Government Gazette

REPUBLIC OF SOUTH AFRICA
REPHABLIKI YA AFRIKA BORWA

Vol. 563 Cape Town, Kaapstad, 3 May 2012 **No. 35308**

THE PRESIDENCY

No. 345 3 May 2012

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

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

MO-PRESIDENTE

No. 345 3 May 2012

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

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

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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.

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

ACT

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

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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

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

(a) by the deletion of the definition of "Head of Department";

(b) by the deletion of the definition of "Member of the Executive Council";

(c) by the deletion of paragraph *(b)* of the definition of "policy"; and

(d) by the substitution for the definition of "SAQA" of the following definition:

" '**SAQA**' means the South African Qualifications Authority, established by section **[3]** 10 of the **[South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)]** National Qualifications Framework Act, 2008 (Act No. 67 of 2008).".

Amendment of section 3 of Act 16 of 2006

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

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

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

NTLHATHUTO YA TLHALOŠO KAKARETŠO:

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

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

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

MOLAO

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

EDIRILWE MOLAO KE Palamente ya Rephabliki ya Afrika Borwa, ka moo go latelago:—

Phetošo ya karolo 1 ya Molao 16 wa 2006, bjalo ka ge e fetošitšwe ka karolo 1 ya Molao 25 wa 2010

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

(a) ka phumolo ya hlalošo ya "Hlogo ya Kgoro";
(b) ka phumolo ya hlalošo ya "Leloko la Khansele Kuduthamaga";
(c) ka go phumola tema *(b)* ya hlalošo ya "pholisi"; mme le
(d) ka go tloša go lokelwe go hlalošo ya "SAQA" hlalošo ye latelago:

" **'SAQA'** e ra Bolaodi bja Boithutelo bja Afrika Borwa, ye hlangwego ka karolo **[3]** 10 ya **[*South African Qualifcations Authority Act, 1995 (Molao 58 wa 1995)*]** *National Qualifcations Framework Act, 2008 (Act No. 67 of 2008).*".

Phetošo ya karolo 3 ya Molao 16 wa 2006

2. Karolo 3 ya Molao mogolo e ya fetošwa—

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

"(1) **[Leloko la Khansele Kuduthamaga]** Tona, ka tsebišo *Kuranteng ya mmušo* mme le ka tšhelete ye lekanyeditšwego go morero wo, ka tsebišo *Kuranteng ya Mmušo* mme le go tšwa tšheleteng yeo e

(b) by the substitution for subsection (3) of the following subsection:

"(3) Despite subsection (2) but subject to subsection (4), a public college may not, without the concurrence of the **[Member of the Executive Council]** Minister, dispose of or alienate in any manner any movable or immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.";

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

"The **[Member of the Executive Council]** Minister—"; and

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

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

Amendment of section 4 of Act 16 of 2006

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

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

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

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

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

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

"*(a)* (i) after consulting **[the Minister and]** the council of the institution, if it is a public institution;

(ii) with the concurrence of the responsible Minister**[, Member of the Executive Council]** or authority of the institution, if the institution is administered, controlled or funded by an organ of State other than the **[provincial department of education]** Department; or

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

Amendment of section 5 of Act 16 of 2006

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

"(6) The **[Member of the Executive Council]** Minister must in the notice contemplated in section 3(1) establish an interim council for the public college for a period not exceeding six months to perform the functions relating to the governance of the college until a council is established in terms of section 9(1).

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

Amendment of section 6 of Act 16 of 2006

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

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

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

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

"Before merging two or more public colleges the **[Member of the Executive Council]** Minister must—";

lekanyedišwego morero wo **[Ke theramelao ya seprofense]**, a ka dira kholetšhe.";

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

" (3) Ntle le karolwana (2) mme go ya ka karolwana (4), kholetšhe ya setšhaba ga se ya swanela, ntle le tumelo ya **[Leloko la Khansele Kuduthamaga]** Tona, go lahla goba kgapela thoko ka tsela efe goba efe thoto ye šutago goba ye sa šutego ye hweditšwego ka thušo ya tšhelete ya mmušo goba go fa motho ofe goba ofe tokelo ya makgonthe goba tokelo ya go diriša thoto ya motho yo mongwe.";

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

"**[Leloko la Khansele ya Kuduthamaga]** Tona—"; mme

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

"(5) **[Hlogo ya Kgoro]** Molaodi-Kakaretšo a ka hlahloba, mme o swanetše go dira lenaneo la dithoto tšohle tša kholetše ya setšhaba.".

Phetošo ya karolo 4 ya Molao 16 wa 2006

3. Karolo 4 ya Molao mogolo e ya fetošwa—

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

"(1) **[Leloko la Khansele Kuduthamaga]** Tona, ka tsebišo *Kuranteng ya mmušo*, a ka tsebiša sehlongwa sefe goba sefe seo se abelago thuto ya go iša pele le kholetšhe ya tlhahlo bjalo ka kholetšhe ya setšhaba.";

(b) ka go tlošwa go lokelwe go karolwana (3) mantšu a latelago go tema *(a)* ya mantšu a latelago:

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

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

"*(a)* (i) morago ga therišano **[Tona le]** khansele ya sehlongwa, ge e le sehlongwa sa setšhaba;

(ii) ka tumelo ya Tona ye rwelego maikarabelo**[, Leloko la kuduthamaga]** goba bolaodi bja sehlongwa, ge sehlongwa se sepetšwa, se laolwa goba se thekgwa ka ditšhelete ke lekala la mmušo ntle le **[kgoro ya thuto ya seprofense]** Kgoro; goba

(iii) ka tumelo ya mong le **[leloko le maleba la khansele kuduthamaga ye rwelego maikarabelo a tša ditšhelete]** Tona ya tša Ditšhelete, ge e le sehlongwa sa praebete; mme".

Phetošo ya karolo 5 ya Molao 16 wa 2006

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

"(6) **[Leloko la Khansele Kuduthamaga]** Tona o swanetše ka tsebišo ye hlalošitšwego go karolo 3(1) a hlame khansele ya nakwana ya kholetšhe ya setšhaba ya nako ye sa fetego dikgwedi tše tshela go dira mešomo ye malebana le taolo ya kholetšhe gofihlela khansele e hlangwa go ya ka karolo 9(1).

(7) **[Leloko la Khansele Kuduthamaga]** Tona e ka oketša nako yeo go bolelwago ka yona go karolwana (6) ga tee goba ka nako ye ko pele yeo e sa fetego dikgwedi tše tshela.".

Phetošo ya karolo 6 ya Molao 16 wa 2006

5. Karolo 6 ya molao mogolo e ya fetošwa—

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

"(1) Go ya ka karolwana (2), **[Leloko la Khansele Kuduthamaga]** Tona, **[ka go rerišana le Tona mme]** ka tsebišo *Kuranteng ya mmušo*, a ka kopanya dikholetšhe tše pedi goba tše ntši tša setšhaba gore e ba kholetšhe ye tee";

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

"Pele go kopanywa dikholetšhe tše pedi goba tše fetago tšeo tša setšhaba **[Leloko la Khansele Kuduthamaga]** Tona o swanetše go—";

(c) by the substitution in subsection (5) for the words preceding paragraph *(a)* of the following words:

"The **[Member of the Executive Council]** Minister must, after consultation with the councils of the public colleges that are to be merged, determine by notice contemplated in subsection (1)—"; and

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

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

Amendment of section 7 of Act 16 of 2006

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

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

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

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

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

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

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

Amendment of section 8 of Act 16 of 2006

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

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

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

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

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

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

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

"*(a)* all assets and liabilities of such college must, after such closure, be dealt with according to law by the **[Member of the Executive Council]** Minister; and

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

Amendment of section 10 of Act 16 of 2006

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

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

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

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

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

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

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

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

"(6) The council must, in consultation with the **[Member of the Executive Council]** Minister, appoint four additional external persons

(c) ka go tlošwa go lokelwe go karolwana (5) mantšu a lego ka morago ga tema *(a)* a manšu a latelago:

"**[Leloko la Khansele Kuduthamaga]** Tona e swanetše, morago ga go rerišana le dikhansele tša dikholetše tša setšhaba tše di kopanego, go laola ka tsebišo ye hlalošitšwego go karolwana (1)—"; mme

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

"(7) **[Leloko la Khansele Kuduthamaga]** Tona a ka oketša nako ye go bolelwago ka yona go karolwana (6) ga tee go nako ye ko pele ye sa fetego dikgwedi tše tshela.".

Phetošo ya karolo 7 ya Molao 16 wa 2006

6. Karolo 7 ya Molao mogolo e ya fetošwa—

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

"**[Leloko la Khansele Kuduthamaga]** Tona a ka laola gore taolo ya dikholetšhe tše pedi goba tše fetago tšeo e ka ba go kholetšhe ye tee ge—";

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

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

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

"**[Leloko la Khansele Kuduthamaga]** Tona e swanetše go, ka tsebišo *Kuranteng ya mmušo*, le ka laola hlamego ya khansele ye tee ka tsela ye natefatšago gore—".

Phetošo ya karolo 8 ya Molao 16 wa 2006

7. Karolo 8 ya Molao mogolo e ya fetošwa—

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

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

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

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

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

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

"*(a)* dithoto ka moka le dikoloto tša kholetšhe ye di swanetše gore, ka morago ga go tšwalelwa, di šongwe go ya ka molao ka **[Leloko la Khansele Kuduthamaga]** Tona; mme

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

Phetošo ya karolo 10 ya Molao16 wa 2006

8. Karolo 10 ya Molao mogolo e ya fetošwa—

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

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

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

"*(b)* go laola pholisi ya leleme ya kholetšhe ya setšhaba, go ya ka tumello ya **[Leloko la Khansele Kuduthamaga]** Tona; mme";

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

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

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

"(6) Khansele e swanetše go, ka go rerišana le **[Leloko la Khansele Kuduthamaga]** Tona, a ka thwala batho ba bangwe ba ka ntle ba bane

with financial, human resources and legal skills as members of the council.";

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

"The manner in which the members of the council contemplated in subsection (4)*(c)* to *(g)* are to be elected, must, where applicable, be determined by the **[Member of the Executive Council]** Minister by notice in the *Gazette* **[or in terms of a provincial law]** and must, in so far as it is practically possible, ensure that—";

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

"*(b)* employed by the **[Member of the Executive Council]** Minister;";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) suspended from attending a meeting; or

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

(9E) The council must—

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

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

(i) by each member of the council, each member of council committees and each person who exercises functions of the council in terms of delegated authority;

bao na nago le bokgoni bja tša ditšhelete, tša dirisose tša bomotho le bokgoni bja tša molao bjalo ka maloko a khansele.";

(e) ka go tlošwa go lokelwe go karolwana (7) mantšu a lego ka morago ga tema *(a)* a mantšu a latelago:

"Tsela yeo maloko a khansele ye hlalošitšwego go karolwana (4)*(c)* go ya go *(g)* a tla kgethwago ka yona, e swanetše go, moo go kgonegago, e laolwe ke **[Leloko la Khansele Kuduthamaga]** Tona, ka tsebišo *Kuranteng ya mmušo* **[goba go ya ka molao wa seprofense]** mme o swanetše go, ka moo go kgonegago, ba netefatše gore—";

(f) ka go tlošwa go lokelwe go karolwana (8) ya tema *(b)* ya tema ye latelago:

"*(b)* athwetšwe ke **[Leloko la kuduthamaga]** Tona;";

(g) ka go tloša go lokelwe go karolwana (9) ya karolwana ye latelago:

"(9) **[Maloko]** Leloko la khansele goba khansele ya nakwana—

(a) le swanetše go ba **[batho]** motho yo a nago le tsebo le boitemogelo bjo malebana le dinepo le taolo ya kholetšhe ya setšhaba yeo go bolelwago ka yona; **[mme]**

(b) o swanetše go khathatema go ditherišano tša khansele goba khansele ya nakwana dikgahlegelong tša kholetšhe ya setšhaba yeo go bolelwago ka yona;

(c) o swanetše, pele a ka thoma go šoma, a tsebiše ka ga kgwebo, mahlahla a go dira tšhelete ao a ka hlolago kgonagalo ya thulano ya dikgahlegelo tša kholetšhe yeo go bolelwago ka yona;

(d) ga se a swanela go ba ka fase ga tlamego efe goba efe ya ditšhelete goba ya tše dingwe go motho ofe goba ofe goba sehlongwa, tšeo di ka bago le khuetšo tiragatšong ya mošomo wa khansele;

(e) (i) ga se a swanela go ba le thulano ya kgahlegelo le kholetšhe ya setšhaba yeo go bolelwago ka yona;

(ii) ga se a swanela go ba le kgahlegelo ye thwii goba yeo e sego ye thwii ya ditšhelete, ka boyena goba efe goba efe tabeng yeo e tlilego go rerišanwa ka yona kopanong mme le yeo e tšweletšago goba yeo e ka tšweletšago kgonagalo ya thulano ya dikgahlegelo le kholetšhe ya setšhaba yeo go bolelwago ka yona; mme

(iii) o swanetše, pele ga kopano mme le ka tsela ya lengwalo, go tsebiša modulasetulo ka kopano ya thulano goba kgonagalo ya thulano ya kgahlegelo.";

(h) ka go lokela morago ga karolwana (9) ya dikarolwana tše latelago:

"(9A) Motho ofe goba ofe, ka tsela ya lengwalo, a ka tsebiša modulasetulo wa kopano, pele ga kopano, ka ga thulano goba kgonagalo ya thulanoya kgahlegelo ya leloko la khansele ya kholetšhe ya setšhaba yeo go bolelwago wa yona yeo motho yo a tsebago ka yona.

(9B) Leloko leo go bolelwago ka lona go dikarolwana (9)*(e)* le (9A) le swanetše go se be karolo ya bao ba lego kopanong ge go rerišanwa ka taba le go bouta.

(9C) Komiti ya khansele yeo e filwego mešomo go ya ka karolo 50(1) e ka se dire sepheto go taba yeo e akantšwego ke yona ge leloko la komiti le na le thulano ya kgahlegelo yeo e hlalošitšwego karolong ye.

(9D) Leloko la khansele goba leloko la komiti ya khansele leo le bago kgahlanong le karolwana (9), (9A) goba (9B), morago ga gore khansele e latele tshepetšo ye swanetšego, le ka—

(a) fegwa go ya kopanong; goba

(b) tlošwa bjalo ka leloko la khansele goba leloko la komiti ya khansele.

(9E) Khansele e swanetše go—

(a) ka go elelwa ditaelo tša dikarolwana 9, (9A) le (9B) dira molao wa maitshwaro woo o swanetšego go latelwa ke maloko ka moka a khansele, maloko ka moka a komiti ya khansele le batho ka moka bao ba dirago mošomo wa khansele go ya ka bolaodi bjo laetšwego ba swanetše go e latela; le motho wa maikarabelo; mme

(b) laola melao le ditshepetšo tša pego ya ngwaga ka ngwaga—

(i) ka leloko lefe goba lefe la khansele mme le motho ofe goba ofe yo dirago mešomo ya khansele go ya ka bolaodi bjo laetšwego;

(ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and

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

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

''The **[Member of the Executive Council]** Minister must—''; and

(j) by the addition of the following subsection:

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

Substitution of section 14 of Act 16 of 2006

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

''**Student representative council**

14. The establishment, composition, manner of election, term of office, functions and privileges of the student representative council of a public college must be determined by the council after consultation with the students of the college, subject to policy determined by the **[Member of the Executive Council]** Minister.''.

Amendment of section 17 of Act 16 of 2006

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

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

''(1) Subject to applicable policy **[determined by the Minister]**, the council of a public college determines the admission policy of the college, after consulting the academic board and with the approval of the **[Member of the Executive Council]** Minister.''; and

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

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

Repeal of section 19 of Act 16 of 2006

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

Substitution of section 20 of Act 16 of 2006

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

''**Appointment of staff**

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

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

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

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

(a) establish the posts contemplated in subsection (1)*(a)*;

(ii) ya dikgahlegelo tša gagwe tša ditšhelete goba ditshwanelo tša go dira dikgahlegelong tša kholetšhe, morago go akaretša mme go sa felele go dikantoro, bolaodi bja dikhamphani, boloko bja kgwebo le tša trasete; mme

(iii) tša dikgahlegelo tša ditšhelete le ditshwanelo tša go dira ka kgahlegelo ya kholetšhe tša baloko ba lapa la gagwe.''; mme

(i) ka go tlošwa go lokelwe go karolwana (10) mantšu a lego ka morago ga tema *(a)* ya mantšu a latelago:

''**[Leloko la Khansele ya Kuduthamaga]** Tona e swanetše go—''; mme

(j) ka go lokela karolwana ye latelago:

''(11) bakeng sa mohola wa karolo ye, 'wa leloko', malebana le leloko, e ra motswadi wa gagwe, ngwanagabo, ngwana, go akaretšwa le ngwana yo godišwago ke batswadi bao esego ba gagwe goba ngwana wa molekani, goba molekani (ekaba ka semolao, molao wa tlwaelo goba wa bodumedi) mme go akaretšwa molekani yo a dulago le leloko leo bjalo ka batho ba ba nyalanego.''.

Go tlošwa go lokelwe go karolo 14 ya Molao 16 wa 2006

9. Karolo ye latelago e ya tlošwa go lokelwe go karolo 14 ya Molao mogolo:

''**Khansele ya kemedi ya baithuti**

14. Go thoma, hlamego, tsela ya go kgetha, botelele bja nako ya go šoma kantorong, mešomo le menyetla ya khansele ya dikemedi tša baithuti ya kholetšhe ya setšhaba di swanetše go laolwa ke khansele morago ga go rerišana le baithuti ba kholetšhe, go ya ka pholisi ye laolwago ke **[Leloko la Khansele Kuduthamaga]** Tona.''.

Phetošo ya karolo 17 ya Molao 16 wa 2006

10. Karolo 17 ya Molao mogolo e ya fetošwa—

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

''(1) Go ya ka pholisi ye šomago **[ye laolwago ke Tona]**, khansele ya kholetšhe ya setšhaba e laola pholisi ya go amogela kholetšheng, morago ga go rerišana le boto ya tša thuto mme le ka tumelo ya **[Leloko la Khansele Kuduthamaga]** Tona.''; mme

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

''Khansele e ka, go ya ka pholisi ye šomago, ka tumello ya **[Hlogo ya Kogoro]** Molaodi-Kakaretšo mme morago ga go rerišana le boto ya tša thuto—''.

Phumolo ya karolo 19 ya Molao 16 wa 2006

11. Karolo 19 ya Molao mogolo e ya phumolwa.

Go tlošwa go lokelwe ga karolo 20 ya Molao 16 wa 2006

12. Karolo ye latelago e ya tlošwa go lokelwe go karolo 20 ya Molao mogolo:

''**Go thwala bašomi**

20. (1) Bašomi ba kholetšhe ya setšhaba ba na le batho bao ba thwetšwego ke—

(a) Tona go ya ka *Public Service Act* dikgobeng tše hlangwego ke sebopego sa sehlongwa sa Kgoro le dikgoba tše tsopotšwego go dikholetšhe tše malebana; mme

(b) khansele go dikgoba tše hlangwego godimo ga dikgoba tše hlalošitšwego go tema *(a)*.

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

(3) The staff contemplated in subsection (1)*(a)* must—
(a) report to the council in respect of matters and functions allocated to them by the council in terms of this Act; and
(b) report to the Minister as the employer for all employment purposes.

(4) Subject to this Act, the Labour Relations Act, the Basic Conditions of Employment Act, the Employment Equity Act and any other applicable law, the council—
(a) may establish posts contemplated in subsection (1)*(b)* for staff other than the management staff, which posts are additional to the posts contemplated in subsection (2)*(a)*;
(b) may appoint staff in those posts;
(c) must remunerate staff from the funds received by the public college in question from other sources than the money received in terms of section 22;
(d) must determine the functions, conditions of service and privileges of the staff contemplated in paragraph *(a)*; and
(e) must pay remuneration to the staff contemplated in paragraph *(a)* that may not be less than the remuneration paid to a comparable appointment made in terms of the Public Service Act contemplated in subsection (1)*(a)*.

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

(6) The staff contemplated in subsections (2) and (4) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution of the Republic of South Africa, 1996, and factors to be taken into account when making appointments include, but are not limited to—
(a) the ability of the candidates;
(b) the principle of equity;
(c) the need to redress past injustices; and
(d) the need for representation.

(7) A member of staff must in writing—
(a) before he or she is appointed, declare any business that may raise a conflict or a possible conflict of interest with the further education and training college concerned; and
(b) notify the further education and training college concerned of any conflict or possible conflict of interest before such further education and training college procures any goods or services from such member of staff or an organisation within which such member holds an interest.

(8) A member of staff may not conduct business directly or indirectly with the further education and training college at which he or she is employed that entails or may entail a conflict of interest with the further education and training college unless the council of such further education and training college is of the opinion that—
(a) such goods, products or services are unique;
(b) the supplier is a sole provider; and
(c) it is in the best interest of the institution.

(9) A member of staff of a further education and training college may not, on behalf of that further education and training college, contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.

(2) Go ya ka *Public Service Act* mme le molao ofe goba ofe wo o šomago, Tona a ka—

(a) dira dikgoba tše hlalošitšwego go karolwana (1)*(a)*;

(b) thwala bašomi go dikgoba tše tsopotšwego; mme

(c) a ka lefa bašomi ka tšhelete ye abetšwego go dikholetšhe tše malebana go ya ka ditlwaelo le maemo ao a hlalošitšwego go karolo 23.

(3) Bašomi bao ba hlalošitšwego go karolwana (1)*(a)* ba swanetše go—

(a) bega go khansele malebana le merero le mešomo yeo ba e filwego ke khansele go ya ka Molao wo; mme

(b) bega go Tona bjalo ka mothwadi wa merero ya thwalo ka moka.

(4) Go ya ka Molao wo, *wa Labour Relations Act, le Basic Conditions of Employment Act, le wa Employment Equity Act* le molao wo šomišwago, khansele—

(a) e ka dira dikgoba tše hlalošitšwego go karolwana (1)*(b)* bakeng sa bašomi ntle le balaodi, mme e leng gore dikgoba di oketša dikgoba tšeo di hlalošitšwego go karolwana (2)*(a)*;

(b) e ka thwala bašomi go dikgoba tšeo;

(c) e swanetše go lefela bašomi go tšwa tšheleteng yeo e hweditšwego ke kholetše ya setšhaba yeo go bolelwago ka yona gotšwa dilong tše dingwe ntle le tšhelete yeo e hweditšwego go ya ka karolo 22;

(d) e swanetše go laola mešomo, dipeelano tša tirelo le menyetla ya bašomi tšeo di hlalošitšwego go tema *(a)*; mme

(e) e swanetše go lefa moputso go bašomi woo o hlalošitšwego go tema *(a)* wo e ka se bego wo monnyane kudu go fetwa ke mogolo lefewago go bathwetšwego dikgobeng tša go swana go ya ka *Public Service Act* yo hlalošitšwego go karolwana (1)*(a)*.

(5) Ge ba emela dipego tša ngwaga tšeo di hlalošitšwego go karolo 25 khansele e swanetše go fa dintlha ka botlalo tša dikgoba tšeo di bago gona go ya ka karolwana (4)*(a)*, go akaretšwa le tšhelete ye lekanyeditšwego malebana le go thwalwa ga bašomi go dikgoba tšeo mme le tsela yeo e šišintšwego gore go ditshenyagalelo di tla lefelwa ka gona.

(6) Bašomi bao ba hlalošitšwego go karolwana (2) le (4) ba swanetše go thwalwa ka go obamela dikelo le dikokwana tša motheo tše hlalošitšwego go karolo 195 ya Molaotheo wa Rephabliki ya Afrika Bowa, 1996, le dilo tše swanetšego go akanywa ge go thwalwa di swanetše go akaretša, efela ga di felele go—

(a) bokgoni bja bonkgetheng;

(b) kokwane ya go lekana;

(c) hlokego ya go lokiša kgethollo ya o nakong ye fetilego; mme

(d) hlokego ya boemedi.

(7) Leloko la bašomi ka tsela ya lengwalo—

(a) pele a ka thwalwa, o bolela kgwebo yeo e ka hlolago thulano goba kgonagalo ya thulano ya kgahlegelo le thuto ya go iša pele le kholetšhe ya tlhahlo ye malebana; mme

(b) o tsebiša thuto ya go iša pele le kholetšhe ya tlhahlo ye malebana ka ga thulano goba kgonagalo ya thulano ya kgahlegelo pele thuto ya go iša pele le kholetšhe ya tlhahlo e ka amogela dithoto goba ditirelo gotšwa go leloko leo la bašomi goba mokgatlo woo e lego gore leloko le le nago le kgahlegelo go ona.

(8) Leloko la bašomi ga se la swanela go diragatša kgwebo thwii goba ka tsela yeo e sego ye thwii le thuto ya go iša pele le kholetšhe ya tlhahlo mo le thwetšwego gona yeo e dirago gore goba yeo e ka dirago gore go be le thulano ya dikgahlegelo le thuto ya go iša pele le kholetšhe ya tlhahlo ntle le ge khansele thuto ya go iša pele le kholetšhe ya tlhahlo di na le boikgopolelo bja gore—

(a) dithoto tše, ditšhweletšwa goba ditirelo di kgethegile;

(b) moabi le yena a le tee yo abelago; mme

(c) e le kgahlegelong ye botse ya sehlongwa.

(9) Leloko la bašomi ba thuto ya go iša pele le kholetše ya tlhahlo ga se la swanela, bakeng sa thuto ya go iša pele le kholetšhe ya tlhahlo, go tsenela tumellano ka bolona le sehlongwa sefe goba sefe moo e lego gore lona le na le kgahlegelo ya ditšhelete ye thwii goba yeo e sego ye thwii ya ditšhelete goba ya ka boyena.

(10) Contracting referred in subsection (9) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subsection (1).''.

Amendment of section 21 of Act 16 of 2006

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

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

Substitution of section 22 of Act 16 of 2006

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

''**Responsibility of State**

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

(2) The **[Member of the Executive Council]** Minister may, subject to the norms and standards determined in terms of section 23, impose—

(a) any condition in respect of an allocation of funding contemplated in subsection (1); and

(b) different conditions in respect of different public colleges, different further education and training programmes or different allocations, if there is a reasonable basis for such differentiation.

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

(4) The **[Member of the Executive Council]** Minister must, on an annual basis, provide sufficient information to public colleges regarding the funding referred to in subsection (1) to enable the colleges to prepare their budgets for the next financial year.''.

Substitution of section 23 of Act 16 of 2006

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

''**Norms and standards for funding of public colleges**

23. Subject to the Constitution and this Act, the Minister must, after consultation with **[the Council of Education Ministers and]** the Minister of Finance, determine minimum norms and standards for the funding of public colleges.''.

Amendment of section 24 of Act 16 of 2006

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

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

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

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

''(2) A public college may not raise money by means of a loan or overdraft without the approval of the **[Member of the Executive Council]** Minister.''; and

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

(10) Tumellano ye go bolelwago ka yona go karolwana (9) e malebana le maitshwaro ao a lebišitšwego go holega go thwii le go e sego thwii ka bolona efela ga go hlame karolo ya tswalano ya thwalo ye hlalošitšwego go karolwana (1).''

Phetošo ya karolo 21 ya Molao 16 wa 2006

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

''Ge thulano e ba gona ka ga tefelo goba dipeelano tša thwalo ya **[mofahloši goba]** leloko la **[bathekgi]** ba bašomi, le thwetšwego go ya ka karolo ya 20(4), mang goba mang o e lego karolo ya thulano a ka iša ngongorego ka tsela ya lengwalo go—''.

Phetošo ya karolo 22 ya Molao 16 wa 2006

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

''**Maikarabelo a mmušo**

22. (1) **[Leloko la Khansele Kuduthamaga]** Tona o swanetše gore, go tšwa tšheleteng yeo e lekanyeditšwego go lebaka le **[Lekgotla theramelao la seprofense]** Palamente e abele tšhelete go dikholetšhe tša setšhaba ka tsela ye lokilego, ya toka mme ye pepeneneng.

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

(a) peelano efe goba efe malebana le kabelo ya tšhelete yeo e hlalošišweo go karolwana (1); mme

(b) dipeelano tše farologanego malebana le dikholetšhe tša setšhaba tše farologanego, mananeo tlhahlo a thuto ya go iša pele a farologanego goba dikabelo tše farologanego, ge go na le motheo wo kwagalago wa dipharologanyo tše.

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

(4) **[Leloko la Khansele Kuduthamaga]** Tona o swanetše, ngwaga ka ngwaga, go fa tshedimošo ye lekanego go kholetšhe ya setšhaba malebana le tšhelete yeo go bolelwago ka yona go karolwana (1) bakeng sa go kgontšha dikholetšhe go beakanyetša ditšhelete tša bona tša ngwaga yo latelago wa ditšhelete.''.

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

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

''**Ditlwaelo le maemo a go abela tšhelete go dikholetšhe tša setšhaba**

23. Go ya ka Molaotheo le Molao wo, Tona o swanetše, morago ga go rerišana le **[Khansele ya Ditona tša Thuto]** Tona ya Matlotlo, a laole ditlwaelo le maemo bakeng sa go abela tšhelete go dikholetšhe tša setšhaba.''.

Phetošo ya karolo 24 ya Molao 16 wa 2006

16. Karolo 24 ya Molao mogolo e ya fetošwa—

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

''*(d)* tšhelete yeo e hweditšwego ka dikadimo, go ya ka tumellano ya **[Leloko la Khansele Kuduthamaga]** Tona;'';

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

''(2) Kholetšhe ya setšhaba ga se ya swanela go dira tšhelete ka tsela ya kadimo goba go fiwa tšhelete bjalo ka kadimo ntle le tumello ya **[Leloko la Khansele Kuduthamaga]** Tona.''; mme

"(3) If a person lends money or grants an overdraft to a public college without the approval of the **[Member of the Executive Council]** Minister, the State and the college are not bound by the contract of lending money or an overdraft agreement.".

Amendment of section 25 of Act 16 of 2006

17. Section 25 of the principal Act is hereby amended—

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

"The council of a public college must, in the manner determined by the **[Member of the Executive Council]** Minister—";

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

"The council of a public college must, in respect of the preceding financial year, and by a date or dates and in the manner determined by the **[Member of the Executive Council]** Minister, provide the **[Member of the Executive Council]** Minister with—"; and

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

"(4) The council of a public college must provide the **[Member of the Executive Council]** Minister with such additional information as the **[Member of the Executive Council]** Minister may require.".

Substitution of section 26 of Act 16 of 2006

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

"**Failure of council to comply with Act or certain conditions**

26. (1) If the management staff or council of a public college fails to comply with any provision of this Act under which an allocation from money appropriated by **[the provincial legislature]** Parliament is paid to the college, or with any condition subject to which any allocation is paid to the public college, the **[Member of the Executive Council]** Minister may call upon the management staff or council to comply with the provision or condition within a specified period.

(2) If the management staff or council thereafter fails to comply with the provision or condition timeously, the **[Member of the Executive Council]** Minister may withhold payment of any portion of any allocation appropriated by **[the provincial legislature]** Parliament in respect of the public college concerned.

(3) Before taking action under subsection (2), the **[Member of the Executive Council]** Minister must—

(a) give notice to the management staff or council of the public college concerned of the intention so to act;

(b) give such management staff or council a reasonable opportunity to make representations; and

(c) consider such representations.

(4) If the **[Member of the Executive Council]** Minister acts under subsection (2), a report regarding the action must be tabled in **[the provincial legislature by the Member of the Executive Council]** Parliament by the Minister as soon as reasonably practical after the action.".

Amendment of section 28 of Act 16 of 2006

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

"*(a)* **[registered]** incorporated or recognised as a **[juristic person]** company in terms of the Companies Act, **[1973 (Act 61 of 1973)]** 2008 (Act No. 71 of 2008); and".

(c) ka go tlošwa go lokelwe go karolwana (3) ya karolwana ye latelago:

"(3) Ge motho a kadimisa tšhelete gobaafa tšhelete bjalo ka kadimo go kholetšhe ya setšhaba ntle le tumello ya **[Leloko la Khansele Kuduthamaga]** Tona, mmušo le tumellano ya go kadimisa".

Phetošo ya karolo 25 ya Molao 16 wa 2006

17. Karolo 25 ya Molao mogolo e ya fetošwa—

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

"Khansele ya kholetšhe ya setšhaba e swanetše, ka tsela ye laolwago ke **[Leloko la Khansele Kuduthamaga]** Tona—";

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

"khansele ya kholetšhe ya setšhaba e swanetše go, malebana le ngwaga wa ditšhelete wo latelago, mme le ka letšatšikgwedi goba matšatšikgwedi mme le ka tsela yeo e laolwago ke **[Leloko la Khansele Kuduthamaga]** Tona, go fa **[Leloko la Khansele Kuduthamaga]** Tona;—"; mme

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

"(4) Khansele ya kholetšhe ya setšhaba e swanetše go fa **[Leloko la Khansele Kuduthamaga]** Tona tshedimošo tlaleletšo ka moo **[Leloko la Khansele Kuduthamaga]** Tona a ka kgopelago.".

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

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

"**Go palelwa ga khansele ya go obamela Molao goba dipeelano tše itšego**

26. (1) Ge balaodi goba khansele ya kholetšhe ya setšhaba e palelwa ke go obamela taelo efe goba efe ya Molao wo moo e lego gore kabelo ya tšhelete ye lekanyeditšwego ke **[Lekgotla theramelao la seprofense]** Palamente e lefelwa go kholetšhe ya setšhaba, goba ka peelano efe goba efe go ya ka moo kabelo e lefelwago go kholetšhe ya setšhaba, **[Leloko la Khansele Kuduthamaga]** Tona a ka bitša baolodi goba khansele gore e obamele taelo goba peelano mo nakong ye hlalošitšwego.

(2) Ge molaodi goba khansele ka morago ga moo e palelwa ke go obamela taelo goba peelano ka nako, **[Leloko la Khansele Kuduthamaga]** Tona a ka emiša tefelo ya seripana sefe goba sefe ye abetšwego ke **[Lekgotla theramelao la seprofense]** Palamente malebana le kholetšhe ya setšhaba ye malebana.

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

(a) fa tsebišo go bolaodi goba khansele ya kholetšhe ya setšhaba ye malebana ka ga maikemišetšo a go dira ka tsela yeo;

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

(c) akanya ka boemedi bjo.

(4) Ge **[Leloko la Khansele Kuduthamaga]** Tona a dira, ka fase ga karolwana (2), pego malebana le kgato e swanetše go dirwa go **[lekgotla theramelao la seprofense ka Leloko la Khansele Kuduthamaga]** Palamente ka Tona ka bonako bjo kwagalago morago ga kgato.".

Phetošo ya karolo 28 ya Molao 16 wa 2006

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

"*(a)* **[ngwadišitšwego]** akareditšwego goba lemogwago bjalo ka **[motho wa maikarabelo]** khamphani go ya ka *the Companies Act,* **[1973 (Molao 61 wa 1973)]** 2008 (Molao 71 wa 2008); mme".

Amendment of section 31 of Act 16 of 2006

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

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

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

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

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

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

Repeal of section 41E of Act 16 of 2006

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Section 42 of the principal Act is hereby amended by the deletion of subsection (2).

Phetošo ya karolo 31 ya Molao 16 wa 2006

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

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

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

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

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

"(1) Pholisi ye hlalošitšwego go karolo 41B di tla laolwa ke Tona **[morago ga go rerišana le Khansele ya Ditona tša Thuto ye hlangwego ka karolo 41H]**.".

Phumolo ya karolo 41E ya Molao 16 wa 2006

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

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

24. Karolo 41 ya Molao mogolo e ya fetošwa—

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

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

(3) Kgoro e tla dira tekolo le fetleko tše hlalošitšwego go karolwana (1) ka go sekaseka datha ye kgobokeditšwego ka tsela ya thuto ya go iša pele le tsela ya bolaodi bja tshedimošo ya tlhahlo, goba ka ditsela tše swanetšego **[, ka tšhomišano le dikgoro tša thuto tša seprofense]**.";

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

"(5) Kgoro e tla dira mme ya gatiša pego ka dipoelo tša nyakišišo ye nngwe le ye nngwe yeo e dirilwego go ya ka karolwana (3) **[morago ga go fa monyetla go kgoro ye maleba ya thuto go dira diswayaswayo, mme diswayaswayo di tla gatišwa le pego]**.";

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

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

" (7) Leano **[le kgopelwago ke Tona go ya ka karolwana (6)]** ka go obamela *Public Finance Management Act, 1999 (Act No.1 of 1999)*, le tla beakanywa ke **[kgoro ya thuto ya seprofense ye malebana, ka go rerišana le Kgoro, mme le]** Tona o tla dira leano go Palamente **[ka diswayaswayo tša gagwe mo matšitšing a 21 a khwetšo]**, ge Palamente e kopana, goba, ge Palamente e tšwaletšwe, mo matšatšing a 21 a go thoma go šoma ga Palamente.".

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

25. Dikarolo 41H, 41I, 41J le 41K tša Molao mogolo di a Phumolwa.

Phetošo ya karolo 42 ya Molao 16 wa 2006, ye fetošitswego ka karolo 11 ya Molao 25 wa 2010

26. Karolo 42 ya Molao mogolo e ya fetošwa ka go phumola karolwana (2).

Substitution of section 44 of Act 16 of 2006

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

"**Strategic plan and annual report**

44. (1) A public college must prepare a strategic plan contemplated in the norms and standards for each financial year, which must be approved by the council and submitted to the **[Member of the Executive Council]** Minister at least 30 days before the commencement of the financial year.

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

(a) its performance; and

(b) its use of available resources.

(3) The Minister **[or Member of the Executive Council]** must publish the reports in a manner determined by the Minister **[or Member of the Executive Council]**.".

Amendment of section 45 of Act 16 of 2006

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

"(2) Every college must provide such information about the college as is required by the **[Head of Department or the]** Director-General **[in consultation with the Head of Department]**.

(3) The **[Head of Department,]** Director-General and any college must provide such information about the college or the quality of the further education and training as is required by the NBFET.".

Amendment of section 46 of Act 16 of 2006

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

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

"The **[Member of the Executive Council]** Minister may appoint a person to conduct an investigation at a public college if the council of the college requests the appointment of such a person or if—";

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

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

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

"(i) report in writing to the **[Member of the Executive Council]** Minister the findings of his or her investigation; and"; and

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

"(3) The **[Member of the Executive Council]** Minister must as soon as practicable furnish a copy of the report referred to in subsection (2) to the council concerned.

(4) If an audit of the financial records of a public college, or an investigation by the person as contemplated in subsection (1), reveals financial or other maladministration of a serious nature at a public college or the serious undermining of the effective functioning of a public college, the **[Member of Executive Council may, after consultation with the]** Minister may, after consultation with **[and]** the council of the public college concerned, if practicable, and despite any other provision of this Act, appoint a person as administrator to take over the authority of the council or the management of the college and such person may perform all the functions relating to governance or management on behalf of the college for a period determined by the

Go tlošwa go lokelwe go karolo 44 ya Molao 16 wa 2006

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

"**Peakanyo ya leano le pego ya ngwaga**

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

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

(a) tiragatšo ya yona ya mešomo; le

(b) tšhomišo ya yona ya didirišwa tšeo di lego gona.

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

Phetošo ya karolo 45 ya Molao 16 wa 2006

28. Karolo 45 ya Molao mogolo e ya fetošwa ka go tlošwa go lokelwe go dikarolwana (2) le (3) tša dikarolwana tše latelago, ka tatelano:

"(2) Kholetšhe ye nngwe le ye nngwe e swanetše go fa tshedimošo yeo ka ge go kgopeše **[Hlogo ya kgoro]** Molaodi-Kakaretšo **[ka poledišano le Hlogo ya kgoro]**.

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

Phetošo ya karolo 46 ya Molao 16 wa 2006

29. Karolo 46 ya Molao mogolo e ya fetošwa—

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

"**[Leloko la Khansele Kuduthamaga]** Tona a ka thwala motho go dira dinyakišišo kholetšheng ya setšhaba ge e lego gore khansele ya kholetšhe e kgopela thwalo ya motho yoo goba ge e le gore—";

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

"Motho yo thwetšwego go ya ka karolwana (1) o swanetše, go ya ka tšhupetšo ye laeditšwego ke **[Leloko la Khansele Kuduthamaga]** Tona—";

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

"(i) bega ka tsela ya lengwalo go **[Leloko la Khansele Kuduthamaga]** Tona dikhwetšo tša nyakišišo ya gagwe; gape"; mmje

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

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

(4) Ge fetleko ya direkhoto tša matlotlo a kholetšhe ya setšhaba, goba nyakišišo ka motho yo hlalošitšwego go karolwana (1), e tšweletša tshepetšo mmpe ya tša ditšhelete goba ya tše dingwe ye kotsi kudu kholetšheng ya setšhaba goba go nyatša kudu ka moo kholetšhe ya setšhaba e šomago, **[Leloko la Khansele Kuduthamaga le ka, ka go rerišana le]** Tona le ka morago ga go rerišana le **[mme]** khansele ya kholetšhe ya setšhaba ye amegago, ge go kgonega, mme ntle le taelo efe goba efe ya Molao wo, a ka thwala motho bjalo ka molaodi gore a eme bakeng go tša bolaodi bja khansele goba bolaodi bja kholetšhe mme motho yo a ka dira mešomo ka moka ye malebana le taolo goba bolaodi bja kholetšhe go nako ye laolwago ke **[Leloko la Khansele**

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

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

Substitution of section 47 of Act 16 of 2006

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

''**Name change of public college**

47. (1) The council of a public college may, after consultation with interested parties and with the approval of the **[Member of the Executive Council]** Minister, change the name of the public college. 10

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

Amendment of section 49 of Act 16 of 2006

31. Section 49 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph *(c)* of the following paragraph: 15

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

Amendment of section 50 of Act 16 of 2006

32. Section 50 of the principal Act is hereby amended— 20

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

''*(b)* any **[organ of state]** public college.''; and

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

Amendment of Schedule 1 to Act 16 of 2006 25

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

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

'' '**Department**' means the **[government department responsible for education at national level]** Department of Higher Education and Training;''; 30

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

(c) by the deletion of the definition of ''lecturer'';

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

(e) by the substitution in item 1 for the definition of ''Minister'' of the following definition: 35

'' '**Minister**' means the Minister of Higher Education and Training;'';

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

'' '**National Qualifications Framework**' means the National Qualifications Framework **[as defined]** contemplated in the **[South African Qualification Authority Act, 1995 (Act 58 of 1995)]** National Qualifications Framework Act, 2008 (Act No. 67 of 2008);''; 40

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

(h) by the substitution in item 1 for the definition of ''policy'' of the following definition: 45

'' '**policy**' means **[—**

(a)] policy determined by the Minister in terms of **[the National Education Policy Act, 1996 (Act No. 27 of 1996); or**

(b) **policy determined by the Member of the Executive Council in terms of a provincial law]** this Act;''; 50

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

'' '**SAQA**' means the South African Qualifications Authority established by section **[3]** 10 of the **[South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)]** National Qualifications Framework Act, 2008 (Act No. 67 of 2008);''; 55

Kuduthamaga] Tona, mme nako yeo e seke ya feta mengwaga ye mebedi.

(5) **[Leloko la Khansele Kuduthamaga]** Tona a ka oketša nako ye go boletšwego ka yona go karolwana (4) ga tee gore e be botelele bja nako ye sa fetego dikgwedi tše tshela.''. 5

Go tlošwa go lokelwe go karolo 47 ya Molao 16 wa 2006

30. Karolo ye latelago e ya tlošwa go lokelwe go 47 ya Molao mogolo:

''**Phetolo ya leina la kholetšhe ya setšhaba**

47. (1) Khansele ya kholetšhe ya setšhaba, morago ga go rerišana le batho bao na nago le kgatlegelo mme le ka tumello ya **[Leloko la Khansele Kuduthamaga]** Tona, e ka fetola leina la kholetšhe ya setšhaba. 10

(2) **[Leloko la Khansele Kuduthamaga]** Tona a ka, ka tsebišo *Kuranteng ya Mmuš*o, gatiša phetošo ya leina la kholetšhe yeo.''.

Phetošo ya karolo 49 ya Molao 16 wa 2006

31. Karolo 49 ya Molao mogolo e ya fetošwa ka go tlošwa go lokelwe go karolwana (3) go tema *(c)* ya mantšu a latelago: 15

''*(c)* Kgopelo efe goba efe ya ditshenyagalelo goba tahlegelo ye hlalošitšwego go tema *(a)* e swanetše go dirwa kgahlanong le **[Leloko la Khansele Kuduthamaga le malebana]** Tona.''.

Phetošo ya karolo 50 ya Molao 16 wa 2006 20

32. Karolo 50 ya Molao mogolo e ya fetošwa—

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

''*(b)* **[lekala la mmušo]** lefe goba lefe kholetšhe ya setšhaba''; mme

(b) ka go tlošwa ga karolwana ya (2).

Phetošo ya Šetule 1 go Molao 16 wa 2006 25

33. Šetule 1 go Molao mogolo e ya fetošwa—

(a) ka go tloša go ntlha 1 go hlalošo ya ''Kgoro'' ya hlalošo ye latelago:

'' '**Kgoro**' e ra **[kgoro ya mmušo ye maikarabelo a thuto ya maemong a bosetšhaba]** Kgoro ya Thuto ya go iša Pele le Tlhahlo;'';

(b) ka phumolo go ntlha 1 ya hlalošo ya ''Hlogo ya Kgoro''; 30

(c) ka phumolo ya hlalošo ya ''mofahloši'';

(d) ka phumolo go ntlha 1 ya hlalošo ya ''MEC'';

(e) ka go tloša go ntlha 1 go hlalošo ya ''Tona'' ya hlalošo ye latelago:

'' '**Tona**' e ra Tona ya Thuto ya Go iša pele le Tlhahlo;'';

(f) ka go tloša go ntlha 1 go hlalošo ya **''Tlhako ya Boithutelo ya Bosetšhaba** ya hlalošo ye latelago: 35

'' '**Tlhako ya Boithutelo ya Boseshaba**' e ra Tlhako ya Boithutelo Bosetšhaba ya **[bjalo ke ge e tšweleditšwe]** hlalošitšwe go **[*South African Qualification Authority Act, 1995 (Act 58 of 1995)*]** *National Qualifications Framework Act, 2008 (Molao wa bo 67 wa 2008)*;''; 40

(g) ka phumolo go ntlha 1 ya hlalošo ya ''NBFET'';

(h) ka go tloša go ntlha 1 go hlalošo ya ''pholisi' ya hlalošo ye latelago:

'' 'pholisi' e ra **[—**

***(a)*]** pholisi ye laetšwego ke Tona go ya ka **[*the National Education Policy Act, 1996 (Molao wa bo 27 wa 1996);* goba** 45

(b) pholisi ye laetšwego ke Leloko la Khansele Kuduthamaga go ya ka molao wa seprofense] Molao wo;'';

(i) ka go tloša go ntlha 1 go hlalošo ya ''SAQA'' ya hlalošo ye latelago:

'' '**SAQA**' e ra Bolaodi bja Boithutelo ba Afrika Borwa ye e hlanngwego ka karolo **[3]** 10 ya **[*South African Qualifications Authority Act, 1995 (Molao wa bo 58 wa 1995)*]** *National Qualifications Framework Act, 2008 (Molao wa bo 67 wa 2008)*;'';

(j) by the deletion in item 1 of the definition of "school";
(k) by the deletion in item 1 of the definition of "South African Schools Act";
(l) by the substitution in item 4(1) for paragraph *(c)* of the following paragraph:
"*(c)* the **[management]** staff;";
(m) by the deletion in item 4(1) of paragraph *(e)*;
(n) by the substitution in item 5(2) for paragraph *(d)* of the following paragraph:
"*(d)* subject to applicable policy and the approval of the **[Head of Department]** Director-General, determines the student admission policy of the college, after consultation with the academic board;";
(o) by the substitution in item 5(2) for paragraph *(f)* of the following paragraph:
"*(f)* subject to the approval of the **[Head of Department]** Director-General, determines the language policy of the college, after consultation with the academic board;";
(p) by the substitution in item 5(2) for paragraph *(i)* of the following paragraph:
"*(i)* may conclude a loan or overdraft agreement, with the approval of the **[MEC]** Minister.";
(q) by the substitution in item 6(1) for paragraph *(b)* of the following paragraph:
"*(b)* five external persons appointed by the **[MEC]** Minister;";
(r) by the substitution in item 6(1) for paragraph *(h)* of the following paragraph:
"*(h)* four members contemplated in section 10(6) of the Act with a broad spectrum of competencies in the fields of education, business, finance, law, marketing, information technology and human resource management appointed by the council in consultation with the **[MEC]** Minister.";
(s) by the substitution in item 6 for subitem (2) of the following subitem:
"(2) At least 60 per cent of the members of the council must be external persons who are not employed by the **[MEC]** Minister or council, or are not students of the college.";
(t) by the substitution in item 7(1) for paragraph *(b)* of the following paragraph:
"*(b)* the **[MEC]** Minister or entity who appointed or elected the member to the council terminates the membership in writing;";
(u) by the substitution in item 30 for subitem (1) of the following subitem:
"(1) Management consists of the principal, vice-principal or vice-principals of the college**[, as contemplated in section 19 (1) of the Act]**.";
(v) by the substitution in item 31 for subitems (3) and (4) of the following subitems, respectively:
"(3) **[Subject to section 19(1) and (4) the]** The council may assign additional functions and grant additional powers to the principal.
(4) When the principal is absent or unable to carry out his or her duties, the vice-principal must act as principal, or the **[Member of the Executive Council]** Minister may appoint an acting principal.";
(w) by the substitution for item 33 of the following item:

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

33. The advertising of the post, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes for **[lecturers, support]** staff **[and financial officers]** must be in the manner determined by the council.";
(x) by the substitution for item 34 of the following item:

"**Conditions of employment**

34. The council must approve conditions of employment, including the determination and review of salaries of **[lecturers and support]** staff employed in terms of section 20(4)*(a)* and all other forms of remuneration in accordance with the rules.";

(j) ka phumolo go ntlha 1 ya hlalošo ya "sekolo";
(k) ka phumolo go ntlha 1 ya hlalošo ya "*South African Schools Act*";
(l) ka go tloša go ntlha 4(1) go tema *(c)* ya mantšu a latelago:
"*(c)* bašomi **[ba bolaoding]**;";
(m) ka phumolo go ntlha 4(1) ya tema *(e)*;
(n) ka go tloša go ntlha 5(2) go tema *(d)* ya mantšu a latelago:
"*(d)* go ya ka pholisi ye šomago le tumelelo ya **[Hlogo ya kgoro]** Molaodi-Kakaretšo, o laola pholisi ya kamogelo ya moithuti ya kholetšhe, morago ga go rerišana le boto ya tša thuto;";
(o) ka go tloša go ntlha 5(2) go tema *(f)* ya mantšu a latelago:
"*(f)* go ya ka tumello ya **[Hlogo ya kgoro]** Molaodi-Kakaretšo, o laola pholisi ya polelo ya kholetšhe, ka morago ga go rerišana le boto ya tša thuto;";
(p) ka go tloša go ntlha 5(2) go tema *(i)* ya mantšu a latelago:
"*(i)* a ka phethagatša tumellano ya kadimo goba go fiwa tšhelete ka tsela ya kadimo, ka tumello ya **[MEC]** Tona.";
(q) ka go tloša go ntlha 6(1) go tema *(b)* ya mantšu a latelago:
"*(b)* batho ba bahlano ba go tšwa ka ntle ba thwetšwe ke **[MEC]** Tona;";
(r) ka go tloša go ntlha 6(1) go tema *(h)* ya mantšu a latelago:
"*(h)* maloko a mahlano ao a hlalošitšwego go karolo 10(6) ya Molao ka bokgoni bjo bophara go tša thuto, kgwebo, ditshelete, molao, thekišo, tshedimošo ya theknolotši le bolaodi bja dirisose tša bomotho a thwalwe ke khansele ka go rerišana le **[MEC]** Tona.";
(s) ka go tloša go ntlha 6 go ntlhana ya (2) ya ntlhana ye latelago:
"(2) Diphesente tše 60 tša maloko a khansele ba swanetše go ba batho ba ka ntle bao ba sa thwalwago ke **[MEC]** Tona goba bao e sego baithuti ba kholetšhe yeo.";
(t) ka go tloša go ntlha 7(1) go tema *(b)* ya mantšu a latelago:
"*(b)* **[MEC]** Tona goba sehlongwa se thwetšwego goba se kgwethilego leloko go khansele se fediša bokolo ka tsela ya lengwalo;";
(u) ka go tloša go ntlha 30 go ntlhana ya (1) ya ntlhana ye latelago:
"(1) Bolaodi bo hlangwe ka hlogo, motlatša hlogo goba batlatša hlogo ba kholetšhe **[, bjalo ka ge e hlalošitšwe go karolo 19 (1) ya Molao]**.";
(v) ka go tloša go ntlha 31 go ntlhana ya (3) le (4) ya ntlhana ye latelago, ka tatelano:
"(3) **[Go ya ka karolo 19(1) le (4)]** khansele e ka fa mešomo ya kokeletšo mme le go fa maatla a mangwe go hlogo.
(4) Ge hlogo a se gona goba a palelwa ke go dira mešomo ya gagwe, motlatša hlogo o swanetše go dira ema sekgobeng sa hlogo, goba **[Leloko la Khansele Kuduthamaga]** Tona a ka thwala hlogo ya go ema bakeng.";
(w) ka go tlošwa go lokelwe go ntlha 33 ya ntlha ye latelago:

"**Thwalo ya [Bafahloši, bathekgi] bašomi [le bahlankedi ba tša ditšhelete] bao ba thwetšwego ke kholetšhe**

33. Go bapatšwa ga sekgoba, taletšo ya go kgetha bonkgetheng, go nyaka batho bao ba swanetšego, selekanyetšo sa go kgetha bonkgetheng le tshepetšo ya dipotšološo le go thwala ga **[bafahloši, bathekgi ba]** bašomi **[le bahlankedi ba tša ditšhelete]** e swanetše go ba ka tsela yeo e laolwago ke khansele.";
(x) ka go tlošwa go lokelwe go ntlha 34 ya ntlha ye latelago:

"**Dipeelano tša thwalo**

34. Khansele e swanetše go dumella dipeelano tša thwalo, go akaretšwa taolo le sekaseko ya meputso ya **[bafahloši le bathekgi]** ba bašomi bao ba thwetšwego go ya kaarolo 20(4)*(a)* mme le mekgwa ye mene ya meputso go a ka melao.";

(y) by the substitution for item 35 of the following item:

"**Evaluation**

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

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

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

"**Disciplinary code of [lecturers and support] staff**

36. (1) **[Every lecturer and]** A member of **[the support]** staff employed in terms of section 20(4)*(a)* is subject to a code of conduct and disciplinary procedures, as approved by the council and determined in the rules, which serve as an integral part of their conditions of service.

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

Transitional provisions

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

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

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

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

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

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

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

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

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

(y) ka go tlošwa go lokelwe go ntlha 35 ya ntla ye latelago:

"**Tshekatsheko**

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

(2) **[bafahloši le bathekgi]** ba Bašomi batla sekasekwa kgafetša kgafetša ka go diragatša ditshwanelo tša bona."; mme

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

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

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

(2) Leloko lefe goba lefe la bašomi le thwetšwego go ya ka *Public Service Act* le angwa ke molao wa maitshwaro wa bahlankedi ba mmušo le magato a kgalemo ao a beilwego go ya ka *Public Service Act le Melawana ya ona*.".

Ditaelo tša nakwana

34. (1) Bakeng sa merero ya karolo ye, lentšu lefe goba lefe goba mmolelwana wo hlalošo e filwego go Molao mogolo di na le hlalošo yeo, mme **"ditlwaelo le maemo"** di ra ditlwaelo tše nnyane le maemo bakeng sa go abela tšhelete go dikholetšhe tša setšhaba tše hlalošitšwego go karolo 23 ya Molao mogolo bjalo ka ge o fetošitšwe ka molao wo.

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

(3) Mofahloši ofe goba ofe goba leloko la bathekgi ba bašomi le thwetšwego ke kholetše ya setšhaba pele ga karolo 12 ya Molao wo e thoma go šoma mme yo a lego sekgobeng ntle le seo se hlalošitšwego go karolwana (4), o tla dula a thwetšwe ka tsela yeo mme mme o swanetše go tsewa bjalo ka mošomi yo thwetšwego go ya ka karolo 20(4) ya Molao mogolo bjalo ka ge o fetošitšwe ka Molao wo.

(4) Mofahloši goba leloko la bathekgi bašomi bao ba thwetšwego ke kholetšhe ya setšhaba sekgobeng seo se beetšwego tšhelete ka botlalo go ya ka ditlwaelo le maemo ka la 1 Janeware 2012, di swanetše go netefatšwa ke tona bjalo ka dikgoba tše beetšwego tšhelete ya moputso ka botlalo, mme Tona o swanetše, go ya ka karolo 197 ya the *Labour Relations Act*, go fetišetša dikgoba tšeo go sebopego sa mokgatlo sa Kgoro go ya ka the Public Service Act.

(5) Go ya ka karolo 197 ya *the Labour Relations Act*, mošomi yo a, pele ga karolo 12 ya Molao wo e thoma go šoma, a fago ditirelo tša thekgo go dikholetšhe tša setšhaba tšeo di lego diprofenseng, seleteng le go kantoro kgolo, le ge e le gore leloko le la bašomi le thwetšwe bjalo ka marutiši go ya ka *the Employment of Educators Act, 1998 (Act No. 76 of 1998),* o swanetše go fetišetšwa go sebopego sa mokgatlo wa Kgoro ya Thuto ya Godimo le Tlhahlo go ya ka *the Public Service Act.*

(6) Ge go na le pharologano magareng ga peelano ya tirelo go morutiši le sekgoba sa tirelo ya setšhaba seo a fetišeditšwego go sona, dipeelano tša tirelo go ya ka the *Public Service Act* di tla dula di šoma.

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

(8) Legato lefe goba lefe la kgalemo malebana le thwalo ya mošomi ye hlalošitšwego go karolwana (4) yeo e sa letetšwego ge karolo 12 ya Molao wo e thoma go šoma, le swanetše go diragatšwa go ya ka Molao wo dumeletšego go thongwa ga legato leo.

(9) Khansele ya Ditherišano Kakaretšo tša Lekala la Tirelo ya Setšhaba goba PSCBC, ka moo go lego ka gona, e tšwela pele ka go ba khansele ya ditherišano bakeng sa go laola meputso le dipeelano tša thwalo ya bašomi bao ba thwetšwego ke kholetšhe ya setšhaba go ya ka karolo 20(2)*(b)* ya Molao mogolo bjalo ka ge o fetošitšwe ka Molao wo go fihlela mekgatlo e dumela go hlama sebopego se sefsa se malebana le dikholetšhe tsa setšhaba.

(10) The Education Labour Relations Council, through its Further Education and Training Colleges Bargaining Unit, continues to be the Bargaining Council to determine salaries and conditions of employment of lecturers employed by a public college in accordance with section 20(4)*(b)* of the principal Act as amended by this Act until the parties agree to establish a new structure relevant to staff of public colleges employed under that section.

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

Short title and commencement

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

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

(10) Khansele ya Ditswalano tša Mošomong tša Barutiši, ka Yuniti ya yona Ditherišano, e tšwelapele go ba khansele ya ditherišano go laola meputso le dipeelano tša thwalo ya barutiši bao ba thwetšwego ke kholetšhe ya setšhaba go ya ka karolo 20(4)*(b)* ya Molao mogolo bjalo ka ge e fetošitšwego ka Molao wo go fihlela mekgatlo e dumela go hlama sebopego se sefsa se malebana le dikholetšhe tša setšhaba.

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

Thaetlele ye kopana le go thoma go šoma ga Molao

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

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