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THE PRESIDENCY

No. 1274

11 December 2006

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

No. 16 of 2006: Further Education and Training Colleges Act, 2006.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 5 December 2006.)

ACT

To provide for the regulation of further education and training; to provide for the establishment, governance and funding of public further education and training colleges; to provide for the employment of staff at public further education and training colleges; to provide for the registration of private further education and training colleges; to provide for the promotion of quality in further education and training; to provide for transitional arrangements and the repeal or amendment 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 vocational and occupational training;

RESTRUCTURE AND TRANSFORM programmes and colleges to respond better to the human resources, economic and development needs of the Republic;

REDRESS past discrimination and ensure representivity and equal access;

ENSURE access to further education and training and the workplace by persons who have been marginalised in the past, such as women, the disabled and the disadvantaged;

PROVIDE optimal opportunities for learning, the creation of knowledge and the development of intermediate to high level skills in keeping with international standards of academic and technical quality;

PROMOTE the values which underlie an open and democratic society based on human dignity, equality and freedom;

ADVANCE strategic priorities determined by national policy objectives at all levels of governance and management within the further education and training sector;

RESPECT and encourage democracy and foster a collegial culture which promotes fundamental human rights and creates an appropriate environment for teaching and learning;

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

Act Nu. 16, 2006

FURTHER EDUCATION AND TRAINING
COLLEGES ACT, 2006

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

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

AND WHEREAS it is desirable for further education and training colleges to perform specific functions within the context of public accountability and the national need for intermediate to high level skills and knowledge and to provide access to work and higher education,

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

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CHAPTER 1**DEFINITIONS, PURPOSE AND APPLICATION OF ACT****Definitions**

1. In this Act, unless the context indicates otherwise—
- “**academic board**” means the body contemplated in section 11; 10
- “**applicant**” means a person who makes an application contemplated in section 29;
- “**auditor**” means a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
- “**Basic Conditions of Employment Act**” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997); 15
- “**college**” means a public or private further education and training institution that is established, declared or registered under this Act, but does not include—
- (a) a school offering further education and training programmes under the South African Schools Act; or 20
- (b) a college under the authority of a government department other than the Department of Education;
- “**college statute**” means policy, code of conduct and any other rules developed by a council in accordance with this Act;
- “**council**” means the governing structure of a public college; 25
- “**Department**” means the government department responsible for education at national level;
- “**Director-General**” means the Director-General of the Department;
- “**Employment Equity Act**” means the Employment Equity Act, 1998 (Act No. 55 of 1998); 30
- “**financial year**” in respect of a college means a year commencing on the first day of January and ending on the 31st day of December of the same year;
- “**foreign juristic person**” means a person that is—
- (a) registered or established as a juristic person in terms of a law of a foreign country; and 35
- (b) recognised or registered as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973);
- “**further education and training**” means all learning and training programmes leading to qualifications at levels 2 to 4 of the National Qualifications Framework or such further education and training levels determined by SAQA and contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; 40
- “**general education**” means the compulsory school attendance phase contemplated in section 3 of the South African Schools Act;
- “**Head of Department**” means the head of a provincial department of education; 45
- “**higher education**” means higher education as defined in the Higher Education Act, 1997 (Act No. 101 of 1997);
- “**Labour Relations Act**” means the Labour Relations Act, 1995 (Act No. 66 of 1995);
- “**lecturer**” means any person who teaches, educates or trains other persons or who provides professional educational services at any college, and who is appointed in a post on any lecturer establishment under this Act; 50
- “**local juristic person**” means a person established as a juristic person in South Africa in terms of the Companies Act, 1973 (Act No. 61 of 1973);
- “**management staff**” means the principal and vice-principal of a public college; 55
- “**Member of the Executive Council**” means the Member of the Executive Council of a province who is responsible for education in that province;