—
   “boto ya tša thuto” e ra mokgatlo o akanywago go karolo 11 ya Molao;  10
   “mohlakishi” e ra motho ofe goba ofe yo a ngwadišišthešwe go ya ka Molao wa
   Profešene ya Bahlahlobi da Dibuka tša Ditihelete, 2005 (Molao No. 26 wa 2005);
   “kholešhše” e ra kholetšše ye go bolelwago ka yona go karolo 3;
   “khansele” e ra sehlongwe sa Bolaodi sa kholetšše;
   “Kgoro” e ra kgoro ya mmušo ye e nago le maikarabelo a thuto maemong a
   bosetšhaba;
   “Molaodi-Pharephare” e ra Molaodi-Pharephare wa Thuto;
   “motho wa ka tša” e ra motho yo go bolelwago ka yena go karolo 10(8) ya
   Molao;
   “ngwaga wa ditšhelete” mabapi le kholetšše e ra ngwaga wo o thomago ka
   lešašaša la January gomme la fela ka di 31 December ya ngwaga wona
   woo;
   “motho wa semolao wa ka tša” e ra motho—
   (i) yo a ngwadišišthešwe goba a hlomišwe bjalo ka motho wa semolao go ya ka
   Molao wa naga ya ka tša; le go
   (ii) amogelwa goba go ngwadiššwa bjalo ka khamphani ya kantše go ya ka
   Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);
   “thuto ya go iša pele le tša hlahlo” e ra mananeo ka moka a go išu la le a
diššhlo ao a išago boithutelo bja go luga maemong a 2 go iša go a 4 a Mahlomo
   a Boithutelo a Bsetšhahaba bjalo kage go lebelošišwe go Molao wa Bolaodi bja
   Boithutelo bja Afrika Borwa, 1995 (Molao No. 58 wa 1995), maemo ao a lego
   godimo ga thuto ya kakarešišo eupša ka fase ga thuto ya godimodimo.
   “kholešhše ya thuto ya go iša pele le tša hlahlo” e ra kholetšše efe goba efe ye e
   abago thuto ya go iša pele le tša hlahlo ka mašašaša ka moka, ka mašašaša a mangwe
   goba ka go išu la ka gae gomme yona e—
   (a) hlomišwe goba a bonwa e hlomišwe bjalo ka kholetšše ya thuto ya go iša pele
   le tša hlahlo ka fase ga Molao;
   (b) golediššišwe bjalo ka kholetšše ya setšhahaba ya thuto ya go iša pele le tša hlahlo ka
   fase ga Molao; goba
   (c) e ngwadišiššišwe goba a ngwadišiššišwe nkwana bjalo ka kholetšše ya praebete
   ya thuto ya go iša pele le tša hlahlo ka fase ga Molao;
   “thuto ya kakarešišo” e ra kgato ya ya go tsena sekolo ka kgapešišo bjalo kage go
   hloilošwa 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 hloilošwa go Molao wa Thuto ya Maemo a Godimodimo, 1997 (Molao 101 wa
   1997);
   “molao wa seholongwa” e ra leano, molao wa maithsharo le molao ye e
   hlomišwe ke khanše ka tšepeleša le Molao;
   “Molao wa Dikhamano tša Moššomong” e ra Molao wa Dikhamano tša Moššomong,
   1995 (Molao 66 wa 1995);
   “mofahloši” e ra motho ofe goba ofe yo a rutago goba a tša hlahloga batho ba
   bangwe goba yo a abago ditirešo tša prœfœšina tša thuto kholetšheng gomme a
   thwetsišwe mo moššomong wa bofahloši ka fase ga Molao;
   “motho wa semolao wa mœ gae” e ra motho yo a hlomišwe bjalo ka motho wa
   semolao mo Afrika Borwa go ya ka Molao wa Dikhamphani, 1973 (Molao No. 61
   wa 1973);
   “taolo” e ra hlogo le motlaša hlogo ya kholetšshe;
“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);
“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
(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;
“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;
“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);
“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;
“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;
“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
(b) to take responsibility for the registration of students, the provision and delivery of the curriculum and the assessment of students;
“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

Name, seat and powers

3. (1) The name of the college is _______________________________________
(2) The seat of the college is at _________________________________________
Tirišo

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

SEHLONGWA

Leina, aterese le maatla:

3. (1) Leina la kholetshe ke ________________________________________________
(2) Aterese ya kholetshe e ko ____________________________________________
(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;
   (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
   (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.

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;
   (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;
   (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;
   (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
   (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
   (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

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;
   (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;
(3) Kholetše ye ngwe le ye ngwe ye setšhabe ke motho wa semolao yo a nago le maatla a semolao a go dira mešomo ya gaqwe go ya ka Molao.

Molaotho wa kholetše

4. (1) Kholetše e bopša ke—
   (a) khansele;     5
   (b) Boto ya tša thuto;
   (c) bolaodi;
   (d) SRC;
   (e) bafahlöši le båšomi ba kholetše;
   (f) baithuti ba kholetše; le
   (g) dikantorö tš tšingwe tše bjalo, mekgatlo goba dibopego bjalo kage di ka hlóngwa ke khansele.

(2) Ga go sekgo mo sa mošomo go dikantoröng dife goba dife bjalo kage go akanywa go karolwana (1) ya Molao o fetšitšwego le ga ele thlaelele efe goba efe ya mo dipalong goba bošaedi mo thamengeng ya mekgatlo goba dibopego tše akangwago go karolwana (1) ya Molao o fetšitšwego štša goba e ama go ba gona ga kholetše bjalo ka motho wa semolao goba mošomo ofe goba ofe o abilwego ke Molao goba Molao o fetšitšwego.

KHANSELE

Maikarabelo a khansele

5. (1) Go ya ka Molao o fetšitšwego khansele e laola kholetše.

(2) Kantle le go kgeloga go tšwa kakaretšöng ya karolwana (1), khansele—
   (c) e hlonga dikomiti tša khansele le go rera tlhamego le maikarabelo a komiti ye ngwe le ye ngwe; 25
   (d) go ya ka leano la maleba le ka tumello ya Hlogo ya Kgoro, e rera leano la kamogelo ya baithuti ya kholetše ya setšhaba, morago ga go rerišana le boto ya tša thọto;
   (e) e rera le go abo ditirëlo tša thekgo ya baithuti morago ga ditherišano le SRC; 30
   (f) go ya ka tumello ya Hlogo ya Kgoro, e rera leano la polelo la kholetše, morago ga ditherišano le boto ya tša thuto;
   (g) e rera ditëlo tša thuto, ditëlo tša madulo le ditëlo dife goba dife tše tšingwe tše lefelwago ke baithuti gammogo le ditëlo tša madulo tše lefwago ke bašomi;
   (h) e demella kabo ya ngwaga ka ngwaga ya kholetše; ebile 35
   (i) e ka phetha tumellëno ya kadimo goba sekoloto sa akhaonto ya panka, go ya ka tumello ya MEC;

(3) Kantle le go kgeloga go tšwa kakaretšöng ya karolwana (1), khansele—
   (a) e rera maemo a tielelo, molao wa maïtshevaro le diputseletšo le maikarabelo a bašomi ba yona gape e ka, ka tšela ye e bešiwego go molao wa maïtshevaro, fega goba ya lebogväša bašomi ba kholetše mošomo; ebile 40
   (b) e ka laela mošomi wa kholetše yoo a fegilewego go tlogela go ba mo meangong efe goba efe ye e lego ka fase ga taolo ya kholetše ya setšhaba le go se tše karolo mo ditirëgalong dife goba dife tša kholetše, goba go ntšha mabaka a mangwe a bjalo kage go ka bonwa go le bohlokw.

Tlhamego ya khansele

6. (1) Khanele, 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) lelokö le tše la boto ya tša thuto le kgelihwe ke boto ya tša thuto;
   (d) lelokö le tše la bašomi ba bafahlöši ba kholetše ya setšhaba ye e kgelihwego ke bašomi ba bafahlöši;
   (e) baithuti ba babedi ba dikholetše tša setšhaba ba kgelihwego ke SRC; 55
   (f) lelokö le tše la bahekgi ba thekgo le kgelihwe ke bašomi ba thekgo;
(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.

(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**

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;

(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

(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.

(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.

**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.

(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.

(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.

(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.

(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.
(g) leloko le tse 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 phatlatlala go mafapha a tša thuto, kgwebo, ditšhelete, molao, papašo, teknološi ya thedimošo le taolo ya bašomi ba kgethišwe ke khansele, ka therišano le MEC.

(2) Bonnyane diperesente tše 60 tša maloko a khansele di swanetsë e be batho ba sa thwaliwago ke MEC goba khansele, goba bai thuti ba kholetši.

(3) Maloko a khansele a akanywago ke karolo 10(8) le (9) ya Molao ba swanetsë ba be le tsebo le maimemogelo a lebanego le maikemišëšo le bolaodi bja kholetši.

Phumulo ya boleloko le go tlatšwa ga dikgoba tša mošomo

7. (1) Lehaka la leloko la khansele la mošomo le fela ge—
   (a) a tiša 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 iponagatšœ go dikopano tša tatelano tše tharo kante le tumello ya khansele;
   (d) a goledištšwe gore o tšhonne;
   (e) a tšošwa kantorong ya pote go ke kgoro ya molao goba a hloletšwe moloo o kahlolo ya gona e lego go tsuwalolelwa kgolegong kante le sebaka sa go lefa faene; goba
   (f) a tšletšwe maikarabelo a semolao.

(2) Khansele e na le maatla a go fega le go tša magato a kgalemo kgahlamong le leloko.

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

(4) Ge khansele e itokolla bjalo kage go akanywa go karolwana (3) khansele ye npsha e swanetsë go thangwa go ya ka Molao.

(5) Nako efe goba efe ge sekgoba sa mošomo se hlolega, karolo 10 ya Molao e swanetsë go dišišwa ka diphetogo tše bohlokwà tše.

(6) Leloko lefe goba lefe le thwetsëgo go ya ka karolwana (5) le swanetsë le some fela leba ka le šetšego la mošomo.

Kgetho le leba ka mošomo la modulasetulo, motšatša modulasetulo le mongwaledi wa khansele

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

(2) Modulasetula, motšatša modulasetulo le mongwaledi wa khansele ba kgethwa leba ka mengwaga ye e sego go feta e meraro.

(3) Modulasetulo, motšatša modulasetulo le mongwaledi ba ka tšenela dikgetho gape.

(4) Dikgetho tša bonkgetheng ba mošomo wa modulasetulo, motšatša modulasetulo le mongwaledi wa khansele di swanetsë di ngwalwe gomme di romelwe go molankedi le dikgetho.

(5) Ge e le gore go kgethišwe bonkgetheng ba go feta o tsee, go bouta go tla ba ka tselà ya sephihi.

(6) Leloko le lengwe le le lengwe la khansele le na le boutu e tsee lege ge go boutiwa gomme ga go maatla a go phetha ao a dumeletšwešo.

(7) Nako efe le efe ge sekgoba sa mošomo se ba gona ka kantorong ya modulasetulo, motšatša modulasetulo goba mongwaledi, dikarolwana (4) go fihla go (6) di dišišwa ka diphetogo tše bohlokwà goba go tša tša sekgoba se bjalo sa mošomo.

(8) Motho yo tlatšago sekgoba sa mošomo go ya ka karolwana (7) o fetšiššišwe o ba mošomong go fihla le mopellong go leba ka yo a tsenego sebakeng sa gagwe.

Dikopano tša khansele

9. (1) Khenasele e na le dikopano tše nne tše tlwašišišego mongwagedi o mongwe le o mongwe wa tša thuto.

(2) Tsešišo ya tšišišinyo efe goba efe ye e tla tsinkwelwago kopanong ye latelago ye e tlwašišišego e swanetsë e be ka tselà ya lengwalo gomme e swanetsë e isëw ge mongwaledi bonnyane matšatsi a 21 pele ka letšatšikgwedî le le rerîlwego ke khansele.
(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.
(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.
(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.

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.
(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.
(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.
(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.
(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.
(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.
(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.
(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.
ka kopano ye bjalo, go 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 maťatši a 14 pele ga letšatšikgwedi la kopano ye e tlwaegilego, mongwaledi go laetsa ka tsebišo go leloko le lengwe le le lengwe mabapi le merero ka moka ye e swanetsëgo go ahlala hlwa mo kopanong ye bjalo gomme a fe nako le lefelo la kopano ye bjalo.

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

(5) Kopano ye e ikgethilego e swanetsë go bitšwa e go modulasetulo ka kgopelo ka tsela ya ya lengwalo ka bonnyane maloko a mahlano, go maikemišëšo a kopano ye bjalo a laetsa gabošte mo kgopelo, go fela go filwe tsebišo bonnyane maťatši a šupago ya kopano ye ikgethilego.

(6) Ga go tše dingwe tše di ka ahlala hlwa mo kopanong ye ikgethilego kantle le tše di lego me lenaneotherong.

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

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

(9) Maikemišëšo a kopano ya tšhoganetšo a swanetsëgo go hlašošetšwa maloko gomme ga go se se ka ahlala hlwa kantle le se se lego lenaneotherong.

Ditshepeditšo tša kopano ya khansele

10. (1) Maloko a khansele a swanetsë go tše karolo mo diterhišango tša khansele ka dikgahlegelo tša khotšele.

(2) Kantle le mo e laetswago mo molaong o fetšisëšo, ditiragalo ka moka goba merero ye e dumeletšiwe goba ye e swanetsëgo go phethagatsëgo goba e rerilwe ke khansele goba dikomiti tša yona le dipotšišo ka moka tše di ka la tšiwago go yona di a dirwa goba tša rolólla ka bontši bja maloko a lego gona kopanong efe goba efe, go fela palo ya maloko a lego gona kopanong efe goba efe ka bonnyane seripa le leloko le tee la palomoka ya maloko a khansele goba dikomiti tša yona di sa ditše setulo ka letšatšikgwedi la kopano ye bjalo.

(3) Go modulasetulo a se gona le motlatša modulasetulo wa khansele, maloko le lego gona ka kgetsa o mongwale wa maloko a bona go dula setulo kopanong ye bjalo.

(4) Tiragalo ya mathomo ya kopano ye tlwaegilego, morogo ga go thlangwa, ke go bala le go netefatsë ka go saenela metsotsa ya kopano ye e tlwaegilego ya mafelelo ke modulasetulo le ya kopano efe goba efe ye ekgethilego ye tla latelago, ge fela kopano yeo e ka amogela metsotsa ka mo e balwago go khophi ya metsotsa yeo e ile ya romelwa go leloko le lengwe le le lengwe la khansele, le ge fela e le gore boipelaetsëgo bja metsotsa ya kopano bo a hlašišwa gomme bja rolólla pele ga nettatšiša ya metsotsa.

(5) Leloło ka khansele le ka no se, kantle le tumello ya modulasetulo, bolele go feta ga tee ka tšišinnyo goba ka tikišo efe efe goba efe gomme mošišinyi wa tšišinnyo goba wa tikišo efe efe o na le tšokle ya go fetola.

(6) Tšišinnyo ye nngwe le kagye nngwe tikišo efe efe swanetsëgo go tšekhiwe ye go, ge go ka laetswago ke modulasetulo, e swanetsëga go ba ka tsela ya go ngwala.

(7) Tšišinnyo goba tikišo ye e tšekhiwego bjaše kage go akantšwe go karolwana (6) e ka no se bušetšwe morogo kantle le tumello ya kopano.

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

(9) Go go ka tšewa sephetho ke kopano, palo ya maloko a boutago thekgona go ghanlong le tšišinnyo efe goba efe go swanetsëgo rekhothiwa ka metsotsong, modulasetulo o swanetsëgo go laela gore diboutu tše bjalo di rekhotiwe.

(10) Go bontši bja maloko a khansele ba fihlêla tumellano ka taba ye e fetšisëšego 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 swanetsëgo rekhothiwa mo metsotsong ya kopano ye latelago ye tlwaegilego.

(11) Maikutlo a leloło ka khansele leo le sa kgonge go tšenela kopano a ka tšišwa kopanong ka tsela ya lengwalo eupaša a ka se tšewe bjalo ka boutu ya leloko le bjalo.

(12) Sephetho sa modulasetulo ka tšielala goba ka tšipedšišo ke sa semolao ntle lege se ka klota ka potlako le leloko, moo e leng gore sephetho se bjalo se swanetsëgo tshišwa kantle le go ahlala hlwa yona ye sephetho sa yona e lego sa mafelelo.
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.
   (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.

Committees of council

12. (1) The council appoints—
   (a) an executive committee;
   (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.
   (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.

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.
   (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.

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—
      (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;
      (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;
   (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 kholetshe. Leloko la khansele le ka no se be le thulano ya dikgahlego le kholetshe.

(2) Leloko la khansele leo le nago le kgahlego ya thwii goba ya go rarela ya ditšelete, ya boyena goba ye ngwe mabapi le taba efe goba efe ye e ka aha-ahlwago kopenong ebile e akaretsa goba e ka akaretsa thulano goba kgonagalo ya thulano le swanetshe, pele goba ka nako ya kopano ye bjalo, go tsebisa ka kgahlego.

(3) Motho ofe goba ofe a ka, ka tselo ya lengwalo, a tsebise modaseluto 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 gapeletsa go itokolla go tšwa kopanong ge go ahaahlwowa taba ye e tsebisane go le copano ye bjalo a ka e tsebago.

Dikomiti tša khansele

12. (1) Khansele e kgetha—

(a) komiti ya khuduthamaga;
(b) komiti ya bohlakiši;
(c) komiti ya ditšelete;
(d) komiti ya maemo a mošomo;
(e) komiti ya go maana le ditlabakelo; le
(f) dikomiti tše bjalo tše dingwe bjalo kage go ka nyakega.

(2) Tlhamego le maikarabelo a dikomiti a rerwa ke khansele.

(3) Bonnyane diperesente tše 50 tša maloko a komiti a swanetshe go ba batho ba kantle bao e lego maloko a khansele.

(4) Modaseluto wa komiti e swanetshe go ba leloko la khansele.

Metsotso ya dikopano tša khansele le dikomiti

13. (1) Mongwaledi wa khansele o bea metsotso ya kopano ye ngwe le ye ngwe ya khansele le go akaretsa 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 swanetshe e akaretswe go lenaneothero la kopano ye latelago ye e tlwaegilego ya khansele go latela dikopano tše amegago tša komiti.

(3) Maloko a Khansele a swanetshe go fiwa dikophi tša metsotso ye go bolelwago ka yona go karolwana (2).

Go thalwa, go lokša le go sekaseka Molao o fetiššišwego

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

BOTO YA TŠA THUTO

Maikemišešo a boto ya tša thuto

15. (1) Go ya ka Molao, boto ya tša thuto ya kholetšhe—

(a) e na le maikarabelo go khansele a—

(i) go ruta, go ihuta, dinyakišišo le maikemišešo a tša thuto a kholetšhe;

(ii) maikarabelo a tša thuto a kholetšhe le kwakwašo ya go tša karolo ga basadi le digole mananeong a go ihuta;

(iii) hloma molebeledi wa ka gare wa tša thuto le dikwalakwašo tša boleng;

(iv) netefatsa gore dinyakwa tša tumello ya go aba thuto kgahlanong le maemo le boihutelo bjo ngwadišišwego go; le

(v) phethagaša maikarabelo a mangwe a bjalo kage go ka rōmēla goba go šupetšwa ke khansele;

(b) e swanetshe go—

(i) eletša khansele mabapi le tša molao wa maitshwaro le melao ye e amago baithuti;
(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;

(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

(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.

(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;

(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.

(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

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;

(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.

(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.

(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.

(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.
(ii) rera, go ya ka mošomo ofe goba ofe wa maleba goba mpho le gona morago ga therišano le hloko, maemo a lebanego le thekgo ya baithuti ka ditšelete le difoka tše dingwe tša thuto;
(iii) rera batho bao ba ka abelwago difoka tša thekgo ya baithuti ka ditšelete le tša thuto;
(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 abetšwe go komiti e bega mešomo ya yona go kopano ye e latelago ya boto ya tša thuto; le go
(c) e ka no—
(i) hloko dikomiti go phethagatša maikarabelo afe goba afe a yona, gomme lebakeng le e ka bona mothe o tee go ba komiti;
(ii) ntša ditaele mabapi le ditšepešišo le kabo ya maatla; le go
(iii) aba maikarabelo a yona go komiti.
(2) Kante le go kgeloga gotšwa kakarešong ya karolwana (1) mokgatlo le mohlomedi wa go ruta le ditlhahlobo, le ya bafahlos 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;
(b) ditšišinya mabapi le ditaba tše tlišišwe go yona ke khansele; le
c) ditšišinya tša taba efe goba efe ye e amago kholetšo tše boto ya tša thuto e ka bona go le bohlokwa.

**Phedišo ya Boleloko go boto ya tša thuto**

16. (1) Maloko a boto ya tša thuto a swanetsšo go tšea karolo ditlerišanong tša boto ya tša thuto ka dikgahlegelo tša kholetšhe.
(2) Go se dirašošo go ya ka dikgahlego tša kholetšhe goba maitsšwaro a tsentsšago kholetšhe go nyatšweng go ka felletša go dira gore go tšošwe leloko go tšwa go boto ya tša thuto ke khansele go lateša tšela ya maleba.

**Tlhamego ya Boto ya tša Thuto**

17. (1) Boto ya tša thuto ya kholetšhe e swanetsšo go bošoša ke—
(a) hloko;
(b) motšala hloko goba baltša hloko;
(c) maloko a bašomi ba bafahloši ba kholetšhe;
(d) maloko a khansele;
(e) maloko a khansele ya kemedi ya baithuti; le
(f) batho ba bjalo ba tlaletšelo bjalo kage go ka rerwa ke khansele.
(2) Bontšiša bja maloko a boto ya tša thuto bo swanetsšo bo be bafahloši.
(3) Tšela ya go kgetha le go thwala ga maloko e swanetsše e rerwe ke khansele.
(4) Palo ya batho ye e akanywago go karolwana (1)(c) go ya go (f) e swanetsše 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.
(2) Lebaka la mošomo la maloko a baithuti le fela ge moithuti a e sa le moithuti yo a ngwadišišwe goba a se sa le leloko la SRC.

**Modulasetulo, motšaša modulasetulo le mongwaledi wa boto ya tša thuto**

19. (1) Hloko ke modulasetulo wa boto ya tša thuto gomme o tša sepediša dikopano tša boto ya tša thuto.
(2) Motšaša hloko ke motšaša modulasetulo wa boto ya tša thuto gomme o tša 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.
(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.

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

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.

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

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;

(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;

(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;

(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;

(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;

(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

(m) such additional functions and privileges as may be specifically conferred upon the SRC in writing by the council.
(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 motšaša modulasetulo o tla phethagatsa maikarabelo a mangwe a bjalo go ya ka moo boto ya tša thuto e ka rerago ka gona.
(6) Ge bobedi modulasetulo le motšaša modulasetulo ba se gona, boto ya tša thuto e swanetše go kgetha modulasetulo wa kopano yeo go tšwa malokong a yona.

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

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) Thamego le maikarabelo a dikomiti a rerwa ke boto ya tša thuto.

Dikomiti tša mohlakanelwa tša khansele ya boto ya tša thuto

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 phethagatsong ya mësëmo ye tšëgo.

Khansele ya Kemedi ya Baithuti (SRC)

Maikarabelo a SRC

23. (1) Baithuti ba kholetshe ba emelwa ke SRC mo mererong ka moka e ka ba amago.
   (2) Ditaba tše akanywago go karolwana (1) di akaretša—
      (a) dikamano le ba taolo, setšhaha ka kakaretsa, dikholetshe tše dingwe, dikhanele tša boemedi bja baithuti tša dikholetshe tše dingwe, mekgatlo ya baithuti ya bosešhaha le ya bodišhabatšhaha, mekgatlo ya bašomi le boraditaba;
      (b) go ba mmago mekgatlo ya dikomiti tša baithuti ka moka, diphedlo, dikhanele le mekgatlo ka moo e bonago go lokile;
      (c) taolo le tlhokomelo ya tiriša ya ditalabakelo tša baithuti le tšohe tše amanago le tšona, ka tšômišaše le bolaoedi;
      (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 kakaretsa le diphetšiene 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;
      (f) peakanyo le kwalakwatšo ya ditiragalo tša mekgabiša yoa ka ntše mo baithuting;
      (g) go bea tšhopaletlotlo la ditišhlete ka moka tše e di abetswego SRC ke khansele le ditšhlete dife goba dife tše dingwe tše di ka oketšegago ge ba sa le kemedi ya baithuti;
      (h) go aba goba go phatlalatša matlotlo a tša šomišwago ke baithuti, le go aba ditšhlete go dipheša baithuti tše dumeletšwege, dikomiti, mekgatlo le dikhanele;
      (i) maikarabelo a go lotala mašhwaro meletlong ya baithuti le go netešaša mašhwaro a mabotsa mo dikopanong tše dingwe tše dumeletšwege tša baithuti;
      (j) taolo ya go tšea karolo ga baithuti go diprojeke tša setšhaha tše di thomilwego ke yona;
      (k) maikarabelo a dikgatiša ka moka tša baithuti;
      (l) go tšewa ga sephešo sa mafelelo go mererero e lego ka fase ga SRC; le
      (m) maikarabelo a bjalo a tlaletšo le diputeletšo 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.

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.
(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.

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

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.
(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. (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.
(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.
(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 ngwadišišwe go ba ka bago maloko a SRC.
   (2) SRC e swanetswe e be kemedi ya mokgatlwa ba baithuti.
   (3) Kgetho ya maloko a SRC e swanetswe go ba ka tsela ya demokrasi le ya ponagalo;
   (4) DiSRC tša dikholeši tše di kgomagantsišwe di swanetswe go ba le kopano pele ga kgomagano go aga SRC e tee ya nákwa ne e bopšago ke maloko ka moka a SRC ye e amegago lebaka le sa fetego dikgwedi tše selelago.

Maloko a SRC

25. (1) SRC e kgetha go tšwa go maloko a yona moporesidente yo a tla emago bjalo ka modulasetulo le motlatša moporesidente 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 swanetswe go ba ngwaga o tee wa ditluto.
   (2) Leloko la SRC le ka kgethwa go feta lebaka le tee la mošomo.

Dikopano tša SRC

27. Paleo ya dikopano, palo ye lekanego kopanong le ditshopedišo tša dikopano di rerwa ke moloahtso wa SRC bjalo kage go dumeletšwe ke khansele, ge fela dikopano tše nne tše tla wa legilego di ka sarwara mo ngwageng wa thuto.

Dikomiti tša SRC

28. (1) SRC e swanetswe go hloma komiti ya kgalemo ye e nago le maikarabelo a go kgalema maloko afe goba afe a SRC le maloko a dihlonga 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 kakaretsšo

29. (1) SRC e swanetswe go bitša bonnyane kopano ye tee ya kakaretsšo ya baithuti ka dikgwedi tše selelago.
   (2) Ge bontšhi bjai baithuti bo ka saenela SRC phethisene ba kgopela kopano ya kakaretsšo, SRC e swanetswe e phethagatshe kgopelo ye bjalo.
   (3) Dikopano di ka no se šitiše ditluto.

BOLAODI

Bolaodi

30. (1) Bolaodi bo bopša ke hlogo, motlatša hlogo goba batlatša hlogo ba kholetšhe, bjalo kage go hlandošwa go karolo 19(1) ya Molao.
   (2) Hlogo go mohlankedi mogolo le motlhakiši wa matlotlo wa kholetšhe.

Maikarabelo a hlogo

31. (1) Hlogo e na le maikarabelo a taolo ya šatsi ka šatsi le tshepedišo ya kholetšhe gomme e na le maatla ka moka a nyakegago go phethagatsa maikarabelo a.
   (2) Ka lebaka la mošomo wa gagwe hlogo ke leloko la dikomiti ka moka tša khansele le bota ya tša thuto.
   (3) Go ya ka karolo 19(1) le (4) khansele e ka abela hlogo maikarabelo a tlaletšo le maatla a tlaletšo.
   (4) Ge hlogo a sega goba a palēwa ke go phethagatsa maikarabelo a gagwe, motlatša hlogo o šiça marapo a hlogo, goba Leloko la Khuduthamaga le ka kgetha hlogo ya monaaswere.
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

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

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.
(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.

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.

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.

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.

DONORS

Donors

40. (1) The college may receive moneys and equipment of any sort from donors to assist the college in providing quality education.
(2) The college may recognise and register certain donors as determined in the rules.
Motlatša hlogo le Mohlankedi wa tša Ditšhelete

32. (1) Motlatša hlogo gobha batlatsa hlogo ba na le maikarabelo a go thuša hlogo ka taolo le tshepedišo ya kholetshe.

(2) Khansele ya kholetše e swanetše go kgetha mohlankedi wa ditšhelete.

Go thwalwa ga bafahloši, bašomi le bahlankedi ba ditšhelete

33. Go basoši a bašomi, go mengwa a mohlankedi ya bahlankedi, go tsongwa ga bafahloši a bašomi, go bafahloši le bahlankedi le ditšhelete go swanetše go be ka tsela ye e rerilwego ke khansele.

Mabaka a mošomo

34. Khansele e swanetše go dumella mabaka a mošomo, go akaretša go rerwa le tshekatsheko ya meputso go bafahloši le bašomi le ditša ka moka tša meputso go ya ka melao.

Tshekatsheko

35. (1) Bolaodi bja kholetše bo tla dula bo sekasekwa ke MEC ge ba ntše ba 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 angwe ka molao wa maitshwaro le magato a kgalexo, ka moo go dumeletšwe go ke khansele le go laetswa mo melaong, yeo e lego karolo ye bohlokwa ya maemo a bona a tirelo.

Baemedi ba metskatlho ya bašomi

37. Ditumellano le baemedi le mekgatlo ya bašomi di ka, ka go lebelela meputso le ditheriša tše amegago le go ya ka molao wa maleba wa bašomi, di dumellanwe ke baemedi le bafahloši le bašomi le go šišinywa go khansele gore e dumele.

BAITHUTI

Kamogelo le ngwadišo ya baithutı

38. Motho a ka ngwadiša bjalo ka moithutı ge fela a kgotsofatša dinyakwa tša semola tša kamogelo go ihuta kholetšheng le go kgotsofatša dinyakwa dife goba dife tše dingwe tša kamogelo tše di ka rerwago ke khansele gomme tša akaretša mo melaong.

Molao wa maitshwaro wa baithutı

39. Magato a kgalexo le ditaelelo tša kgalexo tše di amago baithutı di hlahoša go molao wa kgalexo wo o rerilwego ke khansele ka theriša le SRC.

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 thuša ya boleng.

(2) Kholetšhe e ka amogela le go ngwadiša baabi ba bangwe bjalo kage go rerwa ka melaong.
## SCHEDULE 2

Existing public further education and training institutions, structures and bodies

(Section 53)

<table>
<thead>
<tr>
<th>Province</th>
<th>College Name</th>
<th>Campus Name</th>
<th>CONTACT DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Postal Address</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>Port Elizabeth FET College (A)</td>
<td>Central</td>
<td>Private Bag X6000, Port</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Elizabeth</td>
</tr>
<tr>
<td></td>
<td>East Cape Midlands FET College (B)</td>
<td>Central</td>
<td>Private Bag X35</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Uitenhage 6230</td>
</tr>
<tr>
<td></td>
<td>Buffalo City FET College (C)</td>
<td>Central</td>
<td>Private Bag X9016</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>East London 5200</td>
</tr>
<tr>
<td></td>
<td>Lovedale FET College (D)</td>
<td>Central</td>
<td>PO Box 2156</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>King Williams</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Town 5600</td>
</tr>
<tr>
<td></td>
<td>King Sabata Dalindyebo FET College</td>
<td>Central</td>
<td>Private Bag X5011</td>
</tr>
<tr>
<td></td>
<td>(E)</td>
<td>Office</td>
<td>Umtata</td>
</tr>
<tr>
<td></td>
<td>Ingwe FET College (F)</td>
<td>Central</td>
<td>Private Bag X92491</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Mt Frere 5090</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ikhala FET College (G)</td>
<td>Central</td>
<td>Private Bag X7110</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Queenstown 5320</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>King Hintsa FET College (H)</td>
<td>Central</td>
<td>Private Bag X3018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Butterworth 4960</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Free State</td>
<td>Goldfields FET College (A)</td>
<td>Central</td>
<td>Private Bag X95</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Welkom 4600</td>
</tr>
<tr>
<td></td>
<td>Motheo FET College (B)</td>
<td>Central</td>
<td>Private Bag X20509</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Bloemfontein 9300</td>
</tr>
<tr>
<td></td>
<td>Malutu FET College (C)</td>
<td>Central</td>
<td>Private Bag X870</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Wisseshock 9870</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Flavius Mareka (D)</td>
<td>Central</td>
<td>Private Bag X22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Krozenstad 9500</td>
</tr>
<tr>
<td>Gauteng</td>
<td>Tshwane South FET College (A)</td>
<td>Central</td>
<td>Private Bag X1018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Lytetalton 0140</td>
</tr>
<tr>
<td></td>
<td>Tshwane North FET College (B)</td>
<td>Central</td>
<td>PO Box 26193</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Arcadia 0007</td>
</tr>
<tr>
<td></td>
<td>Ekurhuleni West College (C)</td>
<td>Central</td>
<td>Private Bag X1030</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Germiston 1400</td>
</tr>
<tr>
<td></td>
<td>Ekurhuleni East FET College (D)</td>
<td>Central</td>
<td>Private Bag X52</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Springs 1560</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South West</td>
<td>South West FET College (E)</td>
<td>Central</td>
<td>PO Box 164</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Florida 1710</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Johannesburg (F)</td>
<td>Central</td>
<td>Private Bag X2336</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Houghton 2041</td>
</tr>
<tr>
<td></td>
<td>Western College FET (G)</td>
<td>Central</td>
<td>Private Bag X17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Randfontein 1760</td>
</tr>
<tr>
<td></td>
<td>Sedibeng FET College (H)</td>
<td>Central</td>
<td>Private Bag X2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Vereeniging 1980</td>
</tr>
<tr>
<td>KwaZulu-</td>
<td>Mthashana FET College (A)</td>
<td>Central</td>
<td>PO Box 9424</td>
</tr>
<tr>
<td>Natal</td>
<td></td>
<td>Office</td>
<td>Vryheid 3100</td>
</tr>
<tr>
<td></td>
<td>Umfolozi FET College (B)</td>
<td>Central</td>
<td>Private Bag X5023</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Richards Bay 3900</td>
</tr>
<tr>
<td></td>
<td>Majuba FET College (C)</td>
<td>Central</td>
<td>Private Bag X5020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Newcastle 2940</td>
</tr>
<tr>
<td></td>
<td>Mnambithi FET College (D)</td>
<td>Central</td>
<td>Private Bag X9003</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Ladsmith 3370</td>
</tr>
<tr>
<td></td>
<td>Sivananda FET College (E)</td>
<td>Central</td>
<td>Private Bag X13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office</td>
<td>Westville 3630</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**SEDULO 2**

Dihlongwa tše di lego gona tša setšhaha tša thuto ya go isa pele le thahlo, dibopeko ke mekgatlo

*(Karolo 53)*

<table>
<thead>
<tr>
<th>Profense</th>
<th>Leina la Kholetšhe</th>
<th>Leina la Khamphase</th>
<th>Dinthla tsa Kgokagano</th>
<th>Aterese ya Poso</th>
<th>Aterese ya Mmila</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>Port Elizabeth FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X6040, Port Elizabeth 6000</td>
<td>139 Russell Road Central Port Elizabeth</td>
<td></td>
</tr>
<tr>
<td>East Cape Midlands FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X35 Uitenhage 6230</td>
<td>High Street Uitenhage 6229</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo City FET College (C)</td>
<td>Central Office</td>
<td>Private Bag 9016 East London 5200</td>
<td>Lakin Road Seibonne East London 5201</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lovedale FET College (D)</td>
<td>Central Office</td>
<td>PO Box 2156 King Williams Town 5600</td>
<td>Amatola Row, King Williams Town 5600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Sabata Dalindyebo FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X5011 Umtata</td>
<td>Engcobo Road c/n Ciera</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ingwe FET College (F)</td>
<td>Central Office</td>
<td>PO Box 92349 Mt Frere 5090</td>
<td>3rd West Street Mt Frere Easter Cape 5090</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ikhala FET College (G)</td>
<td>Central Office</td>
<td>Private Bag X7110 Queenstown 5320</td>
<td>Robinson c/n Zeiler Street Queenstown 5320</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Hintsa FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X3018 Butterworth 4960</td>
<td>Macieide Road Kentane Butterworth 4960</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Free State</td>
<td>Goldfields FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X95 Welkom 9460</td>
<td>14107 Ndaka Road Thabang 9463</td>
<td></td>
</tr>
<tr>
<td>Motheo FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X20509 Bloemfontein 9300</td>
<td>St George Street Bloemfontein 9300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maluti FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X870 Mampoi Street Winesshock 9870</td>
<td>Mampooi Street Phuthadtjhaba Qwaqwa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flavius Mareka (D)</td>
<td>Central Office</td>
<td>Private Bag X22 Kroonstad 9500</td>
<td>Bukes Street Kroonstad 9499</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gauteng</td>
<td>Tshwane South FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X1018 Lyttelton Centurion 0140</td>
<td>Lyttelton Tekbase College Street Centurion 0140</td>
<td></td>
</tr>
<tr>
<td>Tshwane North FET College (B)</td>
<td>Central Office</td>
<td>PO Box 26193 Arcadia 0007</td>
<td>Cnr Potgieter &amp; Pretorius Streets Pretoria 0001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ekurhuleni West College (C)</td>
<td>Central Office</td>
<td>Private Bag X1030 Germiston 1400</td>
<td>Drrendek Street c/n Sol Road Germiston 1400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ekurhuleni East FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X52 Springs 1560</td>
<td>Sam Ngema Road Kwa-Thema Springs 1560</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South West FET College (E)</td>
<td>Central Office</td>
<td>PO Box 164 Florida 1710</td>
<td>Koma c/n Molepo Road Molapo Section Soweto</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Johannesburg (F)</td>
<td>Central Office</td>
<td>Private Bag X2336 Houghton 2041</td>
<td>5 Ubla Street Parktown 2041</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western College FET (G)</td>
<td>Central Office</td>
<td>Private Bag X17 Randfontein 1760</td>
<td>Kiewiet Street Helikon Park Randfontein 1760</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sedibeng FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X020 Vereeniging 1930</td>
<td>37 Voorrekker Street 1930</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>Mthashana FET College (A)</td>
<td>Central Office</td>
<td>PO Box 9424 Vryheid 3100</td>
<td>92 Hlobane Street Vryheid 3100</td>
<td></td>
</tr>
<tr>
<td>Umfolozi FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X5023 Richards Bay 3900</td>
<td>Via Richardia Naboomek Richardsbay 3900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majuba FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X5020 Newcastle 2940</td>
<td>Centre For People Development Police Station Road Section 2 Madadeni 2951</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mnambithi FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X9003 Ladysmith 3370</td>
<td>12 Wallon Street Ladysmith 3370</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sivananda FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X13 Westville 3630</td>
<td>22 Westville Road Westville Durban 3630</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province</td>
<td>College Name</td>
<td>Campus Name</td>
<td>CONTACT DETAILS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------------------</td>
<td>-------------</td>
<td>-----------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province College Name</td>
<td>Central Office</td>
<td>Postal Address</td>
<td>Physical Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastline</td>
<td>Coastal FET College (Mobeni) (F)</td>
<td>P O Box 1795 Amanzimtoti 4125</td>
<td>No 50051 Old Main Road Kwamathutha 4125</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thekwini FET College (G)</td>
<td>Private Bag X06 Dormerton 4015</td>
<td>262 Dantree Avenue Asherville 4091</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Umgungu-nkulungu FET College (H)</td>
<td>Private Bag X9060 Pietermaritzburg</td>
<td>4 Prince Alfred Street Pietermaritzburg</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Essyidi FET College (I)</td>
<td>Private Bag X713 Port-Shepstone 4240</td>
<td>22 Veronica Gamalakhe 4249</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limpopo FET College (A)</td>
<td>Private Bag X210 Lephalale 4055</td>
<td>Cnr Nelson Mandela &amp; Ramathodi Streets Onverswacht 0557</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capricorn FET College (B)</td>
<td>Private Bag X367 Polokwane 4070</td>
<td>Cnr Dort &amp; College Streets Polokwane 0700</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waterberg FET College (C)</td>
<td>Private Bag X2449 Mokopane 0600</td>
<td>20 Simmentaler Street Mokopane</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vhembe FET College (D)</td>
<td>Private Bag X2415 Makhado 0920</td>
<td>113 Burger Street Makhado 0920</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mopani South East FET College (E)</td>
<td>Private Bag X10124 Phalaborwa 1390</td>
<td>21 Wildevey Avenue Phalaborwa</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Letaba FET College (F)</td>
<td>Private Bag X4017 Tzaneen 0850</td>
<td>Claude Whately Street Tzaneen</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sekhu-khune FET College (G)</td>
<td>Private Bag X8660 Groblersdal 0470</td>
<td>Stand No 676 Motetema 0473</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mpumalanga</td>
<td>Private Bag X1297 Nelspruit 1200</td>
<td>Louws Trichardt Street Nelspruit Sanlam 1200</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ehlanzeni FET College (A)</td>
<td>PO Box 2282 Witbank 1035</td>
<td>Cnr Haig &amp; Northey Streets Witbank 1035</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nkangala FET College (B)</td>
<td>Private Bag X3475 Standerton 2430</td>
<td>18A Piet Retief Street Standerton 2430</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gert Sibande FET College (C)</td>
<td>Private Bag X5031 Kimberly 8300</td>
<td>Jan Smuts Ave Kimberly</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Cape Rural FET College (B)</td>
<td>Private Bag X1834 Steve Naude Street Upington 8800</td>
<td>Steve Naude Street Upington</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>North West</td>
<td>Private Bag X10128 Mnubatho 2735</td>
<td>13 Andeset Drive Riviera Park Matfikeng 2745</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Taeletsu FET College (A)</td>
<td>PO Box 10127 Klerksdorp 2300</td>
<td>133 Church Street Klerksdorp</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vuselela FET College (B)</td>
<td>Private Bag X82096 Rustenburg 0300</td>
<td>Bosch c/r Fatima Bhayat Street Rustenburg</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orbit FET College (C)</td>
<td>Private Bag X9355 Malmabushi 7300</td>
<td>Rammer c/r Kerk Street Clocks Building 2nd Floor Voortrekker Road Malmabushi 7300</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Western Cape</td>
<td>Private Bag X10400 GEORGE 6530</td>
<td>Tommy Joubert Building (South) Cnr Courtensay &amp; Cradock Streets George 6529</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Coast FET College (A)</td>
<td>PO Box 7599 Stellenbosch 7599</td>
<td>85 Bird Street Stellenbosch 7600</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boland FET College (B)</td>
<td>PO Box 1054 Cape Town 8000</td>
<td>Bytes Technology CS Holdings Bldg, 2nd Floor Golf Park, Raapenberg Road Pinelands, 7405</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Cape FET College (C)</td>
<td>Private Bag X1 Panorama 7506</td>
<td>Driftwood Office Park Unit 1 Corner Haneslow &amp; McIver Streets Parow</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NorthLink FET College (D)</td>
<td>Private Bag X25 Tokai 7988</td>
<td>False Bay College Tokai on Main Tokai 7988</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>College of Cape Town FET College (E)</td>
<td>PO Box 1054 Cape Town 8000</td>
<td>Bytes Technology CS Holdings Bldg, 2nd Floor Golf Park, Raapenberg Road Pinelands, 7405</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>False Bay FET College (F)</td>
<td>Private Bag X25 Tokai 7988</td>
<td>False Bay College Tokai on Main Tokai 7988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province</td>
<td>Institution Name</td>
<td>Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limpopo</td>
<td>Lephalale FET College (A)</td>
<td>Private Bag X210 Lephalale 0555</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capricorn FET College (B)</td>
<td>Private Bag X367 Polokwane 0700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waterberg FET College (C)</td>
<td>Private Bag X2449 Mokopane 0600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vhembe FET College (D)</td>
<td>Private Bag X2415 Makhado 0920</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mopani South East FET College (E)</td>
<td>Private Bag X10124 Phalaborwa 1390</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Letaba FET College (F)</td>
<td>Private Bag X4017 Tzaneen 0850</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sekhukhune FET College (G)</td>
<td>Private Bag X8660 Grobelersdal 0470</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mpumalanga Ehlanzeni FET College (A)</td>
<td>Private Bag X11297 Nelspruit 1200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nkangala FET College (B)</td>
<td>PO Box 2282 Witbank 1035</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gert Sibande FET College (C)</td>
<td>Private Bag X3475 Standerton 2430</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Cape Urban FET College (A)</td>
<td>Private Bag X5031 Kimberly 8300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Cape Rural FET College (B)</td>
<td>Private Bag X1834 Steve Naude Street Upington 8800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>North West Taletso FET College (A)</td>
<td>Private Bag X128 Mmabatho 2735</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vuselela FET College (B)</td>
<td>PO Box 10107 Klerksdorp 2570</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orbit FET College (C)</td>
<td>Private Bag X82096 Rustenburg 0300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Western Cape West Coast FET College (A)</td>
<td>PO Box 935 Malmesbury 7300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boland FET College (B)</td>
<td>Private Bag 5068 Stellenbosch 7599</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Cape FET College (C)</td>
<td>PO Box 10400 GEORGE 6530</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NorthLink FET College (D)</td>
<td>Private Bag X1 Panorama 7506</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>College of Cape Town FET College (E)</td>
<td>PO Box 1054 Cape Town 8000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>False Bay FET College (F)</td>
<td>Private Bag X25 Tokai 7988</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 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:
       ‘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:
       ‘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 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

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).


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 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 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:
       “(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:
       “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—”;

74 No. 29469 GOVERNMENT GAZETTE, 11 DECEMBER 2006

Act No. 16, 2006 FURTHER EDUCATION AND TRAINING COLLEGES ACT, 2006
TOKIŠO YA MOLAO WA GO THWALWA GA BARUTISI, 1998  
(MOLAO NO. 76 WA 1998)

(KAROLO 58(3))

Tokišo ya karolo 1 ya Molao 76 wa 1998, bjalo kage o lokisitšwe 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 lokisišwe—
   (a) sebakeng sa tlhalošo ya “kantoror ya kgoro” ga go be ye e latelago:
      “‘KANTORO YA KGORO’ e ra kantoror efe goba efe goba sehlwonga se o se laolwago goba se sepedišwago ke Kgoro ya Thuto goba kgoro efe goba efe ya thuto ya profense, eupša e sa akarešē sekolo sefe goba sefe sa mnušo, [THUTO YA GO ISA PELE SE SELONGWA SA Tlhahlo] goba lefelo la thuto ya motheo ya batho ba bagolo;”;
   (b) sebakeng sa tlhathošo ya “mututisi” ga go be ye e latelago:
      “‘MUTUTISI’ e ra motho ofe goba ofe yo a rutago a thhalhago batho ba bangwe goba yo a babgo ditirelo tša profensina tša thuto, go akarešiwa kalafo ya profenišale le ditirelo tša saekholotišya ya thuto, sekolo sefe goba sefe sa mnušo, [THUTO YA GO ISA PELE SE SELONGWA SA Tlhahlo], kantoror ya kgoro goba lefelo la thuto ya motheo ya batho ba bagolo gomme e le motho yo a thwetswegwe mo sekgobeng sa mošo mo mšošong wanga borutisi ka fase ga Molao wo;”; le
   (c) ka go phumula tlhathošo ya ‘thuto ya go isa pele le sehlwonga sa tlhahlo’.

Tokišo ya karolo 2 ya Molao 76 wa 1998

2. Karolo 2 ya Molao wa Barutiši ka go realo o lokisitšwe 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 lokisitšwe ke phumulo ya karolwana (5).

Tokišo ya karolo 6 ya Molao 76 wa 1998, bjalo kage o lokisitšwe 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 lokisitšwe—
   “(a) Go ya ka temana (a) sebakeng sa yona ke:
      “‘(a) Go ya ka temana (m), thwalo efe goba efe, tlhatlošo goba phetšišešo go sekgoša sefe sefe sa sehlwonga sa borutisi sa sekolo sa mnušo [Goba thuto ya go isa pele se sehlwonga sa Tlhahlo], se ka dirwa fela ka tšišišišo ya leggotla la taolo la sekolo sa mnušo [Goba khansele ya thuto ya go isa pele se sehlwonga sa Tlhahlo, ka moo go ka bago ka gona], le, ge go na le barutisi mo kgorong ya thuto ya profense ye e amegago bao ba fetago palo ye e nyakengo mo sehlweng sa borutisi sa sekolo sa mnušo [goba thuto ya go isa pele se sehlwonga sa Tlhahlo] go ya ka dinyaka tša tsepedišo, tšišišišo yeo e ka dirwa fela go tšwa go bakgoedi ba mšošong ba lebeletšwešo ke Hlogo ya Kgoro, bao bal ešo palong ye e festršgo ba swanela sekgoša se o sa mšošo.”;
   (b) Sebakeng sa karolwana (3)(b) ya temana (v) ya temana ye e latelago e dulelwa legato ke:
      “‘(v) ditsepedišišo ti di tla netefatšwago gore tšišišišo ga e humanege ka tsela ya khuetšo ye e sego ya maleba go maloko a lekgotla la taolo [goba khansele, ka moo go ka bago ka gona].’’;
   (c) Sebakeng sa mantšu ao a tlago pele ga temana (i) a ka emelwa legato go temana (3)(c) ka mantšu a latelago:
      “Lelegotla la taolo [goba khansele, ka moo go ka bago ka gona], e swanets go hlagiša, ka tatelano go ya ka dikgahlelo go Hlogo ya Kgoro, lenane o la.”;
(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 be] has met the requirements in paragraph (b).

(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:

“(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:

“(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:

“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—”;

(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

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].”.

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:

“(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:

“(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
(d) sebakeng sa karolwana (3) ya ditemana (d) le (e) ya dote, ama tše di latelago, ka tletlanologa:

“(d) He Hlogo ya Kgoro e amo getšišišyoe ye e hlaloswago go temana (c), o swanetše, pele ga go thwala, netefatsa gore lekgotla la taolo [goba khansele, ka moo go ka bago ka gona,] e kgotsofadišše dinyakwa go temana (b).

(e) He lekgotla la taolo [goba khansele, ka moo go ka bago ka gona,] se ka kgotsofatišše dinyakwa go temana (b). Hlogo ya Kgoro e swanetše e ganetše tshišišyoe.”.

(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 boipelaetsa go Leloko la Khuduthamaga kgahlangong le sephetho sa Hlogo ya Kgoro abapi ka go thwalwa ga nakwana goo go hlaoswago go temana (g).”.

(f) sebakeng sa karolwana (3) go temana (1) ya temana ye e latelago:

“(1) Tshišišyoe ye e hlaoswago go temana (a) e tla dirwa mo dikgweding tše pedi go tloga ka leššaši kgwedi lelo lekgotla la taolo [goba khansele, ka moo go ka bago ka gona,] e kgpešišešo mo maemong a sebakyana go sekgoba sefe goba sefe sa mošomo wa borutšiši se swanetše go dirwa ke Hlogo ya Kgoro ka, go ka ya temana (g), thwala kantle le tshišišyoe ye bjalo.”.

(g) sebakeng sa karolwana (3)(m) go manšu a le go pele go temana (i) ka manšu a a latelago:

“Go fihlele lekgotla la taolo le le amegago [goba khansele, ka moo go ka bago ka gona,] le hlongwa, go thwalwa, thalasha goba phetšišo mo maemong a sebakyana go sekgoba sefe go sekgoba wa borutšiši se swanetše go dirwa ke Hlogo ya Kgoro moo go—”;

(h) ka phedišo ya karolwana (3)(m) ya temana (ii).

Go dulelwa lelego ka karolo 6B ya Molao 76 wa 1998, bjalo kage e loketswe ke karolo 8 ya Molao 24 wa 2005

5. Karolo ye e latelago ka go realo e dulelwa lelego ke karolo 6B ya Molao wa Borutšiši: ‘’

"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 mmutšo. [goba khansele ya thuto ya go iša pele le sehlolwa sa tlhahtlo, ka moo go ka bago ka gona,] fetolela go thwalwa ga nakwana ga morutiši yo a thwetswego mo sekgobeng sa mošomo sa borutšiši sa sekolo sa mmutšo [goba thuto ya go iša pele le sehlolwa sa tlhahtlo] go ya ga mošomo wa go ya go ile kantle le tshišišyoe 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 lokshišwe ke karolo 16 ya Molao 48 wa 1999 le karolo 3 ya Molao 1 wa 2004

6. Karolo 8 ya Molao wa Borutšiši ka go realo e lokshišwe—

(a) ka go dulelwa lelego ke karolwana (2) ya karolwana ye e latelago:

“(2) Go ya ka dikarolwana (4) le (5), ga go phetšišetsa go sekgoba sefe goba sefe sa mošomo sa borutšiši sa sekolo sa mmutšo [goba thuto ya go iša pele le sehlolwa sa tlhahtlo] se ka dirwa kantle le tshišišyoe ya lekgotla la tlaolola sekolo sa mmutšo [goba khansele ya thuto ya go iša pele le sehlolwa sa tlhahtlo, ka moo go ka bago ka gona,] e thwetswe.”;

(b) ka go dulelwa lelego ga karolwana (5) ya karolwana ye e latelago:

“(5) Hlogo ya Kgoro e ka, kantle le tshišišyoe ye e hlaoswago go karolwana (2), fetšišetsa morutiši nakwana nako ye tšegoe go tšwa sekgobeng sa mošomo mo sekolong sa mmutšo [goba thuto ya mmutšo ya go iša pele le sehlolwa sa tlhahtlo,] go ya go sekgoba sa mošomo sekolong se sengwe sa mmutšo [goba thuto ya mmutšo ya go išs pele le sehlolwa sa tlhahtlo].”;

le
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—

(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;

(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;’’;

(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;

(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;’’.
(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 morutšiši yo a abetšwego pasari ke mongmošomo go latela thuto ye e dumelétšwe ke mongmošomo, mongmošomo a ka fetšetša morutšiši o bjalo, ka tumello ya gagwe, go sekgota sefe goba sefe sa maleba mošomong wa borutšiši sekolson 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 Barutšiši ka go realo o lokisitšwe—

(a) ka go dulelwa legato ga karolwana (1) ga ditemana (b), (c) le (d) ya dITEMa Tše di latelago, ka tateša:

“(b) a senya ka boomo goba ka go hloka šedi go ditšhelete šisa 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 šesa goba a šomiša thoto ya Mmušo, sekolo, [thuto ya go iša pele le sehlongwa sa tlhahlo,] lefela la go ithuta la batho ba bagolo, mošomi o mongwe goba moeti;

(d) a senya goba a lahla ka boomo, ka maikemišethšo 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) šisa ditemana Tše di latelago, ka tateša:

“(f) kantle le mabaka a gegea tshepedišo, maitshwaro le go se šome gabotše ga Kgoro ya Thuto, kantororo ya Mmušo go 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 hiatloša goba go gegea dikgahilego šisamotho oše goba oše;”.