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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF EDUCATION
DEPARTEMENT VAN ONDERWYS

No. 1043

14 August 1998

**NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO. 27 OF 1996):
REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT, COMPOSITION AND
FUNCTIONING OF THE NATIONAL BOARD FOR FURTHER EDUCATION AND
TRAINING**

The Minister of Education has, under section 11(1)(b) and (2) of the National Education Policy Act, 1996 (Act No. 27 of 1996), made the regulations in the Schedule.

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SCHEDULE**REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT, COMPOSITION AND FUNCTIONING OF THE NATIONAL BOARD FOR FURTHER EDUCATION AND TRAINING****Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act, has that meaning and, unless the context otherwise indicates—

“further education and training” means all learning and training programmes leading to qualifications from levels 1 to 4 of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), or their equivalent of grade 10 to grade 12 in the school system;

“member” means a member of the NBFET;

“NBFET” means the National Board for Further Education and Training established by regulation 2; and

“the Act” means the National Education Policy Act, 1996 (Act No. 27 of 1996).

Establishment of Board

2. The National Board for Further Education and Training (NBFET) is hereby established.

Functions of NBFET

3. The NBFET may advise the Minister on any aspect of further education and training on its own initiative and must –
- (a) advise the Minister on –
 - (i) any aspect on further education and training at the request of the Minister;
 - (ii) national further education and training policy, goals and priorities; and
 - (iii) norms and standards, including funding norms and the terms, purposes and conditions of earmarked grants;
 - (b) receive reports on further education and training from provincial advisory bodies;
 - (c) monitor and report annually to the Minister on the goals and performance of the national further education and training system;
 - (d) analyse and disseminate information about further education and training; and
 - (e) perform any function assigned or delegated to it in terms of any applicable law.

Information to be provided to NBFET

4. The NBFET may request a national or provincial department of State and every further education and training institution, to submit such information as the NBFET may reasonably require for the performance of its functions in terms of these Regulations.

Composition of the NBFET

- 5.(1) The NBFET consists of –
- (a) a chairperson;
 - (b) ordinary members;
 - (c) co-opted members; and
 - (d) non-voting members.

- (2) The selection of the chairperson, ordinary members and co-opted members must be undertaken in such a manner as to ensure, in so far as it is practically possible, that—
- (a) the functions of the NBFET in terms of these Regulations are performed according to the highest professional standards;
 - (b) the membership taken as a whole —
 - (i) is broadly representative of the further education and training system and related interests;
 - (ii) has thorough knowledge and understanding of further education and training;
 - (iii) appreciates the role of the further education and training system in reconstruction and development; and
 - (iv) has known and attested commitment to the interests of further education and training; and
 - (c) due attention is given to representivity of the NBFET on such relevant grounds as race, gender and disability.
- (3) The Minister must, by notice in the Gazette and in two national newspapers circulating in every province of the Republic, and by any other means regarded necessary by him or her, invite nominations for the chairperson and the ordinary members of the NBFET from —
- (a) the public;
 - (b) national and provincial organisations representing students, academic employees, employees other than academic employees, university principals, technikon principals, principals of further education and training institutions, the further education and training sector, educators, teacher unions, organised business and organised labour; and
 - (c) non-governmental organisations.
- (4) The Minister must consider the nominations as contemplated in sub-regulation (3), and from the persons so nominated, the Minister must appoint—
- (a) a chairperson of the NBFET; and
 - (b) not more than 13 ordinary members of the NBFET.

- (5) The Minister must appoint twelve non-voting members of the NBFET nominated respectively by the Director-General, the provincial Heads of Education, the Director-General of the Department of Labour, and the South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).
- (6) The NBFET may co-opt no more than three members.

Term of office of members

- 6.(1) The chairperson of the NBFET holds office for a period of four years.
- (2) Every ordinary member of the NBFET contemplated in regulation 5(4)(b) holds office for a period of four years.
- (3) Any co-opted member of the NBFET holds office for a period determined by the NBFET.
- (4) The Chairperson or a member of the NBFET contemplated in subregulation (2) may not serve for more than two consecutive terms of office.

Vacation of office by members

7. A person ceases to be a member of the NBFET if he or she –
 - (a) resigns by giving written notice to the chairperson or, in the case of the chairperson, the Minister;
 - (b) is absent from three consecutive meetings of the NBFET without the leave of the chairperson, or in the case of the chairperson, the leave of the executive committee of the NBFET;
 - (c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine; or
 - (d) is declared unable to attend to his or her personal affairs by a court of law.

Filling of vacancies

8. If a member vacates his or her office, the resultant vacancy must be filled by nomination, appointment or co-option as the case may be, in accordance with regulation 5.

Administrative functions of NBFET and committees

- 9.(1) The administrative functions of the NBFET and any of its committees shall be performed by officials of the department who are designated by the Director-General for that purpose.
- (2) The Director-General must designate a secretary under whose direction the officials referred to in subregulation (1), shall perform their functions.

Executive committee of NBFET

- 10.(1) The NBFET must from its members contemplated in regulation 5(4) establish an executive committee consisting of five members, of which one shall be the chairperson of the NBFET and determine its functions.
- (2) A decision of the executive committee must be regarded as a decision of the NBFET, unless such decision is revoked at the next meeting of the NBFET.
- (3) Anything done in consequence of a decision of the executive committee before its revocation, is not invalid by reason only of the fact that the decision is revoked by the NBFET under subregulation (2).

Committees of NBFET

- 11.(1) The NBFET may establish other committees in addition to the executive committee, to assist it in the performance of its functions.
- (2) Any committee other than the executive committee may include persons who are not members of the NBFET.
- (3) The chairperson of a committee must be appointed by the NBFET.
- (4) Members of the committees contemplated in subregulation (2) may be appointed for such period or periods as the NBFET may determine.

Meetings of NBFET and committees

- 12.(1) Meetings of the NBFET and its committees must be held at such times and places as may be determined by the chairperson concerned, but the chairperson must convene a meeting at least twice a year, or if asked to do so in writing by at least one third of the members of the NBFET or the committee, as the case may be.
- (2) Whenever the chairperson is absent from any meeting of the NBFET or a committee, the members present must elect a person from their ranks to preside at that meeting.
- (3) The NBFET may make rules relating to the procedure at meetings of the NBFET and its committees, including the quorum for such meetings, and any other matter necessary or expedient for the performance of its functions.
- (4) The proceedings at a meeting of the NBFET or of a committee are not invalid by reason only of the fact that a vacancy exists on the NBFET or such committee, as the case may be, at the time of such meeting.

Short title and commencement

13. These Regulations shall be called the Regulations to provide for the Establishment, Composition and Functioning of the Board for Further Education and Training and shall come into operation on the date of publication thereof.