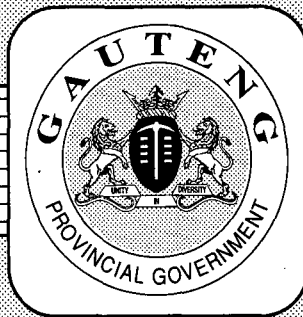


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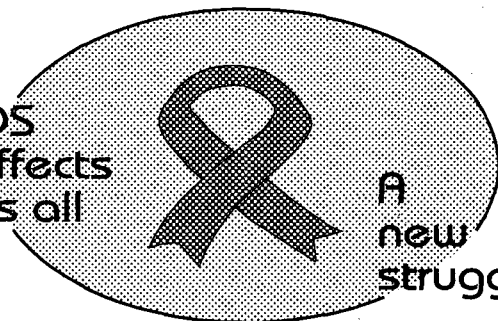
**Vol. 8**

**PRETORIA, 7 MARCH  
MAART 2002**

**No. 62**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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## GENERAL NOTICES

### NOTICE 629 OF 2002

#### FURTHER EDUCATION AND TRAINING ACT, 1998 ACT 98 OF 1998

To determine –

1. the manner in which office bearers are elected
2. the term of office of members
3. procedures for disqualification or removal
4. procedures for filling of vacancies
5. the number of members
6. the manner in which members are elected

for –

- A. A COUNCIL
- B. AN ACADEMIC BOARD
- C. A STUDENT REPRESENTATIVE COUNCIL

of a public further education and training institution

The Member of the Executive Council responsible for Education, in terms of the following sections of the *Further Education and Training Act, No 98 of 1998* (hereinafter referred to as "*the Act*"), issues the following notices in the schedule below:

#### Definitions

In the schedule, unless the contents indicates otherwise, expressions defined in the Act have the same meaning and "*academic year*" means a year commencing on the first day of January and ending on the 31<sup>st</sup> day of December of the same year

"*Act*" means the Further Education and Training Act, No 98 of 1998

"*FET*" means Further Education and Training

"*MEC*" means the Member of the Executive Council responsible for Education in the Gauteng Province

"*quorum*" means when more than 50% of the members of a structure referred to in section 8(1) of the Act is present

"*SRC*" means Student Representative Council referred to in section 8(1) of the Act

#### SCHEDULE

##### A. A Council of a public further education and training institution

1. In terms of *section 8(2) of the Act* the MEC determines –

##### The manner in which office bearers of a council are elected

- (1) A council, established in terms of *section 8(1) of the Act*, shall elect, by closed ballot, a chairperson, vice-chairperson, a secretary, a treasurer and such other office bearers as the council may determine, from among its members, in a fair, open and democratic manner.
- (2) Office bearers of a council shall only be elected at a special meeting, convened by the principal for the specific purpose of election of office bearers and where there is a quorum of members.
- (3) The principal of the institution shall be the chairperson at the meeting contemplated in (2) above and shall give notice of such a meeting, in writing, to all the members of the council at least fourteen days prior to the date of the meeting.
- (4) Each member of a council has one vote for the purpose of the election of each office bearer.
- (5) The election of each office bearer will be determined by the majority of votes for that specific portfolio.
- (6) A council must establish an executive committee consisting of its office bearers, the principal and not more than two other members appointed by the council.
- (7) A chairperson, vice-chairperson or any office bearer of a council may be re-elected after the term of office, as described in paragraph 2(3) has lapsed.
- (8) When a council has elected a chairperson, the principal of the institution concerned shall notify the Head of Department, in writing, of the name and address of the person so elected.
- (9) When a chairperson is for any reason not able to perform his/her official duties, the vice-chairperson of the council concerned shall perform those duties.
- (10) When the chairperson as well as the vice-chairperson is absent from a meeting of the council, the members present shall elect a person from its members, excluding a member of staff or a student member of the college concerned, to preside at that meeting.

2. In terms of *section 8(4)(a) of the Act*, the MEC hereby determines -

The term of office of members of a council

- (1) The term of office of a council member, excluding the principal, a vice-principal, a member of staff or a student, will be four years. The first term of office of council members for a newly established public further education and training institution will commence on a date to be determined by the MEC.
- (2) The term of office of a council member elected in terms of *section 9(4)(b)(d)(e)(f) or (g) of the Act* will be one academic year. Members in these categories must be elected at the beginning of each academic year in the manner described in paragraph A 6(1) and (2) of this notice.
- (3) The chairperson, the vice-chairperson and other office bearers, elected in terms of *section 8(2) of the Act*, shall hold their respective office for a period of four years.

3. In terms of *section 8(4)(b) of the Act*, the MEC hereby determines -

Procedures of disqualification or removal of members on a council

- (1) A person may not be a member of a council if he or she -
  - (a) has been convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine, either in the RSA or outside the RSA, if the conduct constituting such offence would have been an offence in the RSA. No one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired. A disqualification under this paragraph ends five years after the sentence has been completed
  - (b) has been declared of unsound mind by a competent court
- (2) A member of council shall vacate his/her office if -
  - (a) he/she is absent from three consecutive meetings of the council without the approval of the council;
  - (b) he/she in person is declared insolvent;
  - (c) he/she is found guilty of an offence;
  - (d) he/she is no longer employed at the public further education and training institution where he/she holds appointment on the council in terms of *section 9(4)(a), (b), (d), (e) or (g) of the Act*
  - (e) he/she is no longer a student at the public further education and training institution where he/she holds appointment on the council in terms of *section 9(4) (f) of the Act*;
  - (f) he/she is appointed in terms of *section 9(4)(c) or (h) of the Act* and employed in a full time capacity at the public further education and training institution of whose council he/she is a member;
  - (g) he/she is appointed as a council member of any other public further education and training institution
  - (h) he/she submits his/her resignation in writing to the council and the council accepts his/her resignation;
  - (i) he/she is nominated in terms of *section 9(9) of the Act* and he/she breaks his/her connections with the body or organisation which nominated him/her;
  - (j) he/she is a member nominated or elected by a body or organisation which the MEC no longer recognises or deems to be a body or organisation to be a stakeholder of the institution; and
  - (k) the body or organisation he/she represents indicates, in writing, to the council that it no longer wishes to be represented or that it wishes to replace its representative with somebody else.
  - (l) the MEC removes him/her from office for reasons which the MEC deems to be in the interest of the institution or the public
- (3) The MEC may not act under paragraph 2(l) unless he or she has -
  - (a) by written notice informed the member concerned of his or her intention so to act and the reasons therefore;
  - (b) informed the council of his or her intention so to act;
  - (c) given the member concerned the opportunity to make representations concerning his or her possible removal from the council within 30 days after receiving the notice mentioned in (a) above;
  - (d) consider the representations contemplated in (c) above;
  - (e) notify the member concerned of his or her decision and
  - (f) provide the member concerned with reasons for his or her decision

- (4) In case of urgency the MEC may act in terms of paragraph (2)(l) without prior communication to such a member, if the MEC thereafter complies with the procedure in paragraph (3).

4. In terms of *section 8(4)(c) of the Act*, the MEC determines -

Procedures for filling of vacancies on a council

- (1) When a member of council vacates his/her office before the expiry of his/her term of office, the vacancy may be filled by either appointment or election, as the case may be, for the unexpired portion of the previous member's period of office.
- (2) If a vacancy arises as a result of the departure of an elected member of a council, the vacancy must be filled by the election of a new representative by the body or group so represented in the manner determined in paragraph A 6 of this notice.
- (3) If a vacancy arises as a result of the departure of a council member appointed by the MEC in terms of *section 9(4)(c) or (h) of the Act*, the MEC may fill the vacancy by appointing a person in the manner determined by *section 9(9) of the Act*.
- (4) Despite the provisions above, a member shall continue to hold office after expiry of his/her term of office until such time as he/she is re-appointed, re-elected or replaced as the case may be.

5. In terms of *section 9(5) of the Act*, the MEC determines -

The number of members of a council

- (1) A council shall have not less than 15 and not more than 30 members
- (2) The number of persons contemplated in *section 9(4)(b) and (d) to (h) of the Act* shall be as follows:
  - (a) one vice-principal elected from among the vice-principals, deputy-principals or senior deputy-principals of the institution
  - (b) one member of the academic board
  - (c) one educator elected from among the educator staff of the institution
  - (d) one student elected from among the students of the institution.
  - (e) one member of the staff other than educator staff, elected from among themselves.

6. In terms of *section 9(5) of the Act*, the MEC determines -

The manner in which members of a council are elected

- (1) The principal of a public further education and training institution shall oversee the election of members of council contemplated in terms of *section 9(4)(b), (d), (e), (f) and (g) of the Act*.
- (2) The relevant grouping of serving officials or students, as the case may be, must meet and elect, in a fair and democratic way, from their midst, the respective member(s) who will represent their respective category of persons on the council; provided that:
  - (a) all vice-principals or acting vice-principals are eligible for election and may vote for the category described in *section 9(4)(b) of the Act* only if they are permanently appointed in a substantive post on level 3 or higher.
  - (b) Only employees appointed in a permanent capacity in a substantive post are eligible for election for the grouping described in *section 9(4)(e) of the Act*.
- (3) Any person contemplated in *section 9(4)(c) of the Act* who wish to be appointed on the council of a Further Education and Training institution, either in his/her private capacity or as a representative of a body or organisation, must apply in writing to the Member of the Executive Council for appointment. Where a person represents a body or organisation that body or organisation shall provide the MEC with a letter of nomination and reasons why the person should be appointed to council.
- (4) Where a person is determined to be appointed on the council in terms of *section 9(4)(h) of the Act*, the council must provide the Member of the Executive Council with a letter of nomination and reasons why the person should be appointed.

**B. An academic board of a public further education and training institutions**

1. Establishment of an academic board.

The council must, in terms of *section 11(3) and (4) of the Act* -

- (1) constitute an academic board;
- (2) determine the number of persons to be appointed and
- (3) determine the manner in which members are appointed

2. In terms of *section 8(2) of the Act*, the MEC determines -  
The manner in which office bearers of an academic board will be elected
- (1) The council shall facilitate the election of office bearers of an academic board.
  - (2) An academic board shall elect, by closed ballot, from among its members; a chairperson, a vice-chairperson and such other office bearers as the council may determine.
  - (3) With the exception of the principal or vice-principal, the chairperson and vice-chairperson of an academic board may not be a member of staff or a student of the institution.
  - (4) Office bearers of an academic board shall only be elected at a special meeting convened for the specific purpose of election of office bearers and where there is a quorum of members.
  - (5) Each member of an academic board has one vote for the purpose of the election of each office bearer.
  - (6) The election of each office bearer will be determined by a majority of votes.
  - (7) Office bearers of an academic board may be re-elected after their term of office has lapsed.
3. In terms of *section 8(4)(a) of the Act*, the MEC determines -  
The term of office of members of an academic board
- (1) The term of office of a member of the academic board, excluding the principal or a vice-principal shall be two academic years.
  - (2) The chairperson and vice-chairperson, elected in terms of *section 8(2) of the Act* shall hold their respective office for a period of two academic years.
  - (3) Any member of the academic board, elected or appointed in terms of *section 11(3) of the Act*, may be re-elected or re-appointed as the case may be.
4. In terms of *section 8(4)(b) of the Act*, the MEC determines -  
Procedures of disqualification or removal of members of an academic board
- (1) A member of the academic board shall vacate his/her office if:
    - (a) he/she is no longer a member of the council, a member of the staff or a registered student, as the case may be, of the further education and training institution;
    - (b) he/she submits his/her resignation from the academic board, in writing to the council and the council accepts the resignation;
    - (c) he/she is absent from two consecutive meetings of the academic board without the approval of the academic board.
    - (d) the council removes him/her from office for reasons which the council deems to be in the interest of the institution;
  - (2) The council may not act under paragraph 1(d) unless the council has -
    - (a) by written notice informed the member concerned of the intention of the council so to act and the reasons therefor;
    - (b) given the member concerned the opportunity to make representations concerning his or her possible removal from the council within 30 days after receiving the notice mentioned in (a) above;
    - (c) consider the representations contemplated in (b) above;
    - (d) notify the member concerned of the decision of the council and
    - (e) provide the member concerned with reasons for the decision of the council.
  - (3) In case of urgency the council may act in terms of paragraph 1(d) without prior communication to such a member, if the council thereafter complies with the procedure in paragraph (2).
5. In terms of *section 8(4)(c) of the Act*, the MEC determines -  
Procedures for the filling of vacancies on an academic board
- (1) Subject to the provisions of the Act, this notice and other policy the council of a further education and training institution shall determine the composition of the academic board and appoint members to vacant positions within the structure.
  - (2) Whenever a vacancy arises on the academic board, the member who fills that vacancy must hold the office for the remainder of the term of office of the departing member.

- (3) If a vacancy arises as a result of the departure of an elected member of the academic board, the vacancy must be filled by the election of a new representative by the body or group so represented in terms of the procedures determined by the council.

**C A student representative council of a public further education and training institutions**

1. In terms of *section 8.(2) of the Act*, the MEC determines -

The manner in which office bearers of a student representative council will be elected

- (1) The council must, in terms of *section 15 of the Act*, read in conjunction with *section 8.(1) of the Act*, constitute and determine the composition of a student representative council.
- (2) All elected members of a student representative council shall elect, from amongst their midst, a chairperson, a vice-chairperson, a secretary, a treasurer and any other office bearers as approved by the council; in a democratic manner, determined by the council.
- (3) Only students who are registered at a further education and training institution are eligible to be elected as a member of the student representative council of that institution.

2. In terms of *section 8(4)(a) of the Act*, the MEC determines -

The term of office of members of a student representative council

The council shall, in terms of *section 15 of the Act*, determine the term of office of all members and office bearers of the student representative council provided that the term of office does not exceed one academic year.

3. In terms of *section 8(4)(b) of the Act*, the MEC determines -

Procedures of disqualification or removal of members of a student representative council

- (1) A member of the student representative council shall vacate his/her office if -
  - (a) his/her registration as a student of the institution expires or is terminated;
  - (b) he/she is found guilty of an offence in terms of *section 16 of the Act*;
  - (c) he/she, as a result of mental or physical weakness or illness, becomes incompetent to perform his/her official duties;
  - (d) he/she submits his/her resignation, in writing, to the council and
  - (e) the council removes him/her from office for reasons which the council deems to be in the interest of the institution.
- (2) The council may not act under paragraph 1(d) unless the council has -
  - (a) by written notice informed the member concerned of the intention of the council so to act and the reasons therefor;
  - (b) given the member concerned the opportunity to make representations concerning his or her possible removal from the council within 30 days after receiving the notice mentioned in (a);
  - (c) consider the representations contemplated in (b) above;
  - (d) notify the member concerned of the decision of the council and
  - (e) provide the member concerned with reasons for the decision of the council.
- (3) In case of urgency the council may act in terms of paragraph (1)(e) without prior communication to such a member, if the council thereafter complies with the procedure in paragraph (2).

4. In terms of *section 8(4)(c) of the Act*, the MEC determines -

Procedures for the filling of vacancies on a student representative council

- (1) Whenever a vacancy arises on the student representative council of a further education and training institution, the member who fills the vacancy must hold the office for the remainder of the term of office of the departing member.
- (2) Only students who are registered at a further education and training institution may elect a representative, in a manner determined by the council, to fill a vacancy on the student representative council of the institution concerned.

  
**Ignatius Jacobs**  
 Member of the Executive Council responsible for Education

**NOTICE 630 OF 2002**

Further Education and Training Act, 1998 (Act No 98 of 1998)

**To invite nominations for persons to be appointed by the MEC to the council of a public further education and training college**

The Member of the Executive Council responsible for Education, herewith invites the public, organised business and organised labour to nominate persons for appointment, in terms of section 9(4)(c) and (h) of the Act, as members of the council of any one of the public further education and training colleges listed below.

Nominations must be in writing, giving the full name, address and contact number of the nominator, who must sign the nomination. Each nomination must be accompanied by a *curriculum vitae* of the nominee and reasons why the nominee should be considered for appointment. The nominee must give a written indication of his or her willingness to serve on the council and reveal his or her full name, address and contact number. No person who is employed at any public further education and training college or who is a student at such a college will be appointed in terms of this invitation.

Nominations must be addressed to: *The Member of the Executive Council responsible for Education, c/o The Senior Manager for Further Education and Training* and can be handed in at *Room 1430, 111 Commissioner Street, Johannesburg* or posted to: *P O Box 7710, Johannesburg, 2000* to reach the office of the Senior Manager not later than *28 March 2002*.

**LIST OF COLLEGES**

1. **CENTRAL JOHANNESBURG COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Johannesburg, Alexandra, Parktown, Highveld and Eastside* and which physical address is: *25 Currey Street, Doornfontein, Johannesburg*
2. **TSHWANE NORTH COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Soshanguve, Pretoria and Mamelodi* and which physical address is: *420 Church Street, Pretoria*
3. **TSHWANE SOUTH COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Atteridgeville, Centurion and Pretoria West* and which physical address is: *5 Khosa Street, Atteridgeville*
4. **EKURHULENI WEST COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Germiston, Boksburg, Lazarus Nhlapo, Kempton, Usizo and Alberton* and which physical address is: *c/o Driehoek and Sol Streets, Germiston*
5. **EKURHULENI EAST COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Tlamoaha, Springs, Isidingo, Brakpan and Benoni* and which physical address is: *Sam Ngwena Drive, KwaTema, Springs*
6. **SOUTH-WEST COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Molapo, Dobsonville, George Tabor, Roodepoort and Krugersdorp* and which physical address is: *c/o Koma and Molele Streets, Molapo, Soweto*
7. **WESTERN COLLEGE FOR FURTHER EDUCATION AND TRAINING** including the following former technical colleges: *Carletonville and Randfontein* and which physical address is: *Kiewiet Street, Helikonpark, Randfontein*
8. **SEDIBENG COLLEGE FOR FURTHER EDUCATION AND TRAINING** incorporating the following former technical colleges: *Lekoa, Vanderbijlpark and Vereeniging* and which physical address is: *Samuel Street, Houtheuwel, Sebokeng*



**Ignatius Jacobs**  
Member of the Executive Council for Education