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**CONTENTS • INHOUD**

No.

Page  
No.    Gazette  
      No.

**GOVERNMENT NOTICE**

**Higher Education and Training, Department of**

*Government Notice*

624	Further Education and Training Colleges Act (16/2006): As amended: The manner in which members of the Council contemplated in sub-sections 10 (4) (c) to (g) are to be elected.....	3	37909
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**GOVERNMENT NOTICE**

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**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

No. 624

12 August 2014

**FURTHER EDUCATION AND TRAINING COLLEGES ACT, 2006  
(ACT NO. 16 OF 2006) AS AMENDED****THE MANNER IN WHICH MEMBERS OF THE COUNCIL CONTEMPLATED  
IN SUB-SECTIONS 10(4)(c) TO (g) ARE TO BE ELECTED**

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, hereby publish in terms of Section 10(7) of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006) (as amended) the manner in which members of the Council contemplated in Sub-Sections 10(4)(c) to (g) are to be elected. The manner of electing Sub-Sections 10(4)(c) to (g) members, as contained in Schedule, aim to standardize the manner of electing the above members across all Public Further Education and Training Colleges and to ensure uniformity.

**Dr BE Nzimande, MP****Minister of Higher Education and Training**

Date: 05/08/2014

**SCHEDULE**

1. **THE CRITERIA AND MANNER OF ELECTING A SUB-SECTION 10(4)(c) MEMBER**
  - 1.1 Sub-Section 10(4)(c) is composed of one member of the academic board elected by the academic board.
  - 1.2 A person that is elected to represent the Academic Board must be any other person referred to in Item 17 of the Statute except the Principal since the Principal is an automatic member of the Council in terms of Sub-Section 10(4)(a).
  - 1.3 The elected member of the Academic Board must a person who possesses the following skills:
    - 1.3.1 Must be familiar with the teaching, learning, research and academic functions of the college;
    - 1.3.2 Must be a person who understands the internal monitoring and qualification systems;
    - 1.3.3 Must be a person with knowledge or an understanding of the accreditation framework and legislation;
    - 1.3.4 Must be knowledgeable about the sector;
    - 1.3.5 Must have sound communication and report writing skills; and
    - 1.3.6 Must a have thorough knowledge of the code of conduct and other various rules of the college.
  - 1.4 The vice or deputy principal, lecturers at the college, executive members of the SRC shall each have a single vote to elect an academic board member among themselves.
  - 1.5 It is desirable that a Council Member should be the presiding officer on or during the elections of an academic board member.
  - 1.6 The principal shall not vote unless when there is stalemate, his/her vote shall be the deciding vote.
  - 1.7 Elections shall be conducted by means of a ballot.

- 1.8 Upon the declaration of the results of the elections, the College shall keep records of the following:
  - 1.8.1 The names of persons who participated in the elections; and
  - 1.8.2 The person who was nominated and elected to represent the academic board at the Council.
  
- 1.9. The acceptance form by the successful candidate signed by the candidate shall also be kept by the College detailing:
  - 1.9.1 The name of the successful candidate;
  - 1.9.2 The position at the College;
  - 1.9.3 Commitment to serve the College for the duration of the term of Council;
  - 1.9.4 Motivation by the principal (if any);

**2. THE CRITERIA AND THE MANNER OF ELECTING A SUB-SECTION 10(4)(d) MEMBER**

- 2.1 An elected donor must have been recognized and registered in the register of donors kept at the College as per Item 40 of the Schedule to the Act.
  - 2.1.1 In order to be recognized as a donor, an elected donor must:
    - 2.1.1.1 be a South African Citizen or a Company incorporated under the South African laws;
    - 2.1.1.2 be registered with the South African Revenue Service;
    - 2.1.1.3 have donated a greater value in proportion of movable and/or immovable assets;
    - 2.1.1.4 disclose the nature of the business;
    - 2.1.1.5 not be under any investigation for money related transactions in the Republic or elsewhere under any law;
    - 2.1.1.6 must not be under administration/insolvency proceedings/business rescue proceedings;
    - 2.1.1.7 In the case of a company, a resolution for effecting donation should be made available to the College;
    - 2.1.1.8. In the case of an individual, partnerships, a joint resolution and/or consent by the other spouse should be made available to the College.

- 2.2 The elected donor should have shown interest in advancing quality education; and
- 2.3 The elected donor must not have a conflict of interest with the College or should not be conducting any other business with the College nor future business, save after two years had expired since the resignation, removal or disqualification and a resolution to that effect must be kept by the College.
- 2.4 The elected donor shall serve for a period equivalent to the Council.
- 2.5. The Council shall deliberate and through a resolution decide on the successful donor to the Council.

**3. THE CRITERIA AND THE MANNER OF ELECTING A SUB-SECTION 10(4)(e) MEMBER**

- 3.1 An elected lecturer must be in a good standing in the College.
- 3.2 He/She must be a permanent employee of the College.
- 3.3 Elections shall be conducted by means of a ballot.
- 3.4 The Principal or his/her deputy shall be the presiding officer.
- 3.5 The acceptance form by the successful candidate signed by the candidate shall be kept at the College detailing:
  - 3.5.1 The name of the successful candidate;
  - 3.5.2 The position at the College; and
  - 3.5.3 Commitment to serve the college for the duration of the term of Council.
- 3.6 The elected member shall serve for the period equivalent to the Council.

4. **THE CRITERIA AND THE MANNER OF ELECTING SUBSECTIONS  
10(4)(f) AND SECTION 10(4)(g) MEMBERS**

- 4.1 The Presiding Officer shall be one of the lecturers at the College.
- 4.2 Each year, any two elected candidates in the case of the SRC shall become automatic members of the Council.
- 4.3 A Support Staff member elected shall become an automatic member of the Council.

5. **GENERAL**

- 5.1 In the event of the appointment of the Administrator or any other person to take over the College for any reason, whatsoever, the above Council Members terms of office shall automatically cease.
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