



higher education & training

Department
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

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TO: Superintendent General of KwaZulu-Natal Education Department
Chairpersons of College Councils
FET College Administrators
Principals and Vice-Principals: FET Colleges
Provincial Staff: FET Colleges Units
Lecturers and Support Staff: FET Colleges

Dear Colleagues

COMMENCEMENT OF SECTIONS 11 AND 12 OF THE FURTHER EDUCATION AND TRAINING COLLEGES AMENDMENT ACT, 2012 (ACT NO. 3 OF 2012)

It is my pleasure to update you on the status of the transfer of staff in terms of the provisions of Section 197 of the Labour Relations Act (LRA), 1995 as amended, read together with the Further Education and Training Colleges Amendment Act, 2012 (Act No. 3 of 2012), (FETCA Act).

Principals and Vice-Principals

On 28 March 2013, Notice No. 244 published in the *Government Gazette* No. 36322 indicated the commencement of Section 11 and Section 12 of the FETCA Act, but only in so far as it relates to management staff. Management staff is defined in the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), (principal Act) as the Principal and Vice-Principal of a public college.

Section 11 repeals Section 19 of the principal Act, which deals with the appointment of management staff by the Member of the Executive Council (MEC), whereas Section 12 amends Section 20 of the principal Act, which deals with the appointment of staff. It should be noted that Section 12 of the FETCA Act, effective from 1 April 2013 will be partially implemented, only in so far as management staff is concerned, whereby the authority changes from the Provincial Department of Education MEC to the national Minister of Higher Education and Training with effect from 1 April 2013.

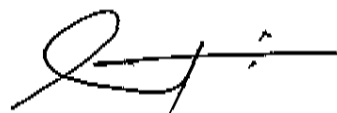
On 14 March 2013, management staff signed preference declarations to either transfer to the Department of Higher Education and Training (DHET) or remain with the current PED. From 1 April 2013, all Principal and Vice-Principal posts with incumbents at a public FET College, are employed by the DHET. Any employee who has been employed in either a Principal or Vice-Principal post on 14 March 2013 and who elected not to transfer with the post to the DHET on 1 April 2013, shall be transferred by the PED from the post that he or she occupied during March 2013 to another suitable post on the organisational structure of the PED.

Lecturers and Support staff

Parties in the Education Labour Relations Council (ELRC) and the General Public Service Sector Bargaining Council (GPSSBS) Further Education and Training Colleges Bargaining Unit (FETCBU) are still engaging in the process to finalise the Collective Agreements that will guide and manage the Section 197 LRA transfer of lecturers and support staff. Once these processes are concluded, this category of staff will be informed about the guiding principles and procedures, including the management plan in relation to the actual transfer of staff to the DHET.

Should you wish to seek further clarity on any aspect, please do not hesitate to contact Mr JF Slater: 012 312 5317, slater.j@dhet.gov.za or Mr FL Ramonyatse: 012 312 5882, ramonyatse.l@dhet.gov.za.

Yours sincerely



Mr GF Qonde

Director-General

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