

(English text signed by the President.)
(Assented to 20 October 1998.)

ACT

To regulate further education and training; to provide for the establishment, governance and funding of public further education and training institutions; to provide for the registration of private further education and training institutions; to provide for quality assurance and quality promotion in further education and training; to provide for transitional arrangements and the repeal of laws; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is desirable to—

ESTABLISH a national co-ordinated further education and training system which promotes co-operative governance and provides for programme-based further education and training;

RESTRUCTURE AND TRANSFORM programmes and institutions 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 underline 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 an institutional culture which promotes fundamental human rights and creates an appropriate environment for teaching and learning;

PURSUE excellence, promote the full realisation of the potential of every student and member of staff, tolerance of ideas and appreciation of diversity;

RESPOND to the needs of the Republic, the labour market and of the communities served by the institutions;

COMPLEMENT the Skills Development Strategy in co-operation with the Department of Labour;

(Engelse teks deur die President geteken.)
(Goedgekeur op 20 Oktober 1998.)

WET

Om verdere onderwys en opleiding te reguleer; om voorsiening te maak vir die instel, beheer en befondsing van openbare inrigtings vir verdere onderwys en opleiding; om voorsiening te maak vir die registrasie van private inrigtings vir verdere onderwys en opleiding; om voorsiening te maak vir gehalteversekering en gehaltebevordering in verdere onderwys en opleiding; om voorsiening te maak vir oorgangsmatreëls en die herroeping van wette, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADEMAAL dit wenslik is om—

'N NASIONALE GEKOÖRDINEERDE STELSEL vir verdere onderwys en opleiding wat koöperatiewe beheer bevorder en voorsiening maak vir programgebaseerde verdere onderwys en opleiding, te vestig;

PROGRAMME EN INRIGTINGS te herstruktureer en te herskep ten einde beter te voldoen aan die behoeftes van menslike hulpbronne, die ekonomie en ontwikkeling in die Republiek;

DISKRIMINASIE VAN DIE VERLEDE reg te stel en verteenwoordigendheid en gelyke toegang te verseker;

TOEGANG tot verdere onderwys en opleiding en die werkplek verseker word aan persone wat in die verlede gemarginaliseer was soos vroue, gestremdes en minder-bevoorregtes;

OPTIMALE GELEENTHEDE te bied vir leer, die skep van kennis en die ontwikkeling van intermediêre tot hoëvlakvaardighede in ooreenstemming met internasionale standaarde van akademiese en tegniese gehalte;

DIE WAARDES te bevorder wat 'n oop en demokratiese gemeenskap, gebaseer op menslike waardigheid, gelykheid en vryheid, ten grondslag lê;

STRATEGIESE prioriteite deur nasionale beleidsdoelstellings bepaal, op alle vlakke van regering en bestuur binne die verdere onderwys en opleidingsektor te bevorder;

DEMOKRASIE te respekteer en aan te moedig en 'n institusionele kultuur te bevorder wat fundamentele menseregte beskerm en 'n geskikte omgewing vir onderwys en studie skep;

UITNEMENDHEID na te streef, en die volle verwesenliking van die potensiaal van elke student en personeellid, verdraagsaamheid teenoor idees en waardering vir verskeidenheid te bevorder;

TE REAGEER op die behoeftes van die Republiek, die arbeidsmark en van die gemeenskappe wat deur die inrigtings bedien word;

DIE VAARDIGHEIDSONTWIKKELINGSTRATEGIE in samewerking met die Departement van Arbeid aan te vul;

AND WHEREAS IT IS DESIRABLE for further education and training institutions 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:—

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EN NADEMAAL DIT WENSLIK IS DAT inrigtings vir verdere onderwys en opleiding spesifieke werksaamhede uitvoer binne die konteks van openbare aanspreeklikheid en die nasionale behoefte aan intermediêre tot hoëvlakvaardighede en -kennis en toegang tot werk en hoër onderwys te verskaf;

WORD DAAR DERHALWE deur die Parlement van die Republiek van Suid-Afrika soos volg bepaal:—

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- 25 11. Akademie raad vir openbare inrigting vir verdere onderwys en opleiding
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CHAPTER 1

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DEFINITIONS AND APPLICATION**Definitions**

1. In this Act, unless the context shows that another meaning is intended—
- (i) “academic board” means the body contemplated in section 11;
 - (ii) “applicant” means any person who makes an application contemplated in section 25;
 - (iii) “auditor” means any person registered in terms of the Public Accountants’ and Auditors’ Act, 1991 (Act No. 80 of 1991);

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40 **HOOFTUK 1****WOORDOMSKRYWING EN DOEL VAN WET****Woordoms krywing**

1. In hierdie Wet, tensy uit die samehang blyk dat 'n ander betekenis bedoel word, beteken—

- 45 (i) "aansoeker" enige persoon wat 'n aansoek beoog in artikel 25 indien;
 (ii) "akademiese raad" die liggaam beoog in artikel 11;
 (iii) "algemene onderwys" die verpligte skoolbywoningsfase soos in artikel 3 van die Suid-Afrikaanse Skolewet bedoel;

- (iv) "council" means the governing body of a public further education and training institution;
- (v) "Department" means the Government department responsible for education at national level;
- (vi) "Director-General" means the Director-General of the Department; 5
- (vii) "educator" means an educator as defined in the Employment of Educators Act, 1998, and for purposes of sections 9 and 11, includes an educator employed in terms of section 14(2);
- (viii) "financial year" in respect of a public further education and training institution means a year commencing on the first day of January and ending on the 31st day of December of the same year; 10
- (ix) "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; 15
- (x) "further education and training institution" means any institution 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 institution under this Act; 20
- (b) declared as a public further education and training institution under this Act; or
- (c) registered or conditionally registered as a private further education and training institution under this Act; 25
- (xi) "general education" means the compulsory school attendance phase as referred to in section 3 of the South African Schools Act;
- (xii) "grade" means a grade as defined in section 1 of the South African Schools Act;
- (xiii) "grade 10" means one grade higher than the highest grade in general education; 30
- (xiv) "grade 12" means the highest grade in which education is provided by a school;
- (xv) "Head of Department" means the head of a provincial department of education; 35
- (xvi) "higher education" means higher education as defined in the Higher Education Act, 1997 (Act No. 101 of 1997);
- (xvii) "Member of the Executive Council" means the Member of the Executive Council of a province who is responsible for education in that province;
- (xviii) "Minister" means the Minister of Education; 40
- (xix) "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);
- (xx) "organ of State" means an organ of State as defined in section 239 of the Constitution; 45
- (xxi) "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; 50
- (xxii) "prescribed" means prescribed by regulation;
- (xxiii) "principal" means the chief executive and accounting officer of a public further education and training institution and includes a rector;
- (xxiv) "private further education and training institution" means any institution registered or conditionally registered as a private further education and training institution in terms of Chapter 5; 55
- (xxv) "public further education and training institution" means any further education and training institution that is established, deemed to be established or declared as a public further education and training institution under this Act; 60
- (xxvi) "registrar" means the registrar designated by the Director-General in terms of section 23;

- (iv) "beleid"—
- (a) beleid deur die Minister bepaal ingevolge die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996); of
- (b) beleid deur die Lid van die Uitvoerende Raad bepaal ingevolge 'n provinsiale wet.
- (v) "boekjaar" ten opsigte van 'n openbare inrigting vir verdere onderwys en opleiding 'n jaar wat op die eerste dag van Januarie 'n aanvang neem en op die 31ste dag van Desember van dieselfde jaar eindig;
- (vi) "Departement" die Staatsdepartement wat op nasionale vlak verantwoordelik is vir onderwys;
- (vii) "Departementshoof" die hoof van 'n provinsiale onderwysdepartement;
- (viii) "Direkteur-generaal" die Direkteur-generaal van die Departement;
- (ix) "graad" 'n graad soos in artikel 1 van die Suid-Afrikaanse Skolewet omskryf;
- (x) "graad 10" een graad hoër as die hoogste graad in algemene onderwys;
- (xi) "graad 12" die hoogste graad waarin onderwys voorsien word deur 'n skool;
- (xii) "hierdie Wet" ook die regulasies wat kragtens hierdie Wet uitgevaardig is;
- (xiii) "hoër onderwys" hoër onderwys soos omskryf in die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997);
- (xiv) "hoof" die hoof- uitvoerende en rekenpligtige beampte van 'n openbare inrigting vir verdere onderwys en opleiding en sluit 'n rektor in;
- (xv) "inrigting vir verdere onderwys en opleiding" enige inrigting wat verdere onderwys en opleiding voorsien op 'n voltydse, deelydse of afstandsbasis en wat—
- (a) ingestel is of geag word ingestel te wees as 'n openbare inrigting vir verdere onderwys en opleiding kragtens hierdie Wet;
- (b) as openbare inrigting vir verdere onderwys en opleiding geregistreer is kragtens hierdie Wet; of
- (c) geregistreer is of voorwaardelik geregistreer is as private inrigting vir verdere onderwys en opleiding kragtens hierdie Wet;
- (xvi) "Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad van 'n provinsie wat verantwoordelik is vir onderwys in daardie provinsie;
- (xvii) "Minister" die Minister van Onderwys;
- (xviii) "NRVOO" die Nasionale Raad vir Verdere Onderwys en Opleiding, ingestel kragtens regulasies ingevolge artikel 11 van die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996);
- (xix) "openbare inrigting vir verdere onderwys en opleiding" 'n inrigting vir verdere onderwys en opleiding ingestel, geag ingestel te wees of verklaar tot 'n openbare inrigting vir verdere onderwys en opleiding kragtens hierdie Wet;
- (xx) "opvoeder" 'n opvoeder soos omskryf in die Wet op die Indiensneming van Opvoeders, 1998, en sluit vir doeleindes van artikels 9 en 11 'n opvoeder in wat ingevolge artikel 14(2) in diens geneem is;
- (xxi) "ouditeur" 'n persoon wat ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), as sodanig geregistreer is;
- (xxii) "personeel" persone in diens by 'n openbare inrigting vir verdere onderwys en opleiding;
- (xxiii) "private inrigting vir verdere onderwys en opleiding" enige inrigting geregistreer of voorwaardelik geregistreer as 'n private inrigting vir verdere onderwys en opleiding ingevolge Hoofstuk 5;
- (xxiv) "raad" die bestuursliggaam van 'n openbare inrigting vir verdere onderwys en opleiding;
- (xxv) "registrateur" die registrateur deur die Direkteur-generaal ingevolge artikel 23 aangewys;
- (xxvi) "SAKO" die Suid-Afrikaanse Kwalifikasie-owerheid, ingestel kragtens artikel 3 van die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995);
- (xxvii) "skool" 'n skool soos omskryf in die Suid-Afrikaanse Skolewet;
- (xxviii) "staatsorgaan" 'n staatsorgaan soos omskryf in artikel 239 van die Grondwet;
- (xxix) "student" enige persoon wat as student geregistreer is by 'n inrigting vir verdere onderwys en opleiding;

- (xxvii) "SAQA" means the South African Qualifications Authority, established by section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- (xxviii) "school" means a school as defined in the South African Schools Act;
- (xxix) "South African Schools Act" means the South African Schools Act, 1996 (Act No. 84 of 1996);
- (xxx) "staff" means persons employed at a public further education and training institution;
- (xxxi) "student" means any person registered as a student at a further education and training institution;
- (xxxii) "this Act" includes the regulations made under this Act;
- (xxxiii) "vice-principal" includes a vice-rector.

Purpose of Act

2. The purpose of this Act is to establish a national co-ordinated further education and training system which promotes co-operative governance and provides for programme-based further education and training.

CHAPTER 2

PUBLIC FURTHER EDUCATION AND TRAINING INSTITUTIONS

Establishment of public further education and training institutions

3. (1) The Member of the Executive Council may, by notice in the *Provincial Gazette* and from money appropriated for this purpose by the provincial legislature, establish a public further education and training institution.

(2) Every public further education and training institution is a juristic person.

(3) Notwithstanding subsection (2), a public further education and training institution may not, without the concurrence of the Member of the Executive Council, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

Declaration of institution as public further education and training institution

4. (1) The Member of the Executive Council may, subject to national policy by notice in the *Provincial Gazette*, declare any institution providing further education and training as a public further education and training institution.

(2) The notice contemplated in subsection (1) must determine—

- (a) the date on which the institution becomes a public further education and training institution;
- (b) the name of the public further education and training institution; and
- (c) the physical location and the official address of the public further education and training institution.

(3) The Member of the Executive Council may act under subsection (1) only—

- (a) after consulting the governing body of the institution, if it is a public institution; or
- (b) 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;
- (c) 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), in all the official languages determined in terms of section 9(2)(b);
- (ii) given any interested person an opportunity to make representations; and
- (iii) considered such representations; and
- (d) if it is a private institution, with the concurrence of the owner of the institution and the Member of the Executive Council responsible for finance.

(4) No public school which offers further education and training programmes may be declared a further education and training institution in terms of subsection (1) until after

- (xxx) "Suid-Afrikaanse Skolewet" die Suid-Afrikaanse Skolewet, 1996 (Wet No. 84 van 1996);
- (xxxi) "verdere onderwys en opleiding" alle leer- en opleidingsprogramme wat lei tot kwalifikasies van vlakke 2 tot 4 van die Nasionale Kwalifikasieraamwerk beoog in die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995), welke vlakke hoër as algemene onderwys maar laer as hoër onderwys is;
- (xxxii) "vise-hoof" ook 'n vise-rektor; en
- (xxxiii) "voorgeskryf" by regulasie voorgeskryf.

10 Doel van Wet

2. Die doel van hierdie Wet is om 'n nasionale gekoördineerde stelsel vir verdere onderwys en opleiding wat koöperatiewe beheer bevorder en voorsiening maak vir programgebaseerde verdere onderwys en opleiding, te vestig.

HOOFTUK 2

15 OPENBARE INRIGTINGS VIR VERDERE ONDERWYS EN OPLEIDING

Instelling van openbare inrigtings vir verdere onderwys en opleiding

3. (1) Die Lid van die Uitvoerende Raad kan by kennisgewing in die *Provinsiale Koerant* en met geld deur die provinsiale wetgewer vir dié doel bewillig, 'n openbare inrigting vir verdere onderwys en opleiding instel.
- 20 (2) Elke openbare inrigting vir verdere onderwys en opleiding is 'n regspersoon.
- (3) Ondanks subartikel (2) mag 'n openbare inrigting vir verdere onderwys en opleiding nie sonder die instemming van die Lid van die Uitvoerende Raad op enige wyse enige onroerende goed wat verkry is met die finansiële bystand van die Staat van die hand sit of vervreem of aan enige persoon enige saaklike reg of serwituut daarop
- 25 verleen nie.

Verklaring van inrigting tot openbare inrigting vir verdere onderwys en opleiding

4. (1) Die Lid van die Uitvoerende Raad kan, behoudens nasionale beleid, by kennisgewing in die *Provinsiale Koerant*, enige inrigting vir verdere onderwys en opleiding verklaar tot openbare inrigting vir verdere onderwys en opleiding.
- 30 (2) Die kennisgewing beoog in subartikel (1) moet—
- (a) die datum waarop die inrigting 'n openbare inrigting vir verdere onderwys en opleiding word;
- (b) die naam van die inrigting vir verdere onderwys en opleiding; en
- (c) die fisiese ligging en die amptelike adres van die openbare inrigting vir
- 35 verdere onderwys en opleiding,
- bepaal.
- (3) Die Lid van die Uitvoerende Raad kan kragtens subartikel (1) optree slegs—
- (a) na oorleg met die bestuursliggaam van die inrigting, indien dit 'n openbare inrigting is; of
- 40 (b) met die instemming van die betrokke Minister, Lid van die Uitvoerende Raad of owerheid, indien die inrigting geadministreer, gekontroleer of gefinansier word deur 'n Staatsorgaan anders as die provinsiale departement van onderwys;
- (c) nadat—
- 45 (i) 'n kennisgewing gepubliseer is in een of meer koerante wat in die gebied waarin die inrigting verdere onderwys en opleiding voorsien, versprei word, met die redes vir die verklaring bedoel in subartikel (1), in al die amptelike tale ingevolge artikel 9(2)(b) bepaal;
- (ii) enige belanghebbende persoon die geleentheid gegee is om verhoër te word; en
- 50 (iii) die verhoër oorweeg is; en
- (d) indien dit 'n private inrigting is, met die instemming van die eienaar van die inrigting en die Lid van die Uitvoerende Raad verantwoordelik vir finansies.
- (4) Geen openbare skool wat verdere onderwys en opleidingsprogramme aanbied,
- 55 kan ingevolge subartikel (1) tot 'n inrigting vir verdere onderwys en opleiding verklaar

a date determined by the Minister by notice in the *Gazette*, after consultation with the Council of Education Ministers and the NBFET.

Consequences of declaration as public further education and training institution

5. (1) From the date determined in terms of section 4(2)(a)—
- (a) the institution is regarded as being a public further education and training institution established under this Act; 5
 - (b) the assets, liabilities, rights and obligations of the institution vest in the public further education and training institution; and
 - (c) any agreement lawfully entered into by or on behalf of the institution is regarded as having been concluded by the public further education and training institution. 10

(2) Immovable property vesting in the public further education and training institution 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 transfer duty, stamp duty or any other duty or costs due to the State, but subject to any existing right, encumbrance or trust on or over that property. 15

(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 further education and training institution, make such endorsements on that title deed and such entries in the registers as may be required to register the transfer in question. 20

(4) The declaration of an institution as a public further education and training institution under section 4(1) does not affect anything lawfully done by the institution prior to the declaration.

(5) All funds which, immediately prior to 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 further education and training institution in accordance with the trust, donation or bequest, as the case may be. 25

(6) Notwithstanding subsection (2), any fees charged by the Registrar of Deeds resulting from such transfer must be paid in full or in part from funds appropriated by the provincial legislature for that purpose. 30

Merger of public further education and training institutions

6. (1) Subject to subsection (2), the Member of the Executive Council may, by notice in the *Provincial Gazette*, merge two or more public further education and training institutions into a single institution. 35

(2) Before merging two or more public further education and training institutions the Member of the Executive Council must—

- (a) give written notice to the institutions in question of the intention to merge them;
- (b) publish a notice giving the reasons for the proposed merger in one or more newspapers circulating in the area in which the institutions in question are situated; 40
- (c) give the councils of the institutions 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); 45
- (d) consider such representations; and
- (e) be satisfied that the employers of staff at the public further education and training institutions in question have complied with their obligations in terms of the applicable labour law.

(3) The single institution contemplated in subsection (1) is regarded as a public further education and training institution established under this Act. 50

(4) Paragraph (b) of section 5(1) and subsections (2) to (6) of section 5 apply with the necessary changes required by the context, to a merger referred to in subsection (1).

Closure of public further education and training institution

7. (1) The Member of the Executive Council may, by notice in the *Provincial Gazette*, close a public further education and training institution. 55

word nie, tot na 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, na oorleg met die Raad van Onderwysministers en die NRVVO.

Gevolge van verklaring tot openbare inrigting vir verdere onderwys en opleiding

5. (1) Vanaf die datum bepaal ingevolge artikel 4(2)(a)—
- 5 (a) word die inrigting geag 'n openbare inrigting vir verdere onderwys en opleiding te wees, kragtens hierdie Wet ingestel;
- (b) gaan die bates, laste en verpligtinge van die inrigting oor op die openbare inrigting vir verdere onderwys en opleiding; en
- 10 (c) word enige ooreenkoms wettig aangegaan deur of namens die inrigting, geag aangegaan te wees deur die openbare inrigting vir verdere onderwys en opleiding.
- (2) Onroerende goed wat op die openbare inrigting vir verdere onderwys en opleiding ingevolge subartikel (1)(b) oorgaan, word, behoudens die instemming van die Minister van Finansies, in die naam van sodanige inrigting oorgedra sonder betaling
- 15 deur die inrigting van hereregte, seëlreg of ander reg of koste wat die Staat toekom, maar behoudens enige bestaande reg op, beswaring van of trust op of oor daardie goed.
- (3) Die beampte in beheer van 'n aktekantoor of ander kantoor waar die onroerende goed beoog in subartikel (2) geregistreer is, moet by voorlegging van die titelakte en by aansoek deur die openbare inrigting vir verdere onderwys en opleiding die
- 20 endosserings op daardie titelakte aanbring en die inskrywings in die registers maak wat nodig is om die betrokke oordrag te registreer.
- (4) Die verklaring van 'n inrigting tot 'n openbare inrigting vir verdere onderwys en opleiding kragtens artikel 4(1) raak niks wat voor die verklaring wettig deur die inrigting gedoen is nie.
- 25 (5) Alle fondse wat onmiddellik voor die datum bepaal ingevolge artikel 4(2)(a) uit hoofde van 'n trust, skenking of bemaking in die inrigting gevestig is, moet deur die openbare inrigting vir verdere onderwys en opleiding ooreenkomstig die trust, skenking of bemaking, na gelang van die geval, aangewend word.
- (6) Ondanks subartikel (2) moet enige gelde wat deur die Registrateur van Aktes as
- 30 gevolg van die oordrag gehef word, ten volle of gedeeltelik betaal word uit fondse deur die provinsiale wetgewer bewillig vir die doel.

Samesmelting van openbare inrigtings vir verdere onderwys en opleiding

6. (1) Behoudens subartikel (2) kan die Lid van die Uitvoerende Raad by kennisgewing in die *Provinsiale Koerant* twee of meer openbare inrigtings vir verdere
- 35 onderwys en opleiding laat saamsmelt in 'n enkele inrigting.
- (2) Voordat die Lid van die Uitvoerende Raad twee of meer openbare inrigtings vir verdere onderwys en opleiding laat saamsmelt moet die Lid—
- (a) skriftelik kennis aan die betrokke inrigtings gee van die voorneme om hulle te laat saamsmelt;
- 40 (b) 'n kennisgewing met die redes vir die voorgestelde samesmelting publiseer in een of meer koerante wat in die gebied waarin die betrokke inrigtings vir verdere onderwys en opleiding geleë is, versprei word;
- (c) die rade van die betrokke inrigtings en ander belangstellende persone die geleentheid gee om binne minstens 90 dae vanaf die datum van die kennisgewing bedoel in paragraaf (b) verhoë te rig;
- 45 (d) die verhoë oorweeg; en
- (e) tevrede wees dat die indiensnemers van personeel by die betrokke openbare inrigtings vir verdere onderwys en opleiding hulle verpligtinge ingevolge die toepaslike arbeidswetgewing nagekom het.
- 50 (3) Die enkele inrigting beoog in subartikel (1) word geag 'n openbare inrigting vir verdere onderwys en opleiding kragtens hierdie Wet ingestel te wees.
- (4) Paragraaf (b) van artikel 5(1) en subartikels (2) tot (6) van artikel 5 is met die nodige veranderinge vereis deur die samehang, van toepassing op 'n samesmelting in subartikel (1) bedoel.

55 Sluiting van openbare inrigting vir verdere onderwys en opleiding

7. (1) Die Lid van die Uitvoerende Raad kan, by kennisgewing in die *Provinsiale Koerant*, 'n openbare inrigting vir verdere onderwys en opleiding sluit.

(2) If a public further education and training institution is closed under subsection (1), all assets and liabilities of such institution must, after such closure, be dealt with according to law by the Member of the Executive Council and any assets remaining after payment of all liabilities vest in the Member of Executive Council.

(3) Subsections (2) to (6) of section 5 and section 6(2) apply with the necessary changes required by the context, to a closure referred to in subsection (1). 5

CHAPTER 3

GOVERNANCE OF PUBLIC FURTHER EDUCATION AND TRAINING INSTITUTIONS

Institutional governance structures 10

8. (1) Every public further education and training institution must establish a council, an academic board, a student representative council and such other structures as may be determined by the council subject to the approval of the Member of the Executive Council.

(2) A structure referred to in subsection (1) must elect a chairperson, vice-chairperson and other office bearers from among its members in the manner determined by the Member of the Executive Council by notice in the *Provincial Gazette* or in terms of a provincial law. 15

(3) The chairperson, vice-chairperson or other office bearers of the council may not be students or members of the staff of the institution, but the secretary may be a member of staff. 20

(4) The Member of the Executive Council must, by notice in the *Provincial Gazette* or in terms of a provincial law, determine in respect of members in any of the structures referred to in subsection (1)—

- (a) the terms of office; 25
- (b) procedures for the disqualification or removal;
- (c) procedures for the filling of vacancies; and
- (d) any other matter necessary for the election, appointment or assumption of office.

(5) Every public further education and training institution must appoint a principal, a vice-principal or vice-principals and such other officers as may be determined by the council subject to the approval of the Member of the Executive Council. 30

Council of public further education and training institution

9. (1) The council of a public further education and training institution must perform all the functions which are necessary to govern the public further education and training institution, subject to this Act and any applicable provincial law. 35

(2) Subject to policy, the council must, with the concurrence of the academic board—

- (a) develop a strategic plan for the institution which must—
 - (i) incorporate the mission, vision, goals and planning for funding of the institution; 40
 - (ii) address past imbalances and gender and disability matters; and
 - (iii) be approved by the Member of the Executive Council;
- (b) determine the language policy of a public further education and training institution and must publish it and make it available on request; and
- (c) ensure that the further education and training institution is accredited to provide learning against standards and qualifications as registered on the National Qualifications Framework. 45

(3) The council, after consultation with the student representative council, must provide for a suitable structure to advise on the policy for student support services within the public further education and training institution. 50

(4) The council of a public further education and training institution must consist of—

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) not more than five persons appointed by the Member of the Executive Council; 55

(2) Indien 'n openbare inrigting vir verdere onderwys en opleiding gesluit word kragtens subartikel (1) moet die Lid van die Uitvoerende Raad ooreenkomstig die reg met alle bates en laste van die openbare inrigting vir verdere onderwys en opleiding na sluiting handel, en enige bates wat oorbly na die betaling van alle laste berus by die Lid van die Uitvoerende Raad.

(3) Subartikels (2) tot (6) van artikel 5 en artikel 6(2) is, met die nodige veranderinge vereis deur die samehang, van toepassing op 'n sluiting in subartikel (1) bedoel.

HOOFSTUK 3

BEHEER VAN OPENBARE INRIGTINGS VIR VERDERE ONDERWYS EN OPLEIDING

Institusionele beheerstrukture

8. (1) Elke openbare inrigting vir verdere onderwys en opleiding moet 'n raad, 'n akademiese raad, 'n verteenwoordigende studenteraad en die ander strukture wat deur die raad onderhewig aan die goedkeuring van die Lid van die Uitvoerende Raad bepaal word, instel.

(2) 'n Struktuur bedoel in subartikel (1) verkies 'n voorsitter, 'n ondervoorsitter en ander ampsdraers uit eie geledere op die wyse deur die Lid van die Uitvoerende Raad by kennisgewing in die *Provinsiale Koerant* of ingevolge 'n provinsiale wet bepaal.

(3) Die voorsitter, vise-voorsitter of ander ampsdraers van die raad mag nie studente of lede van die personeel van die inrigting wees nie, maar die sekretaris kan 'n lid van die personeel wees.

(4) Die Lid van die Uitvoerende Raad bepaal, by kennisgewing in die *Provinsiale Koerant* of ingevolge 'n provinsiale wet, ten opsigte van die lede van enige van die strukture bedoel in subartikel (1)—

- (a) die ampstermyn;
- (b) prosedures vir diskwalifikasie of verwydering;
- (c) prosedures vir die vul van vakatures; en
- (d) enige ander saak wat nodig is vir die verkiesing, aanstelling of ampsaanvaarding.

(5) Elke openbare inrigting vir verdere onderwys en opleiding moet 'n hoof, 'n vise-hoof of vise-hoofde en die ander beamptes wat deur die raad onderhewig aan die goedkeuring van die Lid van die Uitvoerende Raad bepaal word, aanstel.

Raad van openbare inrigting vir verdere onderwys en opleiding

9. (1) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding voer al die werksaamhede uit wat nodig is om die openbare inrigting vir verdere onderwys en opleiding behoudens hierdie Wet en enige toepaslike provinsiale wet te beheer.

(2) Behoudens beleid, moet die raad, met die instemming van die akademiese raad—

- (a) 'n strategiese plan vir die inrigting ontwikkel wat—
 - (i) die missie, visie, doelstellings en beplanning vir die befondsing van die inrigting moet beliggaam;
 - (ii) ongelykhede van die verlede en geslags- en gestremheidsaangeleenthede aanspreek; en
 - (iii) deur die Lid van die Uitvoerende Raad goedgekeur moet word;
- (b) die taalbeleid van die openbare inrigting vir verdere onderwys en opleiding bepaal, publiseer en op versoek beskikbaar stel; en
- (c) seker maak dat die inrigting vir verdere onderwys en opleiding geakkrediteer is om geleerdheid te voorsien teen standarde en kwalifikasies soos by die Nasionale Kwalifikasieraamwerk geregistreer.

(3) Die raad moet, na oorleg met die verteenwoordigende studenteraad, voorsiening maak vir 'n gepaste struktuur, om advies te verskaf oor die beleid ten opsigte van studente-ondersteuningsdienste binne die openbare inrigting vir verdere onderwys en opleiding.

(4) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding bestaan uit—

- (a) die hoof;
- (b) die vise-hoof of vise-hoofde;
- (c) hoogstens vyf persone deur die Lid van die Uitvoerende Raad aangestel;

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- (d) members of the academic board elected by the academic board;
- (e) members of the educator staff of the public further education and training institution, elected by such staff;
- (f) students of the public further education and training institution, elected by its student representative council; 5
- (g) staff other than educator staff, elected by such staff of the public further education and training institution; and
- (h) such additional persons as may be determined by the council in consultation with the Member of the Executive Council.

(5) The number of persons contemplated in subsection (4)(b) and (d) to (h) and the manner in which they are elected, where applicable, must be determined by the Member of the Executive Council by notice in the *Provincial Gazette* or in terms of a provincial law. 10

(6) At least 60 per cent of the members of a council must be persons who are not employed by or who are not students of the public further education and training institution in question. 15

(7) The members of a council—

- (a) must be persons with knowledge and experience relevant to the objects and governance of the public further education and training institution in question; and 20
- (b) must participate in the deliberations of the council in the best interest of the public further education and training institution in question.

(8) The selection of the members contemplated in subsection (4)(c) and (h) must be undertaken in such a manner as to ensure, in so far as it is practically possible, that—

- (a) the functions of the council are performed according to the highest professional standards; 25
- (b) the 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; 30
- (d) such 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 institution in respect of race, gender and disability.

(9) The Member of the Executive Council must, by notice in the *Provincial Gazette*, and by any other reasonably practicable means, invite nominations for the members contemplated in subsection (4)(c) and (h) from— 35

- (a) the public;
- (b) organised business; and
- (c) organised labour. 40

(10) The Member of the Executive Council must consider the nominations received and from the persons so nominated must appoint the number of members as determined in terms of subsection (5).

Single council for two or more public further education and training institutions

10. (1) The Member of the Executive Council may determine that the governance of two or more public further education and training institutions must vest in a single council if— 45

- (a) it is in the best interests of education and the institutions;
- (b) it is in the public interest; or
- (c) he or she was so requested by the councils of such institutions, if such councils exist. 50

(2) The Member of the Executive Council may not act in terms of subsection (1) unless he or she has—

- (a) given notice in the *Provincial Gazette* of his or her intention so to act;
- (b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and 55
- (c) considered all such submissions.

(3) The Member of the Executive Council must, by notice in the *Provincial Gazette*, determine the composition of the single council in a manner that ensures that—

- (a) each public further education and training institution is equitably represented; 60
- and

- (d) lede van die akademiese raad deur die akademiese raad verkies;
- (e) opvoederpersoneellede van die openbare inrigting vir verdere onderwys en opleiding verkies deur daardie personeel;
- 5 (f) studente van die openbare inrigting vir verdere onderwys en opleiding verkies deur die verteenwoordigende studenteraad;
- (g) ander werknemers as opvoederpersoneel, verkies deur daardie werknemers van die openbare inrigting vir verdere onderwys en opleiding; en
- (h) die bykomende persone wat deur die raad bepaal word in oorleg met die Lid van die Uitvoerende Raad.
- 10 (5) Die getal persone beoog in subartikel (4)(b) en (d) tot (h) en die wyse waarop hulle verkies word, waar van toepassing, word deur die Lid van die Uitvoerende Raad bepaal by kennisgewing in die *Provinsiale Koerant* of ingevolge 'n provinsiale wet.
- (6) Minstens 60 persent van die lede van die raad moet persone wees wat nie in diens van, of studente is aan, die betrokke openbare inrigting vir verdere onderwys en
- 15 opleiding nie.
- (7) Die lede van 'n raad—
- (a) moet persone wees met kennis en ervaring wat betrekking het op die oogmerke en beheer van die betrokke openbare inrigting vir verdere onderwys en opleiding; en
- 20 (b) moet in die beste belang van die betrokke openbare inrigting vir verdere onderwys en opleiding aan die beraadslagings van die raad deelneem.
- (8) Die verkiesing van die lede in subartikel (4)(c) en (h) beoog, moet onderneem word op 'n wyse wat sal verseker dat, vir sover dit prakties moontlik is—
- (a) die werksaamhede van die raad in ooreenstemming met die hoogste
- 25 professionele standaardte uitgevoer word;
- (b) die raad in die breë verteenwoordigend is van die stelsel van verdere onderwys en opleiding en verwante belange;
- (c) die lede 'n deeglike kennis en begrip van die verdere onderwys en opleidingssektor het;
- 30 (d) die lede die rol van verdere onderwys en opleiding in heropbou en ontwikkeling begryp; en
- (e) die raad in die algemeen verteenwoordigend is van die gemeenskap wat die inrigting dien, ten opsigte van ras, geslag en gestremdheid.
- (9) Die Lid van die Uitvoerende Raad moet, by kennisgewing in die *Provinsiale*
- 35 *Koerant*, en op ander prakties moontlike wyses, benoemings vir die lede beoog in subartikel (4)(c) en (h) vra van—
- (a) die publiek;
- (b) die georganiseerde sakektor; en
- (c) georganiseerde arbeid.
- 40 (10) Die Lid van die Uitvoerende Raad moet die benoemings wat ontvang word, oorweeg, en uit die persone aldus benoem die getal lede soos bepaal ingevolge subartikel (5), aanstel.

Enkele raad vir twee of meer openbare inrigtings vir verdere onderwys en opleiding

- 45 10. (1) Die Lid van die Uitvoerende Raad kan bepaal dat die beheer van twee of meer openbare inrigtings vir verdere onderwys en opleiding in 'n enkele raad vestig indien—
- (a) dit in die beste belang van onderwys en die inrigtings is;
- (b) dit in die openbare belang is; en
- 50 (c) hy of sy daartoe aldus versoek is deur die rade van sodanige inrigtings, indien sodanige rade bestaan.
- (2) Die Lid van die Uitvoerende Raad kan nie ingevolge subartikel (1) optree nie, tensy hy of sy—
- (a) in die *Provinsiale Koerant* kennis gegee het van sy of haar voorneme om
- aldus op te tree;
- 55 (b) belanghebbendes die geleentheid gebied het om binne 'n tydperk van minstens 30 dae skriftelike verhoë te rig; en
- (c) alle sodanige verhoë oorweeg het.
- (3) Die Lid van die Uitvoerende Raad bepaal by kennisgewing in die *Provinsiale*
- Koerant* die samestelling van die enkele raad op 'n wyse wat verseker dat—
- 60 (a) elke openbare inrigting vir verdere onderwys en opleiding billik verteenwoordig is; en

(b) it complies with section 9(5), (6) and (8).

(4) Any council which is the subject of a notice in terms of subsection (2) continues to exist until the first meeting of the council constituted in terms of this section.

Academic board of public further education and training institution

11. (1) The academic board of a public further education and training institution is accountable to the council for— 5

- (a) the academic functions of the public further education and training institution and the promotion of the participation of women and the disabled in the learning programmes; 10
- (b) establishing internal academic monitoring and quality assurance procedures; 10
- (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. 15

(2) Subject to the approval of the council and to policy, the academic board must determine the learning programmes provided by the public further education and training institution.

(3) The academic board of a public further education and training institution must consist of— 20

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) members of the educator staff of the institution;
- (d) members of the council;
- (e) members of the student representative council; and 25
- (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.

(5) The majority of members of the academic board must be members of the educator staff of the public further education and training institution in question. 30

Committees of council and academic board

12. (1) The council and the academic board of a public further education and training institution may each establish committees to perform any of their functions and may appoint persons who are not members of the council or the academic board, as the case may be, as members of such committees. 35

(2) The chairperson of a committee must be a member of the council or academic board, as the case may be.

(3) The council and the academic board are not divested of responsibility for the performance of any function delegated or assigned to a committee. 40

(4) The council and the academic board of a public further education and training institution may jointly establish committees to perform functions which are common to the council and the academic board.

(5) The composition, functions, procedure at meetings and dissolution of a committee and a joint committee are determined by the council or the academic board, or both the council and the academic board, as the case may be. 45

Principal of public further education and training institution

13. The principal of a public further education and training institution is responsible for the management and administration of the institution.

Staff at public further education and training institutions

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14. (1) (a) The educator establishment of a public further education and training institution is determined by the allocation of posts by the Head of Department from the provincial educator post establishment created by the Member of the Executive Council

(b) dit voldoen aan artikel 9(5), (6) en (8).

(4) Enige raad wat die onderwerp van 'n kennisgewing ingevolge subartikel (2) is, bly bestaan tot die eerste vergadering van die raad ingevolge hierdie artikel ingestel.

Akademie raad van openbare inrigting vir verdere onderwys en opleiding

5 **11.** (1) Die akademiese raad van 'n openbare inrigting vir verdere onderwys en opleiding is verantwoordbaar teenoor die raad vir—

- (a) die akademiese werksaamhede van die openbare inrigting vir verdere onderwys en opleiding en die bevordering van vroue en gestremdes in die leerprogramme;
- 10 (b) die instel van interne prosedures vir akademiese monitering en gehalte-versekering;
- (c) die versekering dat aan die vereistes van akkreditering om geleerdheid te verskaf teen standaarde en kwalifikasies wat op die Nasionale Kwalifikasieraamwerk geregistreer is, voldoen word; en
- 15 (d) die verrigting van die ander werksaamhede deur die raad aan hom gedelegeer of toegewys.

(2) Behoudens die goedkeuring van die raad en beleid bepaal die akademiese raad die leerprogramme wat deur die openbare inrigting vir verdere onderwys en opleiding aangebied word.

20 (3) Die akademiese raad van 'n openbare inrigting vir verdere onderwys en opleiding moet bestaan uit—

- (a) die hoof;
- (b) die vise-hoof of vise-hoofde;
- (c) lede van die opvoederpersoneel van die inrigting;
- 25 (d) lede van die raad;
- (e) lede van die verteenwoordigende studenteraad; en
- (f) addisionele persone deur die raad bepaal.

(4) Die getal persone beoog in subartikel (3)(c), (d), (e) en (f) en die wyse waarop hulle aangestel of verkies word, na gelang van die geval, word deur die raad bepaal.

30 (5) Die meerderheid van die lede van die akademiese raad moet lede van die opvoederpersoneel van die betrokke openbare inrigting vir verdere onderwys en opleiding wees.

Komitees van raad en akademiese raad

35 **12.** (1) Die raad en die akademiese raad van 'n openbare inrigting vir verdere onderwys en opleiding kan elk komitees instel om enige van hulle werksaamhede te verrig en kan persone wat nie lede van die raad of die akademiese raad is nie, na gelang van die geval, as lede van die komitees aanstel.

(2) Die voorsitter van 'n komitee moet 'n lid van die raad of die akademiese raad wees, na gelang van die geval.

40 (3) Die raad en die akademiese raad is nie ontdoen van die verantwoordelikheid om 'n werksaamheid te verrig wat aan 'n komitee gedelegeer of toegewys is nie.

(4) Die raad en die akademiese raad van 'n openbare inrigting vir verdere onderwys en opleiding kan komitees gesamentlik benoem om werksaamhede te verrig wat gemeenskaplik aan die raad en die akademiese raad is.

45 (5) Die samestelling, werksaamhede, prosedure op vergaderings en die ontbinding van 'n komitee en 'n gesamentlike komitee word deur die raad of die akademiese raad of beide die raad en die akademiese raad, na gelang van die geval, bepaal.

Hoof van openbare inrigting vir verdere onderwys en opleiding

50 **13.** Die hoof van 'n openbare inrigting vir verdere onderwys en opleiding is verantwoordelik vir die bestuur en administrasie van die inrigting.

Personeel by openbare inrigtings vir verdere onderwys en opleiding

55 **14.** (1)(a) Die opvoederdiensstaat van 'n openbare inrigting vir verdere onderwys en opleiding word bepaal deur die toewysing van poste deur die Departementshoof uit die postediensstaat van die provinsie deur die Lid van die uitvoerende Raad geskep ingevolge artikel 5 van die Wet op die Indiensneming van Opvoeders, 1998, en

in terms of section 5 of the Employment of Educators Act, 1998 and educators appointed in such posts are employed in terms of that Act.

(b) The non-educator establishment of a public further education and training institution is determined in terms of the Public Service Act, 1994 (Proclamation 103 of 1994).

(2) Subject to this Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public further education and training institution may establish posts for educators and employ educators additional to the establishment referred to in subsection (1)(a).

(3) Subject to this Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public further education and training institution may establish posts for non-educators and employ non-educator staff additional to the establishment referred to in subsection (1)(b).

(4)(a) The Council must determine the functions, conditions of service and privileges of the staff contemplated in subsections (2) and (3), subject to the applicable labour law and paragraph (b).

(b) The salary payable to an educator contemplated in subsection (2) shall not be less than the salary paid to an educator—

(i) contemplated in subsection (1)(a); and

(ii) who performs the same or equivalent work as such educator, unless collectively agreed to in a bargaining council established in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995).

(c) If a dispute arises about the salary of an educator as contemplated in paragraph (b) any party to the dispute may refer the dispute in writing to—

(i) a bargaining council established in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995), if the employer or employee parties to the dispute fall within the registered scope of a bargaining council; or

(ii) the Commission for Conciliation, Mediation and Arbitration as established by section 12 of the Labour Relations Act, 1995 (Act No. 66 of 1995), if no bargaining council has jurisdiction.

(d) 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.

(e) The bargaining council or the Commission for Conciliation, Mediation and Arbitration must attempt to resolve the dispute through conciliation.

(f) 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 to the Labour Court as established in terms of section 151 of the Labour Relations Act, 1995 (Act No. 66 of 1995) for adjudication.

(5) When presenting the annual budget contemplated in section 18(4) the Council must provide sufficient details of any posts envisaged in terms of subsections (2) and (3), including the estimated cost relating to the employment of staff in such posts and the manner in which it is proposed that such cost will be met.

(6) The staff contemplated in subsections (2) and (3) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, 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.

Student representative council

15. The establishment, composition, manner of election, term of office, functions and privileges of the student representative council of a public further education and training institution must be determined by the council after consultation with the students and educators of that institution, subject to provincial policy.

Disciplinary measures

16. (1) Every student at a public further education and training institution is subject to a code of conduct, disciplinary measures and procedures as may be determined by the

opvoeders wat in sodanige poste aangestel word, word ingevolge daardie Wet in diens geneem.

(b) Die nie-opvoederdiensstaat van 'n openbare inrigting vir verdere onderwys en opleiding word bepaal ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994).

5 (2) Behoudens hierdie Wet, die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995) en enige ander toepaslike wet, kan 'n openbare inrigting vir verdere onderwys en opleiding poste vir opvoeders instel en opvoeders in diens neem bykomend tot die diensstaat bedoel in subartikel (1)(a).

10 (3) Behoudens hierdie Wet, die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995) en enige ander toepaslike wet, kan 'n openbare inrigting vir verdere onderwys en opleiding poste vir nie-opvoeders instel en nie-opvoederpersoneel in diens neem bykomend tot die diensstaat bedoel in subartikel (1)(b).

(4)(a) Die Raad bepaal die pligte en werksaamhede, diensvoorwaardes en voorregte van personeel beoog in subartikels (2) en (3), behoudens die toepaslike arbeidswet-
15 gewing en paragraaf (b).

(b) Die salaris betaalbaar aan 'n opvoeder beoog in subartikel (2) mag nie minder wees nie as die salaris wat aan 'n opvoeder—

(i) beoog in subartikel (1)(a); en

20 (ii) wat dieselfde of soortgelyke werk as so 'n opvoeder verrig, tensy daarop kollektief ooreengekom is in 'n bedingingsraad ingestel ingevolge die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995).

(c) Indien 'n dispuut ontstaan oor die salaris van 'n opvoeder in paragraaf (b) beoog, kan enige party tot die dispuut die dispuut skriftelik verwys na—

25 (i) 'n bedingingsraad ingestel ingevolge die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), indien die werkgewer- of werknemerpartye tot die dispuut binne die geregistreerde omvang van 'n bedingingsraad val; of

(ii) die Kommissie vir Konsiliasie, Mediasie en Arbitrasie ingestel by artikel 12 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), indien geen bedingingsraad jurisdiksie het nie.

30 (d) Die party wat die dispuut verwys, moet die bedingingsraad of die Kommissie vir Konsiliasie, Mediasie en Arbitrasie tevrede stel dat 'n afskrif van die verwysing op die ander party beteken is.

(e) Die bedingingsraad of die Kommissie vir Konsiliasie, Mediasie en Arbitrasie moet poog om die dispuut op te los deur konsiliasie.

35 (f) Indien die bedingingsraad of die Kommissie vir Konsiliasie, Mediasie en Arbitrasie tevrede is dat die dispuut onopgelos bly, kan 'n party die dispuut na die Arbeidshof, ingestel ingevolge artikel 151 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), vir beslissing verwys.

40 (5) Met die voorlegging van die jaarlikse begroting beoog in artikel 18(4) moet die Raad voldoende besonderhede van poste wat ingevolge subartikels (2) en (3) beoog word, verskaf, insluitend die beraamde koste verbonde aan die indiensneming van personeel in daardie poste en die voorgestelde wyse waarop die koste gedelg sal word.

45 (6) Die personeel beoog in subartikels (2) en (3) word in diens geneem in ooreenstemming met die basiese waardes en beginsels bedoel in artikel 195 van die Grondwet, en faktore wat by die maak van aanstellings in ag geneem moet word, moet die volgende insluit, maar is nie daartoe beperk nie—

(a) die bekwaamheid van die kandidate;

(b) die beginsel van regverdigheid;

(c) die behoefte aan die regstelling van onregverdighede van die verlede; en

50 (d) die behoefte aan verteenwoordigheid.

Verteenwoordigende studenteraad

15. Die instelling, samestelling, wyse van verkiesing, ampstermyn, werksaamhede en voorregte van die verteenwoordigende studenteraad van 'n openbare inrigting vir verdere onderwys en opleiding word na oorleg met die studente en opvoeders van
55 daardie inrigting, behoudens beleid, deur die raad bepaal.

Tugmaatreëls

16. (1) Elke student aan 'n openbare inrigting vir verdere onderwys en opleiding is onderworpe aan 'n gedragskode, die tugmaatreëls en dissiplinêre prosedures wat deur die raad, behoudens provinsiale beleid, bepaal word, maar die gedragskode, tugmaat-

council subject to provincial policy but the code of conduct, disciplinary measures and procedures may only be made after consultation with the academic board and the student representative council of the institution concerned.

(2) The policy contemplated in subsection (1) must in particular deal with measures to curb racism, sexual violence and sexual harassment.

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Admission to public further education and training institutions

17. (1) Subject to policy the council of a public further education and training institution determines the admission policy of the institution after consulting the academic board of the institution.

(2) The council must publish the admission policy and make it available on request.

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(3) The admission policy of a public further education and training institution may not unfairly discriminate in any way and must provide appropriate measures for the redress of past inequalities.

(4) The council may, subject to provincial policy and after consultation with the academic board—

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(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 further education and training institution concerned; and

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(d) refuse readmission of a student who fails to satisfy such minimum requirements for readmission.

(5) The council of a public further education and training institution must ensure that the institution is accessible to disabled students where reasonably practicable.

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CHAPTER 4

FUNDING OF PUBLIC FURTHER EDUCATION AND TRAINING

Responsibility of State

18. (1) The Member of the Executive Council must from money appropriated for this purpose by the provincial legislature fund public further education and training on a fair, equitable and transparent basis, apart from further education and training offered in a school which is governed and funded in terms of the South African Schools Act.

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(2) The Member of the Executive Council may, subject to the norms and standards determined in terms of section 19, impose—

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

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

(3) The Member of the Executive Council must, after consultation with the appropriate advisory body in a province, determine appropriate measures for the redress of past inequalities.

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(4) The Member of the Executive Council must, on an annual basis, provide sufficient information to public further education and training institutions regarding the funding referred to in subsection (1) to enable the institutions to prepare their budgets for the next financial year.

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Norms and standards for funding of public further education and training

19. Subject to the Constitution and this Act, the Minister must, in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996), determine norms and standards for the funding of public further education and training, after consultation with the Council of Education Ministers, the Financial and Fiscal Commission, the Minister of Finance and the NBFET.

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reëls en dissiplinêre prosedures word ingestel slegs na oorleg met die akademiese raad en die verteenwoordigende studenteraad van die betrokke inrigting.

(2) Die beleid in subartikel (1) beoog moet in besonder handel met maatreëls om rassisme, seksuele geweld en seksuele teistering te bekamp.

5 Toelating tot openbare inrigtings vir verdere onderwys en opleiding

17. (1) Behoudens beleid bepaal die raad van 'n openbare inrigting vir verdere onderwys en opleiding, die toelatingsbeleid van die inrigting na oorleg met die akademiese raad van die inrigting.

(2) Die raad moet die toelatingsbeleid publiseer en op aanvraag beskikbaar stel.

10 (3) Die toelatingsbeleid van 'n openbare inrigting vir verdere onderwys en opleiding mag nie onbillik diskrimineer nie en moet voorsiening maak vir geskikte maatreëls vir die regstel van ongelykhede van die verlede.

(4) Die raad kan, behoudens provinsiale beleid, na oorleg met die akademiese raad—

15 (a) toelatingsvereistes ten opsigte van bepaalde programme vir verdere onderwys en opleiding bepaal;

(b) die getal studente bepaal wat tot 'n bepaalde program vir verdere onderwys en opleiding toegelaat kan word en die wyse van hulle keuring;

(c) die minimum vereistes vir hertoelating tot studie aan die betrokke openbare inrigting vir verdere onderwys en opleiding bepaal; en

20 (d) die hertoelating van 'n student weier wat nie aan die minimum vereistes vir hertoelating voldoen nie.

(5) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding moet toesien dat die inrigting toeganklik is vir gestremde studente waar dit redelikerwys doenlik is.

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HOOFSTUK 4

FINANSIERING VAN VERDERE ONDERWYS EN OPLEIDING

Verantwoordelikheid van Staat

18. (1) Die Lid van die Uitvoerende Raad moet, uit geld wat vir dié doel deur die provinsiale wetgewer bewillig is, openbare verdere onderwys en opleiding op 'n 30 billike, regverdige en deursigtige grondslag gefinansier, met uitsluiting van verdere onderwys en opleiding aangebied in 'n skool wat ingevolge die Suid-Afrikaanse Skolewet beheer en gefinansier word.

(2) Die Lid van die Uitvoerende Raad kan, onderhewig aan die norme en standaarde ingevolge artikel 19—

35 (a) enige redelike voorwaarde stel met betrekking tot 'n toewysing van fondse in subartikel (1) beoog; en

40 (b) verskillende voorwaardes met betrekking tot verskillende openbare inrigtings vir verdere onderwys en opleiding, verskillende verdere onderwys- en opleidingsprogramme of verskillende toewysings stel, indien daar 'n redelike grondslag vir sodanige differensiasie bestaan.

(3) Die Lid van die Uitvoerende Raad moet, na oorleg met die toepaslike raadgevende liggaam in 'n provinsie, toepaslike maatreëls vir die regstelling van ongelykhede van die verlede bepaal.

45 (4) Die Lid van die Uitvoerende Raad voorsien op 'n jaarlikse basis voldoende inligting aan openbare inrigtings vir verdere onderwys en opleiding in verband met die finansiering bedoel in subartikel (1) om die inrigtings in staat te stel om hulle begrotings vir die volgende boekjaar voor te berei.

Norme en standaarde vir finansiering van openbare verdere onderwys en opleiding

50 19. Behoudens die Grondwet en hierdie Wet bepaal die Minister, ingevolge die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996), norme en standaarde vir die finansiering van openbare verdere onderwys en opleiding, na oorleg met die Raad van Onderwysministers, die Finansiële en Fiskale Kommissie, die Minister van Finansies en die NRVVOO.

Funds of public further education and training institutions

20. The funds of a public further education and training institution consist of—
- (a) funds allocated by the State;
 - (b) any donations or contributions received by the institution;
 - (c) money raised by the institution; 5
 - (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 for services rendered to any other institution or person;
 - (g) money payable by students for further education and training programmes provided by the institution; 10
 - (h) money received from students or employees of the institution for accommodation or other services provided by the institution; and
 - (i) other funds from any other source.

Financial records and statements of public further education and training institutions 15

21. (1) The council of a public further education and training institution must, in the manner determined by the Member of the Executive Council—
- (a) keep records of all its proceedings; and
 - (b) keep complete accounting records of all assets, liabilities, income and expenses and any other financial transactions of the public further education and training institution as a whole, of its substructures and of other bodies operating under its auspices. 20
- (2) The council of a public further education and training institution must appoint an auditor to audit the records and financial statements referred to in this section. 25
- (3) The council of a public further education and training institution 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 governance of the institution; 30
 - (b) a duly audited statement of income and expenditure; and
 - (c) a balance sheet and cash flow statement.
- (4) The council of a public further education and training institution must provide the Member of the Executive Council with such additional information as the Member of the Executive Council may reasonably require. 35

Action on failure of council to comply with Act or certain conditions

22. (1) If the council of a public further education and training institution fails to comply with any provision of this Act under which an allocation from money appropriated by the provincial legislature is paid to the institution, or with any condition subject to which any allocation is paid to the institution, the Member of the Executive Council may call upon the council to comply with the provision or condition within a specified period. 40
- (2) If the 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 further education and training institution concerned. 45
- (3) Before taking action under subsection (2), the Member of the Executive Council must—
- (a) give notice to the council of the public further education and training institution concerned of the intention so to act; 50
 - (b) give such 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. 55

Fondse van openbare inrigtings vir verdere onderwys en opleiding

20. Die fondse van 'n openbare inrigting vir verdere onderwys en opleiding bestaan uit—

- 5 (a) fondse deur die Staat toegewys;
- (b) enige donasies of bydraes deur die inrigting ontvang;
- (c) geld deur die inrigting ingesamel;
- (d) geld deur middel van lenings bekom behoudens die goedkeuring van die Lid van die Uitvoerende Raad;
- (e) inkomste uit beleggings verkry;
- 10 (f) geld ontvang vir dienste gelewer aan enige ander inrigting of persoon;
- (g) geld betaalbaar deur studente vir verdere onderwys- en opleidingsprogramme deur die inrigting aangebied;
- (h) geld ontvang van studente of werknemers van die inrigting vir akkommodasie of ander dienste deur die inrigting gelewer; en
- 15 (i) ander fondse uit watter bron ook al.

Finansiële rekords en state van openbare inrigtings vir verdere onderwys en opleiding

21. (1) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding moet op 'n wyse deur die Lid van die Uitvoerende Raad bepaal—

- 20 (a) rekords hou van al sy verrigtinge; en
- (b) volledige verrekeningsrekords hou van alle bates, laste, inkomste en uitgawes en enige ander finansiële transaksies van die openbare inrigting vir verdere onderwys en opleiding as 'n geheel, van sy substrukture en van ander liggame wat onder die beskerming van die inrigting funksioneer.

25 (2) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding moet 'n ouditeur aanstel om die rekords en finansiële state bedoel in hierdie artikel te ouditeer.

(3) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding moet, ten opsigte van die voorafgaande boekjaar en teen 'n datum of datums en op die wyse deur die Lid van die Uitvoerende Raad bepaal, die Lid van die Uitvoerende Raad voorsien

- 30 van—
- (a) 'n verslag oor die algehele beheer van die inrigting;
- (b) 'n behoorlik geouditeerde staat van inkomste en uitgawes; en
- (c) 'n balansstaat en 'n kontantvloeistaat.

(4) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding moet die Lid van die Uitvoerende Raad voorsien van die bykomende inligting wat die Lid van die Uitvoerende Raad redelikerwys vereis.

Stappe by versuim van raad om aan Wet of sekere voorwaardes te voldoen

22. (1) Indien die raad van 'n openbare inrigting vir verdere onderwys en opleiding versuim om te voldoen aan enige bepaling van hierdie Wet waarkragtens 'n toewysing

40 van geld deur die provinsiale wetgewer bewillig, aan die inrigting betaal word of aan enige voorwaarde waaraan die betaling van die toewysing aan die inrigting onderworpe is, kan die Lid van die Uitvoerende Raad van die raad vereis om binne 'n bepaalde tydperk aan die bepaling of voorwaarde te voldoen.

(2) Indien die raad daarna versuim om betyds aan die bepaling of voorwaarde te

45 voldoen, kan die Lid van die Uitvoerende Raad betaling terughou van enige gedeelte van die toewysing bewillig deur die provinsiale wetgewer ten opsigte van die betrokke openbare inrigting vir verdere onderwys en opleiding.

(3) Voordat kragtens subartikel (2) opgetree word, moet die Lid van die Uitvoerende Raad—

- 50 (a) aan die raad van die betrokke openbare inrigting vir verdere onderwys en opleiding kennis gee van die voorneme om aldus op te tree;
- (b) die raad 'n redelike geleentheid bied om verhoë te rig; en
- (c) die verhoë oorweeg.

(4) Indien die Lid van die Uitvoerende Raad kragtens subartikel (2) optree, moet 'n

55 verslag rakende die optrede so gou redelikerwys doenlik na die optrede in die provinsiale wetgewer deur die Lid van die Uitvoerende Raad ter tafel gelê word.

CHAPTER 5

PRIVATE FURTHER EDUCATION AND TRAINING INSTITUTIONS

Designation of registrar

23. (1) The Director-General must designate an employee of the Department as the registrar of private further education and training institutions. 5

(2) The Director-General may designate any other employee of the Department to assist the registrar in the performance of his or her functions in terms of this Act.

(3) The registrar may delegate any of his or her functions in terms of this Act to any employee contemplated in subsection (2).

Registration of private further education and training institution 10

24. No person other than a public further education and training institution, a school or an organ of State may provide further education and training unless that person is registered or conditionally registered as a private further education and training institution in terms of this Act.

Application for registration 15

25. An application for registration as a private further education and training institution must be made to the registrar in the manner determined by the registrar and must be accompanied by the prescribed fee.

Requirements for registration

26. (1) The registrar must register an applicant as a private further education and training institution if the registrar has reason to believe that the applicant— 20

- (a) is financially capable of satisfying its obligations to prospective students;
- (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 further education and training institutions; 25
 - (ii) will comply with the requirements of the appropriate quality assurance body accredited by the SAQA in terms of the South African Qualification Authority Act, 1995 (Act No. 58 of 1995); and
 - (iii) complies with any other reasonable requirement determined by the registrar; and 30
- (c) will not unfairly discriminate against any person on the grounds of race, gender or disability.

(2) The registrar may require further information, particulars and documents in support of any application for registration.

Determination of application for registration 35

27. (1) The registrar must—

- (a) consider any application for registration as a private further education and training institution and any further information, particulars or documents provided by the applicant; and
 - (b) register the applicant as a private further education and training institution if the requirements for registration contemplated in section 26 are fulfilled. 40
- (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 further education and training institutions;
 - (ii) issue a certificate of registration, stating the terms of such registration; 45
 - (iii) furnish the certificate to the applicant; and

HOOFSTUK 5**PRIVATE INRIGTINGS VIR VERDERE ONDERWYS EN OPLEIDING****Aanwysing van registrateur**

23. (1) Die Direkteur-generaal moet 'n werknemer van die Departement aanwys as
5 die registrateur van private inrigtings vir verdere onderwys en opleiding.

(2) Die Direkteur-generaal kan enige ander werknemer van die Departement aanwys om die registrateur in die verrigting van sy of haar werksaamhede ingevolge hierdie Wet by te staan.

(3) Die registrateur kan enige van sy of haar werksaamhede ingevolge hierdie Wet
10 aan 'n werknemer beoog in subartikel (2) delegeer.

Registrasie van private inrigting vir verdere onderwys en opleiding

24. Geen persoon, behalwe 'n openbare inrigting vir verdere onderwys en opleiding,
'n skool of 'n Staatsorgaan, mag verdere onderwys en opleiding aanbied nie tensy
daardie persoon geregistreer of voorwaardelik geregistreer is as 'n private inrigting vir
15 verdere onderwys en opleiding ingevolge hierdie Wet.

Aansoek om registrasie

25. 'n Aansoek om registrasie as 'n private inrigting vir verdere onderwys en
opleiding moet aan die registrateur gerig word op die wyse deur die registrateur bepaal
en moet vergesel wees van die voorgeskrewe geld.

20 Vereistes vir registrasie

26. (1) Die registrateur moet 'n applikant as 'n private inrigting vir verdere onderwys
en opleiding registreer indien die registrateur rede het om te glo dat die applikant—

(a) finansiël daartoe in staat is om sy verpligtinge teenoor voornemende
25 studente na te kom;

(b) ten opsigte van al van sy programme vir verdere onderwys en opleiding—
(i) aanvaarbare standaarde sal handhaaf wat nie minderwaardig vergeleke
met standaarde by soortgelyke openbare inrigtings vir verdere onderwys
en opleiding is nie;

(ii) aan die vereistes van die toepaslike gehalteversekeringsliggaam
30 geakkrediteer deur SAKO ingevolge die Wet op die Suid-Afrikaanse
Kwalifikasie-owerheid, 1995 (Wet No. 58 van 1995), sal voldoen; en

(iii) aan enige ander redelike vereiste deur die registrateur bepaal, voldoen;
en

(c) nie teen enige persoon op grond van ras, gestremdheid of geslag op 'n
35 onbillike wyse sal diskrimineer nie.

(2) Die registrateur kan verdere inligting, besonderhede en dokumente ter onder-
steuning van enige aansoek om registrasie vereis.

Besluit oor aansoek om registrasie

27. (1) Die registrateur moet—

40 (a) enige aansoek om registrasie as 'n private inrigting vir verdere onderwys en
opleiding en enige verdere inligting, besonderhede of dokumente wat deur
die applikant voorsien is, oorweeg; en

(b) die applikant as 'n private inrigting vir verdere onderwys en opleiding
45 registreer indien daar aan die vereistes vir registrasie beoog in artikel 26
voldoen is.

(2) (a) Indien die registrateur besluit om die aansoek toe te staan, moet die
registrateur—

(i) die applikant se naam in die toepaslike register vir private inrigtings vir
50 verdere onderwys en opleiding inskryf;

(ii) 'n registrasiesertifikaat uitreik wat die voorwaardes van die registrasie meld;

(iii) die sertifikaat aan die applikant besorg; en

(iv) as soon as practicable after the decision, publish the certificate of registration in the *Gazette*.

(b) The registrar must notify the relevant Head of Department of the registration of a private further education and training institution 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. 5

(3) Notwithstanding subsection (1), the registrar may conditionally register an applicant who does not fulfill the requirements for registration, if the registrar believes that the applicant will be able to fulfil the relevant requirements within a reasonable period. 10

(4) If the registrar conditionally registers an applicant under subsection (3), the registrar must—

(a) determine the period within which the applicant must satisfy the requirements for registration; 15

(b) enter the applicant's name in the appropriate register of private further education and training institutions;

(c) issue a certificate of conditional registration, stating the terms and the duration of such registration;

(d) furnish the certificate of conditional registration to the applicant; and 20

(e) as soon as practicable after the decision, publish the certificate of conditional registration in the *Gazette*.

(5) The registrar may, on good cause shown, extend the period referred to in subsection (4)(a).

(6) (a) If, on the expiry of the period referred to in subsection (4)(a) or any extension thereof, the applicant satisfies the requirements for registration specified by the registrar, the registrar must register the applicant in accordance with subsection (2)(a). 25

(b) If, by the expiry of the period, the applicant has not satisfied the requirements for registration specified by the registrar, the applicant's conditional registration lapses.

Certificate of registration

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28. (1) A private further education and training institution must conspicuously display—

(a) its certificate of registration or conditional registration or a certified copy thereof on its premises; and

(b) its registration number and an indication that it is registered or conditionally registered on all its official documents. 35

(2) If the registrar has cancelled the registration or conditional registration of a private further education and training institution in terms of section 35, the private further education and training institution must return the original certificate of registration or conditional registration to the registrar within 14 days of such cancellation. 40

Access to information

29. (1) Any person may inspect the register of private further education and training institutions and the auditor's report contemplated in section 30.

(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. 45

Records and audits

30. (1) Every private further education and training institution must, in accordance with generally accepted accounting practice, principles and procedures—

(a) keep books and records of income, expenditure, assets and liabilities; and 50

(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 reasonably require.

(iv) so gou doenlik na die besluit die registrasiesertifikaat in die *Staatskoerant* publiseer.

(b) Die registrateur moet die betrokke Departementshoof in kennis stel van die registrasie van 'n private inrigting vir verdere onderwys en opleiding in daardie provinsie.

(c) Indien die registrateur besluit om nie die aansoek toe te staan nie, moet die registrateur die applikant skriftelik van die besluit verwittig en die applikant van skriftelike redes vir die besluit voorsien.

(3) Ondanks subartikel (1) kan die registrateur 'n applikant wat nie aan die vereistes vir registrasie voldoen nie, voorwaardelik registreer indien die registrateur van oordeel is dat die applikant binne 'n redelike tydperk aan die toepaslike vereistes sal voldoen.

(4) Indien die registrateur 'n applikant voorwaardelik registreer kragtens subartikel (3) moet die registrateur—

(a) die tydperk bepaal waarbinne die applikant aan die vereistes vir registrasie moet voldoen;

(b) die applikant se naam in die toepaslike register van private inrigtings vir verdere onderwys en opleiding inskryf;

(c) 'n sertifikaat van voorwaardelike registrasie uitreik wat die voorwaardes en duur van die registrasie meld;

(d) die sertifikaat van voorwaardelike registrasie aan die applikant besorg; en

(e) so gou doenlik na die besluit die sertifikaat van voorwaardelike registrasie in die *Staatskoerant* publiseer.

(5) Die registrateur kan by aanvoering van gegronde redes die tydperk bedoel in subartikel (4)(a) verleng.

(6) (a) Indien die applikant, by afloop van die tydperk bedoel in subartikel (4)(a) of enige verlenging daarvan, voldoen aan die vereistes vir registrasie deur die registrateur uiteengesit, moet die registrateur die applikant ooreenkomstig subartikel (2)(a) registreer.

(b) Indien die applikant, by afloop van daardie tydperk, nie aan die vereistes vir registrasie deur die registrateur uiteengesit voldoen het nie, verval die voorwaardelike registrasie van die applikant.

Registrasiesertifikaat

28. (1) 'n Private inrigting vir verdere onderwys en opleiding moet—

(a) sy sertifikaat van registrasie of voorwaardelike registrasie of 'n gesertifiseerde afskrif daarvan opvallend op sy perseel vertoon; en

(b) sy registrasienommer of 'n aanduiding dat hy geregistreer of voorwaardelik geregistreer is, opvallend op al sy amptelike dokumente vertoon.

(2) Indien die registrateur die registrasie of voorwaardelike registrasie van 'n private inrigting vir verdere onderwys en opleiding ingevolge artikel 35 kanselleer, moet die private inrigting vir verdere onderwys en opleiding die oorspronklike registrasiesertifikaat of sertifikaat van voorwaardelike registrasie binne 14 dae na die kansellering aan die registrateur terugbesorg.

Toegang tot inligting

29. (1) Enige persoon mag insae hê in die register van private inrigtings vir verdere onderwys en opleiding en die ouditeursverslag beoog in artikel 30.

(2) Die registrateur moet 'n gesertifiseerde afskrif van, of uittreksel uit, enige van die dokumente bedoel in subartikel (1) aan enige persoon voorsien wat die voorgeskrewe geld betaal het.

Rekords en ouditering

30. (1) Elke private inrigting vir verdere onderwys en opleiding moet ooreenkomstig algemeen aanvaarde rekenkundige praktyk, beginsels en prosedures—

(a) boeke en rekords hou van inkomste, uitgawes, bates en laste; en

(b) binne drie maande na die einde van sy boekjaar finansiële state opstel, met inbegrip van ten minste—

(i) 'n staat van inkomste en uitgawes vir die vorige jaar;

(ii) 'n balansstaat soos aan die einde van die vorige jaar; en

(iii) die ander inligting wat die registrateur redelikerwys benodig.

(2) Every private further education and training institution 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; 5
- (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

10

31. A private further education and training institution may apply to the registrar to amend its registration or conditional registration—

- (a) in the manner determined by the registrar; and
- (b) by paying the prescribed fee.

Requirements for amendment of registration and determination of application

15

32. (1) The registrar may not amend the registration of a private further education and training institution unless he or she is satisfied that such amendment is in the interests of further education and training and is compatible with the provisions of this Act.

(2) The registrar may require further information, particulars or documents in support of any application for such amendment. 20

(3) (a) If the registrar decides to grant the application, he or she must—

- (i) amend the certificate of registration or conditional 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 amended certificate in the *Gazette*. 25

(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

33. (1) The registrar may impose any reasonable condition on a private further education and training institution in respect of— 30

- (a) its registration;
- (b) its conditional registration; or
- (c) any amendment of its registration or conditional registration.

(2) The registrar may impose different conditions under subsection (1) in respect of different institutions, if there is a reasonable basis for such differentiation. 35

Amendment or cancellation of conditions

34. Subject to section 36, the registrar may, on reasonable grounds, amend or cancel any condition imposed under section 33 or impose new conditions under that section.

Cancellation of registration

40

35. (1) Subject to section 36, the registrar may, on reasonable grounds, cancel any registration or conditional registration in terms of this Act.

(2) If the accreditation of any further education and training programme offered by a private further education and training institution is withdrawn, the registrar must review such further education and training institution's registration. 45

Steps before amendment or cancellation

36. The registrar may not act under section 34 or 35 unless he or she—

- (a) has informed the private further education and training institution of the intention so to act and the reasons therefor;

(2) Elke private inrigting vir verdere onderwys en opleiding moet binne die tydperk deur die registrateur bepaal—

- (a) toesien dat 'n jaarlikse ouditering van sy boeke, rekeningrekords en finansiële state deur 'n ouditeur gedoen word, wat die ouditering ooreenkomstig algemeen aanvaarde ouditeringstandaarde moet uitvoer;
- (b) die registrateur voorsien van 'n gesertifiseerde afskrif van die ouditeursverslag ten opsigte van die finansiële state bedoel in subartikel (1); en
- (c) die registrateur voorsien van enige bykomende inligting, besonderhede of dokumente op die wyse deur die registrateur bepaal.

10 Wysiging van registrasie

31. 'n Private inrigting vir verdere onderwys en opleiding kan by die registrateur aansoek doen om die wysiging van sy registrasie of voorwaardelike registrasie—

- (a) op die wyse deur die registrateur bepaal; en
- (b) by betaling van die voorgeskrewe geld.

15 Vereistes vir wysiging van registrasie en besluit oor aansoek

32. (1) Die registrateur mag nie die registrasie van 'n private inrigting vir verdere onderwys en opleiding wysig nie, tensy hy of sy tevrede is dat die wysiging in die belang van verdere onderwys en opleiding is en met die bepalings van hierdie Wet versoenbaar is.

(2) Die registrateur kan verdere inligting, besonderhede of dokumente ter ondersteuning van 'n aansoek om so 'n wysiging vereis.

(3) (a) Indien die registrateur besluit om die aansoek goed te keur, moet hy of sy—

- (i) die registrasiesertifikaat of sertifikaat van voorwaardelike registrasie dien-ooreenkomstig wysig;
- (ii) 'n afskrif van die gewysigde sertifikaat aan die applikant besorg; en
- (iii) so gou redelikerwys doenlik na die besluit die gewysigde sertifikaat in die *Staatskoerant* publiseer.

(b) Indien die registrateur besluit om nie die aansoek toe te staan nie, moet hy of sy die applikant skriftelik van die besluit verwittig en die applikant skriftelik van redes vir die besluit voorsien.

Voorwaardes vir registrasie

33. (1) Die registrateur kan aan 'n private inrigting vir verdere onderwys en opleiding enige redelike voorwaarde oplê ten opsigte van—

- (a) sy registrasie;
- (b) sy voorwaardelike registrasie; of
- (c) enige wysiging van sy registrasie of voorwaardelike registrasie.

(2) Die registrateur kan verskillende voorwaardes kragtens subartikel (1) ten opsigte van verskillende inrigtings oplê, indien daar redelike gronde vir die onderskeid is.

Wysiging of kansellering van voorwaardes

34. Die registrateur kan, behoudens artikel 36, op redelike gronde enige voorwaarde opgelê kragtens artikel 33 wysig of kanselleer of nuwe voorwaardes kragtens daardie artikel oplê.

Kansellering van registrasie

35. (1) Die registrateur kan, behoudens artikel 36, op redelike gronde enige registrasie of voorwaardelike registrasie ingevolge hierdie Wet kanselleer.

(2) Indien die akkreditering van 'n verdere onderwys- en opleidingsprogram aangebied deur 'n private inrigting vir verdere onderwys en opleiding ingetrek word, moet die registrateur daardie inrigting se registrasie heroorweeg.

Stappe voor wysiging of kansellering

36. Die registrateur mag nie kragtens artikel 34 of 35 optree nie, tensy hy of sy—

- (a) die private inrigting vir verdere onderwys en opleiding verwittig het van die voorneme om aldus op te tree en die redes daarvoor;

- (b) has granted the private further education and training institution and other interested persons an opportunity to make representations in relation to such action; and
- (c) has considered such representations.

Appeal to Minister

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37. (1) Any person having an interest may appeal to the Minister against any decision of the registrar in terms of this Chapter.

(2) An appeal referred to in subsection (1) must be lodged with the Minister within 60 days of the date of the registrar's decision.

(3) The Minister may, on good cause shown, extend the period within which an appeal may be noted against the decision of the registrar. 10

(4) An appeal under this section does not suspend the operation of any decision of the registrar unless a competent court orders otherwise on good cause shown.

CHAPTER 6**QUALITY ASSURANCE AND PROMOTION**

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Quality assurance and promotion in further education and training

38. 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 assurance in further education and training; and 20
- (b) assess and report on the quality of education and training provided at further education and training institutions.

Advice by NBFET

39. (1) The NBFET must advise the Minister on quality promotion and assurance.

(2) The Minister must— 25

- (a) consider any advice given by the NBFET; and
- (b) provide reasons in writing to the NBFET if the Minister does not accept the advice.

(3) The Minister may act without the advice of the NBFET if—

- (a) the matter is urgent; or 30
- (b) the NBFET has failed to provide the advice within a reasonable time.

(4) If the Minister acts as contemplated in subsection (3) the Minister must—

- (a) notify the NBFET of such action; and
- (b) provide reasons in writing to the NBFET for such action.

Report on quality assurance

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40. An annual report on the quality of further education and training must be made within a reasonable time after the end of the academic year—

- (a) in respect of the country as a whole—
 - (i) by the Director-General; and
 - (ii) by NBFET; and 40
- (b) in respect of a province, by the Head of Department.

CHAPTER 7**GENERAL****Duty of institutions to provide information**

41. (1) A further education and training institution must make information available for inspection by any person, in so far as such information is required for the exercise and protection of such person's rights. 45

- (b) die private inrigting vir verdere onderwys en opleiding en ander belanghebbendes die geleentheid gegee het om verhoë ten opsigte van die optrede te rig; en
- (c) die verhoë oorweeg het.

5 Appèl na Minister

37. (1) Enige belanghebbende kan na die Minister appelleer teen enige besluit van die registrateur ingevolge hierdie Hoofstuk.

(2) 'n Appèl bedoel in subartikel (1) moet by die Minister ingedien word binne 60 dae na die datum van die registrateur se besluit.

10 (3) Die Minister kan, by die aanvoer van gegronde redes, die tydperk verleng waarbinne 'n appèl teen die beslissing van die registrateur aangeteken kan word.

(4) 'n Appèl kragtens hierdie artikel skort nie die werking van enige besluit van die registrateur op nie, tensy 'n bevoegde hof anders besluit by die aanvoer van gegronde redes.

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HOOFSTUK 6

GEHALTEVERSEKERING EN -BEVORDERING

Gehalteversekering en -bevordering in verdere onderwys en opleiding

38. Behoudens die norme en standaard deur die Minister gestel ingevolge artikel 3 van die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996), en deur
20 SAKO, moet die Direkteur-generaal—

- (a) gehalteversekering in verdere onderwys en opleiding bevorder; en
- (b) die gehalte van die onderwys en opleiding wat by inrigtings vir verdere onderwys en opleiding aangebied word, bepaal en daarvoor verslag doen.

Advies deur NRVOO

25 39. (1) Die NRVOO moet die Minister adviseer oor gehaltebevordering en -versekering.

(2) Die Minister moet—

- (a) enige advies deur die NRVOO gegee, oorweeg; en
- (b) die NRVOO van skriftelike redes voorsien indien die Minister nie die advies
30 aanvaar nie.

(3) Die Minister kan sonder die advies van die NRVOO optree indien—

- (a) dit 'n dringende aangeleentheid is; of
- (b) die NRVOO in gebreke gebly het om binne 'n redelike tyd die advies te gee.

(4) Indien die Minister optree soos in subartikel (3) beoog, moet die Minister—

- 35 (a) die NRVOO van die optrede in kennis stel; en
- (b) die NRVOO skriftelik van redes vir die optrede voorsien.

Verslag oor gehalteversekering

40. Daar moet jaarliks verslag gedoen word oor die gehalte van verdere onderwys en opleiding, binne 'n redelike tyd na die einde van die akademiese jaar, ten opsigte van—

- 40 (a) die land as geheel deur—
 - (i) die Direkteur-generaal; en
 - (ii) die NRVOO; en
- (b) 'n provinsie, deur die Departementshoof.

HOOFSTUK 7

45

ALGEMEEN

Verpligting op inrigtings om inligting te verstrek

41. (1) 'n Inrigting vir verdere onderwys en opleiding moet inligting beskikbaar stel vir inspeksie deur enige persoon, in soverre die inligting vir die uitoefening en beskerming van die persoon se regte benodig word.

(2) Every further education and training institution must provide such information about the institution as is reasonably required by the Head of Department or the Director-General in consultation with the Head of Department.

(3) The Head of Department, Director-General, any further education and training institution and any education institution which offers further education and training programmes must provide such information about the institution or quality of further education and training as is reasonably required by the NBFET. 5

Investigation at public further education and training institution

42. (1) The Member of the Executive Council may appoint a person to conduct an investigation at a public further education and training institution if— 10

- (a) the council of the institution requests the appointment of such a person; or
- (b) circumstances arise at the institution that—
 - (i) involve financial or other maladministration of a serious nature; or
 - (ii) seriously undermine the effective functioning of the institution; and
- (c) the council of the institution has failed to resolve such circumstances; and 15
- (d) the appointment is in the interest of further education and training in an open and democratic society.

(2) The person appointed in terms of subsection (1) must, within 30 days after appointment and on the terms of reference specified by the Member of the Executive Council— 20

- (a) conduct an investigation at the public further education and training institution concerned;
- (b) report in writing to the Member of the Executive Council on the findings of his or her investigation; and
- (c) suggest appropriate measures to resolve the matter. 25

(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.

Name change of public further education and training institution

43. The council of a public further education and training institution may, with the approval of the Member of the Executive Council and by notice in the *Provincial Gazette*, change the name of such public further education and training institution. 30

Offences

44. (1) Any person other than a further education and training institution, organ of state or a school, who, without the authority of a further education and training institution— 35

- (a) offers or pretends to offer any further education and training programme or part thereof;
- (b) confers a qualification which purports to have been granted by a further education and training institution, or in collaboration with a further education and training institution; or 40
- (c) purports to perform an act on behalf of a further education and training institution,

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 qualification has been awarded to him or her by a further education and training institution, 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. 45

(3) Any person who contravenes section 24 or 28(2), is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding five years or to both such fine and imprisonment. 50

(4) Any private further education and training institution which does not comply with section 28(1) is guilty of an offence and is liable on conviction to a fine not exceeding R20 000.

(2) Elke inrigting vir verdere onderwys en opleiding moet inligting oor die inrigting voorsien wat redelikerwys deur die Departementshoof of die Direkteur-generaal in oorleg met die Departementshoof vereis word.

(3) Die Departementshoof, die Direkteur-generaal, enige inrigting vir verdere 5 onderwys en opleiding en enige onderwysinrigting wat verdere onderwys en opleidingsprogramme aanbied, moet die inligting oor die inrigting of die gehalte van verdere onderwys en opleiding wat redelikerwys deur die NRVOO vereis word, verskaf.

Ondersoek by openbare inrigting vir verdere onderwys en opleiding

42. (1) Die Lid van die Uitvoerende Raad kan 'n persoon aanstel om 'n ondersoek 10 uit te voer by 'n openbare inrigting vir verdere onderwys en opleiding indien—

(a) die raad van die inrigting die aanstelling van so 'n persoon versoek; of

(b) omstandighede by die inrigting ontstaan wat—

(i) finansiële of ander vorms van wanadministrasie van 'n ernstige aard insluit; of

15 (ii) die doeltreffende funksionering van die inrigting ernstig benadeel;

(c) die raad van die inrigting in gebreke gebly het om 'n oplossing te vind vir die omstandighede; en

(d) die aanstelling in die belang van verdere onderwys en opleiding in 'n oop en demokratiese samelewing is.

20 (2) Die persoon aangestel ingevolge subartikel (1) moet, binne 30 dae na aanstelling en ingevolge 'n verwysingsraamwerk deur die Lid van die Uitvoerende Raad gespesifiseer—

(a) 'n ondersoek by die betrokke openbare inrigting vir verdere onderwys en opleiding uitvoer;

25 (b) skriftelik verslag doen aan die Lid van die Uitvoerende Raad oor die bevindinge van sy of haar ondersoek; en

(c) toepaslike maatreëls om die saak te beredder, voorstel.

(3) Die Lid van die Uitvoerende Raad moet so gou doenlik 'n afskrif van die verslag bedoel in subartikel (2) aan die betrokke raad voorsien.

30 Naamsverandering van openbare inrigting vir verdere onderwys en opleiding

43. 'n Raad van 'n openbare inrigting vir verdere onderwys en opleiding kan, met die goedkeuring van die Lid van die Uitvoerende Raad en by kennisgewing in die *Provinsiale Koerant*, die naam van die openbare inrigting vir verdere onderwys en opleiding verander.

35 Misdrywe

44. (1) Enige persoon, uitgesonderd 'n inrigting vir verdere onderwys en opleiding, staatsorgaan of 'n skool, wat, sonder die gesag van 'n inrigting vir verdere onderwys en opleiding—

40 (a) enige program of 'n gedeelte van 'n program vir verdere onderwys en opleiding aanbied of voorgee om dit aan te bied;

(b) 'n kwalifikasie toeken wat voorgee 'n kwalifikasie toegeken deur 'n inrigting vir verdere onderwys en opleiding of in samewerking met 'n inrigting vir verdere onderwys en opleiding te wees; of

45 (c) voorgee om 'n handeling uit te voer namens 'n inrigting vir verdere onderwys en opleiding,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n vonnis wat vir bedrog opgelê kan word.

(2) Enige persoon wat voorgee dat 'n kwalifikasie deur 'n inrigting vir verdere onderwys en opleiding aan hom of haar toegeken is, terwyl geen so 'n kwalifikasie in 50 werklikheid aldus toegeken is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n vonnis wat vir bedrog opgelê kan word.

(3) Enige persoon wat artikel 24 of 28(2) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens vyf jaar of met sowel die boete as die gevangenisstraf.

55 (4) Enige private inrigting vir verdere onderwys en opleiding wat nie aan artikel 28(1) voldoen nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000.

Limitation of liability

45. 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. 5

Delegation of powers

46. (1) The Minister may, on such conditions as he or she may determine, delegate the exercise of any of his or her powers under this Act, except the power to make regulations, and the performance of any of his or her duties in terms of this Act to— 10

- (a) the NBFET;
- (b) any employee of the Department; or
- (c) any organ of State.

(2) The Member of the Executive Council may, on such conditions as he or she may determine, delegate the exercise of any of his or her powers under this Act and the performance of any of his or her duties in terms of this Act, to— 15

- (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 exercise of any of his or her powers under this Act and the performance of any of his or her duties in terms of this Act to any employee in the Department. 20

(4) The council of a further public education and training institution may, on such conditions as it may determine, delegate the exercise of any of its powers under this Act and the performance of any of its duties in terms of this Act, to other internal structures, or members of staff of such institution. 25

Regulations

47. (1) The Minister may make regulations consistent with this Act on—

- (a) any matter which the Minister is empowered or required to prescribe by regulation in terms of this Act; and
- (b) any other matter in respect of which regulations are necessary or expedient in order to achieve the purpose of this Act. 30

Conflict with other laws

48. This Act prevails over the South African Certification Council Act, 1986 (Act No. 85 of 1986), if there is a conflict between any provisions dealing with further education and training. 35

CHAPTER 8**TRANSITIONAL AND OTHER ARRANGEMENTS****Existing institutions, structures and bodies**

49. (1) An existing institution which provides further education and training programmes, continues to exist under the authority and governance by which it was established, or is regarded as having been established prior to the commencement of this Act until such institution is declared to be a further education and training institution under section 4. 40

(2) Any structure or body which existed at an institution offering further education and training programmes prior to the commencement of this Act continues to exist until it is replaced by a structure contemplated in section 8. 45

(3) Further education and training programmes provided in a school or a higher education institution, contemplated in the Higher Education Act, 1997 (Act No. 101 of 1997), are subject to the quality assurance and promotion as determined in Chapter 6 of this Act. 50

Beperking van aanspreeklikheid

45. Nóg die Staat, nóg die NRVOO nóg enige persoon ingevolge hierdie Wet aangestel, is aanspreeklik vir enige verlies of skade gely deur enige persoon as gevolg van enige handeling te goeder trou verrig of nagelaat in die loop van die verrigting van enige werksaamheid waarvoor daardie persoon ingevolge hierdie Wet aangestel is.

Delegering van bevoegdhede

46. (1) Die Minister kan, op voorwaardes wat hy of sy bepaal, die uitoefening van enige van sy of haar bevoegdhede kragtens hierdie Wet, behalwe die bevoegdheid om regulasies uit te vaardig, en die verrigting van enige van sy of haar pligte ingevolge hierdie Wet deleger aan—

- (a) die NRVOO;
- (b) enige werknemer van die Departement; of
- (c) enige Staatsorgaan.

- (2) Die Lid van die Uitvoerende Raad kan, op die voorwaardes wat hy of sy bepaal, die uitoefening van enige van sy of haar bevoegdhede kragtens hierdie Wet, en die verrigting van enige van sy of haar pligte ingevolge hierdie Wet deleger aan—

- (a) enige werknemer van die provinsiale departement verantwoordelik vir onderwys en opleiding; of
- (b) enige Staatsorgaan.

- (3) Die Direkteur-generaal kan, op die voorwaardes wat hy of sy mag bepaal, die uitoefening van enige van sy of haar bevoegdhede kragtens hierdie Wet, en die verrigting van enige van sy of haar pligte ingevolge hierdie Wet deleger aan enige werknemer van die Departement.

- (4) Die raad van 'n openbare inrigting vir verdere onderwys en opleiding kan, op die voorwaardes wat hy bepaal, die verrigting van enige van sy bevoegdhede kragtens hierdie Wet, en die verrigting van enige van sy pligte ingevolge hierdie Wet deleger aan ander interne strukture, of lede van die personeel van die inrigting.

Regulasies

47. Die Minister kan regulasies bestaanbaar met hierdie Wet uitvaardig oor—
- (a) enige aangeleentheid wat die Minister ingevolge hierdie Wet by regulasie kan of moet voorskryf; en
 - (b) enige ander aangeleentheid ten opsigte waarvan regulasies nodig of dienstig is ten einde die doel van hierdie Wet te bereik.

Teenstrydigheid met ander wette

48. Hierdie Wet geniet voorrang bo die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), waar dit oor verdere onderwys en opleiding handel, en waar enige teenstrydigheid tussen enige bepalinge bestaan.

HOOFSTUK 8**OORGANGS- EN ANDER REËLINGS****40 Bestaande inrigtings, strukture en liggame**

49. (1) 'n Bestaande inrigting wat verdere onderwys- en opleidingsprogramme aanbied, bly bestaan onder die gesag en bestuur waaronder hy ingestel is, of word geag ingestel te wees voor die inwerkingtreding van hierdie Wet tot tyd en wyl die inrigting verklaar word as inrigting vir verdere onderwys en opleiding kragtens artikel 4.

- (2) Enige struktuur of liggaam wat voor die inwerkingtreding van hierdie Wet bestaan het by 'n inrigting wat verdere onderwys- en opleidingsprogramme aanbied, bly bestaan totdat dit deur 'n struktuur beoog in artikel 8 vervang word.

- (3) Verdere onderwys- en opleidingsprogramme aangebied in 'n skool of 'n inrigting vir hoër onderwys beoog in die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), is onderhewig aan die gehalteversekering en -bevordering soos in Hoofstuk 6 van hierdie Wet bepaal.

