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

**GENERAL EXPLANATORY NOTE:**

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

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

---

**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;
Go beakanyetsa taolo ya thuto ya go iša pele le tlhahlo; go beakanyetsa tlhongo, taolo le thekgo ya ditšhelele ya thuto ya setšhaba ya go iša pele le dikholetšhe tša tlhahlo; go beakanyetsa go thwalwa ga bašomi dikholetšheng tša setšhaba tša thuto ya go iša pele le tlhahlo; go beakanyetsa ngwadišo ya dikholetšhe tša praebete tša thuto ya go iša pele le tlhahlo; go beakanyetsa tlhatšo ya netefatsšo 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 tšoña.

MATSENO

BJALO KA GE go a hlokega gore—

GO HLONGWE lenaneo la go laolega la bosenāthaba la thuto ya go iša pele le tlhahlo le o le hlatšošago taolo ya tšhomisšano le go beakanyetsa lenaneo la tlhahlo ya thutšotiro le ya mošomo;

GO AGA LEFSA LE GO FETOŠA mananeo le dikholetšhe gore di be maemong a maleba go dithoko tša bašomi, ekonomi le tlhabologo tša Repabliki;

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

GO NETEFATŠA gore batho bao ba hego ba hlokologwagwa ka nako ya mmušo wa kgethollo, go swane le basadi, ba sa itekanelago le ba timilwego menyetša, ba fihlelelo thuto ya go iša pele le tlhahlo le mošomo;

GO BEAKANYETSĘ dibaka tše lekanego tša go ithuta, go hlangwa ga tšebō le tlhabelo 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 HLATŠOŠA mekgwa yeo e lego motheo wa setšhaba se lokologilego le sa demokrasi se hlamilwego godimo ga tlhompho, tekatekano le tokologo;

GO TSWETŠA PELE dintlhakgolo tša maemo tše di tlhamilwego ka maikemišētšo a maemo a bosenāthaba mo maemong ka moka a bolaodi le taolo mo go thuto ya go iša pele le tlhahlo;

GO HLOMPHA le go hloheletsa demokrasi le go hlatoša setlwaedi sa maikarabelo a mothakanelwa sa go hlatoša ditokelo tša motheo tša botho le go hloma maemo a maleba a go ruta le go ithuta;

GO FIHLEELELA bokgoni, le go hlatoša bokgoni bja moithuti le mošomi yo mongwe le yo mongwe ka botša, kgotšelele ya dikgopolgo le go hlompha go fapano ga batho;

GO IKARABELA go dithoko tša Repabliki, mmaraka wa bašomi le ditšhaba tšedi direlwago ke dikholetšhe; 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 1</th>
<th>Chapter 2</th>
<th>Chapter 3</th>
<th>Chapter 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Definitions</td>
<td>Public colleges</td>
<td>Governance of public colleges</td>
<td>Appointment of management staff, lecturers and support staff in public colleges</td>
</tr>
<tr>
<td>2.</td>
<td>Purpose and application of Act</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### CHAPTER 1

1. Definitions

2. Purpose and application of Act

#### CHAPTER 2

3. Establishment of public college

4. Declaration of institution as public college

5. Consequences of declaration as public college

6. Merger of public colleges

7. Single council for two or more public colleges

8. Closure of public college

#### CHAPTER 3

1. Public college governance structures

2. Council of public college

3. Academic board of public college

4. Committees of council and academic board

5. Principal of public college

6. Student representative council

7. Disciplinary measures

8. Prohibition of corporal punishment and initiation practices

9. Admission policy of public college

10. Standard college statute

#### CHAPTER 4

19. Appointment of management staff

20. Appointment of lecturers and support staff

21. Dispute resolution between college, lecturers and support staff
GO THUŠA  go Leano la Tlhabollo ya Bokgoni ka tšhomišaše le Kg oro ya tša Mešomo;

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

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

PEAKANYO YA MOLA O

KAROLO

KGAOLO YA 1

DITLHALOŠO, TIRISO LE MAIKEMIŠETŠO A MOLA O

1. Ditlhalošo
2. Tirišo le maikemišetšo a Molao

KGAOLO YA 2

DIKHOLETŠHE TŠA SETŠHABA

3. Go hlongwa ga kholetšhe ya setšhaba
4. Tšebo tša semmuso ya gore sehlongwa ke kholetšhe ya setšhaba
5. Ditlamorago tša kgoletšo ya kholetšhe ya setšhaba
6. Kopantšho ya dikholetšhe tša setšhaba
7. Khañše le tša dikholetšhe tša setšhaba tše pedi goba go feta
8. Go tswarelela ga kholetšhe ya setšhaba

KGAOLO YA 3

BOLAODI BJA DIKHOLETŠHE TŠA SETŠHABA

9. Dibopo tša bolaodi bja kholetšhe ya setšhaba
10. Khañše ya kholetšhe ya setšhaba
11. Boto tša thuto ya kholetšhe ya setšhaba
12. Dikomiši tša khañše le boto tša thuto
13. Hlogo ya kholetšhe ya setšhaba
14. Khañše ya boemedi bja baithuti
15. Magato a kgalemo
16. Thibelø ya kgalemo ka kgati le ditlwaedi tša go kgakola dikholetšheng
17. Molao wa go kamoselo go kholetšhe ya setšhaba
18. Molao wa motheo wa kholetšhe

KGAOLO YA 4

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

19. Go thwalwa ga bolaodi
20. Go thwalwa ga bafahloši le bašomi ba thekgo
21. Tharollo tša ditlhalo magareng ga kholetšhe, bafahloši le bašomi
CHAPTER 5
FUNDING OF PUBLIC COLLEGES

22. Responsibility of State
23. Norms and standards for funding of public colleges
24. Funds of public colleges
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

THUŠO YA DITŠHELETE YA DIKOHELETSHE TSA SETŠHABA

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

KGAOLO YA 6

DIKOLETSHE TŠA PRAEBETE

27. Mošomo wa mohlankedi mogolo wa tša taolo
28. Ngwadišo ya kholetšhe ya praebete
29. Kgopelo ya boingwadišo
30. Dinyakwa tša boingwadišo
31. Tekodišišo ya kgopelo ya boingwadišo
32. Setifikeiti sa ngwadišo
33. Tekodišišo ya registara le pego ya motlhakiši
34. Direkhoto le tlhakiši ya ditšhelete
35. Tokišo ya ngwadišo ya 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. Thlatošo ya natefatšo ya boleng go thuto ya go iša pele le thlahlo
43. Mananeo a thuto ya go iša pele le thlahlo

KGAOLO YA 8

KAKARETŠO

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

KGAOLO YA 9

DIPEAKANYO TŠA NAKWANA LE TŠE DINGWE

53. Dihlongwa tše lego gona tša thuto ya go iša pele le thlahlo, dibopego le mekgato
54. Bašomi
55. Kgopelo ya ngwadišo ka dikholetšhe tša praebete
56. Boto ya Bosetšhaba ya Thuto ya go iša Pele le Thlahlo (NBFET)
57. Magato a kgalemo
58. Phumulo ya melao
Definitions

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

**SEDULO 1**

**SEDULO 2**

**KGAOLO YA 1**

**DITLHALOŠO, LE TIRIŠO MAIKEMIŠETŠO A MOLAO**

Ditlhalošo

1. Mo Molaong wo, ntle le gore mateng a laets gore thlhalošo ye nngwe e lebeletswe—

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

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

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

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

   “kholetshe” e ra sebopego se go bolelwago ka yona go karolo ya 29;

   “molao wa kholetshe” e ra Molao wa Kgoro ya Mlapo, 1995 (Molao No. 58 wa 1995);

   “Kgoro” e ra Kgoro ya maikarabelo a thuto maemong a basetsa;

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

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

   “nwaga wa ditššelešele” go ya ka kholetsheši e ra ngwagwa wa go thoma ka leššatiši la mathomo la Januware le go fela ka leššatiši la di 31 Desemere ya nngagwa woa;

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

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

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

   “thuto ya go iša pele le tšlaššo” e ra mananeo a kgoro ya iša le tšlaššo a goto a isago boitšutelo bja go tšlaššo go maemong a 2 go ya go 4 a Motheo wa Boitšhhaba a Kgoro ya maikarabelo go go glešša nangwe la ka maikarabelo o maikarabelo go ya Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

   “Hlogo ya Kgoro” e ra Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

   “thuto ya go iša pele le tšlaššo” e ra mananeo a kgoro ya iša le tšlaššo a goto a isago boitšutelo bja go tšlaššo go maemong a 2 go ya go 4 a Motheo wa Boitšhhaba a Kgoro ya maikarabelo go go glešša nangwe la ka maikarabelo o maikarabelo go ya Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

   “Hlogo ya Kgoro” e ra Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

   “thuto ya go iša pele le tšlaššo” e ra mananeo a kgoro ya iša le tšlaššo a goto a isago boitšutelo bja go tšlaššo go maemong a 2 go ya go 4 a Motheo wa Boitšhhaba a Kgoro ya maikarabelo go go glešša nangwe la ka maikarabelo o maikarabelo go ya Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);

   “Hlogo ya Kgoro” e ra Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);
“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 hломиlwego 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 hлоgо goba mотлашa-hлoгo wa hлoметшe ya setшa;  
“Leloko la Khuduthamaga” e ra Leloko 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 Bosetshaba 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 Bosetshaba ya Thuto ya go iša Pele le Thlhahlo, e hломиlwego semolao go ya ka karolo 11 ya Molao wa National Education Policy, 1996 (Molao No. 27 wa 1996);
“lekala la mmušo” e ra lekala la mmušo bjalo kage go hlalošwa go karolo 239 ya Molaotheo wa Repabliki ya Afrika Borwa, 1996;
“leano” e ra—
(a) leano le tlago ka Tona go ya ka Molao wa Leano la Bosetshaba la Thuto, 1996 (Molao No. 27 wa 1996); goba 
(b) leano le tlago ka Leloko la Khuduthamaga go ya ka molao wa profense;
“go kgethelwa” e ra go kgethelwa ka molawana wo o hломиlwego go ya ka karolo 51;
“hлoгo” e ra molaodi mogolo le mотhлaкишi wa hломиlтэшe ya setшa, gомme e akаретшa morektorо wa hломиlтэшe ya setшa;
“kholetše ya praebete” e ra kholetše ye negwe le ye negwe ye e abago thuto ya go iša pele le tlhahlo ka go tsena sekolo ka mehla, ka matšaši a mangwe goba motho a ithuta a le gae gome e ngwadišišwe goba e ngwadišišwe nkwana bjalo ka kholetše ya praebete ya thuto ya go iša pele le tlhahlo ka fase ga Molao wo;
“PSCBC” e ra Khasenale ya Dikgohlaganyo ya Ditherišano ya Tirelo ya Setšhaba;
“kholetše ya setšhaba” e ra kholetše ye negwe le ye negwe ye e abago thuto ya go iša pele le tlhahlo ka matšaši ka moka, ka matšaši a mangwe goba ka go ithuta o le gae le yeo e—
(a) hломиlwego goba e тšеwa gore e hломиlwewe bjalo ka kholetše ya setšhaba ya thuto ya go iša pele le tlhahlo ka fase ga Molao wo; goba 
(b) e golešišwe bjalo ka kholetše ya setšhaba ya thuto ya go iša pele le tlhahlo 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 hломиlwewe 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);
“mošоми” e ra batho ba thwetišwe kholetšeng ya setšhaba; 
“moithuti” e ra motho yo mongwe le yo mongwe yo a ngwadišišwe bjalo ka moithuti kholetšeng;
“bašоми ba thekgо” e akareša bašоми ba abago ditirelo tše latelago: 
(a) ditirelo tša thekgо ya tša thuto; 
(b) ditirelo tša thekgо ya baithuti; 
(c) taolo ya mereo ya bašоми; 
(d) taolo ya tša ditšhelete; 
(e) bοlaodi; 
(f) tlhokomelo ya meago le dirapa; 
(g) ditirelo tša dijo; le 
(h) ditirelo tša tšireletšо.
“Molao wo” e akareša molawana ofе goba ofе wo o dirišwe go ya ka karolo 51;
“go abа thuto ya go iša pele le tlhahlo” e ra—
(a) go ngwadišwa ga baithuti mananeong ka moka a go ithuta le tlhahlo a išago boithutelong bjaa maemo a 2 go ya go 4 a Mahlomo a Boithutelo bjaa 
Bosetshaba goba maemo a bjalo a thuto ya go iša pele le tlhahlo bjalo kage e laetšwa ka SAQA, gomme e akanywa go Molao wa Taolo ya Boithutelo wa
(b) to take responsibility for the registration of students, the provision and delivery of the curriculum and the assessment of students;

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

"vice-principal" includes a vice-rector.

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—
Afrika Borwa, 1995 (Molao No. 58 wa 1995), maemo ao a lego ka godimo ga thuto ya kakarešo eupša ka fase ga thuto ya maemo a godimo; le

(b) go tšēa maikarabelo a go ingwadiša ga baithuti, go aba le go fihliša kharikhalimo le tshekhatšeko ya baithuti;

“Umalusi” e ra khansele ye e hlonišwego go ya ka karolo 4 ya Molao wa General and Further Education and Training Quality Assurance, 2001 (Molao No. 58 wa 2001);

“motlatša hlogo” e akaretša le motlatša morekotoro.

Tirĩšo le maikemišetšo a Molao

2. (1) Maikemišetšo a Molao wo ke—

(a) go hloma dihlongwa tšē 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 tšē bohlokwa tšē 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 tšē di hlonišwego goba di goelidišwego bjalo ka kholetšē ya setšhaba goba di ngwadišišwego bjalo ka kholetšē ya praebete go ya ka Molao wo.

KGAOLO YA 2

DIKOHELOTSHE TŠA SETŠHABA

Go hlongwa ga kholetšē ya setšhaba

3. (1) Leloko la Khuduthamaga le ka, ka tsebišo go Gazette le go tšwa tšheleteng ye e abetišwego lebaka le ke lekgotlatheramelo la profense, hloma kholetšē ya setšhaba.

(2) Kholetšē ye ngwadiso le ye ngwye ya setšhaba e na le maikarabelo yona.

(3) Lege karolwana (2) e amega eupša go latelwa karolwana (4), kholetšē ya setšhaba e ka se, kantle le tumelelano ya Leloko la Khuduthamaga, rekiše goba go fetiša tokelo ya thoto, ka tselo efe goba efe, thoto ye ngwye le ye ngwe ye go sutha goba ya go se sutha ye e hwedišтовgo ka thušo ya tšhelete ya Mnušo goba thušo ya tšhelete go motho o mongwe le o mongwe tokelo ya nnele efe goba efe mo tulong yeo go bohanka bja moo.

(4) Leloko la Khuduthamaga le ka—

(a) laetiša gore mehuta ye mengwe ya dihtho tša ka fase ga boleng bjo itšego ditokelo tša tšona tša thoto di ka fetiša kantle le tumelelano ya lona; le go

(b) laetiša le go gatiša boleng bjo bo lebeletšwego go temana (a) ka tsebišo go Gazette.

(5) Hlogo ya Kgoro e ka sekaseka, gomme e swanetsē go dira lenaneo la, ditho lo moka tša kholetšē ya setšhaba.

(6) Ditho tša kholetšē ya setšhaba di ka no se thopīwe ka lebaka la magato a semola kgahlanong le kholetšē.

Isebišo ya semmušo ya gore sehlongwa ke kholetšē ya setšhaba

4. (1) Leloko la Khuduthamaga le ka, ka tsebišo go Gazette, goelidiša sehlongwa se sengwe le se sengwe se se abago thuto ya go iša pele le thahlo bjalo ka kholetšē ya setšhaba.

(2) Tsebišo ye e gopološwego go karolwana (1) e swanetsē e laetiš—

(a) letšatsiši le sehlongwa se bago kholetšē ya setšhaba;

(b) leina la kholetšē ya setšhaba; le

(c) telo fao kholetšē ya setšhaba e lego gona le aterese ya semmušo.

(3) Leloko la Khuduthamaga le ka tšēa 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 re’rišane le Tona le hhansele ya sehlongwa, ge e le gore ke sehlongwa sa setšhaha;
  
(iii) le dumelelana le Tona ye e lebanego, Leloko la Khuduthama goba ba taolo ya sehlongwa, ge sehlongwa se Sepediša, se laolw goba se thekgwa ka ditšhelete ke setho sa mmušo kantle le kgoro ya profense ya thuto; goba

(b) morago ga gore go—

(i) gatiššo go kuranta e tše go feta moo tše phatlalaššwago mo lefelong leolw sehlongwa se abago thuto ya go isa pele le thhalho, e na le mabaka a kgololetšo ao go bolelwago ka ona karolwaneng (1);

(ii) fefe batho ba nago le kgahlego sebaka sa go nšša maikutšo; le

(iii) theleletša maikutšo ao.

**Ditlamaro tša kgololetšo ya kholetšhe ya setšhaha**

5. (1) Go tloka ka leššašši le laediššwe ya go ka karolo 4(2)(a)—

(a) kholetšhe ye e amegago e bonwa bjalo ka kholetšhe ya setšhaha ye e hloimišwe ka fase ga Molao wo;

(b) ditšo, dikolo, ditokelo le maikarabelo a sehlongwa a beilwego go kholetšhe ya setšhaha; le

(c) tumelelana ye ngwe le ye ngwe ye go dumelelanwago ka yona semola laphatlong la sehlongwa e ššwa gore e phethilwe ke kholetšhe ya setšhaha.

(2) (a) Thoto ya go se ššthe ye e lego ya kholetšhe ya setšhaha ye go ya ka karolwana (1)(b) e swanetše, ge fela go dumellanwa le Tona ya Ditšhetele, e fetiššwe leina la yona kantle le go lefela mōššelo wa phetiššeto ya thoto, mōššelo wa setempe goba mōššelo ofe goba ofe goba ditšhenyegelo tše di kolotwago Mmušo, eupšša e angwe ke tokelo ye ngwe le ye ngwe ye e lego gona, sekoloto sa thoto goba go tshepela go goba godimo ga thoto yeo.

(b) Ditšhetele tše dingwe le tše dingwe tše di leššiššwe ke Mongwišša wa Ditkomunte ka lebaka la phetiššeto ye e lebeletššwe go temana (a) di swanetši di lefelwe ka botlalo goba ka karolo go tšwa matlotlong a abilwego ke lekgotlatheramelao la profense lebakeng leo.

(3) Mohlankedi yo a lebeletššwe kanoro ya ditkomunte goba kanoro ye ngwe moo thoto ya go se ššthe yeo go bolelwago ka yona ya karolwana (2) e ngwadiššiššwe e swanetše, ge go ššiššwa tokumente ya thatelele le ka tšela ya go dira kgopelo ka kholetšhe ya setšhaha, go fa tumelelo go tokumente ya thatelele le go tsentsha tše bjalo ka mo direjistaššeng bjalo kage go hlokega go ngwadišša phetiššeto ye go bolelwago ka yona.

(4) Kgololetšo ya sehlongwa bjalo ka kholetšhe ya setšhaha ka fase ga karolo 4 (1) ga e ame selo ka tša molao tše di dirwago ke sehlongwa pele ga kgololetšo.

(5) Matlotlo ka moka ao, ka potlako pele ga leššašši le laediššwe ya go ka karolo 4(2)(a), a ššiššwe sehlongwa maatša a semola ka lebaka la pekaŋanyo ya semola ya go hlokomela thoto legatšang la mong, mpho goba la go ššia thoto go motšho a swanetše a ššomiššwe ke sehlongwa sa setšhaha go ya pekaŋanyo ya semola ya go hlokomela thoto, mpho goba go ššia thoto go motšho, ka moo go ka bago ka gona.

(6) Leloko la Khuduthama le swanetše ka tšesiššo yeo go bolelwago ka yona go karolo 3(1) la hloma khansele ya nakwana ye tša ššego nako ye sa fetego dikgwedi tše selelag, go phethagathša meššomo ye e amana go bolola di bjá kholetšhe go filhela khansele e hlamwa bjalo kage go lebeletšwe go karolo 9(1).

(7) Leloko la Khuduthama le ka kalatošša nako ye go bolelwago ka yona go karolwana (6) gatee nakwag ya go se fetego dikgwedi tše selelag.

(8) Thámeago ya khansele ya nakwana e swanetše ga ya ma baka a karolwana 10(4) and (7).

(9) Khansele ya nakwana e swanetše e kgotha maloko a mararo go tšwa go a lego gona go ba taolo ya nakwana ka moo go lebeletššwe go karolwana (10)(a), eupšša maloko a a kgothiššwe ga a na maatša a go kgetha.

(10) Kantle le maikarabelo a go bolelwago ka ona go karolwana (6), khansele ya nakwana e swanetše e lebelele kudu—

(a) go kgethwa ga sebopego sa nakwana go hlokomela meššomo ya ššašši ka ššašši ya kholetšhe; le

(b) go netefatššwa gore diholwga tše dingwe tše bjalo kage di ka hlakišša go ya ka molao wo di hlamw.
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) Sephetho se sengwe le se sengwe sa khansele ya nakwana se ka ama tokelo ya sehlongwa se sengwe sa kholetshe ya setšhaba se ka tšewa fela morago ga go kwa maikutlo a sehlongwa se bjalo.

(12) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Mošomo, dikontraka tša mošomo magareng ga sehlongwa le bāsōmi ba sona di fetšišēswa ntle le mathata ge sehlongwa se goeletšwa bjalo ka kholetshe ya setšhaba go tloka ka letšatši ka kgolētšo lelo le lebelašēwego go karolo 4, eupša go šūhišwa go gongwe le le gongwe ga mošomo ka lebaka la kgolešo go swanetsē go dirwe ka fase ga molao wa tša bāsōmi.

Kopanyo ya dikholetšhe tša setšhaba

6. (1) Ka tshepelelano le karolwana (2), Leloko la Khuduthamaga le ka, ka tsebišo go Gazette, kopanyo dikholetšhe tša setšhaba tše pedi goba go feta go kholetshe e tee.  
(2) Pele go kopanywa dikholetšhe tše pedi goba go feta Leloko la Khuduthamaga le swanetsē le—

(a) fe tsebišo ye ngwadišwego go dikholetšhe mabapi le di go kopanyo;

(b) gatiše tsebišo ya go fa mabaka a tšišišinyo ya kopantšo go kuranta e tee goba go feta ye e phatlalašwago mo lefeša le go lego dikholetšhe tše go bolelwago ka tšona;

(c) fe dikhansele tša dikholetšhe tše go bolelwago ka tšona le batho ba nago le kgahlego sebaka sa go ntša maikutlo mo mašašising a 90 go tloka ga letšatši la tsebišo leo go bolelwago ka lona go temana (b); le

(d) gopodišiše maikutlo a bjalo.

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

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

(5) Leloko la Khansele le swanetsē, morago ga ditherišano le dikhansele tša kholetshe ya setšhaba tše di swanetsēgo go kopantsē, le tšee sephetho ka tsebišo kage go lebeletšēgo go karolwana (1)—

(a) letšatši la go hlongwa ga kholetshe;

(b) lebišo la kholetshe; le

(c) moo kholetshe e lebo gona le aterese ya semmušo.

(6) Dikhansele tša dikholetšhe tše di kopantsēgo di swanetsē di be le kopano pele ga kopantšo go thama khansele ye tee ya nakwana ye e bopšago ke maloko ka moka a dikhansele tše amegagwego ka nako ya go se fete dikgwedi tše selelago.

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

(8) Kantle le karolo 197 le 197A tša Molao wa Dikamano tša Bašomi, dikontraka tša mošomo magareng ga sehlongwa le bāsōmi ba sona ba fetšišēswa ntle le mathata go kholetshe ya setšhaba ye tee ye e kopantsēgo go tloka ga letšatši la kgomagano bjalo kage go lebeletšēgo go karolwana (1), eupša go šūhišwa gobe gobe ga mošomo ka lebaka la kopanyo go tla dirwa go ya ka molao wa bašomi wa maleba.

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

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

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

(b) ame maikarabelo a motho ofe goba ofe yo a swanetsēwego go tšelwa magato a kгаломе, a sekšišēgo goba a hlolelwago go hloka maithswaro gobe gobe gofe, bosenyi goba molato.

(11) Mošomi goba moithuti o tlanga ke molao wa maithswaro wo o diršwago go kholetshe ye mpsha ya setšhaba ye tee go tloka ga letšatši la kopanyo leo le lebeletšēwego go karolwana (1), eupša ge nyaksišo efe goba efe mabapi le go šitega go dira mošomo goba magato afe goba afe a molato wa go hloka maithswaro o beilwe goba o thomile kgahlanong le mošomi goba moithuti pele ga letšatši la kopanyo, nyaksišo ye bjalo goba magato a bjalo a swanetsē go tšwela pele go ya ka melao ye e ka diršwago go kholetshe ya setšhaba ye e amegagwego ka ponya ya leihlo pele ga kgomagano.
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.

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 kholetše ye tee ya setšhaba ye mpsha e dirile molao wa maitslwano, melao ya magato a kgalemo ya kholetše ya kgale ya setšhaba a ama bašomi le baihuti.

(13) Ge dikholetše tša setšhaba tše pedi goba go feta kopanyo go ba kholetše ye tee ya setšhaba go ya ka karolwana (1), kholetše ye mpsha ye tee ya setšhaba e tšwela pele ka mananeo ka moka a thuto ao a bego a ahiwa ke dikholetše tša peleng ka fase ga melao ye e amago dikholetše tše go bolewago ka tšona ka potlako lele ga letšaši la kopanyo, go fihlela mananeo a bjalo le melao a lokisiwa goba a agwa lefsa ke hansele ye mpsha.

Khansele ye tee ya dikholetše tša setšhaba tše pedi goba go feta

7. (1) Leloko la Khuduthamaga le ka laetša gore boaloedi bja dikholetše tša setšhaba tše pedi goba go feta di swanetše go fa maatša hansele ye tee ge e le gore—
(a) go kgahlegong ya thuto le dikholetše;
(b) go kgahlegong ya setšhaba; goba
(c) moto yoo a kopetšwe ke dikhansele tša dikholetše tše bjalo.

(2) Leloko la Khuduthamaga le ka no se tšee magato go ya ka karolwana (1) ge e se gore moto yoo o—
(a) file tsebišo ka lengwalo go dikholetše tše amegago ka maikemišetšo a go di kgomangantsša;
(b) file tsebišo go Gazette ka maikemišetšo a go tšea magato;
(c) file dikhansele tša dikholetše tše amegago le bao ba nago le kgahlego sebaka sa go dira dithhagišo tša go ngwalwa ka nako ya go se be ka fase ga matšatši a 90; le
(d) lekodišištše dithhagišo tše bjalo ka moka.

(3) Leloko la Khuduthamaga le swanetše, ka tsebišo go Gazette, le laetše tlhamego ya hansele ye tee ka tsele ya go netefatša gore—
(a) kholetše ye ngwe le ye ngwe e emetšwe ka tekatekanelo; le
(b) gore e gata ka mošito o tee le karolo 10(6), (7) le (9).

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

Go tswarelo ga kholetše ya setšhaba

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

(2) Leloko la Khuduthamaga le ka no se tšee magato go ya ka karolwana (1) ge e se le—
(a) reršane le Tona;
(b) fe tsebišo ya go ngwalwa go kholetše ye go bolewago ka yona ka maikemišetšo a go di kgomangantsša;
(c) fe tsebišo go Gazette mabapi le maikemišetšo a gagwe a go tšea magato;
(d) fe hansele ya kholetše ye go bolewago ka yona le bao ba nago le kgahlego sebaka sa go dira dithhagišo tša go ngwalwa ka nako yeo e sego ka fase ga matšatši a 90; le
(e) lekodišištše dithhagišo tše bjalo ka moka.

(3) Ge kholetše ya setšhaba e tswarelošwe ka fase ga molawan (1)—
(a) dithoto ka moka le dikoloto tša kholetše ye bjalo di swanetše, morago ga tswarelo ye bjalo, di rolwe go ya ka molao ke Leloko la Khuduthamaga; le
(b) dithoto tše dingwe le tše dingwe tše di šetšeše morago ga go lefela dikoloto ka moka tše di šešo maikarabelo a Leloko la Khuduthamaga.

(4) Dikolowane tša (2) go fihla go (5) tša karolo 5 le karolo 6(2) le diphetogo tše boholkwa tše di nyakwago ke maemo di ama tswarelo ye go bolewago 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.
Dibopo tša bolaodi bja kholetšhe ya setšhaba

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

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

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

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

(a) le ka dula setulo lebaka la mengwaga ye mehlano: Ge fela leloko le o 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 swanetšego go latefela a go fediša le go tšoša maloko mošomong le go tlaša dikgoba tša mošomo a swanetša a laetswe go molao wa kholetšhe.

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

Khansele ya kholetšhe ya setšhaba

10. (1) Khansele ya kholetšhe ya setšhaba e swanetše e dire mešomo ka moka, go akareša go hlabolwva ga molao wa kholetšhe, ye e lebo boholokwa go laola kholetšhe ya setšhaba, ka tshepelanelo le Molao wo le molao ofe goba ofe wa malebu wa bosešhaba goba wa profense.

(2) Khanele e swanetša, ka tumelelano ya boto ya tša thuto—

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

(i) akareša tlhomo, ponelopele, maikešišo le maano a go thekga kholetšhe ka ditšhelešeto;
(ii) rarolla go se lekalekane ga peleng le tša bong le tša bogoše;
(iii) akareša magato a tšierelešeto a maemo a bolokošilego a go ithuta a baiṭhuti, bafahloši le bašomti ba thekgo; le
(iv) go dumelelwelo na Leleko la Khansele;
(b) go rea leano la polelo la kholetšhe ya setšhaba, ge fela Leleko la Khuduthamaga e dumela; le go
(c) netefatsa gore kholetšhe ya setšhaba e sepeleleša le dinyakwa tša tumelelo ya go abo tirelo ya thuto tše di lebo boholokwa go abo mananeo a go ithuta go ya ka maemo le boithutelo bjalo kage go ngwadišišwe go Mahmomo a Kohletšhe ya Bosetša.

(3) Khansele, morago ga go kwa maikutlo a khanele ya boemedi bja baithuti, e swanetša go abo sehlongwa sa maleba go fa maele mabapi le leano go ditirelo tša thekgo ya baithuti mo kholetšeng ya setšhaba.

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

(a) hlogo;
(b) maloko a mahlano a ka ntle a kgethilwego ke Leleko la Khuduthamaga;
(c) leloko le tee la bota ya tša thuto; le kgethilwego ke bota ya tša thuto;
(d) leloko le tee la ka ntle la go emela bathekgi ka ditšhelešeto;
(e) mofahloši o tee wa kholetšhe ya setšhaba, yo a kgethilwego ke bafahloši ba kholetšhe;
(f) leloko le tee la bašomi ba thekgo ba kholetšhe ya setšhaba, le kgethilwke ba bašomi ba thekgo ba kholetšhe ya setšhaba; le
(g) baithuti ba babedi ba kholetšhe ya setšhaba, ba kgethilwego le khanele ya boemedi bja baithuti ba kholetšhe ya setšhaba.

(5) Modulasetulo, motlaša modulasetulo le bahlankedi ba bangwe ba khanele ba ka no se be baithuti goba maloko a bašomi ba kholetšhe, eupša 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 Leloko la Khuduthamaga, go kgetha batho ba ka ntle ba bane ba tlaletšo ba nago le bokgoni bja tša matšotšo, tša merero ya bãšoni le bja semola'o bjalo ka maloko a khansele.

(7) Tsela yeo maloko a khansele a a lebeletšwe'go go karolwana (4)(c) go hla' go (g) le tšela yeo ba kgethwago, e swanetsê, moo go kgonagalago, e rewe ke Leloko la Khuduthamaga ka tsebišo go Gazette go ya ka molao wa profense gomme e swanetsê go, mo go kgonagalago, neteťa sa gore—

(a) maikarabelo a khansele goba a khansele ya nakwana a phethagats'wa go ya ka maemo a godimodimo a seprofesinale;
(b) khansele goba khansele ya nakwana a emetša ka bophara lenaneo la thuto ya go iša pele le thahlo le dikgahlego tše amegago;
(c) maloko a na le tšeo ye e tletšego le kwešišo ya lekala la thuto ya go iša pele le thahlo;
(d) maloko a thabela tema ye e kgathwago ke thuto ya go iša pele le thahlo go kagolefsa le thahollo; le
(e) khansele e emetša setšaba ka bophara seo se direlwago ke kholetši ya setšaba go ya ka semorafë, bong le bogo'e.

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

(a) baihtuti goba bãšomi ba thekgo ba kholetši ya setšaba;
(b) ba thwetšwe ke Leloko la Khuduthamaga;
(c) ba thwetšwe ke khansele.

(9) Maloko a khansele goba khansele ya nakwana—

(a) ba swanetsê ba be batho ba nago le tšeo le maitemogelo a lebanego le maikemišetsö le bolaodi bja kholetši ya setšaba ye go bolelwago ka yona; le go
(b) go tšea karo o go dikakanyo tša khansele goba tša khansele ya nakwana go lebeletšwe dikgahlegelo tša kholetši ya setšaba ye go bolelwago ka yona.

(10) Leloko 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 go karo o ye.

Boto ya tša thuto ya kholetši ye ya setšaba

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

(a) maikarabelo a tša thuto a kholetši ya setšaba le tšhatlošo go tšea karo o go basadi le digole go mananeo a go ithuta;
(b) go hloma tšela ya tekodišišo ya ka gare ya tša thuto le tšhatlošo ya tša boleng;
(c) go neteťa sa gore dinyakwa tša tumelelo ya go aba thuto go ya ka maemo le boithutele bjo bo ngwadišišwe'go go Mahlomo a Dikholetši di a fihlelela; le
(d) go phethagats' sa maikarabelo a mangwe bjalo kage go ka romelwa goba gwa laelwa ke khansele.

(2) Ge khansele e dumelelana le leano le lengwe le lengwe la maleba, boto ya tša thuto e swanetsê e rere mananeo a go ithuta bjalo kage go bolelwago le karo o 43 ao a tša abjago ke kholetši ye ya setšaba.

(3) Boto ya tša thuto ya kholetši ye ya setšaba e swanetsê e bopše ke—

(a) hlogo;
(b) motšatša hlogo;
(c) bafahloši;
(d) maloko a khansele;
(e) maloko a khansele bja boemedi bja baihtuti; le
(f) batho ba bjalo ba ka rerwago ke khansele.

(4) Palo ya batho bao ba lebeletšwe'go go karolwana (3)(c), (d), (e) le (f) le tšela ye e leho gore ba ſwego mošomo goba ba kgethwago, ka moo go ka bang ka gona, e swanetsê e rewe ke khansele, go ya ka molao wa kholetši.

(5) Bonši bja 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 ts’a khansele le boto ya tša thuto

12. (1) Khansele e ka—
   (a) hloma komiti go thuša ka go phethagatša maikarabelo a yona; le go
   (b) kgetha motho yo e sego leloko la khansele bjalo ka leloko la komiti.
(2) Modulasetulo wa komiti o swanetše go ba leloko la khansele.
(3) Khansele ga e šišišwe 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 rera—
   (a) tlhamego ya komiti;
   (b) maikarabelo a komiti;
   (c) tshepeditšo dikopanong; le
   (d) phatlalatsšo ya komiti.
(5) Dikarolwana (1) go fihla go (4) ka diphetogo tše bohlokwa, di ama boto ya tša thuto.
(6) Khansele le boto ya tša thuto di ka hlongwa ka mohlakanelwa komiti go ba 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 hlomilwego go ya ka karolwana (6).

Hlogo ya kholetšhe ya setšhaba

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

Khansele ya boemedi bja baithuti

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

Magato a kgalemo

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

Thibelo ya kgalemo ka kgati le ditlwaedi tša go kgakola dikholetšheng

16. (1) Ga go motho yo a dumelešwego wa kgalema moithuti ka kgati kholetšheng.
(a) Demotšo ofe goba ofe yo a ka tshelago molawana (1) o bonwa molato gomme a ka fiwa kotlo ye e ka bewago ya go iša letsogo.
(b) Motho a dumelwelwa go dira goba go tšea karolo go ditlwaedi tša go kgakola dikholetšheng.
(2) Motho yo a ka tshelago karolwana (3) o molato wa go hloka maitshwaro gomme magato a kgalemo a swanetše a šewe kgahlanong le motho yo bjalo.
(3) Motho ga a dumelwelwa go dira goba go tšea karolo go ditlwaedi tša go kgakola dikholetšheng.
(4) Motho yo a ka tshelago karolwana (3) o molato wa go hloka maitschwaro gomme magato a kgalemo a swanetše a šewe kgahlanong le motho yo bjalo.
(5) Kantle le karolwana (4), motho a ka swariša motho yo mongwe goba sehlopho sa batho ba hlalefeditšego goba ba gapeletša motho yoo go dira goba tšea karolo go ditlwaedi tša kgakolo.
(6) Go lebeletšwe fela karolo ye, “ditlwaedi tša kgakolo” di ra tiragalo efe goba efe yeo mo tiragalong ya kgakolo, go tsentšša kgakolong, goba go ikamanya le, goba le lebaka la boleloko bja go tšwela pele bja, kholetšhe, sehlopho, ditiragalo tša kgabišo ya ka gare goba ya ka ntle, sehlopho sa dipapadi goba mokgatlo—
   (a) o tsena kotseng bophelo bja monagano goba bja mmele goba polokoegov a 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 tlhago bja batho ka go ba tšea gore ba tlase ka maemo go ba bangwe;
(c) o dira gore batho ba gobošwe goba ba lwantšhwe e lego seo se nyatša go maloatheo ya tlhopho go Molaoakananywa wa Ditokelo;
(d) o nyatša ditokelo tša motheo le ditaelo tšo di theilego Molaoatheo;
(e) o štša tlhalbollo ya setlaedi sa demokrasi ya nnete seo se fago motho tokelo ya go swara ka tlhopho le tšwenyegog; goba
(f) o senya thuto ya setšabá go ba phae u bha pane a bha.

(7) Go go lebelelwá gore maitsišwá go ba tšéa karolo go motho go tiragalo efe goba efe ya kgakolo e wela ka fase ga tlhaloša ya “tiragalo ya kgakolo”, bâlaodi bja maleba bja magato a kgalemo bo swanetsë go štša tokelo ya mothûthi gore a se tšée karolo tiragalong ye bjalo.

**Molao wa go amogela baithuthi kholetšheng ya setšabá**

17. (1) Go ya ka leano la maleba le rerilwego ke Tona, khansele ya kholetšhe ya setšabá e rera leano la kamogelo la kholetšhe, morago da dithiriša no le boto ya tša thuto le ka tumelelo ya Leloko la Khuduthamaga.

(2) Leano la kamogelo la kholetšhe ya setšabá ya la dumelelwá go kgetholla ka tšeleng goba efe goba efe gomme le swanetsë go štša magato a maleba a go rarolla tlhokego ya tekatekano.

(3) Khansele e ka, go ya ka leano la maleba, tumelelo ya Hlogo ya Kgoro le morago ga dithiriša no le boto ya tša thuto—

(a) rera dinyakwa tša kamogelo go ya ka mananeo a itšego a thuto ya go iša pele le tlhalo;
(b) rera palo ya baithuthi bao ba ka amogelwago go lenaneo le itšego a tšuto ya go iša pele le tlhalo le tšela ya kgatho ya ona;
(c) rera magomo a bonnyane a dinyakwa tša go amogelwá gape go itutha kholetšheng ya setšabá ye a emegago; le
(d) gana go amogela gape moithuthi yo a palelwago go kgotsofatsa dinyakwa tše bjalo tša magomo a bonnyane tša go amogelwá gape.

(4) Khansele ya kholetšhe ya setšabá e swanetsë go netefatsa gore kholetšhe e fihlelelego go baithuthi ba digole.

**Molao o tlwaellegilego wa kholetšhe**

18. Kholetšhe ya setšabá yeo e sa thalago molao wa kholetšhe go ya ka karolo 10(1) e swanetsë go šomiša molao o tlwaellegilego wa kholetšhe wo o humanegago go Šedulo 1.

**KGAOLO YA 4**

**GO THWALWA GA BOLAODI, BAFAHLOŠI LE BAŠOMI BA THEKGÖ DIKOHELETŠHENG TŠA SETŠABA**

**Go thwalwa ga balaodi**

19. (1) Leloko la Khuduthamaga le swanetsë go thwala bašomí ba taolo ba kholetšhe ya setšabá go ya ka Molao wa Tirelo ya Setšabá.

(2) Bašomí ba taolo ba swanetsë go bego go le go ba ka fase ga taolo ya khansele mabapi le mabaka le maikarabelo ba ba bešwego ona ke khansele go ya ka Molao wo.

(3) Hlogo e swanetsë go bego go Hlogo ya Kgoro go yo kontrak ya gagwe ya mošomo.

**Go thwalwa ga baśhaloši le baśomi ba thekgö**

20. (1) Kholetšhe ke mongmošomo wa baśhaloši le bašomí ka moka.

(2) Go ya ka Molao wo, Molao wa Dikamano tša Bašomí, Molao wa Maemo a Motheo a Mošomo, Molao wa Tekatekano Mošomong le molao ofe goba ofe wa maleba, khansele e swanetsë go hloma dikgoba tša mošomo tša baśhaloši le bašomí ba thekgö.

(3) Khansele e swanetsë go thwala bašomí le go ba lefela go tšwa sekhwameng seo se abilwego go ya ka ditlaedi le maemo ao go boleonwago ka ona ka karolo 23 le ditse tše dingwe tše di amogelwago ke kholetšhe go tšwa methopong 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 Dikamanọ tša Bašomi goba tumellano ya mohlhakanelwa ye e fihileletšwe go ke khansele ya ditlerišano yeo e nago le maikarabelo a bašomi ba kholešše ya setšhaba, khansele e swanets go rera maikarabelo, maemo a tirelo le diputsleššo 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 ditšheleše yeo go bolelwako ya yona go karolo 22, Khanselo e swanetsše go fa mabaka ka botlalo a dikgoba tša moššomo tšeco di lebeletšwe go ya ka karolwana (2), go akaretšwa le ditšheyagalelo tše amanago le go thwalwako ga bašomi mo dikgobeng tše bjalo tša bašomi le tšela yeo le lego gore go ššinywa gore ditšheyagalelo tše bjalo di phethagatšwe.

(7) Bafahloši le bašomi ba e bo bolelwako ka bona go karolwana (1) ba swanetsše ba thwalwe go ya ka tshepelelano le maemo a maitsbwaro a motheo le metheo yeo go bolelwako ka yona go karolo 195 ya Moloatheo wa Repabliki ya Afrika Borwa, 1996, le mabaka ao a swanetšego go elwa hloko ge go fiwa batho meššomo a akaretša, eupša a sa felele fela go—

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

(8) Khansele e swanetsše e fetši Molao wa Magato a kgalemo wa bafahloši le bašomi bjalo kage go hلاššwa go molao wa kholešše.

Tharollo ya dithulano magaeng go kholešše, bafahloši le bašomi

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

(a) khansele ya ditlerišano yeo e hlimilwe go ya ka Molao wa Dikamanọ tša Bašomi, ge mongmoššomo goba moššomo yoo a angwago ke thulano yeo ba wela ka fase ga mero moro e ngwediššiššego wa khansele ya ditlerišano; goba
(b) Komisišene ya Poelanyo, Bonamodi le Boahlodi bjalo kage e hlimilwe ka karolo 12 ya Molao wa Dikamanọ tša Bašomi, ge e le gore khansele ya ditlerišano ga e na maatla.

(2) Molli yo a fetšiššago thulano o swanetsše go kgotsofatša khansele ya ditlerišano goba Komisišene ya Poelano, Bonamodi le Boahlodi gore khophi ya phetiššo e filwe motho yo mongwe yo a amegago.

(3) Khansele ya ditlerišano goba Komisišene ya Poelano, Bonamodi le Boahlodi e swanetsše go leka go rarolla thulano ka poelangšo.

(4) Ge Khansele ya ditlerišano goba Komisišene ya Poelano, Bonamodi le Boahlodi e kgotsofatše gore thulano ya ga rarolwa, molli a ka fetšišša thulano yeo go Kgorotsheko ya Bašomi bjalo kage go hlimilwe go ya ka karolo 151 ya Molao wa Dikamanọ tša Bašomi gore a ahlošše.

KGAOLE YA 5

THUŠO YA DITŠHELETE DIKHOLETŠENG TŠA SETŠHABA

Maikarabelo a Mmušo

22. (1) Leleko la Khuduthamaga le swanetsše go tšwa go tšheleše ye e abetšwe go moššomo wo ke lekgotlatheramela ka profense ya go thekga dikholetšhe tša setšhaba ka ditšheleše ka tšela ya botshepegi, tekatekano le ponagalo.

(2) Leleko la Khuduthamaga le ka, go ya ka ditlwaedi le maemo a o a rerwago go ya ka karolo 23, netefašše gore—

(a) lebaka le lengwe le lengwe la go kwagala mabapi le kabo ya ditšheleše 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 išša pele le mananeo a tlaššo goba ditekanyetsšo tše fapanego, ge ele gore go na le mabaka a phapano e bjalo.

(3) Godimo ga dinayaka go bonnyane ditlwaedi le maemo ao a akanywago go karolo 23, Leleko la Khuduthamaga le swanetsše go rera magato a maleba a mangwe a go lokišša go le kaledane 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.
(4) Leloko la Khuduthamga le swanetše gore, ngwaga ka ngwaga, le fane ka tshedimošo ye lekanego go dikholešiše tša setšhaha mabapi le thekgo ya ditšhetele ye go bolelwago ka yona go karolwana (1) go kgontšha dikholešiše go lokišetša ditekanyetšo tša bona tša ngwaga o latelago wa ditšhetele.

Ditšwae di maemo a thušo ya ditšhetele go dikholešiše tša setšhaha

23. Go ya ka Molaatheo le ka Molaqo wo, Tona e swanetše, morago ga ditherišano le Khanele ya Matona a Thuto le Tona ya Ditšhetele, go laetša bonnyane ditšwae di maemo a thekgo ya ditšhetele go dikholešiše tša setšhaha.

Matlotlo a dikholešiše tša setšhaha

24. (1) Matlotlo a kholetšše ya setšhaha a bojpa ke—
   (a) matlotlo ao a abilwe go Mmušo;
   (b) thušo efe goba efe goba kabo ya thušo ya tšhetele yeo e amogetšwe go kholetšše ya setšhaha;
   (c) tšhetele ye e kgoboketswago ke kholetšše;
   (d) tšhetele ye e kgoboketswago ka tsele ya dikadimo tša ditšhetele ka tumello ya Leloko la Khuduthamaga;
   (e) tšhetele ye e humanwago go dipeletšo;
   (f) tšhetele ye e humanwago go tšwa ditirelelo tša go abelwa kholetšše efe goba efe ya setšhaha goba motho;
   (g) tšhetele ye e swanetšego go lefelwa ke baiuthuti mabapi le mananeo a thušo ya go iša pele le tšhaho ao a abajago ke kholetšše ya setšhaha;
   (h) tšhetele ye e amogelwago go tšwa baiuthuting goba bašoming ba kholetšše ya setšhaha mabapi le madulo goba ditirelo tše dingwe tše di abjago ke kholetšše ya setšhaha; le
   (i) matlotlo a mangwe a go tšwa methopong efe goba efe.

(2) Kholetšše ya setšhaha ga ya swanela go kgoboketsa tšhetele ka tsela ya kadimo goba sekoloto go akhaonte ya panka kantle le tumello ya Leloko la Khuduthamaga.

(3) Ge motho a ka adimo tšhetele goba a fa sekoloto akhaontong ya panka go kholetšše ya setšhaha kantle ga tumello ya Leloko la Khuduthamaga, mmušo le kholetšše ga di tlangwe ke kontrakwa ya tumellano ya kadimo ya tšhetele goba sekoloto sa akhaonto ya panka.

Direkhotse tša ditšhetele le ditatamente tša dikholešiše tša setšhaha

25. (1) Khanele ya kholetšše ya setšhaha e swanetše, ka tsele ye e rerilwe go Leloko la Khuduthamaga—
   (a) e lote direkhotse tša dikopano tša yona ka moka;
   (b) e lote direkhotse tša tšhupamatlholo tša dithotso, dikoloto, memutso le ditshenyegelo ka moka le tšhomišo efe goba efe ya ditšhetele ya kholetšše ya setšhaha ka botlalo, le makalana a yona le dihlongwa tše dingwe tše di šomago ka tase ga taolo ya yona; le go
   (c) hloma tlhakišo ya ka gare le mananeo a taolo ya kotsi, ao a se nago maemo a tase go maemo a lego go Molaqo Wa Taolo ya Ditšhetele tša Setšhaha, 1999 (Molaqo No. 1 wa 1999).

(2) Khanele ya kholetšše ya setšhaha e swanetše go kgetha mohlakiši a hlakiši direkhotse le ditatamente tša ditšhetele tšeo go boletšwe go tšona mo karolong ye.

(3) Khanele ya kholetšše ya setšhaha e swanetše, go ya ka ngwaga wo o fetilego wa ditšhetele le ka letšatsiškgwedi go ba matšatsiškgwedi ao a beiwe go le Leloko la Khuduthamaga, go abela Leloko la Khuduthamaga ka—
   (a) pego mabapi le bolaedi ka kakaretsi le tšhepedišo ya kholetšše;
   (b) pego mabapi le go šoma ga baiuthuti ka kakaretsi mananeong a abiwago ke kholetšše;
   (c) setatamente se hlakišišiškwego ka maleba sa ditšenyo le ditshenyagaledo; le
   (d) letšakala le mašaledi le setatamente sa kelo ya tšhetele.

(4) Khanele ya kholetšše ya setšhaha 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 kgahlenong le khansele ge e paletšwe go latela Molao goba mabaka a itšego

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

(2) Ge ba taolo goba khansele morago ga moo e hlolwa ke go latela taelelo efe goba efe ya Mola o e tego gore kabo ya ditshelete ye e ebeilwego ke lekgotlatheramelao la profense go ya ka kholetshe ye e amegago ya setšhaba. 10

(3) Pele go tšwa magato ka fase ga karolwana (2), Leloko la Khuduthamaga le swanetšwe—
   (a) go fa tsebišo go ba taolo goba khansele ya kholetshe ya setšhaba ye e amegago mabapi le maikemišetsê o go tšea magato; 15
   (b) go fa ba taolo yeo goba khansele sebaka sa go amogoleqa go ntša maikutlo; le go
   (c) lekodišiša maikutlo a bjalo.

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

KGAOLO YA 6

DIKOLETHSE TŠA PRAEBETE

Maikarabelo a moregistara

27. (1) Molaodi-Pharephare ke moregistara wa dikholetshe tša praebete.
   (2) Moregistara a ka laela gore a mangwe le a magwe a maikarabelo a gagwe go ya ka Molao wo a phethagatswe ke mošomi ofe goba ofe wa Kgoro. 25

Ngwadišo ya kholetshe ya praebete

28. Ga go motho kantle le kholetshe ya setšhaba yo a swanetšego go aba thuto ya go iša pele le tlhahlo kantle le kholetshe ya setšhaba goba lekalá la Mmušo ge e se fela motho yo e le gore o— 30
   (a) ngwadišitswe goba a amogetswe bjalo ka motho wa semolao go ya ka Companies Act, 1973 (Molao 61 wa 1973); gape a
   (b) ngwadišitswe goba a ngwadišitswe nakwana bjalo ka kholetshe ya praebete go ya ka Molao wo.

Kgopelo ya ngwadišo

29. Kgopelo ya ngwadišo bjalo ka kholetshe ya praebete e swanetšo go dirwa go moregistara ka tsela ye e rerilwego ke moregistara gomme e swanetše e feletšwe ke setšlamo se beilwego.

Dinyakwa tša ngwadišo

30. (1) Moregistara o swanetšo go ngwadiša mokgopedi bjalo ka kholetshe ya praebete ge moregistara a na le lebaka la go kgoša gore mokgopedi o— 40
   (a) ikemetsê ka tša ditšhelete go phethagatsë maikarabelo a gagwe go baithuti ba ka moso;
   (b) mabapi le mananeo ka moka a thuto ya go iša pele le tlhahlo—
      (i) go tla netefatswa gore maemo a amogolega ao a sego tlase ka maemo ge go bapetšwa le dikholetshe tša setšhaba;
      (ii) go tla latelwa dinyakwa tša Khamsele ya Thuto ya Kakaretsõ le ya go iša Pele le Netefatsa ya Boleng bja Tlhahlo; le 45
      (iii) go kgotsofatsë senyakwa sefe goba sefe go ya ka taelo ya Tona; le
The registrar may require further information, particulars and documents in support of any application for registration.

**Determination of application for registration**

31. (1) The registrar—
   (a) must consider any application for registration as a private college and any further information, particulars or documents provided by the applicant;
   (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 swanetsē go lekodišiša kgopelo efe goba efe ya ngwadišo bjalo ka kholetšhe ya præbete le tshedimošo ye ngwe le ye ngwe ye go iša pele, ditšhwanelo goba ditšokome tše di tšišišwešo ke mokgopedi;
(b) a ka, ge a lebelela kgopelo, ahlologantša magareng ga motho wa semolao wa ka ntle le wa semolao wa mo gae mabapi le mabaka a go swana le merero le mehuta ya mšomo, bogolo hja yona le peakanyo ya yona ya baithuti ba kholetšhe; le
(c) a ka ngwadiša mokgopedi bjalo ka kholetšhe ya præbete ge e le gore dinyakwa tša ngwadišo bjalo kage di akanywa go karolo 30 di a phethagatswa.

(2) (a) Ge e le gore moregistara o tšea sephetho sa go fetiša kgopelo, moregistara o swanetsē—
(i) go ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša præbete;
(ii) go ntlša setifikeiti sa ngwadišo, se hlaloša 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 lebitši la mokgopedi go a ngwadišišišwe go karolwana le thætelele ya boithutelo ye e abjago ke mokgopedi.
(b) Moregistara o swanetsē go tšebiša Hlogo ye lebanego ya Kgoro mabapi le ngwadišo ya kholetšhe la præbete mo profenseng yeo.
(c) Ge moregistara a tšea sephetho sa go se fetiša kgopelo, moregistara o swanetsē go lemoša mokgopedi ka lengwalo ka sephetho gomme a fe mokgopedi mabaka a ngwadišwele a sephetho se.

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

(4) Ge moregistara a ka ngwadiša mokgopedi nakwana ka fase ga karolwana (3), moregistara o swanetsē go—
(a) rera nako yeo mokgopedi a swanetšego go kgotsofatsša dinyakwa tša ngwadišo;
(b) ngwala lebitšo la mokgopedi go registara ya maleba ya dikholetšhe tša præbete;
(c) ntlša setifikeiti sa ngwadišo ya nakwana, se hlaloša mabaka le leba la ngwadišo ye bjalo; le gore
(d) fa setifikeiti sa ngwadišo ya nakwana go mokgopedi; le gore
(e) ka potlako ka moo go ka kgonagalago morago ga sephetho, gatiša lebitšo la mokgopedi yo a ngwadišišišwe nakwana le thætelele ya boithutelo bj o abjago ke mokgopedi ka go Gazette.

(5) Moregistara a ka, ka mai kemisešeto a mabotsa a laedišwešwe, katološa leba le a akanywago go karolwana (4)(a).

(6) Ge, nako ya leba le fihile mafellong yeo e akanywago go karolwana (4)(a) goba katološo efe goba efe, mokgopedi—
(a) a kgotsofatsša dinyakwa tša ngwadišo tše di hlalošwago ke moregistara, moregistara o swanetsē go ngwadiša mokgopedi go ya ka karolwana (2)(a);
(b) a sa kgotsofatsša dinyakwa tša ngwadišo ka moo e hlalošwago ke moregistara, ngwadišo ya nakwana ya mokgopedi e fihla mafellong.

Setifikeiti sa ngwadišo

32. (1) Kholetšhe ya præbete e swanetsē e laetše pepeneneng—
(a) setifikeiti sa yona sa ngwadišo goba ngwadišo ya nakwana goba khipi ye e tišedišwešegwe mo meagong ya yona; le
(b) nomoro ya yona ya ngwadišo le taešo ya gore kholetšhe e ngwadišišwe goba e ngwadišišwešo nakwana mo ditokomaneng tša yona ka moka tša semmušo.

(2) Ge moregistara a phumutsē ngwadišo goba ngwadišo ya nakwana ya kholetšhe ya præbete go ya ka karolo 39, kholetšhe ya præbete e swanetsē go buša setifikeiti sa mathomo sa ngwadišo goba sa ngwadišo ya nakwana go moregistara 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.
Tekodišišo ya rejistara le pego ya motlhakiši

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

(2) Moregistara o swanetše go tšweletša khophi ya tšišetšo ya, goba setso polwa 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 beiwego.

Direkhote le ditlhakišo ya ditsehlete

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

(a) boleke dibuka le direkhote tša ditsehlete ka dikgwedi tšo tharo morago ga go fela ga ngwaga wa yona wa ditsehlete go akarešwa bonnyane—

(i) setatamente sa ditseno le ditshelega tšo ngwaga wo o fetilego;

(ii) letlakala la mašaledi ka moo le leko ka gona ge ngwaga wo o fetilego o fela;

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

(2) Kholetše ye ngwe le ye ngwe ya praebete e swanetše, ka kako ye e beiwego ke moregistara—

(a) go netefatša gore tlhakišo ya dibuka tša yona ya ngwaga ka ngwaga, direkhote tša tšhupaelotlo le ditatamente tša ditsehlete e phethagatswa ke mohlakiši,

(b) go amogelega a tlhakiši, yoo a swanetšego go tlhakiši ya ka maemo a amogelega a tlhakiši;

(c) go amogelega a khophi ye tšišetšwego ya pego ya mohlakiši mbapi le ditatamente tša ditsehlete tšo go bolelwago ka tšona go karolwana (1); le go

(c) go moregistara tshedimošo ye ngwe le ye ngwe ya tlaleletšo, ditshwanela goba ditokomane ka tšela ye e rerilwego ke moregistara.

Tokišo ya ngwadišo le ngwadišo ya nakwana

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

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

(b) ka go lefela setlamo se beiwego.

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

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

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

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

(i) lokiša setifikeiti sa ngwadišo goba sa ngwadišo ya nakwana ka tšwanela;

(ii) fa khophi ya setifikeiti se lokišitswego go mokgopedi; le

(iii) ka potlako morago ga sephetho, gatiša lebiši la mokgopedi yoo setifikeiti sa gagwe se lokišitswego ka go Gazette.

(b) Ge moregistara a tšea sephetho sa go se dumelle kgopelo, o swanetše go lemoša mokgopedi ka lengwalo mbapi le sephetho gomme a fe mokgopedi mbaka a ngwadišego sephetho seo.

Mabaka a ngwadišo

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

(a) ngwadišo ya yona;

(b) ngwadišo ya yona ya nakwana; goba

(c) tokišo efe goba efe ya ngwadišo ya yona goba ngwadišo ya yona ya nakwana.
(2) The registrar may impose different conditions under subsection (1) in respect of different private colleges, if there is a reasonable basis for such differentiation.

Amendment or cancellation of conditions

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

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 dikholešhe tše præbete tše fapanego, ge e le gore go na le lebaka la go kwagala la phapano ye bjalo.

Tokisô goa phumulo ya mabaka

38. Go ya ka karolo 40, moregistara a ka, ka mabaka a kwagalago, lokiša goa phumula 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 tumello ya go aba thuto ya lenaneo le lengwe le lengwe la thuto ya go iša pele le thhalho yeo e abjago ke kholetšhe ya præbete e gogelwa morago, moregistara o swanetše go sekaseka gape ngwadišo ya kholetšhe ye bjalo.

Magato pele ga tokisô goa phumulo

40. Moregistara ga a dumellwa go tšea magato ka fase ga karolo 38 goba 39 ge ese a—
   (a) tsebišiše kholetšhe ya præbete ka maikemišešo a go tšea magato le mabaka a seqo;
   (b) a file kholetšhe ya præbete le batho ba bangwe ba nago le kgahlego sebaka sa go ntša maikutlo a ngwadišwe wele magato a bjalo, ka mašaši a 30 a mošomo a tsebišo ya Moregistara; le
   (c) a lekodišišiše maikutlo a bjalo.

Boipilešo go Tona

41. (1) Mongwe le mongwe ye a nago le kgahlego ya go dira boipilešo a ka dira bjalo go Tona kgahlanong le sephetho se sengwe le se sengwe sa moregistara go ya ka Karolo ye, gomme Tona a ka netefatša goa a phaela ka thoko, ka botlalo goa seriwa, goa ka go fapana, sephetho sa moregistara.
   (2) Sephetho sa Tona seqo go bolelwago ka sona go karolwana (1) se ka akaretša taelo ya go beela ka thoko lebaka lefe goa lefe lefego go ngwadišo go Tona a sa kgotsofale gore lebaka leoa go le kwagale le go amogela.
   (3) Boipilešo bjo go bolelwago ka biona go karolwana (1) bo swanetše bo išwe go Tona ka mašaši a 60 a lešišešiše le sifunise sa moregistara.
   (4) Tona a ka, ka taešo ye botše, katološa nako yeo boipilešo bo ka lebellwago kgahlanong le sephetho sa moregistara.

KGAOLO YA 7

TLHATLOŠO YA BOLENG

Tlhatšoša ya netefatšo ya boleng go thuto ya go iša pele le thhalho

42. (1) Go ya ka ditlwaedi le maemo a beilwego ke Tona go ya ka karolo 3 ya Molao wa Bosetišaba wa Leano la Thuto, 1996 (Molao No. 27 wa 1996), le ka SAQA, Molaodi-Pharephare o swanetše go—
   (a) tlhatšoša netefatšo ya boleng go thuto ya go iša pele le thhalho; le go
   (b) sekašeka le go bega ka boleng bja thuto le thhalho yeo e abjago ke dikholešhe.
   (2) Kgoro ya thuto ya profense goa kholetšhe e swanetše, ka kgopelo ya Molaodi-Pharephare, e mo ahele tsedimošo ya maleba yeo a ka e kgopelago go sepeletana le ditelošo tše karolwana (1).

Mananeo a thuto ya go iša pele le thhalho

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

(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
2. Netefatsa bo leng e swanetsa bo dirwa ke Umalusi go ya ka Molao wa Kakaretsa wa Netefatsa bo Boleng bja Thuto ya go iša Pele le Tlhahlo, 2001 (Molao No. 58 wa 2001).

3. Kholetsa ya setšaba e ka aba mananeo a thuto ya maemo a godimodimo fela ka fase ga taaolu ya sehlongwa sa thuto ya maemo a godimodimo.

4. Kholetsa ya setšaba ye e ikemišedditsa go abasana a thuto ya maemo a godimodimo bjalo ka lebelašwego go karolwana (3)—

(a) e swanetsa bo dira kgopelo go Tona ya tumello ya go abasana a bjalo morago ga go thọma go šoma ga Molao wo; le
(b) e ka abasana a bjalo fela morago ga tumello ye go bolelwago ka yona go temana (a) e gatišwe ke Tona go Gazette.

KGAOLO YA 8

KAKARETSO

Leano le pego ya ngwaga

44. (1) Kholetsa ya setšaba e swanetsa go lokša leano le go bolelwago ka lona go ditšwadi le maemo a ngwaga o mongwe le o mongwe o diššele, le o swanetsa go dumellwa ke khansele gomme le išwe go Leloko la Khuduthamaga bonnyane maššatiša a 30 pele o go ka thọma ngwaga wa diššele.

(2) Kholetsa ya setšaba e swanetsa go lokša le go iša pego ya ngwaga ka ngwaga go Leloko la Khuduthamaga mabapi le—

(a) ka moo e šomago ka gona; le
(b) tišomiša ya didirišwa.

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

Maiškarabo a dikholetsa go abas tšedišmošo

45. (1) Kholetsa e swanetsa e tišweletša tšedišmošo gore e lekolwe ke motho ofe goba ofe ge tšedišmošo ye bjalo e nyakega mabapi le go diššiša le go tišširiša tšišteko tša motho yo bjalo.

(2) Kholetsa ye nngwe le ye nngwe e swanetsa go abas tšedišmošo ka kholetsa ge Hlogo ya Kgoro goba Molaodi-Pharephare a e nyaka ka therišano le Hlogo ya Kgoro.

(3) Hlogo ya Kgoro, Molaodi-Pharephare goba kholetsa efe goba efe ba swanetsa go abas tšedišmošo ye bjalo ka kholetsa goba ka boleng bja thuto ya go iša pele le tlahlo bjalo nkage NBETF e nyaka.

Nyakisho ya kholetsa ya setšaba, le thwalo ya mosepediši

46. (1) Leloko la Khuduthamaga le ka kgetha motho a dira dinyakišišo kholetsšeng ya setšaba ge khansele ya kholetsša e kgopela go thwalwa ga motho yo bjalo goba ge—

(a) maemo a tšwelela kholetsšeng a—
(i) mabapi le tšhela go taolo ye nngwe ye mpe ya go Ĭšiša; goba
(ii) go ntyatsa ka kudu go šoma gabolets e kholetsša; le
(b) khansele ya kholetsša e pulešwe go laroša maemo a bjalo; le
(c) go thwalwa go dikgahlegong tša thuto ya go Ĭša pele le tlahlo mo setšabeng se lokologišego le sa demokrasi.

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

(a) mo maššatiša a 30 morago ga go thwalwa, go dirwe dinyakišišo tša kholetsša ya setšaba ye e amegago; le
(b) mo maššatiša a 60 morago ga go thwalwa—
(i) bega ka lengwalo; go Leloko la Khuduthamaga; mabapi le diphešo tša dinyakišišo; le go
(ii) šišinya magato a maleba a tla go laroša bothata.

(3) Leloko la Khuduthamaga le swanetsa gore ka potšako ka mo ka kgongašalago le fe khansele khopi go pego ye go bolelwago ka yona go karolwana (2).

(4) Ge tlahišišo ya direkhotše tša diššele tša kholetsša ya setšaba, goba nyakišišo ka motho yo go bolelwago ka yena go karolwana (1), a utšišowišiša tepa diššele goba ye nngwe ye go Ĭšiša kholetsšeng ya setšaba goba go nyatsa go šoma gabolets 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).
kholetšhe ya setšhaba, Leloko la Khuduthamaga le ka, morago ga ditherišano le Tona le khansele ya kholetšhe ya setšhaba ye e amegago, go e kgonagalga, go sa lebalwe taolelo efe goba efe ya Molao wo, kgetha molaodi go tšėa taolo ya khansele goba taolo ya kholetšhe gomme motho yo bjalo a ka phethagatša mesšomo ka moka ye e amanago le bolaodi goba taolo legating la kholetšhe lebala le le rerilwešgo le Ke Leloko la Khuduthamaga, gomme lebaka leo ga la swanela go feta nako ya mengwaga ye mebedi.

(5) Leloko la Khuduthamaga le ka okešiša nako ye go bolelwago ka yona go karolwana (4) ga te o ka nako ya go se fete dikgwedi tše selelagelo.

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

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

Phetošo ya leina la kholetšhe ya setšhaba

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

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

Melato

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

(a) a ka abá goba a itira o ka re o abá lenaneo lefe lefe le thuto ya go iša pele le thlahlo;
(b) a ka neelana ka boithutelo bja thuto ya go iša pele le thlaho ye e bonalago e ka re e abilwe ke kholetšhe goba ka mohlakanelwa le kholetšhe; goba
(c) a ka itirago e ka re e dira mšōšo e legatong la kholetšhe,
o mola oго mome na le maikarabelo a kotšo ye e ka belago mabapi leišo yeyo go se fete mengwaga ye mehlano goba bobedi tesišo le kgešego.

(2) Motho ofe goba ofe ya o a thwetšwe karolo 28 o na le mola oго mome o na le maikarabelo a tesišo gokešego ye go se fete mengwaga ye mehlano goba bobedi tesišo le kgešego.

(3) Kholetšhe goba goba ye e praebete ye e sa latelebo karolo 32 e mola oго mome e na le maikarabelo a kotšo ya tesišo ye go se fete R250 000.

(4) Kholetšhe efe goba ye e praebete ye e sa latelebo karolo 32 e mola oго mome e na le maikarabelo e Kotšo ya tesišo ye go se fete R250 000.

(5) Motho ofe goba ofe ye o a itirago e ka re o abá boithutelo bja thuto ya go iša pele le thlaho ye e ngwadisiššego le Mahlomo a Bosetsha a Boithutelo mola e le gore boithutelo bjo bjalo ga ba ngwadiššwa o na le mola oго mome o na le maikarabelo a Kotšo ya kahlole goba goba ye e ka belago ye bošeneyi.

Magomo a maikarabelo a dikološo

49. (1) Le ga e le Mmusi, goba NBFET goba motho ofe ofe ye o a thwetšwe go ya ka Molao wo o na le maikarabelo a tahlegelo efe goba efe goba tšhenyego ye e ka itemgelwago ke motho ofe goba ofe ka lebaka la tiragalo efe goba ye e diriššego go e sa diragago ka moya o möbotse ge go ntše go dirwa mšōšo oго ofe goba ye e lego gore motho yoo o thwetšwešgo ona ya ya ka Molao wo.

(2) Mmusi ga o na maikarabelo a tiragalo efe goba efe goba thokošego ya tiragalo ka kholetšhe ya setšhaba mabapi le maikarabelo a kontraka bjalo ka mongmosho mabapi le mošišo yoo a thwetšwešgo ya ka karolo 20(3).

(3) (a) Mmusi o na le maikarabelo a tšhenyego efe goba efe goba tahlegelo ye e bago

gona ka lebaka la tiragalo efe goba efe goba thokošego ya tiragalo mabapi le tiragalo efe efe goba ye tša thuto ye e dirwago ke kholetšhe ya setšhaba yee e lego gore kholetšhe ye bjalo ya setšhaba e be e tša rwaša maikarabelo eupaša ka ditaešo tša karolo ye.
(b) Molao wa Maikarabelo a Mmusi, 1957 (Molao No. 20 wa 1957), o ama mola oго ofe goba ofe ka fase ga 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 tshenyegele goba wa tahlegelo wo o akanywago go temana (a) o swanetše go hlongwa kgahanong le Leloko la Khuduthamaga le le amegago.

d) Kantele le ditaelelo tša temana (a), Mmušo ga o na maikarabelo a tshenyege efe goba efe goba tahlegelo ye e bago gona ka lebaka la tiragalo efe goba efe goba tlohoko ya tiragalo mabapi le kgwebo efe goba efe ye e dirwago ka fase ga taolo ya kholešte ya setšhaba ka maikešišeto a go thuša didirišwa tša kholešte, go akaretšwa go abiga ga ditiragalo tša thuto tše ka diregago tša mabapi le kgwebo yeo.

(e) Magato a semolao kgahanong le kholešte ya setšhaba mabapi le tshenyegele le tahlegelo ye e akanywago go temana (d), goba mabapi le tiragalo efe goba efe goba tlohoko ya tiragalo mabapi le maikarabelo a yona a kontrakga bjalo ka mongmošomo, a ka phethagatšwa ge fela go bil e tsebišo ka lengwalo ya maikešišeto a go tšea magato kgahanong le kholešte a filwe Hlogo ya Kgoro gore be le tshedimošo.

Kabo ya maikarabelo

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

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

(3) Molaoedi-Pharephare a ka, ka mabaka a bjalo a o ka a rerago, aba tirišo ya a mangwe a maatla a gagwe ka fase ga Molao wo go mošomi ofe goba ofe mo Kgong a profense ye e nago le maikarabelo. 25

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

Melawana

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

(a) moreo ofe goba ofe wo o ka goba o swanetšegog o rerwa;
(b) magato a poloko go dikholešte tša setšhaba le tša praebete;
(c) lenaneo la bosetšhaba le tshepišo mabapi le tshekaštekho ya tswelelo ya baihuthi go dikholešte tša setšhaba le tša praebete;
(d) lenaneo la bosetšhaba la tshekaštekho le tekolo ya thuto go dikholešte tša setšhaba le tša praebete;
(e) ditlwaedi tša kgašolo go dikholešte tša setšhaba le tša praebete; le
(f) magato afe goba afe a thekgo mošomong goba taba ye nnyane ya taolo goba ya tshepišo gore go bohlwaka go laodiša phethagatša 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 thlhahlo kantele le Molaotheo wa Republiki ya Afrika Borwa, 1996.

KGAOLO YA 9

DIPEAKANYO TŠA NAKWANA LE TŠE DINGWE

Dihlongwa tše lebo gona tša thuto ya go iša pele le thlhahlo le makgašo

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

(2) Maloko a khanele, boto ya tša thuto le khanele ya boemedi bj a baihuthi ya diholongwa ye go bolewako ka yona go karolwana (1) di tša tšwela pele go soma go fihlela 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 thwetšwego ke Mmušo ba tšwela pele go thwalwa bjalo go fihlela ba thwalwa go ya ka Molao wo.
(2) Karolo 197 ya Molao wa Dikamano tša Bašomi ka diphetogo tše bohlokwa tše nyakwago ke maemo, e ama go thwalwa goba go 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 sēbopego se sefsa sa maleba go dikholetšhe tša setšhaha.

Kgopelo ya ngwadišo ka dikholetšhe tša præbete

55. Kgopelo ya ngwadišo ka dikholetšhe tša præbete tše di dirilweego go ya ka Molao wa Thuto ya go iša Pele le Thlahlo, 1998 (Molao No. 98 wa 1998), pele ga tsena tšhomong ga Molao wo e swanetshe go bonwa e le dikgopelo tše dirilweego go ya ka Molao wo.

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

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

Magato a kgalemo

57. Molao o lego gona wa maithshwaro, magato a kgalemo le ditšhepedišo tša dikholetšhe wo go bolelwago ka wona go karolo 53(1) o swanetshe 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 Thlahlo, 1998 (Molao No. 98 wa 1998); ka go realo o o fetšišwe goba o lokišwe.
(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 phomusšwe ke Molao wo e swanetshe go tšewa gore e dirilwe goba e hlamilwe ka fase ga taolelo ye swanago ya Molao wo.
(3) Molao wa go Thwalwa ga Barutšiši, 1998 (Molao No. 76 wa 1998), ka go realo o lokišišwe go fihla go Šedulo 3.

Thaetlele ye kopana

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

(Section 18)

STANDARD COLLEGE STATUTE

CONTENTS

DEFINITIONS AND APPLICATION

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
SEDULO 1

(Karolo 18)

MOLAO WO TLWALEGILEGO WA KHOLETŠHE

MATENG

DITLHALOSO LE TIRISO

1. Ditlhalošo
2. Tirišo

SEHLONGWA

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

KHANSELE

5. Maikarabelo a khansele
6. Thamego ya khansele
7. Pedišo 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. Ditshopedišo tša dikopano tša khansele
11. Thulano ya dikgahlago tša maloko a khansele
12. Dikomiti tša khansele
13. Metsotso ya dikopano tša khansele le komiti
14. Go thalwa, go lokiša goba go sekaseka Molao o fetišišwego

BOTO YA TŠA THUTO

15. Maikarabelo a boto ya tša thuto
16. Pedišo 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. Tšhepedišo 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 kakarets

BOLAODI

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

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

BAABI BA DITŠHELETE

40. Baabi ba ditšhelethe

DITLHALOŠO LE TIRIŠO

Ditlhalošo

1. Mo Molaong wo, ge e se fela maemo a laetša ka tsela ye ngwagae—
   “boto ya tša thuto” e ra mokgatlo o akanywago go karolo 11 ya Molao;  
   “mohlakisi” e ra motho ofe goba ofe ye a ngwadišišwe go ya ka Molao wa  
   Profesene ya Bahlalhibo di Dibuka tša Dišhelete, 2005 (Molao No. 26 wa 2005);  
   “kholeši” e ra kholeši ye go bolelwago ka yona go karolo 3;  
   “khaneši” e ra sehlongwa sa boloali sa kholeši;  
   “Kgoro” e ra kgoro ya mmušo ye e nago le maikarabelo a thuto maemong a  
   bosošiša;  
   “Molaodi-Pharephere” e ra Molaodi-Pharephere wa Thuto;  
   “motho wa ka ntle” e ra motho yo go bolelwago ka yena go karolo 10(8) ya  
   Molao;  
   “ngwaga wa ditšhelete” mabapi le kholetši e ra ngwaga wo o thomago ka  
   letšatši la mathomo la January gomme la fela ka di 31 December ya ngwaga wona  
   woo;  
   “motho wa semolao wa ka ntle” e ra motho—  
   (i) yo a ngwadišišwe go a hlimišwe bjalo ka motho wa semolao go ya ka  
   Molao wa naga ya ka ntle; le go  
   (ii) a ngwadišišwe go a ngwadišišwa bjalo ka khamphani ya kantle go ya ka  
   Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);  
   “thuto ya go iša pele le thlhalo” e ra mananeo ka moka a go ihutha le  
   a thlhalo ao a išago boithutelong bja a tša, a Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);  
   “thuto ya maemo a godimodimo” e ra thuto maemo a godimodimo, 1997 (Molao 101 wa 1997);  
   “thuto ya maemo a godimodimo” e ra thuto ya maemo a godimodimo, 1997 (Molao 101 wa 1997);  
   “molaodi wa seholongo” e ra leano, molao wa maishwaro le molao ye e  
   hlimišwe go a khaneši ka thwetšiša se lesa le Molao;  
   “Molaodi wa Dikhamphani” e ra Molao wa Dikhamphani, 1997 (Molao 101 wa 1997);  
   “mofahloši” e ra motho ofe goba ofe ye a rutago goba a thlhalolo batho ba  
   bangwe goba yo a abago ditirelo tša profesene tša thuto kholešišeng gomme a  
   thwetšišo mo mošišong ga bofahloši ka khaletšo ka thuto maemong a  
   bosošiša;  
   “motho wa semolao wa mo gae” e ra motho yo a hlimišwe bjalo ka motho wa  
   semolao mo Afrika Borwa go ya ka Molao wa Dikhamphani, 1973 (Molao No. 61 wa 1973);  
   “taolo” e ra hlimo le motlaša hlimo ya kholetši;
“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 ______________________________________
**MOLAO WA THUTO YA GO IŠA PELE LE DIKHOLETŠHE**

**TŠA TLHAHLO. 2006**

“MEC” e ra Leloko la Khuduthamaga la profense le le nago le maikarabelo a tša thuto mo profenseng yeo;

“Tona” e ra Tona ya Profense;

“Mahlomo a Bosetšhaba a Boithutelo” e ra Mahlomo a Bosetšhaba a Boithutelo bjalo kage go hlalošwa go Molao wa Bolaodi bja Boithutelo bja Afrika Borwa, 1995 (Molao No. 58 wa 1995);

“NBFET” e ra Boto ya Bosetšhaba ya Thuto ya go iša Pele le Tlhahlo, ye e hlomilwešo ke melawana go ya ka karolo 1996 (Molao No. 27 wa 1996);

“leka la mmmušo” e ra leka la mmmušo bjalo kage go hlalošwa go Molaötheo wa Afrika Borwa, 1996;

“leano” e ra—

(a) leano le rerilwego ke Tona go ya ka Molao wa Leano la Thuto la Bosetšhaba, 1996 (Molao No. 27 wa 1996); goba

(b) leano le rerilwego ke Leloko la Khuduthamaga go ya ka molao wa profense;

“go šupetša” e ra go šupetša ka molawana;

“hlogo” e ra mohlankedi mogolo le mohlakiši wa khetšehše ya setšhaba ya thuto ya go iša pele le tlhahlo gomme go akarešša morekotoro;

“mananeo” e ra lenaneo la mananeo a tša thuto ao a dumeletšwešo gomme a tsbisaša ke Tona go Tša Gazette;

“kholets ya setšhaba” e ra kholets efe goba efe ya thuto ya go iša pele le tlhahlo yeo e hlomilwešo, e bonwa e hlomilwe goba e gooledištšwe bjalo ka kholetsše ya setšhaba ya thuto ya go iša pele le tlhahlo ka fase ga Molao;

“Molao wa Tirelo ya Setšhaba” e ra Molao wa Tirelo ya Setšhaba, 1994 (Tsetšišo ya Semmušo No. 103 ya 1994);

“melao” e ra melao ye e dirilwego ke khaneše go ya karolo 5(2)(a);

“SAQA” e ra Bolaodi bja Boithutelo bja Afrika Borwa, e hlomilwe go ya ka karolo 3 ya Molao wa Bolaodi bja Boithutelo wa Afrika Borwa, 1995 (Molao No. 58 wa 1995);

“sekolo” e ra sekolo bjalo kage go hlalošwa go Molao wa Dikolo wa Afrika Borwa;

“Molao wa Dikolo wa Afrika Borwa” e ra Molao wa Dikolo wa Afrika Borwa, 1996 (Molao No. 84 wa 1996);

“mosoši” e ra batho ba šomago kholetsše ngwadiša ya setšhaba;

“molao” e ra molao wa thwagalešiša wa kholetsše, o akarešša leano, molao wa maitsʰwaro le melao ye mengwe ye e hlomilwešo ke khaneše go ya ka Molao;

“moitlhuši” e ra moĩtho ofe goba ofe ya ngwadišištšwe bjalo ka moĩthuši kholetsšeng;

“SRC” e ra khaneše ya boemedi bja baithuti ya kholetsše;

“Molao” e ra Molao wa Dikholetšhe ywa Thuto ya go iša Pele le Tlhahlo, 2006;

“go aba thuto ya go iša pele le tlhahlo” go ra—

(a) go ngwadiša wa baithuti mananeošo ka moka a go ithuta le tlhahlo a išago boithutelošo bja go tloga maemong a 2 go ya go 4 a Mahlomo a Boithutelo a Bosetšhaba goba maemo a bjalo a thuto ya go iša pele le Tlhahlo bjale kage go rerilwe ke SAQA le go akanwywa go Molao wa Bolaodi bja Boithutelo wa Afrika Borwa, 1995 (Molao 58 wa 1995), maemo ao a lego ka godimo ga thuto ya kakaretšo eups a le ka fase ga thuto ya maemo ka godimo; le

(b) go tša maikarabelo a ngwadišo ya baithuti, kabo le neelo ya kharikhulamo le tshekatsheko ya baithuti;

“motlatsa hlogo” e akarešša motlatsa morekotoro.

Tirišo

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

**SEHLONGWA**

Leina, aterese le maatla:

3. (1) Leina la kholetsše ke _______________

(2) Aterese ya kholetsše 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. **Kholetshe** ye ngwe le ye ngwe ya setšhaba ke motho wa semolao yo a nago le maatla a semolao a go dira mešomo ya gagwe go ya ka Molao.

**Molaotho wa kholetshe**

4. (1) Kholetshe e bopša ke—
   (a) khansele;  
   (b) Boto ya tša thuto;  
   (c) bolaodi;  
   (d) SRC;  
   (e) bafahlosi le bαšomi ba kholetshe;  
   (f) baithuti ba kholetshe;  
   (g) dikantororo tše dingwe tše bjalo, mekgatlo goba dibopego bjalo kage di ka hlongwa ke khansele.

2. Ga go sekgoba sa mošomo go dikantorong dife goba dife bjalo kage go akanywa go karolwana (1) ya Molao o fetisitšwe go le ga ele tlhalele efe goba efe ya mo dipalong goba bossedi mo tlhamelele ya ye ngwe ya ye ngwe ya sakgaga ya Molao o fetisitšwe.  
3. Ga go sekgoba sa mošomo go dikantorong dife goba dife bjalo kage go akanywa go karolwana (1) ya Molao o fetisitšwe go le ga ele tlhalele efe goba efe ya mo dipalong goba bossedi mo tlhamelele ya ye ngwe ya ye ngwe ya sakgaga ya Molao o fetisitšwe.

**KHANSELE**

**Maikarabelo a khansele**

5. (1) Go ya ka Molao o fetisitšwe khansele e laola kholetshe.  
6. (1) Kantle le go kqeloga go tšwa kakaretšong ya karolwana (1), khansele—
   (a) e dira melao ya kholetshe;  
   (b) e hloma dikomiti tša khansele le go rera tlhamelele ya maikarabelo a komiti ye ngwe le ye ngwe;  
   (c) e hloma, ka therišiši le bolo ya tša thuto, dikomiti tša mohlakanelwa tša khansele le bolo ya tša thuto go phethagatsa maikarabelo a tlwalelegilego go khansele le bolo ya tša thuto;  
   (d) go ya ka leano la maleba le ka tumello ya Hlogo ya Kgoro, e rera leano la kamogelo ya baithuti ya kholetshe ya setšhaba, morago ga go rerišana le bolo ya tša thuto;  
   (e) e rera le go abo ditirelo tša thekgo ya baithuti morago ga ditirišana le SRC;  
   (f) go ya ka tumello ya Hlogo ya Kgoro, e rera leano la pololo ya kholetshe, morago ga go ditirišana le bolo ya tša thuto;  
   (g) e rera dife tša thuto, dife tša madulo le dife dife goba dife tše dingwe tše lefelwago ke baithuti gammogo le dife tša madulo tše lefwogo ke bašomi;  
   (h) e demella kabu ya ngwaga ka ngwaga ya kholetshe;  
   (i) e ka phetha tumellano ya kadimo goba sekošo sa akhaonto ya panka, go ya ka tumello ya MEC.

3. Kantle le go kqeloga go tšwa kakaretšong ya karolwana (1), khansele—
   (a) e rera maemo a tširelo, molao wa metšwaro le diputšetešo le maikarabelo a bašomi ba yona gape e ka, ka tselo ye e belešego go molao wa metšwaro, tega goba ya lebogisša bašomi ba kholetshe mošomo;  
   (b) e ka laela mošomi wa kholetshe yoo a fegilwego go tšelego go ba mo meagong efe goba efe ye e lego ka fase ga taolo ya kholetshe ya setšhaba le go se tše karolo mo ditiragalong dife goba dife tša kholetshe, goba go ntša mabaka a mangwe a bjalo kage go ka bonwa go le bohlokw.

**Tlhamego ya khansele**

6. (1) Khansele, bjalo kage go akanywa go karolo 10(4) ya Molao, e bopša ke—
   (a) hlogo;  
   (b) batho ba bahlano ba ka ntle ba thwetšwe go MEC;  
   (c) lelošo le tee la bolo ya tša thuto le kgetšišwe ke bolo ya tša thuto;  
   (d) lelošo le tee la bašomi ba bafahlosi ba kholetshe ya setšhaba ye e kgetšišwe ke bašomi ba bafahlosi;  
   (e) baithuti ba babedī ba dikhološwe tša setšhaba ba kgetšišwe ke SRC;  
   (f) lelošo le tee la bathekgi ba thekgo le kgetšišwe 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 tee la ka ntle le emetšego bathuši ka ditšhelete; le

(h) maloko a mane a akanywago go karolo 10(6) wa Molao ka bokgoni bja go phatlalala go mafapha a tša thuto, kgwebo, ditšhelete, molao, paphašo, teknoletši ya tsedišimoše le tlaol ya bašomi ba kgthihlwe ke khansele, ka therišano le MEC.

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

(3) Maloko a khansele a akanywago ke karolo 10(8) le (9) ya Molao ba swanetsē ba be le tsebo le maitemogelo a lebanego le maikemišelsen te bołaadi bja kholetšhe.

**Phumulo ya boleloko le go tlatswga ga dikgoba tša mošomo**

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

(a) a tša lengwalo la go itokolla;

(b) MEC goba motha yo a thwalago goba a kgthha leloko go khansele a fediša boleloko ka tsela ya lengwalo;

(c) a sa iponagatsē go dikopano tša tatelano tše tharo kantle le tumeloy ya khansele;

(d) a goeleditswe gore o tšhonne;

(e) a tlôšwa kantorong ya potegoe kgoro ya molao goba a aholetšwe moloo o kahlolo ya gona e lego go tswealelela kgolegong kantle le sebaka sa go lefa faene; goba

(f) a tšetšwe maikarabelo a semolao.

(2) Khansele e na le maatla a go fega le go tša magato a kgademo kgahlanoŋ le leloko.

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

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

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

(6) Lelošo le goba lefe le thwetswego go ya ka karolwana (5) le swanetsē le some fela lebaka le le tšetšeto la mošomo.

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

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

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

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

(4) Dikgetho tša bonthoši bana mošomo wa modulasetulo, motlatša modulasetulo le mongwaledi wa khansele di swanetsē di ngwalwe gomme di romelwe go thulakedi dikgetho.

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

(6) Lelošo le lengwe le le lengwe la khansele le na le boutu e tee fela ge go boutula gomme ga go maatla a go phetho ao a dumeletšwego.

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

(8) Motho yo tlatsašo sekgoša sa mošomo go ya ka karolwana (7) o fetisišišwe o ba mošomoŋ go fihla la mafellong go lebaka la ya a tsenego sebakeng sa gagwe.

**Dikopano tša khansele**

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

(2) Tsebšo ya tlisišinyo efe goba efe ye e tla tsinkelwago kopanong ye latelago ye e tlwaelegilego e swanetsē e be ka tsela ya lengwalo gomme e swanetsē e iswe go mongwaledi bonnyane matšatši a 21 pele go leššašiškgwedi le le reerilwe go 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, ge fela e le gore taba efe goba efe ye e lego ya potlako e ka, kantle le tsebišo peleng, ka tumello ya modulasetulo le bontši bjala maloko a lego gona, e tsinkelwe kopanong ye bjalo.

(3) Bonnyane mašatsší a 14 pele ga letšatšikgwedi la kopano ye e tlwaegilego, mongwaledi go laetša ka tsebišo go leloko le lengwe le le lengwe mabapi le merero ka moka ye e swanetsëgo go ahlahlwë 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 ke modulasetulo ka kgopelo ka tsela ya ya lengwalo ka bonnyane maloko a malapo, ga maikemisëšo a kopano ye bjalo a laetšwa gabotsie mo kgopelo, ge fela go filwe tsebišo bonnyane mašatsší a šupago ya kopano ye ikgethilego.

(6) Ga go še dingwe še di ka ahlahlwëgo wëgo kopanong ye ikgethilego kantle le še di lego mo lenaneong thero.

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

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

(9) Maikemisëšo a kopano ya šhoganetsëšo a swanetsë go hlašošetsëwa maloko gomme ga go se se ka ahlahlwëgo kantle le še se lego lenaneotherong.

**Ditshepedišo tša kopano ya khansele**

10. (1) Maloko a khansele a swanetsë go šeša karolo mo ditšerišanong tša khansele ka dikgahlegelo tša kholešše.

(2) Kantle le moo go laetšwago mo molanggo o fetišišešgo, didiragalo ka moka goba merero ye e dumeletšërego goba ye e swanetsëgo e phethagatsëwa goba e reřilwe ke khansele goba dikomiti tša yona le dipotišišo ka moka še di ka kašišwëgo go yona di a dirwa goba tša rollswa ke bontši bjala maloko a lego gona kopanong efe goba efe, ge fela palo ya maloko a lego gona kopanong efe goba efe ke bonnyane seriša le leloko le tee la palomoka ya maloko a khansele goba dikomiti tša yona di sa dišë setulo ka letšatšikgwedi la kopano ye bjalo.

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

(4) Tiragalo ya mathomo ya kopano ye tlwaegilego, morago ga go thhangwa, ke go bala le go netefatsëšo ka go saenela metsotsëšo ya kopano ye e tlwaegilego ya mafelelo ke modulasetulo le ya kopano efe goba efe ye ikgethilego ye tla latelago, go fela kopano ye o e ka amogela metsotsëšo ka mo e balwago ke khophya ya metsotsëšo yeo e ile ya romelwa go leloko le lengwe le le lengwe la khansele, le ge fela e le gore boipelaštšo bjala metsotsëšo ya kopano bo a hlagisëwa gomme bjala rollswa pele ga netefatsëšo ya metsotsëšo.

(5) Lelošo la khansele le ka no se, kantle le tumello ya modulasetulo, bolele go feta ga tee ka štišišyro goba ka tokišo efe goba efe gomme mošišinyo ya štišišyoro goba wa tokišo efe goba efe o na le tokelo ya go fetola.

(6) Štišišyoro ye ngwe le ye ngwe goba tokišo efe swanetsë e thegiwe le go, ge go ka laetšwa ke modulasetulo, e swanetsë go ba ka tsela ya go ngwala.

(7) Štišišyoro goba tokišo ye e thegiwešešgo bjale kage ka akantšwe go karolwa (6) e ka no se bušetšwe morago 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 tekatekane ya diboutu, le go bouta.

(9) Ge go ka šišawo sephetho ke kopano, palo ya maloko a boutago thekong goba kgahlanong le štišišyoro efe goba efe ve swanetsë go rekhotiwa ke metsotsëšo, modulasetulo o swanetsë go laela gore diboutu še bjalo di rekhotiwa.

(10) Ge bontši bjala maloko a khansele ba Šhilela Šllumana ka taba ye e fetišedišešgo 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 swanetsë go rekhotiwa mo metsotsëšo ya kopano ye latelago ye tlwaegilego.

(11) Maikutlo a leloko la khansele leo le sa Šgongo go tšenela kopano a ka tšišwa kopanong ka tsela ya lengwalo eupša a ka se ššewe bjalo ka boutu ya leloko le bjalo.

(12) Sepetho sa modulasetulo ka tšielala goba ka Šthepedišo ke sa semolašo ntše lege se ka hlotša ka potšako ke leloko, moo e leng gore sephetho se bjalo se swanetsëgo tšišwa kantle le go ahlahla kopano yeo 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 mecha-
            nisms;
        (iv) ensuring that the requirements of accreditation to provide learning
            against standards and qualifications registered in the National Qualifica-
            tions 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.  5  
(2) Leloko la khansele leo le nago le kgaahlego ya thwii goba ya go rarela ya ditsheletse, ya boyena goba ye ngwwe mabapi le taba efe goba efe ye e ka ahaahlwagk go kopanong ebele e ka akaretša thulano goba kganagalo ya thulano le swanetshe, pele goba ka nako ya kopano ye bjalo, go tsebisika ka kgaahlego.  10  
(3) Motho ofe goba ofe a ka, ka tselu ya lengwalo, a tsebiši modulasetulo ka kopano, pele ka nako, ya thulano goba kganagalo ya thulano ya kgaahlego ya leloko la khansele yeo motho o bjalo a ka e tsebago.  
(4) Leloko le gapeletsega go tokolla go tšwa kopanong ge go ahaahlwagk taba yeo le go bouta moo.

Dikomiti tša khansele

12. (1) Khaanele e kgetha—  15  
(a) komiti ya khuduthamaga;  
(b) komiti ya bohlakisi;  
(c) komiti ya ditsheletse;  
(d) komiti ya maemo a mošomo;  
(e) komiti ya go maano le ditlabakelo; le Tikomiti ts  
(f) dikomiti tše bjalo tše dingwe bjalo kage go ka nyakega.  20  
(2) Thamego le maikarabelo a dikomiti a rerwa ke khansele.  
(3) Bonnyane diperesente tše 50 tša maloko a komiti a swanetshe go ba batho ba kante bao e lego maloko a khansele.  
(4) Modulasetulo wa komiti e swanetshe go ba leloko la khansele.

Metsošo ya dikopano tša khansele le dikomiti

13. (1) Mongwaledi wa khansele o bea metsošo ya kopano ye ngwwe le ye ngwwe ya khansele le go akaretša metsošo ye bjalo go lenaneothero la kopano ye latelago ya khansele ge lenaneothero le romelwa go ya ya karolo 9(3).  30  
(2) Metsošo ya dikopano ka moka tša komiti e swanetshe e akaretše go lenaneothero la kopano ye latelago ye e tlwaelegilego ya khansele go latela dikopano tše amego tša komiti.  
(3) Maloko a Khaanele a swanetshe go fiwa dikhophi tša metsošo ye go bolelwagke ka yona go karolwana (2).

Go thalwa, go lokisa le go sekaseka Molao o fetisitsišwego

14. Ga go tšhipinyo ya go thalwa, go lokisa goba tshekatsheko ya molao o fetisitsišwego goba molao wo o ka dirişwago le go ama ge e se wa fetišwa ka bonnyane diperesente tše 75 tša maloko ka moka a lego gona kopanong, kante lege go na le maloko a lekanego.

BOTO YA TŠA THUTO

Maikemišetšo a boto ya tša thuto

15. (1) Go ya ka Molao, boto ya tša thuto ya kholetshe—  45  
(a) e na le maikarabelo go khansele a—  
(i) go ruta, go ithuta, dinyakišišo le maikemišetšo a tša thuto a kholetshe;  
(ii) maikarabelo a tša thuto a kholetshe le kwaliakwatshe ya go tša karolo ga basadi le digole mananeong a go ithuta;  
(iii) hloma molebeledi wa ka gare wa tša thuto le dikwalakwatshe tša boleng;  
(iv) netetaša gore dinyaka tša tumello ya go aba thuto kgahlanong le maemo le boithutelgo bjo ngwadišišwego go; le  
(v) phethagaša maikarabelo a mangwe a bjalo kage go ka romelwa goba go šupetšwa ke khansele;  
(b) e swanetshe go—  50  
(i) eletša khansele mabapi le tša molao wa maithsharo 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 hlogo, maemo a lebanego le thēkgo ya baithuti ka dišhelete le diňoka tšo dingwe tša thuto;
(iii) rera batho bao ba ka abēlwago diňoka tša thēkgo ya baithuti ka dišhelete le tša thuto;
(iv) rera maikarabelo a dikomiti tša yona gammogo le tshepedišo ya dikopano tša dikomiti tšo; le go
(v) elā hloko ya tiragalo efe goba efe ye e tšewago ke komiti ge e phethagatša maatla goba maikarabelo ae abetšego ge komiti e bega mēšomo ya yona go kopano ye e latelelo ya bota ya tša thuto; le go
(c) e ka no—
(i) hiloma dikomiti go phethagatša maikarabelo afe goba afe a yona, gomme lebakeng le e ka bona motho o tee go ba komiti;
(ii) mēša ditaelo mabapi le ditšhepedišo le kabos ya maatla; le go
(iii) ama maikarabelo a yona go komiti.
(2) Kante le go kgeloga gošwa kakarešong ya karolwana (1) mokgatlo le mohlokemedi wa go ruta le ditlhahlobo, le ya bafahloši le baithuti, a filwego Bota ya tša Thuto.
(3) Bota ya tša thuto e bega go khansele—
   (a) dipego tšo bjalo mabapi le mošomo wa yona bjalo kage go ka nyakwae ka khansele;
   (b) ditšišišišo mabapi le ditaba tšo tšišišišego go yona ya khansele; le
d   (c) ditšišišišo tša taba efe goba efe ye e amago kholotšhe tšo bota ya tša thuto e ka bona go le bohlőkwa.

Phedišo ya Boleloko go bota ya tša thuto

16. (1) Maloko a bota ya tša thuto a swanetše go tšea karolo dišerifšanong tša bota ya tša thuto ka dikgahlegelo tša kholotšhe.
(2) Go se diragašše go ya ka dikgahlego tša kholotšhe goba maitswaro a tsentšago kholotšhe go nyatšweng go ka felletša go dira gore go tšlōši leloko go tšwa go bota ya tša thuto ke khansele go lateša tšela ya maleba.

Tlhamego ya Bota ya tša Thuto

17. (1) Bota ya tša thuto ya kholotšhe e swanetše go bopša ke—
   (a) hlogo;
   (b) motlaša hlogo goba batalša hlogo;
   (c) maloko a bašomi ba bafahloši ba kholotšhe;
   (d) maloko a khansele;
   (e) maloko a khansele ya kemedi ya baithuti; le
   (f) batho ba bjalo ba tšalešišo bjalo kage go ka rerwa ke khansele.
(2) Bontšhi bja maloko a bota ya tša thuto bo swanetše bo be bafahloši.
(3) Tšela ya go kgetha le go thwala ga maloko e swanetše e rerwe ke khansele.
(4) Palo ya batho ye e akanywago go karolwana (1)(c) go ya go (f) e swanetše e rerwe ke khansele.

Lebaka la mošomo la maloko a bota ya tša thuto

18. (1) Maloko a kgethwa go go ya ka karolo 17(1)(a), (b) le (c) ba ka šoma go fihlela ge fela ba ntše ba thwetšwe ke kholotšhe ka maemo ao.
(2) Lebaka la mošomo la maloko a baithuti le fela ge moithuti a se sa le moithuti yo a ngwadišišišego goba a se sa le leloko la SRC.

Modulasetulo, motlatša modulasetulo le mongwaledi wa bota ya tša thuto

19. (1) Hlogo ke modulasetulo wa bota ya tša thuto gomme o tša sepediša dikopano tša bota ya tša thuto.
(2) Motlatša hlogo ke motlatša modulasetulo wa bota ya tša thuto gomme o tša sepediša dikopano tša bota ya tša thuto ge modulasetulo a se gona.
(3) Mongwaledi wa bota ya tša thuto o kgethwa ke bota ya tša thuto gomme a ka dira mešomo ka moo bota 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 phethagatša 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 boholkwa 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) Tlhamego le maikarabelo a dikomiti a rerwa ke boto ya tša thuto.

Dikomiti tša mohlakanelwa tša khansele ya boto ya tša thuto


KHANSELE YA KEMEDI YA BAITHUTI (SRC)

Maikarabelo a SRC

23. (1) Baithuti ba kholetšhe ba emelwa ke SRC mo mererong ka moka e ka ba amago.
   (2) Ditaba tše akanywago go karolwana (1) di akaretsša—
      (a) dikamano le ba taolo, setšaba ka kakaretsšo, dikholetšhe tše dingwe, dikhansele tša boemedi bja baithuti tša dikholetšhe tše dingwe, mekgatlo ya baithuti ya bosetšaba le ya boditšhabatšhaba, mekgatlo ya bašomi le boraditaba;
      (b) go ba mmago mekgatlo ya dikomiti tša baithuti ka moka, diholpha, dikhansele le mekgatlo ka moo e bonago go lokile;
      (c) taolo le thlokomelo ya tirišo ya ditalabakelo tša baithuti le tšohle tše amanang a le tšona, ka thomišano le bolaoedi;
      (d) go bitša le go laola dikopano ka moka tše di lego molaong tša mekgatlo wa baithuti le go ba mokgatla wa taolo go direferentamo ka moka tša kakaretsšo le diphethišene tše di beakanywago ke baithuti go ya ka melao;
      (e) kgetho ya maloko a khuduthamaga le go hlongwa ga dikomiti ka moo SRC e ka bona go le boholkwa;
      (f) peakanyo le kwalakwatšo ya ditiragalo tša mekgabišo ya ka ntše mo baithutwing;
      (g) go bea tšupaletloto la ditšhelete ka moka tše e di abetsšwe SRC ke khansele le ditšhelete dife goba dife tše dingwe tše di ka oketšegago go ba sa le kemedi ya baithuti;
      (h) go abo goba go phatlalatša matlotlo a tša šomišwago ke baithuti, le go abo ditšhelete go diholpha tša baithuti tše dumeletšwe, dikomiti, mekgatlo le dikhansele;
      (i) maikarabelo a go lota maishwaro meletlong ya baithuti le go netefatša maishwaro a mabotshe mo dikopanong tše dingwe tše dumeletšwe tša baithuti;
      (j) taolo ya go tšeа karolo ga baithuti go diprojeke tša setšaba tše di thomilwe ke yona;
      (k) maikarabelo a dikgatišo ka moka tša baithuti;
      (l) go tšeа go sephetho sa mafelelo go merero e lego ka fase ga SRC; le
      (m) maikarabelo a bjalo a tlaleletšo le diputšeletšo 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 swanetše e be kemedi ya mokgatlo wa baihuti. (3) Kgetho ya maloko a SRC e swanetše go ba ka tselo ya demokrasi le ya ponagalo; (4) DiSRC tša dikholešišwe tše di kgomangantsšišwe di swanetše go ba le kopano pele ga kgomagano go aga SRC e tee ya nakwana ye e bopšago ke maloko ka moka a SRC ye e amegago lebaka le sa fetego dikgwedi tše 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 mopresidente yo a tla emago bjalo ka motlatša modulasetulo. (2) Maikarabelo a maloko a mangwe le kgetho ya maloko a bjalo e rerwa ke SRC.

Lebaka la mošomo wa maloko a SRC

26. (1) Lebaka la mošomo la maloko a SRC e swanetše go ba ngwaga o tee wa dithuto. (2) Leloko la SRC le ka kgethwa go feta lebaka le tee la mošomo.

Dikopano tša SRC

27. Palo ya dikopano, palo ye lekanego kopanong le ditshepedišo tša dikopano di rerwa ke molaotheo wa SRC bjalo kage go dumeletšwe ke khanele, ge fela dikopano tše nne tše tlwaelegilego di ka swarwa mo ngwageng wa thuto.

Dikomiti tša SRC

28. (1) SRC e swanetše go hloma komiti ya kgalemo ye e nago le maikarabelo a go kgalema maloko afe go afe a SRC le maloko a dihlongwa tša baihuti 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 kakarešo

29. (1) SRC e swanetše go bitša bonnyane kopano ye tee ya kakarešo ya baihuti ka dikgwedi tše selelago. (2) Ge bontšhi bja baihuti bo ka saenela SRC phethišene ba kgopela kopano ya kakarešo, SRC e swanetše e phethagatshe kgopelo ye bjalo. (3) Dikopano di ka no se šitiše dithuto.

BOLAODI

Bolaodi

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

Maikarabelo a hlogo

31. (1) Hlogo e na le maikarabelo a taolo ya tšatši ka tšatši le tshepedišo ya kholetšhe gomme e na le maatla ka moka a nyakegago go phethagatshe maikarabelo a. (2) Ka lebaka la mošomo wa gagwe hlogo ke leloko la dikomiti ka moka tša khanele le boto ya tša thuto. (3) Go ya ka karolo 19(1) le (4) khanele e ka abela hlogo maikarabelo a tlaletšo le maatla a tlaletšo. (4) Ge hlogo a sego goa a palelwa ke go phethagatshe maikarabelo a gagwe, motlatša hlogo o šica marapo a hlogo, goa 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

(1) Motlatša hlogo goba batlatsa hlogo ba na le maikarabelo a go thuša hlogo ka taolo le tshepedišo ya kholetshe.
(2) Khansele ya kholetshe e swanetshe go kgetha mohlankedi wa ditšhelete.

Go thwalwa ga bafahloši, bašomi le bahlankedi ba ditšhelete

(1) Go bapatsa ga mosomo, go mengwa ga kgetho ya bonkgetheng, go tsongwa ga bonkgetheng ba maleba, tsela ya kopafatsa ya bonkgetheng le go hloma dipotšiso le manano a go thwalwa ga bafahloši, bašomi le bahlankedi ba ditšhelete go swanetshe go be ka tsela ye e rerilwego ke khansele.

Mabaka a mošomo

34. Khansele e swanetshe go dumella mabaka a mošomo, go akaretswe go rerwa le tshekatsheko ya meputso ya bafahloši le bašomi le ditsela ka moka tša meputso go ya ka melao.

Tshekatsheko

35. (1) Bolaodi bja kholetshe bo tla dula bo sekasekwa ke MEC ge ba ntše ba phethagatsa maikarabelo a bona.
   (2) Bafahloši le bašomi ba tla dula ba sekasekwa ge ba phethagatsa maikarabelo a bona.

Molao wa maitshwaro wa bafahloši le bašomi

36. Mofahloši o mongwe le o mongwe le leloko la bašomi ba angwa ke molao wa maitshwaro le magato a kgalemo, ka moo go dumeletšwego ke khansele le go laetšwa mo melaong, yeo e lego karolo ye bohlokwa ya maemo a bona a tirelo.

Baemedi ba mekgatlo ya bašomi

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

BAITHUTI

Kamogelo le ngwadišo ya baithuti

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

Molao wa maitshwaro wa baithuti

39. Magato a kgalemo le ditaelelo tša kgalemo tše di amago baithuti di hlalošwa go molao wa kgalemo wo o rerilwego ke khansele ka therišano le SRC.

BAABI BA DITŠHELETE

Baabi ba ditšhelete

40. (1) Kholetšhe e ka amogela ditšhelete le didirišwa tša mohuta ofe goba ofe go tšwa go baabi go thuša kholetšhe go aba thuto ya boleng.
   (2) Kholetšhe e ka amogela le go ngwadiša baabi ba bangwe bjalo kage go rerwa ka 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>Eastern Cape</td>
<td>Port Elizabeth FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X6040, Port Elizabeth 6000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>139 Russell Road Central Port Elizabeth</td>
</tr>
<tr>
<td></td>
<td>East Cape Midlands FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X35 Uitenhage 6230</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>High Street Uitenhage 6220</td>
</tr>
<tr>
<td></td>
<td>Buffalo City FET College (C)</td>
<td>Central Office</td>
<td>Private Bag 9016 East London 5200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lukin Road Selborne East London 5201</td>
</tr>
<tr>
<td></td>
<td>Lovedale FET College (D)</td>
<td>Central Office</td>
<td>PO Box 2156 King Williams Town 5600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Amatola Row, King Williams Town 5600</td>
</tr>
<tr>
<td></td>
<td>King Sabata Dalindyebo FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X5011 Umtata</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Engcobo Road c/n Cicira</td>
</tr>
<tr>
<td></td>
<td>Ingwe FET College (F)</td>
<td>Central Office</td>
<td>Private Bag X20509 Mfrere 5909</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3rd West Street Mfrere Easter Cape 5901</td>
</tr>
<tr>
<td></td>
<td>Ikhalo FET College (G)</td>
<td>Central Office</td>
<td>Private Bag X7110 Queenstown 5320</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Robinson c/n Zener Street Queenstown 5320</td>
</tr>
<tr>
<td></td>
<td>King Hintsa FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X3018 Butterworth 4960</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Macibe Road Kentane Butterworth 4960</td>
</tr>
<tr>
<td>Free State</td>
<td>Goldfields FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X95 Welkom 9460</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14107 Ndaki Road Thabang 9463</td>
</tr>
<tr>
<td></td>
<td>Motheo FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X20509 Bloemfontein 9300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>St George Street Bloemfontein 9300</td>
</tr>
<tr>
<td></td>
<td>Maluti FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X870 Mampoo Street Winesshock 9870</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mampoo Street Phuthaditjhaba Qwaqwa</td>
</tr>
<tr>
<td></td>
<td>Flavus Mareka (D)</td>
<td>Central Office</td>
<td>Private Bag X22 Kroonstad 9500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bukes Street Kroonstad 9499</td>
</tr>
<tr>
<td>Gauteng</td>
<td>Tshwane South FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X1018 Lyttelton 0140</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lyttleton Tekbase College Street Centurion 0140</td>
</tr>
<tr>
<td></td>
<td>Tshwane North FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X20509 Arcadia 0007</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cur Portier &amp; Pretorius Streets Pretoria 0001</td>
</tr>
<tr>
<td></td>
<td>Ekurhuleni West College (C)</td>
<td>Central Office</td>
<td>Private Bag X1030 Germiston 1400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Driendek Street c/n Sol Road Germiston 1400</td>
</tr>
<tr>
<td></td>
<td>Ekurhuleni East FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X35 Springs 1560</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sam Ngama Road Kwa-Thema Springs 1560</td>
</tr>
<tr>
<td>South West FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X1020 Florida 1710</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Koma c/n Molele Road Molapo Section Soweto</td>
</tr>
<tr>
<td>Central Johannesburg (F)</td>
<td>Central Office</td>
<td>Private Bag X2336 Houghton 2041</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5 Ubla Street Parktown 2041</td>
</tr>
<tr>
<td>Western College FET (G)</td>
<td>Central Office</td>
<td>Private Bag X17 Randfontein 1760</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kiewiet Street Helikon Park Randfontein 1760</td>
</tr>
<tr>
<td>Sedibeng FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X2020 Vereeniging 1930</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>37 Voortrekker Street Vereeniging 1930</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>Mthashana FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X9424 Vryheid 3100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>92 Hobane Street Vryheid 3100</td>
</tr>
<tr>
<td></td>
<td>Umfolozi FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X5023 Richards Bay 3900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Via Richards Naboomsnek Richardsbay 3900</td>
</tr>
<tr>
<td></td>
<td>Majuba FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X5020 Newcastle 2940</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Centre For People Development Police Station Road Section 2 Madadeni 2951</td>
</tr>
<tr>
<td></td>
<td>Mnambithi FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X9003 Ladysmith 3370</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12 Walton Street Ladysmith 3370</td>
</tr>
<tr>
<td></td>
<td>Sivananda FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X13 Westville 3630</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>22 Westville Road Westville Durban 3630</td>
</tr>
</tbody>
</table>
### SEDULO 2

Dihlongwa tše di lego gona tša setšhaba tša thuto ya go iša pele le thlhaho, dibopo ke mekgatlo

*(Karolo 53)*

<table>
<thead>
<tr>
<th>Eastern Cape</th>
<th>Profense</th>
<th>Leina la Kholetšhe</th>
<th>Leina la Kha-nphase</th>
<th>Dinthla ts'a Kgokagano</th>
</tr>
</thead>
<tbody>
<tr>
<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>
</tr>
<tr>
<td>Buffalo City FET College (C)</td>
<td>Central Office</td>
<td>Private Bag 9016 East London 5200</td>
<td>Lakin Road Selborne East London 5201</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>
</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>
</tr>
<tr>
<td>Ingwe FET College (F)</td>
<td>Central Office</td>
<td>PO Box 92349 Mt Frere 5909</td>
<td>3rd West Street Mt Frere Easter Cape 5909</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>
</tr>
<tr>
<td>King Hintsa FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X3018 Butterworth 4960</td>
<td>Macibe Road Kentane Butterworth 4960</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 Ndaki Road Thabang 9463</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>
</tr>
<tr>
<td>Maluti FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X870 Mampoi Street Winesshock 9870</td>
<td>Mampou Street Phuthaditjhaba Qwaqwa</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>
</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>Lyttleton Tekbase College Street Centurion 0140</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>
</tr>
<tr>
<td>Ekurhuleni West College (C)</td>
<td>Central Office</td>
<td>Private Bag X1030 Germiston 1400</td>
<td>Driendek Street c/n Sol Road Germiston 1400</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>
</tr>
<tr>
<td>South West FET College (E)</td>
<td>Central Office</td>
<td>PO Box 164 Florida 1710</td>
<td>Koma c/n Mole Road Molapo Section Soweto</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>
</tr>
<tr>
<td>Western College FET (G)</td>
<td>Central Office</td>
<td>Private Bag X17 Randfonteine 1760</td>
<td>Kiewiet Street Helikon Park Randfonteine 1760</td>
<td></td>
</tr>
<tr>
<td>Sedibeng FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X2031 Vereeniging 1930</td>
<td>37 Voortrekker Street 1930</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 Hobane Street Vryheid 3100</td>
</tr>
<tr>
<td>Umfolozi FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X5023 Richards Bay 3900</td>
<td>Via Richardson Naboome Richardbay 3900</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>
</tr>
<tr>
<td>Mnambithi FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X9903 Ladysmith 3370</td>
<td>12 Wallon Street Ladysmith 3370</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>
</tr>
<tr>
<td>Province</td>
<td>College Name</td>
<td>Campus Name</td>
<td>CONTACT DETAILS</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Postal Address</td>
<td>Physical Address</td>
</tr>
<tr>
<td></td>
<td>Coastal FET College (Mobeni) (F)</td>
<td>Central Office</td>
<td>P.O Box 1795 Amanzimtoti 4125</td>
<td>No 50051 Old Main Road Kwanathutha 4125</td>
</tr>
<tr>
<td></td>
<td>Thekwini FET College (G)</td>
<td>Central Office</td>
<td>Private Bag X06 Dormerton 4015</td>
<td>262 Daamtree Avenue Ashville 4091</td>
</tr>
<tr>
<td></td>
<td>Umngungu-ndlovu FET College (H)</td>
<td>Central Office</td>
<td>Private Bag X9060 Pietermaritzburg</td>
<td>4 Prince Alfred Street Pietermaritzburg</td>
</tr>
<tr>
<td></td>
<td>Esayidi FET College (I)</td>
<td>Central Office</td>
<td>Private Bag X713 Port-Shepstone 4240</td>
<td>22 Veronica Gamalakhe 4249</td>
</tr>
<tr>
<td></td>
<td>Limpopo Lephalale FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X210 Lephalale 0555</td>
<td>Cnr Nelson Mandela &amp; Ramathodi Streets Onverwacht 0557</td>
</tr>
<tr>
<td></td>
<td>Capricorn FET College (B)</td>
<td>Central Office</td>
<td>Private Bag X367 Polokwane 0700</td>
<td>Cnr Dort &amp; College Streets Polokwane 0700</td>
</tr>
<tr>
<td></td>
<td>Waterberg FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X2449 Mokopane 0600</td>
<td>20 Simmentaler Street Mokopane</td>
</tr>
<tr>
<td></td>
<td>Vhembe FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X2415 Makhand 0920</td>
<td>113 Burger Street Makhado 0920</td>
</tr>
<tr>
<td></td>
<td>Mopani South East FET College (E)</td>
<td>Central Office</td>
<td>Private Bag X01024 Phalaborwa 1390</td>
<td>21 Wildevey Avenue Phalaborwa</td>
</tr>
<tr>
<td></td>
<td>Letaba FET College (F)</td>
<td>Central Office</td>
<td>Private Bag X4017 Tzaneen 0850</td>
<td>Claude Wlaetly Street, Tzaneen</td>
</tr>
<tr>
<td></td>
<td>Sekhu-khune FET College (G)</td>
<td>Central Office</td>
<td>Private Bag X8660 Grobelarsdal 0470</td>
<td>Stand No 676 Motetema 0473</td>
</tr>
<tr>
<td></td>
<td>Mpumalanga Ehlanzeni FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X11297 Nelspruit 1200</td>
<td>Louw Trichardt Street Nelspruit Sanlam Building 7th Floor</td>
</tr>
<tr>
<td></td>
<td>Nkangala FET College (B)</td>
<td>Central Office</td>
<td>PO Box 2282 Witbank 1035</td>
<td>Cnr Hag &amp; Northey Streets Witbank 1055</td>
</tr>
<tr>
<td></td>
<td>Gert Sibande FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X3475 Standerton 2430</td>
<td>18A Piet Retief Street Standerton 2430</td>
</tr>
<tr>
<td></td>
<td>Northern Cape Urban FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X5031 Kimberley 8300</td>
<td>Jan Smuts Ave Kimberley</td>
</tr>
<tr>
<td></td>
<td>Northern Cape Rural FET College (B)</td>
<td>Central Office</td>
<td>PO Box X1834 Steve Naude Street Uipington 8800</td>
<td>Steve Naude Street Uipington</td>
</tr>
<tr>
<td></td>
<td>North West Taletso FET College (A)</td>
<td>Central Office</td>
<td>Private Bag X10107 Mnabatho 2735</td>
<td>13 Andesert Drive Riviera Park Mafikeng 2745</td>
</tr>
<tr>
<td></td>
<td>Vuselela FET College (B)</td>
<td>Central Office</td>
<td>PO Box 10107 Klerksdorp 2570</td>
<td>133 Church Street Klerksdorp</td>
</tr>
<tr>
<td></td>
<td>Orbit FET College (C)</td>
<td>Central Office</td>
<td>Private Bag X82096 Rustenburg 0300</td>
<td>Bosch c/r Fatima Bhayat Street Rustenburg</td>
</tr>
<tr>
<td></td>
<td>Western Cape West Coast FET College (A)</td>
<td>Central Office</td>
<td>PO Box 935 Malmesbury 7300</td>
<td>Rainier c/r Kerk Street Clicks Building 2nd Floor Voortrekker Road Malmesbury 7300</td>
</tr>
<tr>
<td></td>
<td>Boland FET College (B)</td>
<td>Central Office</td>
<td>Private Bag 5068 Stellenbosch 7599</td>
<td>85 Bird Street Stellenbosch 7600</td>
</tr>
<tr>
<td></td>
<td>South Cape FET College (C)</td>
<td>Central Office</td>
<td>PO Box 10480 GEORGE 6530</td>
<td>Tommy Joubert Building (South) Cnr Courtenay &amp; Cradock Streets George 6529</td>
</tr>
<tr>
<td></td>
<td>NorthLink FET College (D)</td>
<td>Central Office</td>
<td>Private Bag X1 Panorama 7506</td>
<td>Drigter Office Park Unit 1 Corner Haneslow &amp; McBry Streets Parow</td>
</tr>
<tr>
<td></td>
<td>College of Cape Town FET College (E)</td>
<td>Central Office</td>
<td>PO Box 1054 Cape Town 8000</td>
<td>Bytes Technology CS Holdings Bldg, 2nd Floor Golf Park, Kaapenberg Road Pinelands, 7405</td>
</tr>
<tr>
<td></td>
<td>False Bay FET College (F)</td>
<td>Central Office</td>
<td>Private Bag X25 Tokai 7988</td>
<td>False Bay College Tokai on Main Tokai 7988</td>
</tr>
<tr>
<td>Province</td>
<td>College Name</td>
<td>Address Details</td>
<td>Phone</td>
<td>Fax</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td>------------------------------------------------------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Limpopo</td>
<td>Lephalale FET College (G)</td>
<td>Private Bag X210 Lephalale 0555</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mopani South East FET College (E)</td>
<td>Private Bag X01024 Phalaborwa 1390</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</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>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sekhukhune FET College (G)</td>
<td>Private Bag X8660 Grobelardsdal 0470</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mpumalanga</td>
<td>Private Bag X11297 Nelspruit 1200</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ehlanzeni FET College (A)</td>
<td>Private Bag X01024 Phalaborwa 1390</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Cape Urban FET College</td>
<td>Private Bag X5031 Kimberley 8300</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(A)</td>
<td>Central Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northern Cape Rural FET College</td>
<td>Private Bag X1834 Steve Naude Street Upington 8800</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(B)</td>
<td>Central Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>North West</td>
<td>Private Bag X128 Mmabatho 2735</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Talete FET College (A)</td>
<td>Private Bag X10107 Klerksdorp 2570</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vuselela FET College (B)</td>
<td>Private Bag X82096 Rustenburg 0300</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orbit FET College (C)</td>
<td>Private Bag X935 Malmesbury 7300</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Western Cape</td>
<td>Private Bag X1054 Cape Town 8000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boland FET College (B)</td>
<td>Private Bag X01024 Phalaborwa 1390</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Cape FET College (C)</td>
<td>Private Bag X10107 Klerksdorp 2570</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>College of Cape Town FET College</td>
<td>Private Bag X1054 Cape Town 8000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(E)</td>
<td>Central Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NorthLink FET College (D)</td>
<td>Private Bag X1054 Cape Town 8000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central Office</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>
</tr>
<tr>
<td></td>
<td>Central Office</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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;”; and
   (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—”;
   (d) by the substitution in subsection (3)(d) for the words following “after receipt by the Head of Department of the list of (c)” of the following words:
   “for filling the post in question.”;
SEDULO 3

TOKIŞO YA MOLAO WA GO THWALWA GA BARUTIŠI, 1998
(MOLAO NO. 76 WA 1998)

(Karolo 58(3))

Tokišo ya karolo 1 ya Molao 76 wa 1998, bjalo kage o 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 Barutishi, 1998 (mo Šedulong ye o bitšwa Molao wa Barutishi), ka go realo o lokisitišwe—
   (a) sebakeng sa thhalošo ya “kantoro ya kgoro” ga go be ye e latelago:
       “‘kantoro ka kgoro’ e ra kantoro efe goba efe goba seholwango se o se laolwago goba se sepedisiwago ke Kgoro ya Thuto goba kgoro efe goba efe ya thuto ya profense, eupsha e sa akareše sekolo sefe goba sefe sa mmušo, [thuto ya go iša pele seholwango sa thhalho] goba lefelo la thuto ya motheo ya batho ba bagolo;”;
   (b) sebakeng sa thhalošo ya “murutšiši” ga go be ye e latelago:
       “‘murutšiši’ e ra mototho ofe goba ofe yo a rutago a thhalhago batho ba bangwe goba yo a babgo ditirelo tša profeseša tša thuto, go akareša kalafo ya profesiša le ditirelo tša saekhološiša ya thuto, sekolo sefe goba sefe sa mmušo, [thuto ya go iša pele seholwango sa thhalho], kantoro ya kgoro goba lefelo la thuto ya motheo ya batho ba bagolo gomme e le mototho yo a twetšewego mo sekgobeng sa mošošo mo mošošomeng wa borutšiši ka fase ga Molao wo;” le
   (c) ka go phumula thhalošo ya ‘thuto ya go iša pele le seholwango sa thhalho’.

Tokišo ya karolo 2 ya Molao 76 wa 1998

2. Karolo 2 ya Molao wa Barutšiši ka go realo o lokisitišwe ke phumulo ya temana (b).

Tokišo ya karolo 3 ya Molao 76 wa 1998

3. Karolo 3 ya Molao wa Barutšiši ka go realo e lokisitišwe ke phumulo ya karolwana (5).

Tokišo ya karolo 6 ya Molao 76 wa 1998, bjalo kage o lokisitišwe 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 Barutšiši ka go realo e lokisitišwe—
   “(a) Go ya ka temana (a) sebakeng sa yona ke:
       “(a) Go ya ka temana (m), thwalo efe goba efe, thhalošo goba phetšišošo go sekgoba sefe sefe sa seholwango sa borutšiši sa sekolo sa mmušo [goba thuto ya go iša pele seholwango sa thhalho], se ka dirwa fela ka thšišišyo lekgotša la taolo la sekolo sa mmušo [goba khansele ya thuto ya go iša pele seholwango sa thhalho, ka moo go ka bago ka gona,] le, ge go na le barutšiši mo kgorong ya thuto ya profense ye e amegago bao ba fetago palo ye e nyakegago mo seholweng sa borutšiši sa sekolo sa mmušo [goba thuto ya go iša pele le seholwango sa thhalho] go ya ka dinyakaša tša tšepedišo, thšišišyo yeo e ka dirwa fela go tšwa go bakgopedi ba mošošo ba lebolengwe ke Hlogo ya Kgoro, bao bal ego palong ye e fetšišago ba swanela sekgoba seo sa mošošo.”;
   (b) Sebakeng sa karolwana (3)(b) ya temana (v) ya temana ye e latelago e dulôwla legato ke:
       “(v) ditšepedišo tši di tša netefatšwago gore thšišišyo ga e humaneše ka tšela ya khetšo ye e sego ya maleba go maloko a lekgotša la taolo [goba khansele, ka moo go ka bago ka gona];”;
   (c) Sebakeng sa mantšu ao a tša go pele ga temana (i) a ka emelwa legato go temana (3)(c) ka mantšu a latelago:
       “Legotša la taolo [goba khansele, ka moo go ka bago ka gona,] e swanetsiš go hlagiša, ka tšelâno go ya ka dikgahlešo go Hlogo ya Kgoro, lenane le—”;
(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] 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
Molao 48 wa 1999 le karolo 3 ya Molao 1 wa 2004

Tokis

Go dulelwa legato na 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 legato ke karolo 6B ya Molao wa Borutisi:

"Phetolelo ya mošomo wa nakwana go ya go wa ya go go ile

6B. Hlogo ya Kgoro e ka, morago ga go kwa maikutlo a lekgotla la taolo la sekolo sa mmušo, [goba khansele ya thuto ya go iša pele le sehlongwa sa tlhahlo, ka moo go ba go bago ka gona,] fetolelo ga thwala ga nakwana ga morutisi yo a thwetswe go sekgobeng sa mošomo sa borutisi sa sekolo sa mmušo [goba thuto ya go iša pele le sehlongwa sa tlhahlo] go ya go mošomo wa go ya ga ile kante le tšišišinyo ya lekgotla la taolo [goba khansele, ka moo go ba bago ka gona.".

Tokišo ya karolo 8 ya Molao 76 wa 1998, bjalo kage e lokišštie ke karolo 16 ya Molao 48 wa 1999 le karolo 3 ya Molao 1 wa 2004

6. Karolo 8 ya Molao wa Borutisi ka go realo e lokišštie—

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

"(2) Go ya ka dikarolwana (4) le (5), ga go phetšišéso go sekgoba sefe goba sefe sa mošomo sa borutisi sa sekolo sa mmušo [goba thuto ya go iša pele le sehlongwa sa tlhahlo] se ka dirwa kante le tšišišinyo ya lekgotla la taolo sekolo sa mmušo [goba khansele ya thuto ya go iša pele le sehlongwa sa tlhahlo, ka moo go ba bago ka gona,] e thwetswe.";

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

"(5) Hlogo ya Kgoro e ka, kante le tšišišinyo ye e hlahoswago go karolwana (2), fetšišésa morutisi nakwana nako ye iségo go tšwa sekgobeng sa mošomo mo sekolog sa mmušo [goba thuto ya mmušo ya go iša pele le sehlongwa sa tlhahlo,] go ya go sekgoba sa mošomo sekolog se sengwe sa mmušo [goba thuto ya mmušo ya go iša pele le sehlongwa sa tlhahlo]."; le
(c) by the substitution for subsection (7) of the following subsection:

“(7) Despite section 6(3)(a) and subsection (2), in the case of an educator who has been awarded a bursary by the employer to follow a course approved by the employer, the employer may transfer such an educator, with his or her consent, to any suitable post on the educator establishment of a public school[, a further education and training institution] or an adult basic education and training centre.”.

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,] 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;”.

78 No. 29469 GOVERNMENT GAZETTE, 11 DECEMBER 2006

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING

COLLEGES ACT, 2006
(c) ka go dulelwa legato ga karolwana (7) ga karolwana ye e latelago:

‘‘(7) Kantle le karolo 6(3)(a) le karolwana (2), mo tabeng ya morutiši yo a abešwégo pasari ke mongmošomo go latela thuto ye e dumeletšwe ke mongmošomo, mongmošomo a ka fetišetša morutiši o bjalo, ka tumello ya gagwe, go sekgoba sefe goba sefe sa maleba mošomong wa borutiši sekolong sa mmušo, [thuto ya go iša pele le sehlongwa sa tlahlo] goba thuto ya motheo ya batho ba bagolo le lefelo la tlahlo.’’

Tokišo ya karolo 18 ya Molao 76 wa 1998, ka go dulelwa legato ke karolo 11 ya Molao 53 wa 2000

7. Karolo 18 ya Molao wa Barutiši ka go realo o lokšitišwe—

(a) ka go dulelwa legato ga karolwana (1) ga ditemana (b), (c) le (d) ya ditema tše di latelago, ka tatelano:

‘‘(b) a senya ka boomo goba ka go hloka šedi go ditšheletša Mmušo, sekolo [, thuto ya go iša pele le sehlongwa sa tlahlo] 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 tlahlo,] lefelo la go ithuta la batho ba bagolo, mošomi o mongwe goba moeti;

(d) a senya goba a lašla ka boomo, ka maikemišetšo goba ka go hloka šedi go thoto ya Mmušo, sekolo, [thuto ya go iša pele le sehlongwa sa tlahlo] goba lefelo la go ithuta la batho ba bagolo;’’

(b) ka go dulelwa legato ke karolwana (1) go ditemana (f) le (g) tše ditemana tše latelago, ka tatelano:

‘‘(f) kantle le mabaka a gegea tshepedišo, maitšwario le go se šome gabotshe ga Kgoro ya Thuto, kantoró ya Mmušo goba sekolo [, thuto ya go iša pele le sehlongwa sa go ithuta] goba sa batho ba bagolo;

(g) šomiša bošaedi maemo a gagwe a Kgoro ya Thuto goba a sekolo, [thuto ya go iša pele le sehlongwa sa tlahlo] goba lefelo la go ithuta la batho ba bagolo go hlatloša goba go gegea dikgahilego tša motho oʃe goba oʃe;’’.