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REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 1176 7 December
2010

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

No. 25 of 2010: Higher Education and Training Laws Amendment Act, 2010

DIE PRESIDENSIE

Nr. 1176 7 Desember
2010

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Nr. 25 van 2010: Wysigingswet op Hoër Onderwys- en Opleidingswette, 2010

LIHHOVISI LEMENGAMELI

No. 1176 7 December
2010

Ngaloku kwentiwa satiso sekutsi uMengameli uwuvumile lomTsetfo lolandzelako, lekungumTsetfo lokhishwako lapha kutsi watiwe ngumphakatsi wonkhe:—

No. 25 wa 2010: UmTsetfo Wekuchibiyela lmitsetfo Yemfundwo Lephakeme Nekucesha, 2010

VHUPRESIDENDE

Nom. 1176 7 December
2010

Zwi khou divhadziwa henefha uri mpresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:—

Ino 25 ya 2010: Mulayo Wa Tshandukiso ya zwa Pfunzo ya Ntha na Vhugudisi, 2010

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 3 December 2010.)

ACT**To amend—**

- **the Adult Basic Education and Training Act, 2000, so as to amend certain definitions; to make provision for the employment of educators at public centres by inserting provisions in the said Act with regard to employers of educators, salaries and other conditions of service of educators, the educator establishment, powers of employers, appointments and the filling of posts, the transfer of educators, the secondment of educators, the retirement of educators, the discharge of educators, incapacity and misconduct and the performance of other work by educators; to provide for transitional arrangements with regard to public centres; to make provision for the determination of national education policy for public centres, for directive principles of national education policy, for consultation on policy and legislation, for the publication of national education policy and for the monitoring and evaluation of adult education and training; and to provide for quality assurance in respect of the qualifications offered by public and private centres; and**
- **the Further Education and Training Colleges Act, 2006, so as to amend certain definitions; to make provision for the determination of national education policy for colleges, for directive principles of national education policy, for consultation on policy and legislation, for the publication of national education policy and for the monitoring and evaluation of further education and training; to make provision for the Council of Education Ministers and the Heads of Education Departments Committee and for their administrative functions; to provide for transitional arrangements with regard to colleges; and to provide for quality assurance in respect of the qualifications offered by colleges;**

and to provide for matters connected therewith.

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

Amendment of section 1 of Act 52 of 2000

1. Section 1 of the Adult Basic Education and Training Act, 2000, is hereby amended by—

- (a) the substitution for the definition of “**adult basic education and training**” of the following definition:

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- “**adult [basic] education and training**” means all learning and training programmes for adults [from] on level 1 [to 4 where level 4 is equivalent to—
- (a) **grade 9 in public schools; or**
- (b) registered on the national qualifications framework [level 1 as contemplated in the [South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)] National Qualifications Framework Act, 2008 (Act No. 67 of 2008);”; 5
- (b) the substitution for the definition of “**Council of Education Ministers**” of the following definition: 10
 “**‘Council of Education Ministers’** means the Council established [under section 9 of the National Education Policy Act, 1996 (Act No. 27 of 1996)] by section 41H of the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006);”;
- (c) the substitution for the definition of “**Department**” of the following definition: 15
 “**‘Department’** means the [government department responsible for education at national level] Department of Higher Education and Training;”;
- (d) the substitution for the definition of “**educator**” of the following definition: 20
 “**‘educator’** means any person who teaches, educates or trains [a learner] another person, or provides professional educational services, including professional therapy and education psychological services, at [a] any public centre and who is appointed in a post on any educator establishment contemplated in section 20F;”;
- (e) the insertion after the definition of “**educator**” of the following definition: 25
 “**‘employer’**, in relation to any provision of Chapter 4, 5 or 7 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), which applies to, or is connected with, an educator in the service of—
- (a) the Department of Higher Education and Training, means the Director-General; and
- (b) a provincial education department, means the Head of Department;”;
- (f) the insertion after the definition of “**Head of the Department**” of the following definition: 30
 “**‘Labour Relations Act’** means the Labour Relations Act, 1995 (Act No. 66 of 1995);”;
- (g) the substitution for the definition of “**Minister**” of the following definition: 35
 “**‘Minister’** means the Minister of Higher Education and Training;”;
- (h) the substitution for the definition of “**NABABET**” of the following definition: 40
 “**‘[NABABET] NABAET’** means the National Advisory Board for Adult [Basic] Education and Training, established by regulation in terms of section 11 of the National Education Policy Act, 1996 (Act No. 27 of 1996);”;
- (i) the insertion after the definition of “**policy**” of the following definition: 45
 “**‘prescribed’** means prescribed by regulation made in terms of section 41;”.

Amendment of section 11 of Act 52 of 2000

2. Section 11 of the Adult Basic Education and Training Act, 2000, is hereby amended 50
by—

- (a) the substitution in subsection (2) for paragraph (a) of the following paragraph: 55
 “(a) educators and employ educators additional to the establishment determined by the Member of the Executive Council in terms of [section 5 of the Employment of Educators Act] Chapter 3A; and”;
- (b) the substitution for subsection (7) of the following subsection:
 “(7) [After consultation as contemplated in section 5 of the National Education Policy Act, 1996 (Act No. 27 of 1996, the] The Minister may, by notice in the *Government Gazette*, determine norms

and standards [by notice in the *Government Gazette*] regarding the funds used for the employment of staff referred to in subsection (2), but such norms and standards may not be interpreted [so] as [to make] making the State a joint employer of such staff.”.

Repeal of section 12 of Act 52 of 2000

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3. Section 12 of the Adult Basic Education and Training Act, 2000, is hereby repealed.

Insertion of Chapter 3A in Act 52 of 2000

4. The following Chapter is hereby inserted in the Adult Basic Education and Training Act, 2000, after Chapter 3:

“CHAPTER 3A

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Application of Chapter

20B. This Chapter applies to the employment of educators at public centres in the Republic.

Employers of educators and other persons

20C. (1) Save as is otherwise provided in this section, the Head of Department shall be the employer of educators in the service of the provincial education department in posts on the educator establishment of public centres for all purposes of employment.

(2) For the purposes of determining the salaries and other conditions of service of educators, the Minister shall be the employer of all educators contemplated in subsection (1).

(3) For the purposes of creating posts on the educator establishment of public centres in a provincial education department, the Member of the Executive Council shall be the employer of educators in the service of that department.

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Salaries and other conditions of service of educators

20D. (1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of this section, the Labour Relations Act or any collective agreement concluded by the Education Labour Relations Council, the Minister shall determine the salaries and other conditions of service of educators.

(2) Different salaries and conditions of service contemplated in subsection (1) may be determined in respect of different ranks and grades of educators.

(3) A determination by the Minister under this section involving expenditure from the National Revenue Fund may only be made with the concurrence of the Minister of Finance.

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Educator establishment

20E. (1) Notwithstanding anything to the contrary contained in any law but subject to the norms prescribed for the provisioning of posts, the educator establishment of a provincial education department shall consist of the posts created by the Member of the Executive Council.

(2) The educator establishment of any public centre under the control of a provincial education department shall, subject to the norms prescribed for the provisioning of posts, consist of the posts allocated to the said public centre or office by the Head of Department from the educator establishment of that department.

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- (3) For the purposes of this Chapter—
- (a) the power to create a post under this section shall include the power to grade, to regrade, to designate, to re-designate, to convert or to abolish the post; and
- (b) the power to allocate a post under this section shall include the power to re-allocate the post. 5
- (4) The non-educator establishment of a public centre is determined in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

Powers of employers

20F. (1) Subject to the provisions of this section, the appointment of any person, or the promotion or transfer of any educator, in the service of a provincial education department shall be made, or effected, by the Head of Department. 10

(2) Subject to the provisions of this Chapter, the Labour Relations Act or any collective agreement concluded by the Education Labour Relations Council, appointments in, and promotions or transfers to, posts on any educator establishment under this Act shall be made in accordance with such procedure and such requirements as the Minister may determine. 15

Appointments and filling of posts

20G. (1) In the making of any appointment or the filling of any post on any educator establishment under this Act, due regard shall be had to equality, equity and the other democratic values and principles which are contemplated in section 195(1) of the Constitution of the Republic of South Africa, 1996, and which include— 20

- (a) the ability of the candidate; and 25
- (b) the need to redress the imbalances of the past in order to achieve broad representation.

(2) A person may be appointed under this Chapter—

(a) in a permanent capacity, whether on probation or not;

(b) in a temporary capacity for a fixed period, whether in a full-time, in a part-time or in a shared capacity; or 30

(c) on special contract for a fixed period or for a particular assignment, whether in a full-time or in a part-time capacity.

Transfer of educators

20H. (1) Subject to the provisions of this Chapter, the Head of Department may transfer any educator in the service of— 35

- (a) the relevant department to any post or position in any other department of state with the prior approval of the person in that other department of state having the power to appoint or to transfer and with the consent of that educator; and 40
- (b) the provincial education department to any other post in that department.

(2) The salary and other conditions of service of an educator may not be adversely affected by a transfer under this section without the written consent of that educator. 45

Secondment of educators

20I. (1) Any educator in the service of any provincial education department may, with the written consent of that educator, be placed at the disposal of—

- (a) another department of education; 50
- (b) another government; or

(c) any other body or person,
for a particular service or for a stated period on such conditions, in addition
to the conditions prescribed by or under any law, as may be determined by
the Head of Department.

(2) While so placed at such disposal, the educator shall remain subject to
the provisions of this Act. 5

Retirement

20J. (1) Subject to the provisions of this section—

(a) an educator shall have the right to retire, and shall be so retired, on the
day on which the educator attains the age of 65 years; and 10

(b) an educator who attains the said age after the first day of a month shall
be deemed to have attained that age on the first day of the following
month.

(2) Notwithstanding the provisions of subsection (1), an educator who
was in employment immediately before 2 September 1994 in terms of a law 15
repealed by the Educators' Employment Act, 1994 (promulgated under
Proclamation No. 138 of 1994), shall have the right to retire on or after
attaining the retirement age applicable to the educator immediately before
the said date.

(3) Notwithstanding— 20

(a) the provisions of subsections (1) and (2), an educator shall have the
right to retire on or after attaining the age of 55 years; and

(b) the absence of any reason for discharge in terms of section 20K, the
employer may, at the request of an educator, allow the educator to
retire before attaining the age of 55 years, if the employer is of the 25
opinion—

(i) that a sufficient reason exists therefor; and

(ii) that the retirement will be to the advantage of the State.

(4) Notwithstanding the provisions of this section, an educator—

(a) who was in employment immediately before 1 May 1996; 30

(b) who, without interruption of service, has completed a period of 10
years' continuous pensionable service in terms of the pension law
applicable to the educator; and

(c) who has attained the age of 50 years,
shall have the right to retire. 35

Discharge of educators

20K. (1) The employer may, having due regard to the applicable
provisions of the Labour Relations Act, discharge an educator from
service—

(a) on account of continuous ill-health; 40

(b) on account of the abolition of the educator's post or any reduction in,
or reorganisation or re-adjustment of, the post establishments of
departments or public centres;

(c) if, for reasons other than the educator's own unfitness or incapacity,
the educator's discharge will promote efficiency or economy in the 45
department or public centre in which the educator is employed, or will
otherwise be in the interest of the State;

(d) on account of unfitness for the duties attached to the educator's post or
incapacity to carry out those duties efficiently;

(e) on account of misconduct; 50

(f) if the educator was appointed in the post in question on the grounds of
a misrepresentation made by the educator relating to any condition of
appointment; and

(g) if, in the case of an educator appointed on probation, the educator's
appointment is not confirmed. 55

(2) If an educator is discharged from service in terms of subsection (1)(f),
that educator shall be deemed to have been discharged on account of
misconduct.

Discharge on account of ill-health

20L. An educator may be discharged on account of ill-health in the circumstances referred to in Schedule 1 to the Employment of Educators Act.

Discharge of educators appointed on probation

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20M. (1) If it is not desirable to confirm the appointment, transfer or promotion of an educator on probation, the employer may, notwithstanding anything to the contrary contained in this Act but subject to this section—

(a) extend the period of probation of the educator; or
(b) after reasonable notice to the educator, discharge the educator from service upon the expiry of the period of probation or any extension thereof. 10

(2) No appointment, transfer or promotion on probation may be extended, and no educator who is serving on probation may be discharged from service, if— 15

(a) the educator has been diligent;
(b) the educator's conduct has been uniformly satisfactory;
(c) the educator is in all respects suitable for the post which the educator holds; and
(d) the educator has complied with all the conditions applicable to the educator's appointment, transfer or promotion. 20

(3) An educator whose transfer or promotion on probation is not confirmed and who immediately before such transfer or promotion was an educator, other than an educator on probation, shall be transferred to the post formerly held by that educator, or to a post of equivalent grading. 25

Resignation

20N. (1) An educator may resign by giving 90 days' notice in writing or such shorter notice as the employer may approve at the request of the educator.

(2) If the name of an educator is struck off the register of educators kept by the South African Council for Educators, the educator shall, notwithstanding anything to the contrary contained in this Act, be deemed to have resigned with effect from the day following immediately after the day on which the educator's name was so struck off. 30

Incapacity and misconduct

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20O. The incapacity and misconduct of educators are dealt with in accordance with the procedure contemplated in Chapter 5 read with Schedules 1 and 2 to the Employment of Educators Act.

Performance of other work by educators

20P. (1) Unless an educator's conditions of service provide otherwise— 40
(a) an educator shall place such time as the Minister may determine at the disposal of the employer;

(b) no educator shall without permission of the employer perform or undertake to perform remunerative work outside the educator's official duty or work; and 45

(c) no educator may claim additional remuneration in respect of any official duty or work which the educator—
(i) performs voluntarily; or
(ii) has been ordered to perform by a competent authority. 50

(2) The employer may order an educator to perform, on a temporary basis, duties other than those ordinarily assigned to the educator, if such temporary duties are appropriate to the grade, designation or classification of the educator's post.

Transitional arrangements in respect of public centres

20Q. (1) For the purposes of this Chapter and with regard to employment and related matters, an educator employed at a public centre under the Employment of Educators Act prior to 31 December 2010, will continue to be employed on the post establishment of that public centre, and the post occupied by that educator shall be deemed to be a post created by the Member of the Executive Council in terms of this Chapter.

(2) The post establishment of the public centre existing immediately before 31 December 2010 shall be deemed to be the educator establishment of that public centre for the purposes of section 20E.

(3) The employment and related matters contemplated in subsection (1), such as salary and other conditions of service applicable to an educator, shall continue to be applicable to that educator for the purposes of this Act and shall be deemed to have been determined by the Minister in terms of section 20D.”.

Insertion of Chapter 4A in Act 52 of 2000

5. The following Chapter is hereby inserted in the Adult Basic Education and Training Act, 2000, after Chapter 4:

“CHAPTER 4A**Objectives of Chapter**

25A. The objectives of this Chapter are to provide for—

- (a) the determination of national education policy by the Minister in accordance with certain principles;
- (b) the consultations to be undertaken prior to the determination of policy, and the establishment of certain bodies for the purposes of consultation;
- (c) the publication and implementation of national education policy; and
- (d) the monitoring and evaluation of adult education and training.

Determination of national education policy for centres

25B. (1) The Minister shall determine national education policy in accordance with the provisions of the Constitution and this Act.

(2) In determining national policy for adult education and training at centres, the Minister shall take into account the competence of the provincial legislatures in terms of section 146 of the Constitution, and the relevant provisions of any provincial law relating to adult education and training.

(3) Subject to the Constitution, national policy shall prevail over the whole or a part of any provincial policy on adult education and training if there is a conflict between the national and provincial policies.

(4) Subject to the provisions of subsections (1) to (3), the Minister shall determine national policy for the planning, provision, financing, co-ordination, management, governance, programmes, monitoring, evaluation and well-being of the adult education and training system and, without derogating from the generality of this section, may determine national policy for—

- (a) adult education and training management information systems, including the provision of data in accordance with the international obligations of the government;
- (b) the organisation, management and governance of the national adult education and training system;
- (c) facilities, finance and development plans for adult education and training, including advice to the Financial and Fiscal Commission;
- (d) innovation, research and development in adult education and training;
- (e) the organisation, management, governance, funding, establishment and registration of centres;

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- (f) curriculum frameworks, core syllabuses and adult education and training programmes, learning standards, examinations and the certification of qualifications, subject to the provisions of any law establishing a national qualifications framework or a certifying or accrediting body; 5
- (g) co-operation between the Department and—
 (i) other state departments;
 (ii) provincial education departments;
 (iii) local government; and
 (iv) non-government organisations, 10
 with a view to advancing the national education policy contemplated in this section and the Reconstruction and Development Programme;
- (h) international relations in the field of adult education and training; and
- (i) executive functions required to implement national education policy determined in terms of this Chapter, including the implementation of measures to address past discriminatory practices. 15

Directive principles of national education policy**25C. The policy contemplated in section 25B shall be directed toward—**

- (a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 2 of the Constitution and in terms of international conventions approved by Parliament, in particular the right— 20
 (i) of every person to be protected against unfair discrimination within or by the Department or centres on any ground whatsoever; 25
 (ii) of every person to receive adult education and training and to have equal access to public centres;
 (iii) of every person to gain access to adult education and training;
 (iv) of every learner to be instructed in the language of his or her choice where this is reasonably practicable; 30
 (v) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association at centres;
 (vi) of every person to establish, where practicable, centres based on a common language, culture or religion, as long as there is no discrimination on the ground of race; and 35
 (vii) of every person to use the language and participate in the cultural life of his or her choice at centres;
- (b) enabling the adult education and training system to contribute to the full personal development of each learner, and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy, human rights and the peaceful resolution of disputes; 40
- (c) achieving equitable education opportunities and the redress of past inequality in adult education and training provision, including the promotion of gender equality and the advancement of the status of women; 45
- (d) endeavouring to ensure that no person, as a result of physical disability, is denied the opportunity to receive adult education and training to the maximum of his or her ability;
- (e) providing opportunities for and encouraging lifelong learning; 50
- (f) achieving an integrated approach to adult education and training within a national qualifications framework;
- (g) cultivating skills, disciplines and capacities necessary for reconstruction and development;
- (h) recognising the aptitudes, abilities, interests, prior knowledge and experience of learners; 55
- (i) encouraging independent and critical thought;
- (j) promoting a culture of respect for teaching and learning at centres;
- (k) promoting enquiry, research and the advancement of knowledge;
- (l) enhancing the quality of adult education and training and educational innovation— 60

- (i) through systematic research and development in respect of adult education and training;
- (ii) through monitoring and evaluation of adult education and training provision and performance; and
- (iii) through the training of educators and adult education and training managers; 5
- (m) ensuring broad public participation in the development of adult education and training policy and the representation of stakeholders in the governance of all aspects of the adult education and training system; 10
- (n) achieving the cost-effective use of adult education and training resources and sustainable implementation of adult education and training services;
- (o) achieving close co-operation between the national and provincial governments on matters relating to adult education and training, including the development of capacity in the Department and the effective management of the national adult education and training system. 15

Consultation on national education policy

25D. (1) Policy contemplated in section 25B shall be determined by the Minister after consultation with the Council of Education Ministers. 20

(2) The policy contemplated in section 25B shall be determined by the Minister with the concurrence of the Minister of Finance in so far as it involves expenditure from the State Revenue Fund.

(3) Nothing in this section shall limit the discretion of the Minister to consult whomsoever he or she wishes for advice on the determination of national education policy. 25

Consultation on legislation

25E. Legislation on a matter contemplated in section 25B shall be introduced in Parliament or, in the case of regulations, be published in the *Gazette* only after consultation between the Minister and— 30

- (a) the Council of Education Ministers, in respect of adult education and training at centres; and
- (b) all the parties in the Education Labour Relations Council established by section 40 of the Labour Relations Act, in respect of any matter falling within the objectives of that Act. 35

Publication of national education policy

25F. The Minister shall within 21 days after determining policy in terms of section 25B—

- (a) give notice of such determination in the *Gazette* and indicate in such notice where the policy instrument with regard to which the notice was issued may be obtained; and 40
- (b) table the policy instrument contemplated in paragraph (a) in Parliament within 21 days after the notice has appeared in the *Gazette*, if Parliament is then in session, or, if Parliament is in recess, within 21 days after the commencement of the first ensuing session of Parliament. 45

Monitoring and evaluation of adult education and training

25G. (1) The Minister shall direct that the standards of adult education and training provision, delivery and performance throughout the Republic be monitored and evaluated by the Department annually or at other specified intervals, with the object of assessing progress in complying with the provisions of the Constitution and with national adult education and training policy, particularly as determined in terms of section 25B. 50

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(2) Each directive issued in terms of subsection (1) shall comply with the provisions of any law establishing a national qualifications framework, and shall be formulated after consultation with the Council of Education Ministers.

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

(4) The Department shall fulfil its responsibilities in terms of subsections (1) to (3) in a reasonable manner, with a view to enhancing professional capacities in monitoring and evaluation throughout the national education system, and assisting the competent authorities by all practical means within the limits of available public resources to raise the standards of adult education and training provision and performance.

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

(6) If a report prepared in terms of subsection (5) indicates that the standards of adult education and training provision, delivery and performance in a province do not comply with the Constitution or with the policy determined in terms of section 25B, the Minister shall inform the provincial political head of education concerned and require the submission, within 90 days, of a plan to remedy the situation.

(7) A plan required by the Minister in terms of subsection (6) shall be prepared by the provincial education department concerned, in consultation with the Department, and the Minister shall table the plan in Parliament with his or her comments within 21 days of receipt, if Parliament is then in session, or, if Parliament is in recess, within 21 days after the commencement of the first ensuing session of Parliament.

Functions of Council of Education Ministers in respect of adult education and training

25H. The Council of Education Ministers must—

- (a) promote a national adult education and training policy which takes full account of the policies of the government;
- (b) share information and views on all aspects of adult education and training in the Republic; and
- (c) co-ordinate action on matters of mutual interest to the national and provincial governments.

Functions of Heads of Education Departments Committee in respect of adult education and training

25I. The Heads of Education Departments Committee established by section 41I of the Further Education and Training Act, 2006 (Act No. 16 of 2006), must—

- (a) facilitate the development of a national adult education and training system in accordance with the objectives and principles provided for in this Act;
- (b) share information and views on national adult education and training;
- (c) co-ordinate administrative action on matters of mutual interest to the Department and the provincial education departments; and
- (d) advise the Department on any matter contemplated in sections 25B to 25G and 25J in respect of adult education and training or on any other matter relating to the proper functioning of the national adult education and training system.

Transitional arrangements regarding policy

25J. Any policy determined in terms of the National Education Framework Act, 1996 (Act No. 27 of 1996), up to 31 December 2010 and applicable to Adult Basic Education and Training Centres remains in force and effect until amended or repealed by the Minister in terms of this Act.” 5

Substitution of section 32 of Act 52 of 2000, as substituted by section 29 of Act 50 of 2002

6. The following section is hereby substituted for section 32 of the Adult Basic Education and Training Act, 2000:

“Quality assurance of public and private centres” 10

32. (1) Umalusi must, in accordance with the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), read with the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), perform the functions relating to a Quality Council in respect of all qualifications offered by a public or private centre. 15

(2) For the purposes of this section, “Umalusi” means the council established by section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001).”

Substitution of section 44 of Act 52 of 2000

7. The following section is hereby substituted for section 44 of the Adult Basic Education and Training Act, 2000: 20

“Short title

44. This Act is called the Adult [Basic] Education and Training Act, 2000.”

Substitution of certain expressions in Act 52 of 2000 25

8. The Adult Basic Education and Training Act, 2000, is hereby amended by—
- (a) the substitution for the expression “NABABET”, wherever it occurs, of the expression “NABAET”;
 - (b) the substitution for the expression “adult basic education and training”, wherever it occurs, of the expression “adult education and training”; and 30
 - (c) the substitution for the expression “provincial department of education”, wherever it occurs, of the expression “provincial education department”.

Amendment of section 1 of Act 16 of 2006

9. Section 1 of the Further Education and Training Colleges Act, 2006, is hereby amended by— 35

- (a) the substitution for paragraph (b) of the definition of “college” of the following paragraph:
 - “(b) a college under the authority of a government department other than the Department [of Education];”;
- (b) the substitution for the definition of “Department” of the following definition: 40
 - “‘Department’ means the [government department responsible for education at national level] Department of Higher Education and Training;”;
- (c) the substitution for the definition of “Minister” of the following definition: 45
 - “‘Minister’ means the Minister of Higher Education and Training;”.

Insertion of Chapter 6A in Act 16 of 2006

10. The following Chapter is hereby inserted in the Further Education and Training Colleges Act, 2006, after Chapter 6:

“CHAPTER 6A**Objectives of Chapter**

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41A. The objectives of this Chapter are to provide for—

- (a) the determination of national education policy by the Minister in accordance with certain principles;
- (b) the consultations to be undertaken prior to the determination of policy, and the establishment of certain bodies for the purposes of consultation;
- (c) the publication and implementation of national education policy; and
- (d) the monitoring and evaluation of education and training within the scope of qualifications offered by a further education and training college.

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Determination of national education policy for colleges

41B. (1) The Minister shall determine national education policy in accordance with the provisions of the Constitution and this Act.

(2) In determining national policy for education and training at colleges, the Minister shall take into account the competence of the provincial legislatures in terms of section 146 of the Constitution, and the relevant provisions of any provincial law relating to education.

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(3) Subject to the Constitution, national policy shall prevail over the whole or a part of any provincial policy on further education and training if there is a conflict between the national and provincial policies.

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(4) Subject to the provisions of subsections (1) to (3), the Minister shall determine national policy for the planning, provision, financing, co-ordination, management, governance, programmes, monitoring, evaluation and well-being of the further education and training system and, without derogating from the generality of this section, may determine national policy for—

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- (a) further education and training management information systems, including the provision of data in accordance with the international obligations of the government;
- (b) the organisation, management and governance of the national further education and training system;
- (c) facilities, finance and development plans for further education and training, including advice to the Financial and Fiscal Commission;
- (d) innovation, research and development in further education and training;
- (e) the organisation, management, governance, funding, establishment and registration of colleges;
- (f) curriculum frameworks, core syllabuses and further education and training programmes, learning standards, examinations and the certification of qualifications, subject to the provisions of any law establishing a national qualifications framework or a certifying or accrediting body;
- (g) co-operation between the Department and—
 - (i) other state departments;
 - (ii) provincial education departments;
 - (iii) local government; and
 - (iv) non-government organisations,
 with a view to advancing the national education policy contemplated in this section and the Reconstruction and Development Programme;
- (h) international relations in the field of further education and training;

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- (i) executive functions required to implement national education policy determined in terms of this Chapter, including the implementation of measures to address past discriminatory practices.

Directive principles of national education policy

- 41C.** The policy contemplated in section 41B shall be directed toward— 5
- (a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 2 of the Constitution and in terms of international conventions approved by Parliament, in particular the right—
- (i) of every person to be protected against unfair discrimination within or by the Department or colleges on any ground whatsoever; 10
- (ii) of every person to receive further education and to have training and equal access to public colleges;
- (iii) of a parent or guardian in respect of the further education and training of his or her child or ward; 15
- (iv) of every child in respect of his or her further education and training;
- (v) of every student to be instructed in the language of his or her choice where this is reasonably practicable; 20
- (vi) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association at colleges;
- (vii) of every person to establish, where practicable, colleges based on a common language, culture or religion, as long as there is no discrimination on the ground of race; and 25
- (viii) of every person to use the language and participate in the cultural life of his or her choice at colleges;
- (b) enabling the further education and training system to contribute to the full personal development of each student, and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy, human rights and the peaceful resolution of disputes; 30
- (c) achieving equitable education opportunities and the redress of past inequality in further education and training provision, including the promotion of gender equality and the advancement of the status of women; 35
- (d) endeavouring to ensure that no person, as a result of physical disability, is denied the opportunity to receive further education and training to the maximum of his or her ability; 40
- (e) providing opportunities for and encouraging lifelong learning;
- (f) achieving an integrated approach to adult education and training within a national qualifications framework;
- (g) cultivating skills, disciplines and capacities necessary for reconstruction and development; 45
- (h) recognising the aptitudes, abilities, interests, prior knowledge and experience of students;
- (i) encouraging independent and critical thought;
- (j) promoting a culture of respect for teaching and learning at colleges;
- (k) promoting enquiry, research and the advancement of knowledge; 50
- (l) enhancing the quality of further education and training and educational innovation—
- (i) through systematic research and development on further education and training;
- (ii) through monitoring and evaluating the further education and training provision and performance; and 55
- (iii) through the training of educators and further education and training managers;

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- (m) ensuring broad public participation in the development of further education and training policy and the representation of stakeholders in the governance of all aspects of the further education and training system;
- (n) achieving the cost-effective use of further education and training resources and sustainable implementation of further education and training services; 5
- (o) achieving close co-operation between the national and provincial governments on matters relating to further education and training, including the development of capacity in the Department, and the effective management of the national further education and training system. 10

Consultation on national education policy

41D. (1) Policy contemplated in section 41B shall be determined by the Minister after consultation with the Council of Education Ministers established by section 41H. 15

(2) The policy contemplated in section 41B shall be determined by the Minister with the concurrence of the Minister of Finance in so far as it involves expenditure from the State Revenue Fund.

(3) Nothing in this section shall limit the discretion of the Minister to consult whomsoever he or she wishes for advice on the determination of national education policy. 20

Consultation on legislation

41E. Legislation on a matter contemplated in section 41B shall be introduced in Parliament or, in the case of regulations, be published in the *Gazette* only after consultation between the Minister and— 25

- (a) the Council of Education Ministers established by section 41H in respect of further education and training at colleges; and
- (b) all the parties in the Education Labour Relations Council referred to in section 54(3) in respect of any matter falling within the functions of the bargaining council. 30

Publication of national education policy

41F. The Minister shall within 21 days after determining policy in terms of section 41B—

- (a) give notice of such determination in the *Gazette* and indicate in such notice where the policy instrument issued with regard thereto may be obtained; 35
- (b) table the policy instrument contemplated in paragraph (a) in Parliament within 21 days after the notice has appeared in the *Gazette*, if Parliament is then in session, or, if Parliament is in recess, within 21 days after the commencement of the first ensuing session of Parliament. 40

Monitoring and evaluation of further education and training

41G. (1) The Minister shall direct that the standards of further education and training provision, delivery and performance throughout the Republic be monitored and evaluated by the Department annually or at other specified intervals, with the object of assessing progress in complying with the provisions of the Constitution and with national further education and training policy, particularly as determined in terms of section 41B. 45

(2) Each directive issued in terms of subsection (1) shall comply with the provisions of any law establishing a national qualifications framework, and shall be formulated after consultation with the Council of Education Ministers referred to in section 41D(1). 50

(3) The Department shall undertake the monitoring and evaluation contemplated in subsection (1) by analysis of data gathered by means of 55

further education and training management information systems, or by other suitable means, in co-operation with provincial education departments.

(4) The Department shall fulfil its responsibilities in terms of subsections (1) to (3) in a reasonable manner, with a view to enhancing professional capacities in monitoring and evaluation throughout the national education system, and assisting the competent authorities by all practical means within the limits of available public resources to raise the standards of further education and training provision and performance.

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

(6) If a report prepared in terms of subsection (5) indicates that the standards of further education and training provision, delivery and performance in a province do not comply with the Constitution or with the policy determined in terms of section 41B, the Minister shall inform the provincial political head of education concerned and require the submission, within 90 days, of a plan to remedy the situation.

(7) A plan required by the Minister in terms of subsection (6) shall be prepared by the provincial education department concerned, in consultation with the Department, and the Minister shall table the plan in Parliament with his or her comments within 21 days of receipt, if Parliament is then in session, or, if Parliament is in recess, within 21 days after the commencement of the first ensuing session of Parliament.

Council of Education Ministers

41H. (1) There is hereby established a council, called the Council of Education Ministers, consisting of—

- (a) the Minister, who is the chairperson; and
- (b) every provincial political head of education.

(2) The Director-General shall attend meetings of the Council of Education Ministers in order to report on the proceedings of the Heads of Education Departments Committee established by section 41I, and to advise on any other matter relating to the responsibilities of the Department.

(3) The chairpersons of the Portfolio Committee on Higher Education and Training of the National Assembly and of the Select Committee on Education and Recreation of the National Council of Provinces may attend meetings of the Council of Education Ministers.

(4) The functions of the Council of Education Ministers shall be to—

- (a) promote national further education and training which take full account of the policies of the government;
- (b) share information and views on all aspects of further education and training in the Republic; and
- (c) co-ordinate action on matters of mutual interest to the national and provincial governments.

(5) The Council of Education Ministers may draw up such rules regarding the convening of its meetings, the frequency of its meetings, the procedure at its meetings, including the quorum for its meetings, and any other administrative or procedural matter it may deem necessary or expedient for the proper performance of its functions or the exercise of its powers.

(6) The proceedings of the Council of Education Ministers shall not be invalid merely by virtue of the fact that there is a vacancy in the Council.

Heads of Education Departments Committee

41I. (1) There is hereby established a committee, called the Heads of Education Departments Committee (in this section referred to as the Committee), consisting of—

- (a) the Director-General, who shall be the chairperson;

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- (b) the Deputy Directors-General of the Department; and
(c) the Heads of the provincial education departments.
- (2) The functions of the Committee shall be to—
- (a) facilitate the development of a national further education and training system in accordance with the objectives and principles provided for in this Act; 5
- (b) share information and views on national further education and training;
- (c) co-ordinate administrative action on matters of mutual interest to the higher education and training departments; and 10
- (d) advise the Department on any matter contemplated in sections 41B to 41G and 41J in respect of further education and training, or on any other matter relating to the proper functioning of the national further education and training system. 15
- (3) The Committee may establish subcommittees to assist it in the performance of its functions, and—
- (a) may appoint persons who are not members of the Committee to be members of a subcommittee: Provided that the organised teaching profession shall be invited to nominate representatives as members of each subcommittee; 20
- (b) designate the chairperson of a subcommittee or direct that the chairperson be appointed by the subcommittee from among its members.
- (4) (a) Meetings of the Committee shall be held at such times and places as the chairperson of the Committee may determine. 25
- (b) The proceedings of the Committee shall not be invalid merely by virtue of the fact that there is a vacancy in the Committee.
- (c) If the chairperson of the Committee is absent from a meeting of the Committee, one of the Deputy Directors-General designated for this purpose by the chairperson shall take the chair at that meeting. 30
- (5) The Committee may draw up rules regarding the convening of meetings, the frequency of meetings, the procedure at meetings, including the quorum for meetings, and any other administrative or procedural matter it may deem necessary or expedient for the proper performance of its functions or the exercise of its powers: Provided that the Committee shall not hold less than four meetings per year. 35

Allowances and remuneration of members of subcommittees

41J. A member of a subcommittee who is not in the full-time employment of the State may, in respect of the services rendered by that member in connection with the affairs of the subcommittee and from money appropriated for that purpose by Parliament, be paid such travelling and subsistence and other allowances as the Minister, with the concurrence of the Minister of Finance, may determine. 40

Administrative functions of Council and Committee

41K. (1) The administrative functions of the Council established by section 41H and the Committee established by section 41I shall be performed by officials of the Department who are designated by the Director-General for that purpose. 45

(2) The Director-General shall in respect of the Council and the Committee contemplated in subsection (1) designate a Secretary under whose direction the other officials shall perform their functions. 50

Consultative bodies

41L. (1) The Minister may by regulation establish a body to be known as the National Education and Training Council and other bodies to advise him or her on any matter contemplated in section 41B or any matter identified by the Minister. 55

(2) The composition, qualifications for membership, duties, powers and functions of a body established in terms of subsection (1), and the term of office of its members, shall be as prescribed by regulation.

Transitional arrangements regarding policy

41M. Any policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996), up to 31 December 2010 and applicable to Further Education and Training Colleges remains in force and effect until amended or repealed by the Minister in terms of this Act.” 5

Amendment of section 42 of Act 16 of 2006

11. Section 42 of the Further Education and Training Colleges Act, 2006, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10

“Subject to the norms and standards set by the Minister in terms of [section 3 of the National Education Policy Act, 1996 (Act 27 of 1996), and by SAQA,] section 41B, the Director-General must—” 15

Amendment of section 43 of Act 16 of 2006

12. Section 43 of the Further Education and Training Colleges Act, 2006, is hereby amended by—

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

“(1) The Minister may prescribe minimum norms and standards for further education and training programmes, leading to qualifications within the sub-framework for general and further education and training contemplated in section 7(a) read with section 13(1)(h) of the National Qualifications Framework Act, that are offered at colleges.”; and 20

(b) the addition of the following subsection: 25

“(5) A college may apply to the Quality Council for Trades and Occupations established in terms of section 26G of the Skills Development Act, 1998 (Act No. 97 of 1998), for accreditation as a Skills Development Provider in order to offer qualifications registered on the sub-framework for Trades and Occupations contemplated in section 7(c) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008).” 30

Short title

13. This Act is the Higher Education and Training Laws Amendment Act, 2010.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 3 Desember 2010.)

WET**Tot wysiging van—**

- die **Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000**, ten einde sekere omskrywings te wysig; vir die indiensneming van opvoeders by openbare sentrums voorsiening te maak deur bepalings in die genoemde Wet in te voeg betreffende werkgewers van opvoeders, salarisse en ander diensvoorwaardes van opvoeders, die diensstaat van opvoeders, bevoegdheide van werkgewers, aanstellings en die vul van poste, die oorplasing van opvoeders, beskikbaarstelling van opvoeders, aftrede van opvoeders, ontslag van opvoeders, onbekwaamheid en wangedrag en die verrigting van ander werk deur opvoeders; vir oorgangsreëlings betreffende openbare sentrums voorsiening te maak; vir die bepaling van nasionale onderwysbeleid vir openbare sentrums, vir rigtinggewende beginsels oor nasionale onderwysbeleid, vir oorlegpleging oor beleid en wetgewing, vir die publikasie van nasionale onderwysbeleid en vir die kontrolering en evaluasie van onderwys en opleiding vir volwassenes voorsiening te maak; en om vir gehalteversekering ten opsigte van die kwalifikasies wat deur openbare en private sentrums aangebied word voorsiening te maak; en
- die **'Further Education and Training Colleges Act', 2006**, ten einde sekere omskrywings te wysig; vir die bepaling van nasionale onderwysbeleid vir kolleges, vir rigtinggewende beginsels vir nasionale onderwysbeleid, vir oorlegpleging oor beleid en wetgewing, vir die publikasie van nasionale onderwysbeleid en vir die monitering en evaluering van verdere onderwys en opleiding voorsiening te maak; om vir die Raad van Onderwysministers en die Komitee van Departementshoofde van Onderwys en vir hul administratiewe werksaamhede voorsiening te maak; vir gehalteversekering ten opsigte van kwalifikasies wat deur kolleges aangebied word voorsiening te maak, en voorsiening te maak, vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 52 van 2000

1. Artikel 1 van die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000, word hierby gewysig—

- (a) deur die omskrywing van **“basiese onderwys en opleiding vir volwassenes”** deur die volgende omskrywing te vervang:

- “**[basiese] onderwys en opleiding vir volwassenes**’ alle leer- en opleidingsprogramme vir volwassenes **[vanaf] op vlak 1 [tot 4, waar vlak 4 gelyk is aan—**
- (a) **graad 9 in openbare skole; of**
- (b) **vlak 1 van] geregistreer op die nasionale kwalifikasieraamwerk [soos] beoog in die [Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995 (Wet 58 van 1995)] ‘National Qualifications Framework Act, 2009’ (Wet No. 67 van 2009);”;** 5
- (b) deur die omskrywing van “**Departement**” deur die volgende omskrywing te vervang: 10
- “**Departement**’ die **[staatsdepartement verantwoordelik vir onderwys op nasionale vlak] Departement van Hoër Onderwys en Opleiding;**”;
- (c) deur die omskrywing van “**Minister**” deur die volgende omskrywing te vervang: 15
- “**Minister**’ die Minister van Hoër Onderwys en Opleiding;”;
- (d) deur die omskrywing van “**NARBOOV**” deur die volgende omskrywing te vervang: 20
- “**[NARBOOV] NAROOF**’ die Nasionale Adviserende Raad vir **[Basiese] Onderwys en Opleiding** vir Volwassenes by regulasie ingestel ingevolge artikel 11 van die Wet op Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996);”;
- (e) deur die omskrywing van “**opvoeder**” deur die volgende omskrywing te vervang: 25
- “**opvoeder**’ ’n persoon wat **[’n leerder] ’n ander persoon** onderrig, opvoed of oplei of wat professionele onderwysdienste, met inbegrip van professionele terapie en opvoedkundige sielkundige dienste, by **[’n] enige openbare sentrum** verskaf en wat in ’n pos op enige opvoederdiensstaat beoog in artikel 20F aangestel is;”
- (f) deur die omskrywing van “**Raad van Onderwysministers**” deur die volgende omskrywing te vervang: 30
- “**Raad van Onderwysministers**’ die Raad ingestel **[kragtens artikel 9 van die Wet op Nasionale Onderwysbeleid, 1996 (Wet 27 van 1996)]** deur artikel 41H van die **‘Further Education and Training Colleges Act, 2006’ (Wet No. 16 van 2006);**” en 35
- (g) deur die volgende omskrywings na die omskrywing van “**volwassene**” in te voeg: 40
- “**voorgeskryf**’ beteken voorgeskryf by regulasie ingevolge artikel 41 gemaak;
- werkgewer**’, in verband met enige bepaling in Hoofstuk 4, 5 of 7 van die Wet op die Indiensneming van Opvoeders, 1998 (Wet No. 76 van 1998), wat van toepassing is op, of verband hou met, ’n opvoeder in diens van—
- (a) die Departement van Hoër Onderwys en Opleiding, die Direkteur-generaal; en 45
- (b) ’n provinsiale onderwysdepartement, die Departementshoof; **Wet op Arbeidsverhoudinge**’ die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995);”.

Wysiging van artikel 11 van Wet 52 van 2000

2. Artikel 11 van die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000, word hierby gewysig— 50

- (a) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang: 55
- “(a) opvoeders en opvoeders aanstel bykomstig tot die diensstaat soos deur die Lid van die Uitvoerende Raad bepaal ingevolge **[artikel 5 van die Wet op die Indiensneming van Opvoeders] Hoofstuk 3A;** en”;
- (b) deur subartikel (7) deur die volgende subartikel te vervang: 60
- “(7) **[Na oorlegpleging soos in artikel 5 van die Wet op Nasionale Onderwysbeleid, 1996 (Wet 27 van 1996), beoog, kan die] Die Minister kan** by kennisgewing in die *Staatskoerant* norme en standaarde bepaal ten aansien van die fondse wat gebruik word vir die

indiensneming van personeel in subartikel (2) bedoel, maar die norme en standaard mag nie vertolk word as [sou] dat dit die Staat 'n medewerkgewer van sodanige personeel maak [wees] nie.”.

Herroeping van artikel 12 van Wet 52 van 2000

3. Artikel 12 van die Wet op Basiese Onderwys en Opleiding, 2000 word hierby herroep. 5

Invoeging van Hoofstuk 3A in Wet 52 van 2000

4. Die volgende Hoofstuk word hierby in die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000, na Hoofstuk 3 ingevoeg:

“HOOFSTUK 3A 10

Toepassing van Hoofstuk

20B. Hierdie Hoofstuk is van toepassing op die indiensneming van opvoeders by openbare sentrums in die Republiek.

Werkgewers van opvoeders en ander persone

20C. (1) Behalwe vir sover hierdie artikel anders bepaal, is die Departementshoof die werkgewer van opvoeders in die diens van die provinsiale onderwysdepartement in poste op die diensstaat van openbare sentrums vir alle doeleindes van indiensneming. 15

(2) Vir die doeleindes van die bepaling van salarisse en ander diensvoorwaardes van opvoeders is die Minister die werkgewer van alle opvoeders in subartikel (1) bedoel. 20

(3) Vir die doeleindes van die skepping van poste op die diensstaat van opvoeders van openbare sentrums in 'n provinsiale onderwysdepartement, is die Lid van die Uitvoerende Raad die werkgewer van opvoeders in die diens van daardie departement. 25

Salarisse en ander diensvoorwaardes van opvoeders

20D. (1) Ondanks andersluidende wetsbepalings maar behoudens die bepaling van hierdie artikel, die Wet op Arbeidsverhoudinge of enige kollektiewe ooreenkoms wat deur die Raad vir Arbeidsverhoudinge in die Onderwys gesluit is, moet die Minister die salarisse en ander diensvoorwaardes van opvoeders bepaal. 30

(2) Verskillende salarisse en diensvoorwaardes in subartikel (1) beoog kan bepaal word ten opsigte van verskillende range en grade opvoeders.

(3) 'n Bepaling van die Minister kragtens hierdie artikel wat uitgawes uit die Nasionale Inkomstefonds meebring, mag slegs met die instemming van die Minister van Finansies gemaak word. 35

Diensstate van opvoeders

20E. (1) Ondanks andersluidende wetsbepalings maar behoudens die norme wat vir die voorsiening van poste voorgeskryf word, bestaan die diensstaat van opvoeders van 'n provinsiale onderwysdepartement uit die poste wat deur die Lid van die Uitvoerende Raad geskep is. 40

(2) Die diensstaat van opvoeders van enige openbare sentrum onder beheer van 'n provinsiale onderwysdepartement moet, behoudens die norme wat vir die voorsiening van poste voorgeskryf word, bestaan uit die poste wat deur die Departementshoof aan die bedoelde openbare sentrum toegewys is vanuit die diensstaat van opvoeders van daardie departement. 45

(3) By die toepassing van hierdie Hoofstuk—

(a) sluit die bevoegdheid om 'n pos kragtens hierdie artikel te skep die bevoegdheid om 'n pos te gradeer, te hergradeer, te benoem, te herbenoem, te omskep of af te skaf; en 50

(b) sluit die bevoegdheid om 'n pos kragtens hierdie artikel toe te wys die bevoegdheid in om die pos her toe te wys.

(4) Die diensstaat van nie-opvoeders van 'n openbare sentrum word ingevolge die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994) bepaal.

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Bevoegdhede van werkgewers

20F. (1) Behoudens die bepalinge van hierdie artikel moet die aanstelling van 'n persoon, of die bevordering of oorpasing van 'n opvoeder, in die diens van 'n provinsiale onderwysdepartement deur die Departementshoof gemaak of teweeggebring word.

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(2) Behoudens die bepalinge van hierdie Hoofstuk, die Wet op Arbeidsverhoudinge of 'n kollektiewe ooreenkoms wat deur die Raad vir Arbeidsverhoudinge in die Onderwys gesluit is, moet aanstellings in, en bevorderings of oorpasinge na, poste op 'n diensstaat van opvoeders kragtens hierdie Wet gedoen word ooreenkomstig die prosedure en die vereistes wat die Minister bepaal.

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Aanstellings en vul van poste

20G. (1) By die doen van 'n aanstelling of die vul van 'n pos op 'n diensstaat van opvoeders kragtens hierdie Wet moet gelykheid, billikheid en die ander demokratiese waardes en beginsels wat in artikel 195(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), beoog word behoorlik in ag geneem word en sluit in—

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(a) die bekwaamheid van die kandidaat; en

(b) die behoefte om die wanbalanse van die verlede reg te stel ten einde breë verteenwoordiging te bewerkstellig.

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(2) 'n Persoon kan kragtens hierdie Hoofstuk aangestel word—

(a) in permanente hoedanigheid, hetsy op proef al dan nie;

(b) in 'n tydelike hoedanigheid vir 'n vasgestelde tydperk, hetsy in 'n heeltydse, deelydse of in 'n gedeelde hoedanigheid; of

(c) op spesiale kontrak vir 'n vasgestelde tydperk of vir 'n besondere opdrag, hetsy in 'n heeltydse of in 'n deelydse hoedanigheid.

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Oorpasing van opvoeders

20H. (1) Behoudens die bepalinge van hierdie Hoofstuk, kan die Departementshoof 'n opvoeder in die diens van—

(a) die betrokke departement oorplaas na 'n pos of betrekking in enige ander Staatsdepartement met die voorafverkreë goedkeuring van die persoon in daardie ander Staatsdepartement wat die bevoegdheid het om aan te stel of oor te plaas en met die instemming van daardie opvoeder; en

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(b) die provinsiale onderwysdepartement oorplaas na enige ander pos in daardie departement.

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(2) Die salaris en ander diensvoorwaardes van 'n opvoeder mag nie sonder daardie opvoeder se skriftelike instemming nadelig geraak word deur 'n oorpasing kragtens hierdie artikel nie.

Beskikbaarstelling van opvoeders

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20I. (1) 'n Opvoeder in die diens van die provinsiale onderwysdepartement kan met daardie opvoeder se skriftelike instemming ter beskikking gestel word van—

(a) 'n ander onderwysdepartement;

(b) 'n ander regering; of

(c) enige ander liggaam of persoon,

vir 'n besondere diens of vir 'n bepaalde tydperk op die voorwaardes, benewens die voorwaardes wat by of kragtens die een of ander wet voorgeskryf word, wat deur die Departementshoof bepaal word.

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(2) Terwyl aldus ter beskikking gestel, bly die opvoeder onderworpe aan die bepalings van hierdie Wet.

Aftrede

- 20J.** (1) Behoudens die bepalings van hierdie artikel—
- (a) het 'n opvoeder die reg om af te tree, en sal sodanig afgetree wees, op die dag waarop die opvoeder die ouderdom van 65 jaar bereik; en 5
- (b) 'n opvoeder wat bedoelde ouderdom na die eerste dag van 'n maand bereik, word geag daardie ouderdom op die eerste dag van die eersvolgende maand te bereik het.
- (2) Ondanks die bepalings van subartikel (1) het 'n opvoeder wat onmiddellik voor 2 September 1994 ingevolge 'n wet herroep deur die Wet op Indiensneming van Opvoeders, 1994 (afgekondig by Proklamasie No. 138 van 1994), in diens was die reg om af te tree op of na bereiking van die aftree-ouderdom wat onmiddellik voor bedoelde datum op die opvoeder van toepassing was. 10 15
- (3) Ondanks—
- (a) die bepalings van subartikel (1) of (2) het 'n opvoeder die reg om af te tree op of na bereiking van die ouderdom van 55 jaar; en
- (b) die afwesigheid van enige rede vir ontslag ingevolge artikel 20K kan die werkgewer, op versoek van 'n opvoeder, die opvoeder toelaat om voor bereiking van die ouderdom van 55 jaar af te tree, indien die werkgewer van oordeel is— 20
- (i) dat daar 'n voldoende rede daarvoor bestaan; en
- (ii) dat die aftrede tot voordeel van die Staat sal strek.
- (4) Ondanks die bepalings van hierdie artikel het 'n opvoeder— 25
- (a) wat onmiddellik voor 1 Mei 1996 in diens was; en
- (b) wat 'n tydperk van tien jaar aaneenlopende pensioengewende diens voltooi het ingevolge die pensioenwet wat op die opvoeder van toepassing is; en
- (c) wat die ouderdom van 50 jaar bereik het, die reg om af te tree. 30

Ontslag van opvoeders

- 20K.** (1) Die werkgewer kan, met behoorlike inagneming van die toepaslike bepalings van die Wet op Arbeidsverhoudinge, 'n opvoeder uit diens ontslaan— 35
- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van die opvoeder se pos of 'n vermindering of reorganisasie of herreëling van die diensstate van departemente of openbare sentrums;
- (c) indien, om ander redes as die opvoeder se eie ongeskiktheid of onvermoë, die opvoeder se ontslag doeltreffendheid of besuiniging sal bevorder in die departement of openbare sentrum waarin die opvoeder in diens is, of andersins in belang van die Staat sal wees; 40
- (d) weens ongeskiktheid vir die pligte wat aan die opvoeder se pos verbonde is of onvermoë om daardie pligte op bekwame wyse uit te voer; 45
- (e) weens wangedrag;
- (f) indien die opvoeder in die betrokke pos aangestel is op grond van 'n wanvoorstelling wat die opvoeder met betrekking tot die een of ander voorwaarde vir aanstelling gemaak het; en 50
- (g) indien, in die geval van 'n opvoeder wat op proef aangestel is, die opvoeder se aanstelling nie bekragtig word nie.
- (2) Indien 'n opvoeder kragtens subartikel (1)(f) uit diens ontslaan word, word daardie opvoeder geag weens wangedrag ontslaan te wees.

Ontslag op grond van swak gesondheid

20L. 'n Opvoeder kan op grond van swak gesondheid ontslaan word onder die omstandighede in Bylae 1 van die Wet op Indiensneming van Opvoeders bedoel.

Ontslag van opvoeders wat op proef aangestel is

5

20M. (1) Indien dit nie wenslik is om die aanstelling, oorplasing of bevordering van 'n opvoeder op proef te bekragtig nie, kan die werkgewer, ondanks andersluidende bepalings van hierdie Wet maar behoudens hierdie artikel— (a)

die proeftydperk van die opvoeder verleng; of (b)

na redelike kennis aan die opvoeder, die opvoeder uit diens ontslaan na verstryking van die proeftydperk of enige verlenging daarvan.

(2) Geen aanstelling, oorplasing of bevordering op proef mag verleng word nie, en geen opvoeder wat diens op proef doen, mag uit diens ontslaan word nie, indien— (a)

die opvoeder ywerig was; (b)

die opvoeder se gedrag deurgaans bevredigend was; (c)

die opvoeder in alle opsigte geskik is vir die pos wat die opvoeder beklee; en (d)

die opvoeder voldoen het aan al die voorwaardes wat op die opvoeder se aanstelling, oorplasing of bevordering van toepassing is.

(3) 'n Opvoeder wie se oorplasing of bevordering of proef nie bekragtig word nie en wat onmiddellik voor sodanige oorplasing of bevordering 'n opvoeder was, uitgesonderd 'n opvoeder op proef, moet oorgeplaas word na die pos wat daardie opvoeder voorheen beklee het, of na 'n pos van gelyke gradering.

Bedanking

20N. (1) 'n Opvoeder kan bedank deur 90 dae skriftelike kennis te gee of die korter kennisgewing wat die werkgewer op versoek van die opvoeder mag goedkeur.

(2) Indien die naam van 'n opvoeder geskrap word uit die register van opvoeders wat deur die Suid-Afrikaanse Raad vir Opvoeders gehou word, word die opvoeder, ondanks andersluidende bepalings van hierdie Wet, geag te bedank het met ingang van die dag wat onmiddellik volg op die dag waarop die opvoeder se naam aldus geskrap is.

Onbekwaamheid en wangedrag

20O. Die ongeskiktheid en wangedrag van opvoeders word hanteer ooreenkomstig die prosedure beoog in Hoofstuk 5, gelees met Bylaes 1 en 2 van die Wet op die Indiensneming van Opvoeders.

Verrigting van ander werk deur opvoeders

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20P. (1) Tensy 'n opvoeder se diensvoorwaardes anders bepaal—

(a) moet die opvoeder die tyd wat die Minister bepaal ter beskikking van die werkgewer stel;

(b) mag geen opvoeder sonder toestemming van die werkgewer besoldigde werk buite die opvoeder se amptelike diens of werk verrig of onderneem om dit te verrig nie;

(c) kan geen opvoeder aanspraak maak nie op bykomende besoldiging ten opsigte van enige amptelike diens of werk wat die opvoeder—

(i) vrywillig verrig; of

(ii) deur 'n bevoegde gesag beveel is om te verrig.

(2) Die werkgewer kan 'n opvoeder beveel om tydelik ander pligte te verrig as dié wat gewoonlik aan die opvoeder opgedra word en wat by die graad, benaming of indeling van die opvoeder se pos pas.

Oorgangsreëlings ten opsigte van openbare sentrums

- 20Q.** (1) By die toepassing van hierdie Hoofstuk en betreffende indiensneming en verwante aangeleenthede, sal 'n opvoeder wat kragtens die Wet op Indiensneming van Opvoeders in die diens van 'n openbare sentrum is voor 31 Desember 2010, voortgaan om in diens te wees op die diensstaat van daardie openbare sentrum, en die pos wat deur daardie opvoeder beklee word sal geag word 'n pos te wees wat ingevolge hierdie Hoofstuk deur die Lid van die Uitvoerende Raad geskep is. 5
- (2) Die diensstaat van die openbare sentrum wat onmiddellik voor 31 Desember 2010 bestaan word geag die diensstaat van opvoeders vir daardie openbare sentrum by die toepassing van artikel 20E te wees. 10
- (3) Die indiensneming en verwante aangeleenthede in subartikel (1) beoog, soos salaris en ander diensvoorwaardes van toepassing op 'n opvoeder, is op daardie opvoeder van toepassing by die toepassing van hierdie Wet en word geag ingevolge artikel 20D deur die Minister ingestel te wees.”. 15

Invoeging van Hoofstuk 4A in Wet 52 van 2000

5. Die volgende Hoofstuk word hierby na Hoofstuk 3 in die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000 ingevoeg:

“HOOFSTUK 4A 20**Oogmerke van Hoofstuk**

- 25A.** Die oogmerke van die Hoofstuk is om voorsiening te maak vir—
- (a) die bepaling van nasionale onderwysbeleid deur die Minister ooreenkomstig sekere beginsels; 25
- (b) die onderneming van oorlegpleging voor die bepaling van beleid, en die instelling van sekere liggame vir die doeleindes van oorlegpleging;
- (c) die publikasie en inwerkingstelling van nasionale onderwysbeleid; en
- (d) die kontrolering en evaluasie van onderwys en opleiding vir volwassenes.

Bepaling van nasionale onderwysbeleid vir sentrums 30

- 25B.** (1) Die Minister bepaal nasionale onderwysbeleid ooreenkomstig die bepalings van die Grondwet en hierdie Wet.
- (2) By die bepaling van nasionale beleid vir sentrums vir onderwys en opleiding vir volwassenes, hou die Minister rekening met die bevoegdheid van die provinsiale wetgewers ingevolge artikel 146 van die Grondwet, en die toepaslike bepalings van enige provinsiale Wet met betrekking tot onderwys en opleiding vir volwassenes. 35
- (3) Behoudens die Grondwet geniet nasionale beleid voorrang oor die geheel of 'n gedeelte van enige provinsiale beleid oor onderwys en opleiding vir volwassenes indien daar strydigheid bestaan tussen die nasionale en die provinsiale beleid. 40
- (4) Behoudens die bepalings van subartikels (1) tot (3), bepaal die Minister beleid vir die beplanning, voorsiening, finansiering, koördinerings, bestuur, beheer, programme, monitering, evaluering en welsyn van die stelsel van onderwys en opleiding vir volwassenes en, sonder om afbreuk te doen aan die algemeenheid van hierdie artikel, kan die Minister nasionale beleid bepaal vir— 45
- (a) inligtingstelsels vir onderwys en opleiding vir volwassenes bestuur, met inbegrip van die voorsiening van data ooreenkomstig die internasionale verpligtinge van die regering; 50
- (b) die organisasie van, en bestuur en beheer oor die nasionale stelsel vir onderwys en opleiding van volwassenes;
- (c) fasiliteite, finansiering en ontwikkelingsplanne vir onderwys, met inbegrip van advies aan die Finansiële en Fiskale Kommissie;
- (d) innovasie, navorsing en ontwikkeling in opleiding vir volwassenes; 55

- (e) die organisasie, bestuur, beheer, befondsing, diensstaat en registrasie van sentrums;
- (f) kurrikulumraamwerke, kernsillabusse en programme vir onderwys en opleiding vir volwassenes, leerstandaarde, eksamens en die sertifisering van kwalifikasies, behoudens die bepalings van enige wet wat 'n nasionale kwalifikasieraamwerk of 'n sertifiserings- of akkrediteringsliggaam instel; 5
- (g) samewerking tussen die Departement en—
 (i) ander Staatsdepartemente;
 (ii) provinsiale onderwysdepartemente; 10
 (iii) plaaslike regering; en
 (iv) nie-regeringsinstansies,
 met die oog op die bevordering van die nasionale onderwysbeleid in hierdie artikel beoog en die Heropbou- en Ontwikkelingsprogram;
- (h) internasionale betrekkings op die terrein van die onderwys; en 15
- (i) uitvoerende werksaamhede nodig vir die instelling van nasionale onderwysbeleid ooreenkomstig hierdie Hoofstuk bepaal, met inbegrip van die instelling van maatreëls om die diskriminerende optrede van die verlede uit die weg te ruim.

Rigtinggewende beginsels van nasionale onderwysbeleid 20

25C. Die beleid beoog in artikel 25B word gerig op—

- (a) die bevordering en beskerming van die fundamentele regte van elke persoon gewaarborg ingevolge Hoofstuk 2 van die Grondwet en ingevolge internasionale konvensies deur die Parlement bekragtig en in besonder die reg— 25
 (i) van elke persoon om beskerm te word teen onbillike diskriminasie binne of deur die Departement of sentrums op watter gronde ook al;
 (ii) van elke persoon tot volwasse onderwys en gelyke toegang tot openbare sentrums; 30
 (iii) van elke persoon om toegang tot onderwys en opleiding vir volwassenes te verkry;
 (iv) van elke leerder om onderrig te word in die taal van sy of haar keuse waar dit redelikerwys uitvoerbaar is;
 (v) van elke persoon op die vryheid van gewete, godsdiens, denke, geloof, mening, uitdrukking en assosiasie by sentrums; 35
 (vi) van elke persoon om, waar dit uitvoerbaar is, sentrums gegrond op 'n gemeenskaplike taal, kultuur of geloof in te stel, mits daar geen diskriminasie op grond van ras is nie; en
 (vii) van elke persoon om die taal van sy of haar keuse te gebruik en om aan die kulturele lewe van sy of haar keuse binne 'n sentrum deel te neem; 40
- (b) die in staat stelling van die stelsel van onderwys en opleiding vir volwassenes om tot die volle persoonlike ontwikkeling van elke student by te dra, en tot die morele, maatskaplike, kulturele, politieke en ekonomiese ontwikkeling van die nasie in die algemeen, met inbegrip van die bevordering van die demokrasie, menseregte en die vreedsame beslegting van geskille; 45
- (c) die bereiking van billike onderwysgeleenthede en die regstelling van ongelykheid in voorsiening van onderwys en opleiding vir volwassenes in die verlede, met inbegrip van die bevordering van geslagsgelykheid en die verhoging van die status van die vrou; 50
- (d) die beywering om te verseker dat geen persoon, as gevolg van liggaamlike gestremdheid, die geleentheid ontsê word om onderwys en opleiding vir volwassenes tot die maksimum van sy of haar vermoëns te ontvang nie; 55
- (e) die voorsiening van geleenthede vir en die aanmoediging van 'n lewenslange leeringgesteldheid;
- (f) die bereiking van 'n geïntegreerde benadering tot onderwys en opleiding vir volwassenes binne 'n nasionale kwalifikasieraamwerk; 60

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- (g) die ontwikkeling van vaardighede, dissiplines en vermoëns wat nodig is vir heropbou en ontwikkeling;
- (h) die erkenning van die aanlegte, vermoëns, belangstellings, voorafkennis en ondervinding van leerders;
- (i) die aanmoediging van selfstandige en kritiese denke; 5
- (j) die bevordering van 'n kultuur van respek vir onderrigging en geleerdheid in sentrums;
- (k) die bevordering van ondersoek, navorsing en kennis;
- (l) verhoging van die gehalte van onderwys en opleiding vir volwassenes en onderwyskundige vernuwing— 10
- (aa) deur stelselmatige navorsing en ontwikkeling op die gebied van onderwys en opleiding;
- (bb) deur monitering en die evaluering van voorsiening en prestasie van onderwys en opleiding vir volwassenes; en
- (cc) deur die opleiding van opvoeders en bestuurders van onderwys en opleiding vir volwassenes; 15
- (m) die bereiking van breë openbare deelname in die ontwikkeling van beleid vir onderwys en opleiding vir volwassenes en die verteenwoordiging van belanghebbendes in die beheer van alle aspekte van die stelsel van onderwys en opleiding vir volwassenes; 20
- (n) die bereiking van koste-effektiewe gebruik van onderwysulpbronne en volhoubare implementering van dienste vir onderwys en opleiding vir volwassenes;
- (o) die bereiking van noue samewerking tussen die nasionale en provinsiale regerings oor aangeleenthede met betrekking tot onderwys en opleiding vir volwassenes, met inbegrip van die ontwikkeling van kapasiteit in die Departement, en die doeltreffende bestuur van die nasionale stelsel van onderwys en opleiding vir volwassenes. 25

Oorlegpleging oor nasionale onderwysbeleid

25D. (1) Beleid in artikel 25B beoog word deur die Minister bepaal na oorlegpleging met die Raad van Onderwysministers. 30

(2) Die beleid in artikel 25B beoog, word deur die Minister bepaal met die instemming van die Minister van Finansies vir sover dit uitgawes uit die Staatsinkomstefonds meebring.

(3) Niks in hierdie artikel vervat, beperk die diskresie van die Minister nie om enigiemand na goeddunke te raadpleeg vir advies in verband met die bepaling van nasionale onderwysbeleid. 35

Oorlegpleging oor wetgewing

25E. Wetgewing oor 'n aangeleentheid in artikel 25B bedoel, word by die Parlement ingedien, of, in die geval van regulasies, in die *Staatskoerant* afgekondig slegs na oorlegpleging tussen die Minister en— 40

(a) die Raad van Onderwysministers, ten opsigte van onderwys en opleiding vir volwassenes by sentrums; en

(b) al die partye in die Raad vir Arbeidsverhoudinge in die Onderwys ingestel by artikel 40 van die Wet op Arbeidsverhoudinge, ten opsigte van enige aangeleentheid wat onder die oogmerke van daardie Wet val. 45

Publikasie van nasionale opleidingsbeleid

25F. Die Minister moet binne 21 dae na die bepaling van beleid ingevolge artikel 25B— 50

(a) in die *Staatskoerant* kennis gee van daardie bepaling en in daardie kennisgewing aandui waar die beleidsdokument wat met betrekking daartoe uitgereik is, verkrygbaar is; en

(b) die beleidsdokument in paragraaf (a) bedoel in die Parlement ter Tafel lê binne 21 dae nadat die kennisgewing in die *Staatskoerant* verskyn het, indien die Parlement dan in gewone sessie is, of, indien die 55

Parlement nie in gewone sessie is nie, binne 21 dae na die aanvang van |
die eersvolgende gewone sessie van die Parlement.

Monitering en evaluering van onderwys en opleiding vir volwassenes

25G. (1) Die Minister gelas dat die standaarde van voorsiening, -oordrag
en -prestasie van onderwys en opleiding vir volwassenes jaarliks of by 5
ander gespesifiseerde tussenposes regdeur die Republiek gemoniteer en
geëvalueer word met die doel om vordering met die nakoming van die
bepalings van die Grondwet en nasionale beleid vir onderwys en opleiding
vir volwassenes, veral dié kragtens artikel 25B bepaal, te beoordeel.

(2) Elke lasgewing ingevolge subartikel (1) gemaak, moet voldoen aan 10
die bepaling van die een of ander wet wat 'n nasionale
kwalifikasieraamwerk instel en word geformuleer na oorlegpleging met die
Raad van Onderwysministers.

(3) Die Departement onderneem die monitering en evaluering in 15
subartikel (1) beoog, deur die ontleding van gegewens deur middel van
onderwysbestuursinligtingstelsels versamel of deur 'n ander geskikte
metode, in samewerking met provinsiale onderwysdepartemente.

(4) Die Departement vervul sy verantwoordelikhede ooreenkomstig 20
subartikels (1) tot (3) op 'n redelike wyse, met die oog daarop om
professionele vermoëns in monitering en evaluering regdeur die nasionale
onderwysstelsel te verhoog, en om die bevoegde gesagsinstansies met alle
praktiese middele binne die perke van beskikbare openbare hulpbronne by
te staan om die standaarde ten opsigte van voorsiening en prestasie van
onderwys en opleiding vir volwassenes te verhoog.

(5) Die Departement moet 'n verslag oor die uitslag van elke ondersoek 25
ooreenkomstig subartikel (3) uitgevoer, opstel en publiseer nadat die
geleentheid aan die betrokke bevoegde gesag verleen is om daarop
kommentaar te lewer, welke kommentaar saam met die verslag gepubliseer
moet word.

(6) Indien 'n verslag ooreenkomstig subartikel (5) opgestel, daarop dui 30
dat die standaarde van voorsiening, oordrag en prestasie ten opsigte van
onderwys en opleiding vir volwassenes in 'n provinsie nie voldoen aan die
Grondwet of aan die beleid kragtens artikel 25B bepaal nie, stel die
Minister die betrokke provinsiale politieke onderwyshoof aldus in kennis
en verlang die Minister dat 'n plan om die situasie te remedieer binne 90 35
dae voorgelê word.

(7) 'n Plan wat kragtens subartikel (6) deur die Minister verlang word,
word deur die betrokke provinsiale onderwysdepartement in oorleg met die
Departement voorberei en word binne 21 dae na ontvangs daarvan deur die
Minister in die Parlement ter Tafel gelê tesame met sy of haar kommentaar, 40
indien die Parlement dan in gewone sessie is, of, indien die Parlement nie
in gewone sessie is nie, binne 21 dae na die aanvang van die eersvolgende
gewone sessie van die Parlement.

Werksaamhede van Raad van Onderwysministers ten opsigte van 45 onderwys en opleiding vir volwassenes

25H. Die Raad van Onderwysministers moet—

- (a) 'n nasionale beleid vir onderwys en opleiding vir volwassenes 50
bevorder wat regeringsbeleide ten volle in ag neem;
- (b) inligting en menings oor alle aspekte van onderwys en opleiding vir
volwassenes in die Republiek deel; en
- (c) optrede met betrekking tot aangeleenthede van onderlinge belang vir
die nasionale en provinsiale regerings koördineer.

Werksaamhede van Komitee van Departementshoofde ten 55 opsigte van onderwys en opleiding vir volwassenes

25I. Die Komitee van Departementshoofde van Onderwys ingestel 55
ingevolge artikel 41I van die 'Further Education and Training Act, 2006'
(Wet No. 16 van 2006), moet—

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- (a) die ontwikkeling van 'n nasionale stelsels vir onderwys en opleiding vir volwassenes ooreenkomstig die doelwitte en beginsels vervat in hierdie Wet bevorder;
- (b) inligting en menings oor nasionale onderwys en opleiding vir volwassenes deel; 5
- (c) administratiewe optrede met betrekking tot aangeleenthede van onderlinge belang vir die Departement en die provinsiale onderwysdepartemente te koördineer; en
- (d) die Departement oor enige aangeleentheid beoog in artikels 25B tot 25G en 25J ten opsigte van onderwys en opleiding vir volwassenes te adviseer, of oor enige ander aangeleentheid wat met die behoorlike funksionering van die stelsel van onderwys en opleiding vir volwassenes in verband staan. 10

Oorgangsreëlings betreffende beleid

25J. Enige beleid bepaal ingevolge die Wet op Nasionale Onderwysbeleid, 1996 (Wet No 27 van 1996), tot en met 31 Desember 2010 en van toepassing op Sentrums vir Basiese Onderwys en Opleiding vir Volwassenes, bly in werking totdat die Minister dit ingevolge hierdie Wet herroep." 15

Vervanging van artikel 32 van Wet 52 van 2000, soos vervang deur artikel 29 van Wet 50 van 2002 20

6. Artikel 32 van die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000 word hierby deur die volgende artikel vervang:

“Gehalteversekering van openbare en private sentrums

32. (1) Umalusi moet, ooreenkomstig die Wet op Gehalteversekering vir Algemene en Verdere Onderwys en Opleiding, 2001 (Wet No. 58 van 2001), gelees met die ‘National Qualifications Framework Act, 2008’ (Wet No. 67 van 2008), die werksaamhede verrig van 'n Gehalteraad ten opsigte van alle kwalifikasies wat deur 'n openbare of privaat sentrum aangebied word. 25

(2) By die toepassing van hierdie artikel, beteken ‘Umalusi’ die raad ingestel by artikel 4 van die Wet op Gehalteversekering vir Algemene en Verdere Onderwys en Opleiding, 2001 (Wet No. 58 van 2001).” 30

Vervanging van artikel 44 van Wet 52 van 2000

7. Artikel 44 van die Wet op Basiese Onderwys en Opleiding vir Volwassenes, 2000 word hierby deur die volgende artikel vervang: 35

“Kort titel

44. Hierdie Wet heet die Wet op [Basiese] Onderwys en Opleiding, 2000.”

Vervanging van sekere uitdrukkings in Wet 52 van 2000 40

8. Die Wet of Basiese Onderwys en Opleiding vir Volwassenes, 2000 word hierby gewysig deur—

- (a) die uitdrukking “NARBOOV” waar dit voorkom deur die uitdrukking “NAROOV” te vervang;
- (b) die uitdrukking “basiese onderwys en opleiding vir volwassenes” waar dit voorkom te vervang deur “onderwys en opleiding vir volwassenes”; en 45
- (c) die uitdrukking “provinsiale departement van onderwys” waar dit voorkom te vervang deur “provinsiale onderwysdepartement”.

Phetošo ya karolo 1 ya Molao 16 wa 2006

9. Karolo 1 ya Molao wa Thuto ya go iša Pele le Tlhahlo, 2006, o a fetošwa ka—
- (a) go tloša go lokelwe mo temeng (b) ya tlhalošo ya “kholetšhe” ya tlhalošo ye latelago:
“(b) kholetšhe ya ka fase ga taolo ya kgoro ya mmušo kantle le Kgoro [ya Thuto];”;
- (b) go tlošwa go lokelwe bakeng sa tlhalošo ya “Kgoro” tlhalošo ye latelago:
“‘Kgoro’ e ra [kgoro ya mmušo ye e nago le maikarabelo a thuto maamong a bosetšhaba] Kgoro ya Thuto ya Godingwana le Tlhahlo;”;
- (c) go tloša go lokelwe bakeng sa tlhalošo ya “Tona” tlhalošo ye latelago:
“‘Tona’ e ra Tona ya Thuto ye Godingwana le Tlhahlo;”.

Go tsenywa Karolo ya 6 go Molao wa bo 16 wa 2006

10. Karolo e latelago ya 6A e ya tsenywa bjale ka go Molao wa 2006 wa Tšwetšopele ya Thuto le Tlhahlo, morago ga karolo ya 6:

“KGAOLO 6A

15

Maikemišetšo a Kgaolo**41A. Maikemišetšo a kgaolo ye ke go beakanyetša—**

- (a) boitlamo bja pholisi ya thuto ya bosetšhaba ka Tona go ya dikokwana tše išego;
- (b) ditherišano tšeo di tšilego go ba gona pele pholisi e ka tšenywa tirišong, le go hlongwa ga mekgatlo ye itšego bakeng sa ditherišano;
- (c) phatlalatšo le tiragatšo ya pholisi ya thuto ya bosetšhaba; le
- (d) tekolo le takanyetšo ya thuto le tlhahlo bakeng sa boithutelo bjoo bo fiwago ke kholetšhe ya thuto ya go iša pele le tlhahlo.

Maikemišetšo a pholisi ya thuto ya bosetšhaba bakeng sa dikholetšhe 25

41B. (1) Tona o tla tsenya pholisi ya bosetšhaba ya thuto tirišong go ya ka ditaelo tša Molaotheo le Molao wo.

(2) go tsenya pholisi ya thuto le tlhahlo ya bosetšhaba dikholetšheng, Tona o swanetše go ela hloko bokgoni ba makgotlapeamelao a seprofense go ya ka karolo 146 ya Molaotheo, le ditaelo tše maleba tša molao ofe goba ofe wa seprofense wo malebana le thuto.

(3) Go ya ka Molaotheo, pholisi ya bosetšhaba e tla nna godimo ga pholisi ya seprofense goba karolo ya yona bakeng sa thuto ya go iša pele le tlhahlo ge go na le thulano magareng ga pholisi ya bosetšhaba le ya seprofense.

(4) Go ya ka ditaelo tša dikarolwana (1) go fihla go (3), Tona o tla tsenya tirišong pholisi ya bosetšhaba bakeng sa go loga maano, ditaelo, matlotlo, thulaganyo, taolo, pušo, mananeo, tekolo, fetleko mmogo le go šomišwa ga botse ga tsela ya thuto ya go iša pele le tlhahlo mme, ntle le go se obamele kakaretšo ya karolo ye, a ka tsenya pholisi ya bosetšhaba tirišong bakeng sa—

- (a) ditsela tša taolo ya tshedimošo tša thuto ya go iša pele, go akaretšwa peakanyetšo ya tshedimošo go ya ka ditlamego tla boditšhababa tša mmušo;
- (b) thulaganyo, taolo le pušo ya tsela ya thuto ya go iša pele le tlhahlo ya bosetšhaba;
- (c) go nogofatša, matlotlo le maano a tšweletšo bakeng sa thuto ya go iša pele le tlhahlo go akaretšwa keletšo go Khomišene ya tša matlotlo le ikonomi
- (d) boithomelo, nyakišišo le tšweletšo ya thuto ya go iša pele le tlhahlo
- (e) thulaganyo, taolo, pušo, ditšhelete, thongo le ngwadišo ya dikholetšhe;
- (f) tlhako ya kharikhulamo, maneothuto a modu le mananeo a thuto ya go iša pele le tlhahlo, maemo a go ithuta, dihlahlobo le ditifikeiti tša

- boithutelo, go ya ka ditaelo tša molao ofe goba ofe go hloma tlhoko ya boithutelo ya bosetšhaba goba makgatlo wa go netefatša;
- (g) tšhomišano magareng ga Kgoro le—
- (i) dikgoro tše dingwe tša mmušo
 - (ii) dikgoro tša thuto tša seprofense
 - (iii) pušo ya selegae
 - (iv) mekgatlo yeo e sego ya mmušo,
- ka kgopolo ya go kaonafatša pholisi ya thuto ya bosetšhaba yeo e hlalošwago mo karolong ye le Lenaneo la Kagoleswa le Tlhabollo (RDP);
- (h) dikamano tša boditšhabatšhaba mo tša thuto ya go iša pele le tlhahlo;
- (i) mešomo ye kgethegilego yeo e nyakegago bakeng sa go diragatša pholisi ya thuto ya bosetšhaba yeo e laolwago ke karolo ye, go akaretšwa tiragatšo ya magato a go lebelelana le kgethollo ya nako ya bogologolo.

Dikokwane tša ditaelo bakeng sa pholisi ya thuto ya bosetšhaba

- 41C.** Pholisi ye e hlalošitšwego mo karolong ya 41B e tla lebišwa go—
- (a) tšwelelo le tšhireletšo ya ditokelo tše bohlokwa tša motho ofe go ofe yoo a kgonthišitšwego go ya kgaolo ya 2 ya Molaotheo, mme le go ya ka dikopano tša boditšhabatšhaba tše di dumeletšwego ke Palamente, mme gagolo tokelo—
- (i) ya motho ofe goba ofe gore a šireletšwe kgahlanong le kgethollo ya mohuta ofe goba mo Kgorong goba ke Kgoro goba dikholetšhe;
 - (ii) ya motho ofe goba ofe gore a hwetše thuto ya go iša pele le go ba le tlhahlo le phihlelelo ya go lekana bakeng sa dikholetšhe tša setšhaba;
 - (iii) ya motswadi goba mohlokomedi bakeng sa thuto ya go iša pele le tlhahlo ya ngwana wa gagwe goba selete;
 - (iv) ngwana ofe le ofe bakeng sa thuto ya gagwe ya go iša pele le tlhahlo;
 - (v) moithuti ofe goba ofe yo a tlilego go rutwa ka leleme leo a ikgetetšego lona moo go kgonegago;
 - (vi) ya motho ofe goba ofe bakeng sa tokologo bakeng sa maitswaro a mabotse, bodumedi, kgopolo, tumelo, mogopolo, hlagišo le go ikgokaganya ko dikholetšheng;
 - (vii) ya motho ofe goba ofe gore a hlome dikholetšhe go ya ka leleme, setšo goba bodumedi tše di tlwaelegilego, moo go kgonegago, ge go se na kgethollo ya morafe; le
 - (viii) ya motho ofe goba ofe gore a diriše leleme mme a tsenele dilo tša setšo tša boikgethelo bja gagwe ko dikholetšheng;
 - (ix) go kgontšha ditsela tša thuto ya go iša pele le tlhahlo gore di be le seabe mo tšwelelong ya moithuto ofe goba ofe, mme le mo tšweletšong ya botho, kgwerano, setšo, sepolotiki le tšweletšo ya ikonometri ya lefase, go akaretšwa tšwelelo ya temokrasi, ditokelo tša batho le tharabollo ye dithulano ya kagišo;
- (b) go fihlelela menyetla ye lekanago ya thuto le go phošolla go se lekane mo tokišetšong ya thuto ya go iša pele le tlhahlo mo nakong ye fetilego, go akaretšwa kgodišo ya tekano ya bong le tšweletšo ya seemo sa basadi;
- (c) go leka go netefatša gore, ka lebaka la bogolofadi, ga go motho yo a tlilego go ganetšwa monyetla wa go hwetša thuto ya go iša pele le tlhahlo ka moo a kgonago ka gona;
- (d) go beakanyetša menyetla le go hlohleletša thuto ya go ya go ile;
- (e) go fihlelela tsela ya kopanelo bakeng sa thuto le tlhahlo ya batho ba ba golo mo tlhakong ya boithutelo ya bosetšhaba;
- (f) kaonafatša bokgoni, melawana le methamo yeo e hlokegago bakeng sa kagoleswa le tšweletšo;
- (g) go lemoga bokgwari, bokgoni, dikgahlego, tsebo le boitemogelo ba baithuti;
- (h) go hlohlelatša monagano wa go ikemela wo bohlokwa;

- (i) go godiša setšo sa hlomphe ya go ruta le go ithuta ko dikholetšheng;
- (j) go godiša khwetšo ya tshedimošo, nyakišišo le tlhabollo ya tsebo;
- (k) go kaonafatša boleng bja thuto ya go iša pele le tlhahlo le boithomelo thutong—
- (l) ka nyakišišo ya lenaneo le tšweletšo bakeng sa thuto ya go iša pele le tlhahlo; 5
- (aa) ka go lekola le go lekanyetša taelo le tiro ya thuto ya go iša pele le tlhahlo; le
- (bb) ka tlhahlo ya barutiši le thuto ya go iša pele le tlhahlo bakeng sa balaodi; 10
- (m) go netefatša tsenelo ye golo mo tšweletšong pholisi ya thuto ya go iša pele le tlhahlo le kalo ya bakgathatema mo pušong bakeng sa tsela ya thuto ya go iša pele le tlhahlo mahlakoreng ka moka;
- (n) go fihlelela tirišo yeo e sa bitšego kudu methopo thuto ya go iša pele le tlhahlo mmogo le tiragatšo ye swanetšego ya ditirelo tša thuto ya go iša pele le tlhahlo; 15
- (o) go fihlelela tšhomišano mmogo magareng ga mmušo wa bosetšhaba le mmušo wa seprofense mabapi le merero ye malebana le thuto ya go iša pele le tlhahlo, go akaretšwa tšweletšo ya mothamo mo Kgorong, le bolaodi bo maleba ba tsela ya thuto ya go iša pele le tlhahlo ya bosetšhaba. 20

Therišano bakeng sa pholisi ya thuto ya bosetšhaba

- 41D.** (1) Pholisi ye e hlalošitšwego mo karolong 41B e tla laolwa ke Tona morago ga gore go be le ditherišano le Khansele ya Ditona tša Thuto yeo e hlongwego go ya ka karolo 41H. 25
- (2) Pholisi yeo e hlalošitšwego mo karolong 41B e tla laolwa ke Tona ka tumellano le Tona ya Matlotlo ge e na le kamano bakeng sa Dtšhelete tša Ditseno tša Mmušo.
- (3) Ga go selo mo karolong ye seo se ka thibelago Tona gore ikgokaganye le motho ofe goba ofe ge a nyaka keletšo bakeng sa go tsenywa tirišong ga pholisi ya thuto ya bosetšhaba. 30

Ditherišano mabapi le tša molao

- 41E.** Molao mabapi le merero ye hlalošitšwego mo karolong 41B o tla tsebišwa Palamenteng goba, bakeng sa melawana, o tla phatlalatšwa mo kuranteng ya mmušo fela morago ga ditherišano magareng ga Tona le— 35
- (a) Khansele ya Ditona tša Thuto yeo e hlomilwego ka karolo 41H go ya ka thuto ya go iša pele le tlhahlo mo dikholetšheng; le
- (b) Maloko ka moka mo Khansele ya Dikamano tša Bašomi ya Thuto yeo go bolelwago ka yona mo karolong 54(3) bakeng sa morero ofe goba ofe yoo o lego ka fase ga mešomo ya khansele ya ditherišano. 40

Phatlalatšo ya pholisi ya thuto ya bosetšhaba

- 41F.** Mo matšatšing a masomepeditee morago ga go dira sephetho ka pholisi go ya ka karolo 41B, Tona e tla—
- (a) dira tsebišo ka sephetho seo mo kuranteng ya mmušo mme a laetše mo tsebišong yeo gore pholisi yeo e ka hwetšagala kae; 45
- (b) ala pholisi yeo e hlalošitšwego mo temeng ya (a) ko palamenteng mo matšatšing a masomepeditee morago ga ge tsebišo e tšweletše mo kuranteng ya mmušo, ge e le gore Palamente e ya šoma ka nako yeo, goba, ge palamente e sa šome, morago ga matšatši a masomepetee morago ga gore kopano ya mathomo e thome, yeo e tšilego go ba gona ya Palamente. 50

Tekolo le fetleko ya thuto ya go iša pele le tlhahlo

- 41G.** (1) Molaodi o tla netefatša gore maemo a taelo ya thuto ya go iša pele le tlhahlo, kabo le tiragatšo mo Rephabliki ka bophara di lekolwe le go fetlekwa ke Kgoro ka ngwaga goba ka dinako tše di beilwego, ka 55

maikemišetšo a go lekola tema ka go obamela ditaelo tša Molaotheo le pholisi ya thuto ya go iša pele le tlhahlo ya bosetšhaba, gagolo ka ge e laotšwe go ya ka karolo 41B.

(2) Taelo efe goba efe yeo e filwego go ya ka karolwana (1) e tla sepelelana le ditaelo tša molao ofe goba ofe wo o hlomago tlhako ya boithutelo ya bosetšhaba, mme e tla hlongwa morago ga ditherišano le Khansele ya Ditona tša Thuto tšeo go bolelwago ka tšona mo karolong 41D(1).

(3) Kgoro e tla diragatša tekolo le fetleko tšeo go bolelwago ka tšona mo karolwaneng (1) ka fetleko ya tshedimošo yeo e kgobokantšwego ka ditsela tša taolo ya tshedimošo ya thuto ya go iša pele le tlhahlo, goba ka ditsela tše swanetšego, ka tšhomišano le dikgoro tša thuto tša seprofense.

(4) Kgoro e tla phethagatša maikarabelo a yona go ya ka karolwana (1) go fihla go ya (3) ka tsela ye kwagalago, ka kgopolo ya go kaonafatša methamo ya go lekola le go fetleka bakeng sa tsela ya thuto ya bosetšhaba, le go thuša balaodi bao ba tsebago mešomo ya bona ka mekgwa yohle yeo e kgonegago ya methopo yeo e lego gona ya setšhaba, bakeng sa go godiša maemo taelo le tiragatšo tša thuto ya go iša pele le tlhahlo.

(5) Kgoro e tla beakanya le go phatlalatša pego ya dipelo tša nyakišišo efe goba efe yeo e dirilwego go ya ka karolwana (3) morago ga go nea monyetla bakeng sa kgoro ya thuto ya seprofense yeo e amegago bakeng sa go swayaswaya, tshwayathwayo yeo e tla phatlalatšwago mo pegong.

(6) Ge pego ye e beakantšwego go ya ka karolwana (5) e laetša taelo ya maemo a thuto ya go iša pele le tlhahlo, kabo le tiragatšo di sa sepelelane le Molaotheo goba le pholisi yeo e tsentšwego tirišong go ya ka karolo 41B , Tona e tla tsebiša hlogo ya seprofense ya thuto yeo e amegago mme go kgopelwe thomelo, mo matšatšing a masomesenyane, a leano la go rarabolla bothata.

(7) Leano le le nyakago ke Tona go ya ka karolwana (6) le tla beakanya ke kgoro ya thuto ya seprofense yeo e amegago, ka ditherišano le Kgoro, mme Tona e tla ala leano Palamenteng ka diswayaswayo tša gagwe mo matšatšing a masomepeditee morago ga go thoma ga kopano yeo e tlo bago gona.

Khansele ya Ditona tša Thuto

41H. (1) Go hlongwa Khansele, yeo e bitšwago Khansele ya Ditona tša Thuto, yeo e hlangwego ka—

(a) Tona, yo e lego yena modulasetulo; le

(b) Hlogo efe goba efe ya sepolitiki ya seprofense.

(2) Molaodi-Kakaretšo o tla ya dikopanong tša Khansele ya Ditona tša Thuto bakeng sa go pega tshpetšo ya Komiti ya Dihlogo tša Dikgoro tša Thuto yeo e hlangwego ka karolo 41I, mme le go eletša bakeng sa merero efe goba efe ye malebana le maikarabelo ya Kgoro.

(3) Modulasetulo wa Komiti ya Photfolio ya Thuto ya godingwana le tlhahlo mo Sebokeng sa maloko a Palamente le Komiti ya khansele ya diprofense bakeng sa Thuto ya Godingwana le Tlhahlo mo komiting e ka ya dikopanong tša Khansele ya Ditona tša Thuto.

(4) Mešomo ya Khansele ya Ditona tša Thuto e tla ba go—

(a) godiša thuto ya go iša pele le tlhahlo ya bosetšhaba yeo e ikarabelago ka dipholisi tša pušo;

(b) abelana tshedimošo le dikgopolo mabapi la merero ka moka ya thuto ya go iša pele le tlhahlo mo Rephabiliki; le

(c) beakanyetša tiro bakeng sa merero ya kgahlego ya kamano go pušo ya bosetšhaba le seprofense.

(5) Khansele ya Ditona tša Thuto e ka dira melao mabapi le go bitša dikopano tša yona, boipoletšo ba dikopano tša bona, tshpetšo ya dikopano tša bona ka moka, go akaretšwa le palo ya maloko ao a tlilego go ya dikopanong, le merero efe goba efe ya tiragatšo goba tshpetšo yeo ba ka bonago hlokego bakeng sa tiragatšo ye swanetšego ya ditshwanelo goba tiragatšo ya maalla a bona.

(6) Tshepetšo ya Khansele ya Ditona tša Thuto di ka se tšewe bjalo ka yeo e se go bohlokwa ka lebaka la ge go na le sekgoba sa mošomo mo Khanseleng.

Komiti ya Dihlogo tša Dikgoro tša Thuto

41I. (1) Go hlongwe Komiti, yeo e bitšwago Komiti ya Dihlogo tša Dikgoro (mo karolong ye e bitšwa Komiti) e hlangwe ka— 5

- (a) Molaodi-Kakaretšo, ye e tla bago modulasetulo;
- (b) Motlatša Molaodi-Kakaretšo wa Kgoro; le
- (c) Dihlogo tša dikgoro tša thuto tša seprofense.

(2) Mošomo wa komiti e tla ba go— 10

- (a) nolofatša tlhabollo ya tsela ya thuto ya go iša pele ya bosetšhaba ya go sepelelana le maikemišetšo le dikokwana tšeo di phethagaleditšwego mo Molaong wo;
- (b) go abelana tshedimošo le dikgopolo bakeng sa thuto ya go iša pele le lhahlo;
- (c) go rulaganyetša tiragatšo mabapi le merero ya kgahlego ya batho bohle go dikgoro tša thuto ye godingwana le tlhahlo; le
- (d) eletša kgoro ka merero efe goba efe ye hlalošitšwego mo dikarolong 41B go fihla go 41G le 41J mabapi le thuto ya iša pele le tlhahlo, goba ka merero efe goba efe ye malebana le go šoma ga bobotse ga tsela ya thuto ya go iša 20

pele le tlhahlo ya bosetšhaba.

(3) Komiti e ka hloma dikomiti tše nnyane bakeng sa go e thuša go phethagatša ditshwanelo tša yona, mme—

- (a) e ka thwala batho bao e sego maloko a komiti gore e be maloko a komiti ye nnyane: Ge fela e le gore motho yo šomago mošomo wo a ithutetšego ona wa tša thuto o tla bitšwa bakeng sa go kgetha dikemedi bjalo ka maloko a komiti ye nnyane ye nngwe le ye nngwe; (b) *e thwale modulasetulo wa komiti ye nnyane goba e laele gore go thwalwe modulasetulo ke komiti ye nnyane go tšwa malokong a yona.* 25 30

(4) (a) Modulasetulo o tla laola dinako le mafelo a dikopano tša komiti.

(b) ditshepetšo tša komiti di ka se tšewe bjalo ka tšeo di sa šomego ka lebaka la ge go na le sekgoba sa mošomo komiting.

(c) Ge modulasetulo wa komiti a se gona kopanong ya komiti, yo mongwe wa Batlatša Balaodi-Kakaretšo wo a thwaletšwego lebaka le, o tla diragatša mošomo woo mo kopanong yeo. 35

(5) Komiti e ka dira melao ye malebana le go dira dikopano, boipoletšo ba dikopano, tshepetšo dikopanong tša yona, go akaretšwa le batho bao ba tlilego go sepela dikopano tšeo, le ditiragatšo dife goba dife goba merero ya ditshepetšo moo go nago le hlokego mo go yona bakeng sa go phethagatša ditshwanelo tša bona ka tsela ye swanetšego goba tiragatšo ya maatla a yona: Ge fela e le gore dikopano tša go feta tše nne ka ngwaga di tla ba gona. 40

Diputseletšo le meputso ya maloko a dikomiti tše nnyane

41J. Leloko la komiti ye nnyane leo le sa tšwelelego bjalo ka leo le thwetšwego ke mmušo le ka, go ya ka ditirelo tšeo di fiwago ke yena mabapi le merero ya komiti ye nnyane mme le tšheleteng yeo e kgobokantšwego bakeng sa lebaka le ke Palamente, e lefswa go tša maeto ao le go thuša mme diputseletšo tše dingwe ka mokgwa woo Tona a ka bonago hlokego, ka tumelo ya Tona ya Matlotlo. 45 50

Mešomo ya tiragatšo ya Khansele le Komiti

41K. (1) Ditshwanelo ya tiragatšo tša khansele tšeo di hlangwego ka karolo 41H le komiti yeo e hlangwego ka karolo 41I di tla diragatšwa ke bahlankedi ba kgoro bao ba thwetšwego ke Molaodi-Kakaretšo bakeng sa lebaka leo. 55

(2) Tlhamego, boithutelo ba boloko, ditshwanelo, maatla le mešomo ya mokgatlo yo o hlangwego go ya karolwana (1), botelele ba nako bakeng sa tshepetšo ya kantoro ba maloko, bo tla laolwa ke melawana.

Mekgahlo yeo go tlo rerišanwago nayo

41L (1) Tona a ka hloma mekgahlo woo o ka bitšwago Khansele ya Thuto le Tlhahlo ya Bosetšhaba le mekgahlo ye mengwe bakeng sa go mo eletša ka merero efe goba efe yeo e hlalošitwego mo karolo 41B goba merero cfe goba efe yeo e tsopotšwego ke Tona.

(2) hlamego, maswanedi a boloko, ditshwanelo, maatla le mešomo ya mekgahlo wo hlangwego go ya ka karolwana (1), le botelele bja nako ya go hlankela ga maloko, di tla tsebagatšwa mo melawaneng.

Dithulaganyo tša nakwana mabapi le Pholisi

41M. Pholisi efe goba efe yeo e laolwago go ya ka *National Education Policy Act, 1996 (Act No. 27 of 1996)*, go fihla go December 2010 mme e šoma Dikholetšheng tša Thuto ya go iša Pele, e tšwetšwa pele go fihla go dirwa boipiletšo ke Tona go ya ka Molao wo.”

Phetošo ya karolo 42 ya Molao 16 wa 2006

11. Karolo 42 ya Molao wa Thuto ya go iša Pele le Tlhahlo, 2006, o a fetošwa ka go tloša go lokelwe mo karolwaneng (1) mantšu ao a latelago mo temeng ya (a) ka mantšu a latelago:

“Go ya ka ditlwaedi le maemo a beilwego ke Tona go ya [ka karolo 3 ya Molao wa Bosetšhaba wa Leano la Thuto, 1996 (Molao No. 27 wa 1996), le ka SAQA,] karolo 41B Molaodi-Pharephare o swanetše go—”.

Phetošo ya karolo 43 ya Molao 16 wa 2006

12. Karolo 43 ya Molao wa Thuto ya go iša Pele, 2006, o a fetošwa ka—
(a) Go tlošwa go lokelwe mo karolwaneng (1) ya karolwana ye latelago:

“(1) Tona a ka tsenya tirišong melao le maemo a mannyane bakeng sa thuto ya go iša pele le mananeo a tlhahlo, ao a išago go ditshwanelo tša tuto mo gare ga tlhako ye nnyane bakeng sa thuto ya kakaretšo le ya go iša pele tlhahlo ye hlalošitšwego mo karolong 7(a) ye balwago le karolo 13(1)(h) ya *National Qualifications Framework Act*, tšeo di phethagaletšwago ko dikholetšheng

(b) Koketšo ya karolwana ye latelago:

“(5) Kholetšhe e ka dira kgopelo go Khansele ya Boleng bakeng sa Kgwebo le mešomo ye hlangwego go ya ka karolo 26G ya *Skills Development Act, 1998 (Act No. 97 of 1998)*, ya netefatšo bjalo ka sehlongwa sa go tlhabollo ya bokgoni bakeng sa go nea boithutelo bjo bo ngwadišitšwego mo tlhakong ye nnyane ya dikgwebo le mešomo yeo e hlalošitšwego mo karolong 7(c) ya *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*.”.

Kort titel

13. Hierdie Wet heet die Wysigingswet op Hoër Onderwys- en Opleidingswette, 2010.

INCHAZELO NGALOKULOTJIWE:

- [] Emagama labhalwe ngalokumnyama lakubakaki labasikwele abonisa lokususiwe kulomtsetfo lomisiwe.
- _____ Emagama ladvvetjelwe ngemugca logcwele abonisa lokufakiwe kulomtsetfo lomisiwe.

(English text signed by the President.)
(Assented to 3 December 2010.)

UMTSETFO**Kuchibiyela—**

- *I-Adult Basic Education and Training Act, 2000*, kute kutsi kuchitjiyelwe tinchazelo letitsite; kwenta imibandzela yekucashwa kwebafundzisi kutikhungo tahulumende ngekufaka imibandzela kuloMtsetfo lekukhulunywa ngawo ngekuhambisana nebacashi bebefundzisi, imiholo kanye naleminye imigomo yekusebenta kwebafundzisi, indzawo yekusebentela yebafundzisi, emandla ebacashi, kucashwa nekugcwaliswa kwetikhala temisebenti, kuyiswa kwebafundzisi kulenye indzawo, kuphakanyiswa kwebafundzisi, kutsatsa umhlalaphansi kwebafundzisi, kumiswa emsebentini kwebafundzisi, kungenti kahle umsebenti kanye nekweca umtsetfo kwebafundzisi kanye nekwenziwa kwaleminye imisebenti yentiwa bafundzisi; kuniketela emalungiselelo ekufaka letinye tikhungo tahulumende; kuniketa imibandzela yekuncuma ngencubomgomo yetemfundvo velonkhe yetikhungo tahulumende, kwentela imigomo leholako yenchubomgomo yahulumende velonkhe, kwentela kutsintsana ngenchubomgomo kanye nemitsetfo, kwentela kukhishwa kwenchubomgomo yetemfundvo velonkhe kanye nekubukisisa nekubuyeketa kwemfundvo yalabadzala nekucecesha; kanye nekuniketela ticu lekungito mbamba letikhishwa tikhungo tahulumende netangasese; kanye
- *ne-Further Education and Training Colleges Act, 2006*, kute kutsi kuchitjiyelwe tinchazelo letitsite; kwenta umbandzela kwentela kuncuma inchubomgomo yetemfundvo yemakolishi velonkhe, imigomo leholako yenchubomgomo yetemfundvo velonkhe, kucocisana ngenchubomgomo kanye nemtsetfo, kukhishwa kwenchubomgomo yetemfundvo velonkhe kanye nekubukisiswa nekubuyeketa kwemfundvo lenetetelako nekucecesha; kwenta umbandzela weSigungu saboNgcongcoshe beTemfundvo kanye neTinhloko Temakomidi Tematiko Etemfundvo kanye nemisebenti yabo yekupheta; kwentela emalungiselelo lagucukako ngekuhambisana nemakolishi; kanye nekuniketela siciniseko sesimo lesicinile ngekwetifundvo letiniketwa ngemakolishi; kanye nekuniketela kutindzaba letiphatselene naloko.

NNGAKO-KE KUTAWUMISWA yiPhalamende yeRiphabhulikhi yaseNingizimu Afrika, ngalendlela:—

Kuchitjiyelwa kwesigaba 1 seMtsetfo 52 wanga 2000

1. Sigaba 1 se-*Adult Basic Education and Training Act, 2000*, siyachitjiyelwa—

- (a) kukhiswa kwalenchazelo lelandzelako **“imfundvo lesisekelo yekucesshwa kwalabadzala”** yalenchazelo lelandzelako:1
 “**imfundvo nekucesshwa kwalabadzala**’ kushiwo tonkhe tihlelo tekufundza nekucesshwa kwalabadzala kulizinga 1
 (a) **libanga 9 etikolweni tahulumende; noma** 5
 (b)] kubhaliswa kuluhlaka lwemikhakha yetifundvo velonkhe Njengoba kuvetwe **1995 (Umtsetfo Nom. 58 wanga 1995)]** Ku-National Qualifications Framework Act, 2009 (Umtsetfo Nom. 67 wanga 2008);”;
- (b) kukhishwa kwalenchazelo lelandzelako **“Sigungu Sabongcongcoshe Betemfundvo”** kufakwe lenchazelo lelandzelako: 10
 “**Sigungu Sabongcongcoshe Betemfundvo**’ kushiwo Sigungu lesisungulwe [**Umtsetfo Nom. 27 of 1996**] ngesigaba 41H we-Further Education and Training Colleges Act, 2006 (Umtsetfo Nom. 16 wanga 2006);”; 15
- (c) kukhishwa kwalenchazelo lelandzelako **“Litiko”** kufakwe lenchazelo lelandzelako:
 “**‘Litiko’** kushiwo [**litiko lahulumende lelimele temfundvo ezingeni lavelonkhe**] Litiko Lemfundvo Lephakeme Nekucessha;”;
- (d) kukhishwa kwalenchazelo lelandzelako **“umfundzisi”** kufakwe lenchazelo lelandzelako: 20
 “**‘umfundzisi’** kushiwo [**noma ngabe ngumuphi**] umuntfu lofundzisa, nekukhulisa noma acecsha lomunye umuntfu, noma afundzise ngalokucecshakile tinsita tekufundzisa, kufaka ekhatsi kuniketa lusito lwekwelapha nekucwayisa kanye netinsita tesayikholoji, kunoma **ngabe ngusiphi sikhungo sahumende kantsi lekacashwe esikheleni sekuba ngumfundzisi lotawusungula njengekusho kwesigaba 20F;**”;
- (e) lokufaka ngemuva kwalenchazelo **“umfundzisi”** kufakwe lenchazelo lelandzelako: 30
 “**‘umcashi’**, ngekuya nganoma ngabe ngumuphi umbandzela lokuSahluko 4, 5 noma 7 we-Employment of Educators Act, 1998 (Umtsetfo Nom. 76 wanga 1998), lesebenta, noma lechumene, nemfundzisi emsebentini—
 (a) Welitiko Letemfundvo Lephakeme Nekucessha, kushiwo Umcondzisi-Jikele; kanye 35
 (b) litiko letemfundvo esifundzeni, kushiwo Inhlolo Yelitiko;”;
- (f) lokufakwa ngemuva kwalenchazelo **“Inhlolo Yelitiko”** kufakwe lenchazelo lelandzelako: 40
 “**‘Labour Relations Act’** kushiwo i-Labour Relations Act, 1995 (Umtsetfo Nom. 66 wanga 1995);”;
- (g) kukhishwa kwalenchazelo lelandzelako **“Ngcongcoshe”** kufakwe lenchazelo lelandzelako:
 “**‘Ngcongcoshe’** kushiwo Ngcongcoshe Wemfundvo Lephakeme Nekucesshwa;”;
- (h) kukhishwa kwalenchazelo lelandzelako **“NABABET”** kufakwe lenchazelo lelandzelako: 45
 “**‘[NABABET] NABAET’** kushiwo Libhodi Lelicondzisako Velonkhe Lemfundvo Yalabadzala Nekucessha lelisungulwe ngekwemtsetfo ngekwesigaba 11 se-National Education Policy Act, 1996 (Umtsetfo Nom. 27 wanga 996);”; kanye 50
- (i) nekufaka ngemuva kwenchazelo **“inchubomgomo”** kufakwe lenchazelo lelandzelako:
 “**‘kubekiwe’** kushiwo lokubekwe ngekwemtsetfo lowentiwe ngekwesigaba 41;”;

Kuchitjiyelwa kwesigaba 11 seMtsetfo 52 wanga 2000

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2. Sigaba 11 se-Adult Basic Education and Training Act, 2000, sichitjiyelwa ngaloku—

- (a) Kukhishwa kusigatjana (2) kufakwe indzima (a) kwalenzima lelandzelako:
 “(a) Bafundzisi kanye nebefundzisi labacashiwe ngekutsi bangetelelwe kulesikhungo lesincunye Lilunga leSigungu Lesiphakeme ngekwesahluko 3A; kanye”; kanye 60

- (b) kukhipha kufakwe kusigatjana (7) salesigatjana lesilandzelako:
“(7) Ngcongcoshe, ngekuniketa satiso kuGazethi yaHulumende, utawuncuma imihambo nemazinga ngekuhambisana ngaletimali letisetjentsiwe kucasha basebenti lababalwe kusigatjana (2), kodvwa leyo mihambo nemazinga angeke yahunyushwa njengekwenta Umbuso umcashi lohlangene walabo basebenti.”.

Kucitfwa kwesigaba 12 seMtsetfo 52 wanga 2000

3. Sigaba 12 se-*Adult Basic Education and Training Act, 2000*, siyacitfwa.

Kufakwa kweSahluko 3A kuMtsetfo 52 wanga 2000

4. Lesahluko lesilandzelako sitawufakwa ku-*Adult Basic Education and Training Act, 2000*, ngemuva kweSahluko 3:

“SAHLUKO 3A

Kusetjentsiswa kweSahluko

20B. LeSahluko sisebenta kulokucashwa kwebafundzisi kutikhungo tahlumende eRiphabhulikhi.

Bacashi bebefundzisi kanye nalabanye bantfu

20C. (1) Ngaphandle kwekutsi kubekwe kulesigaba; Inhlolo Yelitiko itawuba ngumcashi webafundzisi labasemsebentini welitiko letemfundvo lesifundza kutikhala tebefundzisi nekusungulwa kwetikhungo tahlumende kwentele tonkhe tinjongo tekucasha.

(2) kwentela tinjongo tekuncuma imiholo kanye naletinye timo tekusebenta tebefundzisi, Ngcongcoshe utawuba ngumcashi wabo bonkhe bafundzisi labavetwe kusigatjana (1).

(3) kwentela tinjongo tekuvula tikhala temsebenti kulokusungulwa kwesikhungo sebefundzisi bahulumende kulitiko lemfundvo kusifundza, Lilunga Lesigungu Lesiphakeme litawuba ngumcashi webafundzisi kusebentela lelo litiko.

Imiholo kanye naletinye timo tekusebenta tebefundzisi

20D. (1) Ngaphandle kwanoma yini lemelana nanoma ngumuphi umtsetfo kodvwa iye ngemibandzela yalesigaba, *i-Labour Relations Act* noma ngabe ngusiphi sivumelwano lesihlanganyelwe lesitsetfwe Sigungu Lesiphetse Nemisebenti Yetemfundvo, Ngcongcoshe utawuncuma imiholo kanye naletinye timo tetindlela tekusebenta tebefundzisi.

(2) Imiholo lehlukene netimo tekusebenta letivetwe kusigatjana (1) tingancunywa ngekwetikhundla letihlukene kanye nemazinga ebafundzisi.

(3) Sincumo lesentiwe nguNgcongcoshe ngaphansi kwalesigaba kufaka ekhatsi lokusetjentsiwe kuSikhwama Setimali Savelonkhe singentiwa ngekuvumelana naNgcongcoshe weTimali.

Inhlangano yebafundzisi

20E. (1) Ngaphandle kwanoma yini lemelana nanoma ngumuphi umtsetfo kodvwa iye ngemihambo lekhishelwe lombandzela walesikhundla, lenhlangano yebafundzisi belitiko letemfundvo esifundzeni litawuba naletikhala temsebenti letakhiwe Lilunga Lesigungu Lesiphakeme.

(2) Lenhlangano yebafundzisi yanoma ngabe ngusiphi sikhungo sahumende ngaphansi kwekulawulwa litiko letemfundvo esifundzeni kumele, ngekuya ngemihambo lekhishwe kwentela imibandzela yalesikhala semsebenti lesiniketwe kulesikhungo sahumende noma lihhovisi leNhloko yeLitiko.

- (3) Kwentela tinhloso taleSahluko—
- (a) emandla ekuvula sikhala semsebenti ngaphansi kwalesigaba atawufaka ekhatsi emandla ekulinganisa, ekulinganisa kabusha, kubeka esikhundleni, nekususa esikhundleni, kugucula noma kuvala lesikhala semsebenti, kanye 5
- (b) nemandla ekuniketa sikhala semsebenti ngaphansi kwalesigaba atawufaka ekhatsi emandla ekuniketa kabusha lesikhala semsebenti.
- (4) Lokungasungulwa kwesikhungo sabothishela sahumende kutawuncunyuwa ngeke-*Public Service Act*, 1994 (Simemetelo Nom. 103 sanga 1994). 10

Emandla ebacashi

- 20F.** (1) Ngekuya ngemibandzela yalesigaba, kucashwa kwanoma ngabe ngumuphi umuntfu, noma kuniketwa sikhundla lesisetulu noma kudluliselwa kwanoma ngumuphi umfundzisi ayiswe kulenye indzawo, lebekasebentela litiko letemfundvo esifundzeni kutawentiwa, noma kutawuphunyelelwa, Yinhloko yeLitiko. 15
- (2) Ngekuya ngemibandzela yaleSahluko, *i-Labour Relations Act* noma ngabe ngusiphi sivumelwano lesitsetfwe ngekuvumelana lesentiwe Sigungu Setemisebenti yeTemfundvo, kucashwa, kuniketwa kwesikhundla lesisetulu noma kudluliselwa kulenye indzawo, uniketwe sikhala semsebenti kunoma ngabe ngukuphi kulitiko letemfundvo ngaphansi kwaloMtsetfo kutawufanele kutsi kwentiwe ngekulandzela lemihambo kanye naletidzingo letitawuncunyuwa nguNgcongcoshe. 20

Kucasha nekugwaliswa kwetikhala temisebenti

- 20G.** (1) Ekwakheni kwanoma ngabe ngutiphi tikhala noma ekugcwaliseni kwanoma ngutiphi tikhala temisebenti kunoma ngabe ngusiphi sikhungo sebafundzisi ngaphansi kwaloMtsetfo, kutawufanele kutsi kubuketwe indzaba yekulingana, kucasheke ngekulingana kanye naleminye imigomo yentsandvo yelunyenti kanye nemitsetfo levetwe kusigaba 195(1) seMtsetfosisekelo waseNingizimu Afrika, 1996, nalefaka ekhatsi— 25
- (a) likhono lalowo lofuna umsebenti; kanye
- (b) nesidzingo sekulungisa kungalingani kwesikhatsi lesidlulile kute kutsi kube nekumeleleka kwawonkhe wonkhe. 30
- (2) Umuntfu angacashwa ngaphansi kwaleSahluko— 35
- (a) ngalokugcwele, mhlawumbe kwesikhashana avivinywa noma cha;
- (b) kwesikhashana aniketwe sikhatsi lesitsite lesibekiwe, mhlawumbe ete ngaso sonkhe sikhatsi, noma ete ngesikhatsi tsite noma ngekwesikhundla lesihleshulelwanako; noma 40
- (c) noma ngekontileka lekhetsekile kusikhatsi lesibekiwe noma etele kutowenta umsebenti tsite, noma kungaba kuta ngaso sonkhe sikhatsi noma ngesikhatsi tsite. 40

Kudluliselwa kwebafundzisi bayiswe kulenye indzawo

- 20H.** (1) Ngekuya ngemibandzela yaleSahluko, Inhloko yeLitiko ingadlulisela noma ngabe ngumuphi umfundzisi losebentako— 45
- (a) kulitiko lekungilo aniketwe noma siphi sikhala semsebenti noma sikhundla kulamanye ematiko embuso ngekutfofolu kucala imvume yalowo muntfu kulelelinye litiko lembuso lelinemandla ekucasha noma kudlulisela kanye nangemvume yalowo mfundzisi, 50
- (b) nelitiko letemfundvo esifundzeni kuye kulesinye sikhala semsebenti kulelo litiko.
- (2) Umholo kanye naleminye imigomo yekusebenta yemfundzisi angeke yatsintseka kakhulu ngekudluliselwa lokubalwe ngaphansi kwalesigaba ngaphandle kwemvume leniketwe ngulowo mfundzisi.

Kusekelwa kwebafundzisi

20I. (1) Noma ngabe ngumuphi umfundzisi longaphansi kwelitiko letemfundvo esifundzeni, ngemvume lebhawwe phansi yalowo mfundzisi, angabekwa kuluhla lalabatawudluliselwa—

- (a) kulelinye litiko letemfundvo;
 - (b) kulomunye hulumende; noma
 - (c) kunoma ngumuphi umtimba noma umuntu,
- kwentela umsebenzi lotsite noma kusikhatsi lesitsite lesibekiwe ngaphansi kwaletimo, kungeta kuletimo letibaliwe ngaphansi kwanoma ngumuphi umtsetfo, njengoba kungancunywa Inhloko yeLitiko.

(2) Ngalesikhatsi asabekwe kulolo luhlu lwalabatawudluliselwa, lomfundzisi utawuhlala angaphansi kwemibandzela yaloMtsetfo.

Kutsatsa umhlala phansi

20J. (1) Ngekuya ngemibandzela yalesigaba—

- (a) umfundzisi utawuba nelilungelo lekutsatsa umhlala phansi, kantsi utawutsatsa umhlalaphansi, ngalelilanga lomfundzisi ahlanganisa iminyaka lengema-65; kantsi
- (b) umfundzisi lohlanganisa lomyaka lobaliwe ngelusuku lwekucala enyameni kutawubalwa kutsi ulihlanganise lolo suku ngelusuku lwekucala kulenyanga lelandzelako.

(2) Ngaphandle kwemibandzela yesigatjana (1), umfundzisi lowacashwa ngekushesha ngembi kwamhlaka 2 Inyoni 1994 ngekweMtsetfo locitfwe yi-*Educators' Employment Act*, 1994 (loshiwo ngaphansi Kwesimemetelo Nom. 138 sanga 1994), utawuba nelilungelo lekutsatsa umhlalaphansi ngemuva kwekufinyelela iminyaka yakhe yekutsatsa umhlalaphansi lekhone kulowo mfundzisi ngekushesha ngemuva kwalolusuku lolubaliwe.

(3) Ngaphandle—

- (a) kwemibandzela yesigatjana (1) na (2), umfundzisi utawuba nelilungelo lekutsatsa umhlalaphansi ngemuva noma ngembi kwekuhlanganisa iminyaka lengema-55; kanye
- (b) nekungabikho kwanoma ngusiphi sizatfu sekukhishwa ngekwesigaba 20K, umcashi angavumela umfundzisi kutsi atsatse umhlalaphansi ngembi kwekufika kuminyaka lengema-55, ngekwesicelo salowo mfundzisi, uma ngabe umcashi analombono wekutsi—
 - (i) kunesizatfu lesivakalako lesikhona; futsi
 - (ii) lomhlalaphansi utawubeka umbuso etfubeni lelincono.

(4) Ngaphandle kwemibandzela yalesigaba, umfundzisi—

- (a) lebesekavele asebenta ngekushesha ngembi kwamhlaka 1 Mabasa 1996;
- (b) le ngaphandle kwekuphazamiseka emisebentini yakhe, sewucedze sikhatsi lesingangeminyaka leli-10 akhipha imali yemhlalaphansi ngekuhambisana nemtsetfo wemhlalaphansi losebenta kulowo mfundzisi, kanye
- (c) nalesekafinyelele kuminyaka lengema-50, utawuba nalo lilungelo lekutsatsa umhlala phansi.

Kuyekeliswa kwebafundzisi emsebenzini

20K. (1) Umcashi angamyekelisa umsebenzi emsebenzini, alandzele ngalokugcwele imibandzela ye-*Labour Relations Act*—

- (a) uma ngabe angaphili kahle ngalokulandzelanako;
- (b) uma ngabe leso sikhala semsebenzi salowo msebenzi siphela noma ngabe uma kuphungulwa, noma kuhlelwa kabusha inhlango noma kulungiswa ngaleny indlela, kusungulwa kwetikhala temsebenzi kumatiko noma kutikhungo tahlumende;
- (c) uma ngabe, kunalesinye sizatfu ngaphandle kwalesi sekutsi umfundzisi akaphilanga noma akakhoni kwenta umsebenzi, lokumiswa kwalomfundzisi emsebenzini kutawenta kutsi kusebenteke noma kutfutukise umnotfo kulitiko noma kusikhungo sahlumende

- lapho khona lomfundzisi acashwe khona, noma lapho atawucashwa khona ngekwenshisekelo yeMbuso;
- (d) uma ngabe kuhambelana nekungalungi kahle ekwenteni lomsebenti lobekiwe wekuba ngumfundzisi noma kungakhoni kwenta lowo msebenti ngalokufanele; 5
- (e) uma ngabe ece umtsetfo;
- (f) uma ngabe lomfundzisi bekacashelwe kuleso sikhundla lekukhulunywa ngaso ngaphansi kwesimo sekungameleleki lesentiwe ngumfundzisi lesihambisana nanoma ngabe nguyiphi imibandzela yekucashwa; futsi 10
- (g) uma ngabe kucashwa kwalowo mfundzisi kungakacinisekiswa, uma ngabe lowo mfundzisi ucashwe ngaphansi kwesimo sekuvinywa.
- (2) Uma ngabe umfundzisi ayekeliswa emsebentini ngekwesigatjana (1)(f), lowo mfundzisi kutawufanele kutsatfwe ngekutsi uyekeliswe ngenca yekungatiphatsi kahle. 15

Kuyekeliswa emsebentini ngenca yekugula

20L. Umfundzisi angayekeliswa emsebentini ngenca yekugula kuletimo letibalwe kuShejuli 1 we-Employment of Educators Act.

Kuyekeliswa emsebentini kwebafundzisi labasavivinywa

- 20M. (1) Uma ngabe kungakafaneli kutsi kucinisekiswa lokucashwa, 20
kudluliselwa noma kuniketwa sikhundla kwemfundzisi lebekasavivinywa, umcashi, ngaphandle kwanoma yini lephikisako lecuketfwe kuloMtsetfo kodvwa iye ngalesigaba—
- (a) kukhulisa lesikhatsi sekucashwa uvivinywa kwalowo mfundzisi; 25
noma
- (b) ngemuva kwesatiso lesifanele siniketwe umfundzisi, kuyekeliswe lowo mfundzisi emsebentini uma ngabe kuphela sikhatsi sakhe sekuvinywa noma ngabe ngukuphi kukhuliselwa lebekwentiwe.
- (2) Akukho kucashwa, kudluliselwa noma kuniketwa kwesikhundla lesisetulu lokungakhuliswa, kantsi akekho umfundzisi longayekeliswa emsebenti lebekangaphansi kwesivivinyo, uma ngabe— 30
- (a) lomfundzisi bekasebenta ngekutikhandla;
- (b) kutiphatsa kwalomfundzisi bekunelisa ngalokugcwele;
- (c) lomfundzisi ngato tonkhe tindlela bekasilungele lesikhundla lebekakuso lowo mfundzisi; futsi 35
- (d) lomfundzisi uhambisane nayo yonkhe imiyalelo lekhona lehambisana nekucashwa kwemfundzisi, kudluliselwa, kuniketwa sikhundla lesisetulu.
- (3) Umfundzisi le kudluliselwa kwakhe noma kuniketwa kwakhe sikhundla uma ngabe kuvivinywa kwakhe kungakacinisekiswa le ngekushesha ngembi kwaloko kudluliselwa noma kuniketwa kwesikhundla bekgumfundzisi, utawudluliselwa kuleso sikhala semsebenti lesibanjwe ngulomfundzisi ngekwemtsetfo, noma kusikhala semsebenti lelingana naleso. 40

Kuyekela umsebenti

- 20N. (1) Umfundzisi angayekela umsebenti ngekuniketa satiso 45
lesibhalwe phansi ngembi kwemalanga langema-90 ngalokubhalwe phansi noma satiso lesifushane lesingavunyelwa ngumcashi ngekufakwa kwesicelo semfundzisi.
- (2) uma ngabe ligama lemfundzisi likhishiwe kurejista legcinwa yi-South African Council for Educators, lomfundzisi utawutsatfwa njengaloyekele umsebenti kusukela ngalelilanga lelilandzela ngekushesha ngembi kwalelilanga leligama lemfundzisi lakhishwa ngalo eluhlwini. 50

Kungenti umsebenti nekutiphatsa kabi

20O. Kungenti umsebenti nekutiphatsa kabi kwebafundzisi kusetjentwa ngako ngekuhambisana naletindlela letivetwe kuSahluko 5 afundvwe nemaShejuli 1 na 2 e-*Employment of Educators Act*.

Kwenta leminye imisebenti yentiwa bafundzisi

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20P. (1) Ngaphandle kwekutsi imiyalelo yekusebenta kwemfundzisi ikubeka ngalenywe indlela—

- (a) umfundzisi utawubeka lesi sikhatsi lesitawuncunywa nguNgcongcoshe kutsi asisebentisele umcashi;
- (b) akekho umfundzisi ngaphandle kwemvume yemcashi lotawenta noma asebente umsebenti lokhokhelako ngaphandle kwalomsebenti losemsetfweni wemfundzisi, futsi
- (c) akekho umfundzisi lotawufuna lenye imali ngetulu kwalekayitfolako uma ngabe ente noma ngabe ngumuphi umsebenti losemsetfweni le umfundzisi—
 - (i) awente ngekutinikela; noma
 - (ii) lekatjelwe kutsi akawente ngulowo lophetse.

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(2) Umcashi angatjela umfundzi kutsi ente imisebenti leminye kungasiyo lena lajwayele kuyenta njengemfundzisi, ngekwesikhashana, uma ngabe leyo misebenti ifanele kulelizinga lakulo, sikhundla noma kuchazwa kwalesikhundla salowo mfundzisi.

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Emalungiselelo ngetingucuko ngekwetikhungo tahulumende

20Q. (1) Kwentela tinjongo taleSahluko kanye nangekuhambisana netindzaba tekucasha naletinye letihambisana nato, umfundzisi lekacashwe kusikhungo sahumumende ngaphansi kwe-*Employment of Educators Act* ngembi kwamhlaka 13 Ingongoni 2010, utawuchubeka acashwe ngaphansi kwalesikhala semsebenti saleso sikhungo sahumumende, kantsi lesikhala semsebenti lesitawube sivalwe ngulowo mfundzisi sitawutsatfwa njengalesivulwe Lilunga lesigungu Lesiphakeme ngekwaSahluko.

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(2) Lokuvulwa kwesikhala semsebenti kusikhungo sahumumende lesibe khona masinyane ngembi kwamhlaka 31 Ingongoni 2010 sitawutsatfwa njengesikhala sekufundzisa saleso sikhungo sahumumende kwentela tinjongo tesigaba 20E.

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(3) Lokucashwa kanye netindzaba letiphatselene naloko letivetwe kusigatjana (1), njengemholo kanye naleminye imibandzela yekusebenta yemfundzisi, itawuchubeka ibekelwe lowo mfundzisi kwentela tizatfu taloMtsetfo kantsi itawutsatfwa njengalencunywe nguNgcongcoshe ngekwesigaba 20D.”.

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Kufakwa kweSahluko 4A kuMtsetfo 52 wanga 2000

5. LeSahluko lesilandzelako sitawufakwa ku-*Adult Basic Education and Training Act*, 2000, ngemuva kweSahluko 4:

“SAHLUKO 4A**Tinjongo teSahluko**

25A. Tinjongo taleSahluko kutsi kuniketwe—

- (a) sincumo senchubomgomo yetemfundvo yavelonkhe lesentiwe nguNgcongcoshe ngekuhambisana nemigomo letsite;
- (b) lokutsintsana lokufanele kwentiwe ngembi kwesincumo salenchubomgomo, kanye nekusungulwa kwemitimba letsite kwentela tinjongo tekutsintsana;
- (c) lokukhishwa kanye nekusetjentiswa kwenchubomgomo yetemfundvo velonkhe, kanye
- (d) kulandzelela nekubuyeketa imfundvo yalabadzala nekucecesha.

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Kuncunywa kwenchubomgomo yetikhungo tetemfundvo velonkhe

25B. (1) Ngcongcoshe utawuncuma ngenchubomgomo yetemfundvo velonkhe ngekuhambisana nemibandzela yeMtsetfosisekelo kanye naloMtsetfo.

(2) Ekuncumeni ngenchubomgomo yavelonkhe yetemfundvo yalabadzala netikhungo tekucesha, Ngcongcoshe kufanele anake lokusebenta kwetishayamtsetfo etifundzeni ngekwesigaba 146 weMtsetfosisekelo, kanye nemibandzela lefanele yanoma ngumiphi imitsetfo yesifundza lephatselene nemfundvo yalabadzala nekucesha.

(3) Ngekuya ngeMtsetfosisekelo, inchubomgomo yavelonkhe kufanele ibuse kuko konkhe noma kuncenye yanoma ngabe nguyiphi inchubomgomo yesifundza yemfundvo yalabadzala nekucesha uma ngabe kunekungcubutana emkhatsini wetinchubomgomo tavelonkhe netesifundza.

(4) Ngekuya ngemibandzela yetigatjana (1) kuya ku (3), Ngcongcoshe utawuncuma inchubomgomo yavelonkhe yekuhlela, yekuniketa, yetimali, yekusebentisana, yekuphatsa, yekubusa, yetinhlelo, yekulandzelela, yekubuyeketa kanye nebuhle baloluhlelo lwemfundvo yalabadzala nekucesha, nangaphandle kwekucitfwa kwencenye leyetyelekile yalesigaba, ingancuma inchubomgomo yavelonkhe—

(a) yetinhlelo tekuphatfwa kwemfundvo yalabadzala nekucesha, kufaka ekhatsi kuniketwa kwelwati ngekuhambisana netinhlelo temagunya ahulumende mhlabawonkhe;

(b) yehlangano, kuphatsa nekubuswa kwetinhlelo temfundvo yalabadzala nekucesha;

(c) yetinsita, imali netinhlelo tekutfufuka temfundvo yalabadzala nekucesha, kufaka ekhatsi teluleko kuNkhomishana lebhakene netimali;

(d) yetingucuko, kucwaninga kanye nekutfufukisa kumfundvo yalabadzala nekucesha;

(e) yehlangano, baphatsi, balawuli, kuniketwa timali, kusungulwa nekubhaliswa kwetikhungo;

(f) yeluhlaka lwekharikhulamu, lingekhatsi lesifundvo kanye neluhlelo lwemfundvo yalabadzala nekucesha, emazinga ekufundza, luhlolo kanye nekuniketa titifiketi kulokufundzelwe, ngekuya nganoma ngabe nguyiphi imibandzela yanoma ngumuphi umtsetfo losungula luhlaka lweticu tavelonkhe noma umtimba locinisekisako noma loniketa ligunya leticu;

(g) yekusebentisana emkhatsini weLitiko kanye—

(i) nalamanye ematiko embuso;

(ii) ematiko etemfundvo etifundzeni;

(iii) hulumende wasekhaya; kanye

(iv) lokungasuye hulumende noma tinhlango, ngembono wekukhulisa inchubomgomo yetemfundvo velonkhe levetwe

kulesigaba kanye Neluhlelo Lekwakha kabusha Nekutfufukisa;

(h) budlelwano nemave emhlaba kulomkhakha wemfundvo yalabadzala nekucesha; kanye

(i) nemisebenti lemikhulu ledzingekako kucala kusebentisa inchubomgomo yetemfundvo velonkhe lencunye ngekwaSahluko, kufaka ekhatsi lokusungulwa kwetindlela kucedza letento lesetadlula telubandlululo.

Imigomo leholako yenchubomgomo yetemfundvo velonkhe

25C. Lenchubomgomo levetwe kusigaba 25B kufanele icondziswe—

(a) ekutfufukiseni kanye nasekuvikeleni emalungelo labalulekile awonkhe wonkhe locinisekisiwe ngekwaSahluko 2 seMtsetfosisekelo kanye nangekuhambisana nemihlangano yamhlabuhlangene levunyelwe yiPhalamende, ikakhulukati lilungelo—

(i) lawonkhe umuntu lekufanele avikelwe ekubandlululweni ngendlela lengakalungi Litiko noma tikhungo noma ngayiphi indlela;

- (ii) lawonkhe umuntfu lotawutfole imfundvo yalabadzala nekucecesha kanye nekuba nelilungelo lelilinganako lekungeni kutikhungo tahlumende
- (iii) lawonkhe umuntfu lekutfole imfundvo yalabadzala nekucecesha; 5
- (iv) lawonkhe umfundzi lekufundziswa ngelulwimi lalutsadzako noma lalukhetsile lapho khona loku kungenteka khona;
- (v) lawonkhe umuntfu lekukhululeka kwemicabanga, inkholo, imizindlo, tinkholelo, imibono, kutiveta kanye nekuchumana kutikhungo; 10
- (vi) lawonkhe umuntfu lekusungula, lapho kungenteka khona, tikhungo letibukete kululwimi lolwetayelekile, lisiko noma inkholo, inkhuni nje uma kungenalubandlululo ngekwebuhlanga, kanye
- (vii) lawonkhe umuntfu lekusebentisa lulwimi abuye angenelele kumphilo yemasiko akhe lawakhetsile kutikhungo; 15
- (b) lekuvumela luhlelo lwemfundvo yalabadzala nekucecesha kutsi lifake sandla ekutfufukeni lokugcwele kwemfundzi ngamunye, kanye nasekutsembekeni, emmangweni, kumasiko, kutfutfuka kutepolitiki nemnotfo wesive sonkhana, kufaka ekhatsi kukhula kwentsandvo yelunyenti, emalungelo eluntfu kanye nangekusombulula kungavisisani ngekuthula; 20
- (c) lekutfole ematfuba emfundvo ngalokulinganako kanye nekulungisa kungalingani kumibandzela yemfundvo yalabadzala nekucecesha, kufaka ekhatsi kutfutfukiswa kwekulingana ngebulili kanye nekutfufuka kwesimo sabomake; 25
- (d) kuzama kwenta lokutsi kucinisekisa kutsi akekho umuntfu, ngenca yekutsi aphila nekukhubateka, ancishwe litfuba lekutfole imfundvo yalabadzala nekucecesha ngendlela langakhona ngayo;
- (e) lekuniketa ematfuba kanye nekugcugcutela kufundza kwesikhatsi lesidze; 30
- (f) lekutfole indlela lecubile yemfundvo yalabadzala nekucecesha ekhatsi kweluhlaka lweticu tavelonkhe;
- (g) lekwakha emakhono, tifundvo kanye nalokudzingekako kwekwakha kabusha nekutfufukisa; 35
- (h) lekubona emakhono, bukhoni, inshisekelo lwati lwangaphambilini kanye nelwati bafundzi lebavele banalo;
- (i) lekugcugcutela kucabanga ngekutimela kanye nekuhlathiyisisa;
- (j) lekutfufukisa lisiko lekuhlonipha uma kufundziswa nanoma kufundvwa kutikhungo; 40
- (k) lekutfufukisa luphenyo, lucwaningo kanye nekutfufukiswa kwelwati;
- (l) lekungeta siciniseko semfundvo yalabadzala nekucecesha kanye netingucuko tekucecesha nekufundzisa—
- (i) lekusebentisa luhlelo lwekucwaninga nekutfufukisa ngehambisana nemfundvo yalabadzala nekucecesha; 45
- (ii) ngekubukisisa nekubuyeketa kwemibandzela yemfundvo yalabadzala nekucecesha kanye nekwenza umsebenzi; kanye
- (iii) ngekucecesha bafundzisi kanye nebaphatsi bemfundvo nekucecesha kwalabadzala; 50
- (m) lekucinisekisa kungenelela kwemango ngalokugcwele ekusunguleni inhubomgomo yemfundvo nekucecesha kwalabadzala kanye nekumeleleka kwalabatsintsekako embusweni kuyo yonkhe imikhakha yetinhlelo temfundvo yalabadzala nekucecesha;
- (n) lekutfole imfundvo yalabadzala nekucecesha lokungabiti kakhulu kanye netinsita kufundza kanye nekwenza lokusimeme kwetinsita temfundvo yalabadzala nekucecesha; 55
- (o) lekuba nendlela yekusebentisa emkhatsini wabohulumende besifundza kanye newavelonkhe ngetindzaba letiphatselene nemfundvo yalabadzala nekucecesha, kufaka ekhatsi kuniketwa kwemandla kulelitiko kanye nekuphatsa ngemphumelelo kwetinhlelo tavelonkhe temfundvo yalabadzala nekucecesha. 60

Kubonisana ngenchubomgomo yetemfundvo velonkhe

25D. (1) Inhubomgomo levetwe kusigaba 25B itawuncunywa nguNgcongcoshe ngemuva kwekutsintsana Nemkhandlu waboNgcongcoshe beTemfundvo.

(2) Lenchubomgomo levetwe kusigaba 25B itawuncunywa nguNgcongcoshe weTimali uma ngabe kufaka ekhatsi timali letitawucitfwa kuSikhwama Sentela yeMbuso. 5

(3) Akukho kulesigaba lokutawunciphisa sincumo saNgcongcoshe sekutsintsana nanoma ngubani lekafuna kutsi ambonise ngalesincumo senchubomgomo wetemfundvo velonkhe. 10

Kubonisana ngemtsetfo loshayiwe

25E. Umtsetfo loshayiwe kuludzaba loluvelwe kusigaba 25B utawetfulwa ePhalamende noma, uma ngabe kunemitsetfo, lekufanele ishicilelwe ku*Gazethi* kutawenteka kuphela ngemuva kwekutsintsana emkhatsini waNgcongcoshe kanye— 15

(a) Sigungu saBongcongcoshe Betemfundvo, ngetindzaba temfundvo yalabadzala nekucessha etikhungweni; kanye

(b) nato tonkhe tinhlango tinhlango letikhona kuSigungu Setemisebenti yeTemfundvo lesisungulwe ngekwesigaba 40 we-*Labour Relations Act*, ngekuhambisana nanoma nguyiphi indzaba lengaphansi kwaletinjongo talowo mtsetfo. 20

Kushicilelwa kwenchubomgomo yetemfundvo velonkhe

25F. Ngcongcoshe kungakapheli emalanga langema-21 ngemuva kwekuncuma ngenchubomgomo ngekwesigaba 25B—

(a) utawuniketa satiso ngaleso sincumo ku*Gazethi* bese uyakhombisa kuleso satiso lapho khona lelithulusi lalenchubomgomo lapho lesatiso sakhishelwa khona singatfolakala; bese 25

(b) kucociswana ngalelithulusi lalenchubomgomo lelivetwe kundzima (a) ePhalamende kungakapheli emalanga langema-21 ngemuva kwekutsi satiso sishicilelwe ku*Gazethi*, uma ngabe iPhalamende ihlala, bona, uma ngabe iPhalamende ingahlali, kungakapheli emalanga langema-21 ngemuva kwekucala kusebenta kwePhalamende. 30

Kuhlolisisa nekubuyeketwa kwemfundvo yalabadzala nekucessha

25G. (1) Ngcongcoshe utawuhola lamazinga emibandzela yemfundvo yalabadzala nekucessha, kwetfula nekusebenta kuRiphabhulikhi yonkhana kufanele ahlolwe futsi abuyeketwe litiko minyaka yonkhe noma ngaletinye tikhawu letibekiwe, ngenjongo yekuhlola indlela lekuchutjwa ngayo ekulandzeleleni lemibandzela yeMtsetfosisekelo kanye nenchubomgomo yetemfundvo nekucesshwa kwalabadzala velonkhe, ikakhulukati njengoba kuvetiwe kusigaba 25B. 35 40

(2) Ngamunye umbandzela lokhokhwe ngekwesigatjana (1) utawuhambisana nalemibandzela yanoma ngabe ngumuphi umtsetfo losungula luhlaka lweticu tavelonkhe, kantsi kutawufanele ucalwe ngemuva kwekutsintsana Nesigungu saBongcongcoshe beTemfundvo.

(3) Litiko kufanele licwaningisise libuye libuyekete ngalendlela levetwe kusigatjana (1) ngekucwaninga lwati lolubutselwe ngekuphatfwa netinhlelo telwatiso lwemfundvo yalabadzala nekucessha, noma ngaletinye tindlela, ngekubambisana nematiko etemfundvo etifundzeni. 45

(4) Litiko litawugwalisa imisebenti yalo ngekwetigatjana (1) kuya ku (3) ngendlela lefanelekile, ngembono wekukhulisa emakhono lafundzelwe ekubukisiseni nasekucwaningeni kuluhlelo lwetemfundvo lwavelonkhe, nekusita labaphetse labakhonako ngato tonkhe tindlela letisebentakako kumikhawulo yetinsita tahlumende letikhona kutfutukisa lizinga lemibandzela nekusebenta kwemfundvo yalabadzala nekucessha. 50

(5) Litiko litawulungisa libuye likhiphe umbiko ngemiphumela yeluphenyo ngalunye lolutsetfwe ngaphansi kwesigatjana (3) ntemuva 55

kwekuniketa litfuba kulitiko letemfundvo lelifanele esifundzeni kutsi libeke umbono, lowo mbono utawushicilelwa kanye nalombiko.

(6) Uma ngabe umbiko lolungiswe ngekwesigatjana (5) ukhombisa kutsi imibandzela yemazinga emfundvo yalabadzala nekucecesha, kwetfula tinsita nekusebenta kwesifundza akuhambisani neMtsetfosisekelo noma nenchubomgomo ngekwesigaba 25B, Ngcongcoshe utawubikela baholi bepolitiki kutemfundvo labatsintsekako bese ucela tetfulo, kungakapheli tinsuku letingema-90, ngelisu lekulungisa lesimo.

(7) Luhlelo lelitawudzingwa nguNgcongcoshe ngekwesigatjana (6) litawulungiswa litiko letemfundvo lelitsintsekako esifundzeni, ngeku-bonisana neLitiko, kantsi Ngcongcoshe utawuveta loluhlelo ePhalamende kufaka ekhatsi imibono yakhe kungakapheli tinsuku letingema-21 alutfolile, Uma ngabe iPhalamende itawube isebenta, noma, Uma ngabe iphalamende itawube ingasebenti, kungakapheli emalanga langema-21 ngemuva kwemhlangano wekucala wekuhlala kwePhalamende.

Imisebenti yeSigungu saboNgcongcoshe beTemfundvo ngekuhambisana nemfundvo yalabadzala nekucecesha

25H. Sigungu saboNgcongcoshe beTemfundvo kufanele—

- (a) batfutukise inchubomgomo yemfundvo yalabadzala nekucecesha velonkhe letsatsa wonkhe umtfwalo wetinchubomgomo tahlumende;
- (b) bahlephulelane ngelwati kanye nemibono kuyo yonkhe imikhakha yemfundvo yalabadzala nekucecesha eRiphabhulikhi; kanye
- (c) nekuchumanisa imishukumo kutindzaba letitsintsa inshisekelo kuhulumende wavelonkhe newetifundza.

Imisebenti yeLikomidi Lebaholi beMatiko Etemfundvo ngekuhambisana nemfundvo yalabadzala nekucecesha

25I. Baholi beLikomidi leMatiko Etemfundvo lasungulwe ngekwesigaba 4I se-*Further Education and Training Act, 2006* (Umtsetfo Nom. 16 wanga 2006), kufanele—

- (a) balawule lokutfutukiswa tinhlelo temfundvo yalabadzala nekucecesha Velonkhe ngekuhambisana netinjongo kanye nemigomo leniketiwe kuloMtsetfo;
- (b) kuhlephulelana nelwati kanye nemibono ngemfundvo yalabadzala nekucecesha velonkhe;
- (c) kuchumanisa imisebenti yekuphatsa kutindzaba letinenshisekelo lefanako kuLitiko kanye nakulitiko letemfundvo esifundzeni; kanye
- (d) nekubonisa Litiko kunoma nguluphi ludzaba loluvelwe kutigaba 25B kuya ku 25G na 25J ngekuhambisana nemfundvo yalabadzala nekucecesha noma ngabe nguluphi ludzaba loluhambisana nekusebenta kahle kweluhlelo lwemfundvo yalabadzala nekucecesha lwavelonkhe.

Emalungiselo lanetingucuko mayelana nenchubomgomo

25J. Noma ngabe nguyiphi inchubomgomo lencunye ngekuhambisana ne-*National Education Framework Act, 1996* (Umtsetfo Nom. 27 wanga 1996), kufika kumhlaka 31 Ingongoni 2010 nalehambisana neTikhungo Temfundvo yaLabadzala Lesisekelo Nekucecesha ihlala isebenta futsi iyimphumelelo idzimate ichtijyelwe noma icitfwe nguNgcongcoshe ngekwaloMtsetfo.”

Kukhishwa kwesigaba 32 seMtsetfo 52 wanga 2000, njengoba sivalwe ngesigaba 29 seMtsetfo 50 wanga 2002

6. Lesigaba lesilandzelako sitawukhishwa kufakwe sigaba 32 se-*Adult Basic Education and Training Act, 2000*:

“Kucinisekisa lizinga lelisetulu letikhungo tahulumende naletitimele

32. (1) Umalusi kufanele, ngekuhambisana ne-*General and Further Education and Training Quality Assurance Act*, 2001 (Umtsetfo Nom. 58 wanga 2001), wufundze kanye ne-*National Qualifications Framework Act*, 2008 (Umtsetfo Nom. 67 wanga 2008), wenta imisebenti lehambisana neSigungu Selizinga leliphakeme ngekwato tonkhe ticu letiniketwa nguhulumende noma tikhungo letitimele. 5

(2) Kwentela tinjongo talesigaba, “Umalusi” kushiwo sigungu lelisungulwe ngekwasigaba 4 se-*General and Further Education and Training Quality Assurance Act*, 2001 (Umtsetfo Nom. 58 wanga 2001).” 10

Kukhishwa kwesigaba 44 seMtsetfo 52 wanga 2000

7. Lesigaba lesilandzelako sitawukhishwa kufakwe sigaba 44 se-*Adult Basic Education and Training Act*, 2000:

“Sihloko lesifishane

44. LoMtsetfo ubitwa ngeMtsetfo weMfundvo Yalabadzala Neku- 15
cesha, 2000.”.

Kukhishwa kwalamanye emagama kuMtsetfo 52 wanga 2000

8. I-*Adult Basic Education and Training Act*, 2000, iyachitjiyelwa—

- (a) ngekukhipha lamagama latsi “NABABET”, nomaphi lapho avela khona, alamagama “NABAET”; 20
- (b) lokukhishwa kwalamagama “imfundvo lesisekelo yalabadzala nekucecesha”, konkhe lapho ivela khona, yalamagama “imfundvo yalabadzala nekucecesha”; kanye
- (c) kukhishwa kwalamagama “litiko letemfundvo esifundzeni”, konkhe lapho kuvela khona, lamagama “litiko letemfundvo esifundzeni”. 25

Kuchitjiyelwa kwesigaba 1 seMtsetfo 16 wanga 2006

9. Sigaba 1 se-*Further Education and Training Colleges Act*, 2006, siyachitjiyelwa—

- (a) ngekukhipha indzima (b) yalenchazelo letsi “**likolishi**” yalenzima lelandzelako: 30
“**(b)** likolishi ngaphansi kwemtsetfo welitiko lahulumende ngaphandle kweLitiko;”;
- (b) kukhishwa kwalenchazelo lelandzelako “**Litiko**” yalenchazelo lelandzelako: 35
“**‘Litiko’** kushiwo [**litiko lahulumende lelimele temfundvo ezingi lavelonkhe**] **Litiko Letemfundvo Lephakeme Nekucesha**; kanye
- (c) kukhishwa kwalenchazelo lelandzelako “**Ngcongcoshe**” kufakwe lenchazelo lelandzelako: 35
“**‘Ngcongcoshe’** kushiwo Ngcongcoshe weLitiko Letemfundvo **Yekwengeta Nekucesha**.”.

Kufakwa kweSahluko 6A kuMtsetfo 16 wanga 2006

10. LeSahluko lesilandzelako siyafakwa ku-*Further Education and Training Colleges Act*, 2006, ngemuva kweSahluko 6: 40

“SAHLUKO 6A**Tinjongo teSahluko**

41A. Tinjongo taleSahluko kutsi kuniketwe—

- (a) sincumo senchubomgomo yetemfundvo yavelonkhe lesentiwe nguNgcongcoshe ngekuhambisana nemigomo letsite; 45

- (b) lokutsintsana lokufanele kwentiwe ngembi kwesincumo salenchubomgomo, kanye nekusungulwa kwemitimba letsite kwentela tinjongo tekutsintsana;
- (c) lokukhishwa kanye nekusetjentiswa kwenchubomgomo yetemfundvo velonkhe, kanye
- (d) kulandzelela nekubuyeketa imfundvo nekucecesha ngekhatsi kulomkhakha weticu letiniketwa likolishi letemfundvo yekwengeta nekucecesha.

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Kuncuma ngenchubomgomo yemakolishi etemfundvo velonkhe

41B. (1) Ngcongcoshe utawuncuma ngenchubomgomo yetemfundvo velonkhe ngekuhambisana nemibandzela yeMtsetfosisekelo kanye naloMtsetfo.

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(2) Ekuncumeni ngenchubomgomo yavelonkhe yemakolishi emfundvo netikhungo tekucecesha, Ngcongcoshe kufanele anake lokusebenta kwetishayamtsetfo etifundzeni ngekwesigaba 146 weMtsetfosisekelo, kanye nemibandzela lefanele yanoma ngumiphi imitsetfo lephatselene netemfundvo.

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(3) Ngekuya ngeMtsetfosisekelo, inchubomgomo yavelonkhe kufanele ibuse kuko konkhe noma kuncenye yanoma ngabe nguyiphi inchubomgomo yesifundza yemfundvo yekungeta nekucecesha uma ngabe kungekungcubutana emkhatsini wetinchubomgomo tavelonkhe netesifundza.

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(4) Ngekuya ngemibandzela yetigatjana (1) kuya ku (3), Ngcongcoshe utawuncuma inchubomgomo yavelonkhe yekuhlela, yekuniketa, yetimali, yekusebentisana, yekuphatsa, yekubusa, yetinhlelo, yekulandzelela, yekubuyeketa kanye nebhule baloluhlelo lwemfundvo yalabadzala nekucecesha, nangaphandle kwekucitfwa kwencenye leyetayelekile yalesigaba, ingancuma inchubomgomo yavelonkhe—

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(a) yetinhlelo tekuphatfwa kwemfundvo yekungeta nekucecesha, kufaka ekhatsi kuniketwa kwelwati ngekuhambisana netinhlelo temagunya ahulumende mhlabawonkhe;

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(b) yehlangano, kuphatsa nekubuswa kwetinhlelo temfundvo yekungeta nekucecesha;

(c) yetinsita, imali netinhlelo tekutfufuka kwemfundvo yekungeta nekucecesha, kufaka ekhatsi teluleko kuNkhomishana lebhekene netimali;

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(d) yetingucuko, kucwaninga kanye nekutfufukisa kumfundvo yekungeta nekucecesha;

(e) yehlangano, baphatsi, balawuli, kuniketwa timali, kusungulwa nekubhaliswa kwemakolishi;

(f) yeluhlaka lwekharikhulamu, lingekhatsi lesifundvo kanye neluhlelo lwemfundvo yekungeta nekucecesha, emazinga ekufundza, luhlolo kanye nekuniketa titifiketi kulokufundzelwe, ngekuya nganoma ngabe nguyiphi imibandzela yanoma ngumuphi umtsetfo lesungula luhlaka lwetivu tavelonkhe noma umtimba locinisekisako noma loniketa ligunya leticu;

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(g) yekusebentisana emkhatsini weLitiko kanye—

(i) nalamanye ematiko embuso;

(ii) ematiko etemfundvo etifundzeni;

(iii) hulumende wasekhaya; kanye

(iv) lokungasuye hulumende noma tinhlangano,

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ngembono wekukhulisa inchubomgomo yetemfundvo velonkhe levetwe kulesigaba kanye Neluhlelo Lekwakha kabusha Nekutfufukisa;

(h) budlelwano nemave emhlaba kulomkhakha wemfundvo yekungeta nekucecesha; kanye

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(i) nemisebenti lemikhulu ledzingekekako kucala kusebentisa inchubomgomo yetemfundvo velonkhe lencunye ngekwaleSahluko, kufaka ekhatsi lokusungulwa kwetindlela kucedza letento lesetadlula telubandlululo.

Imigomo leholako yenchubomgomo yetemfundvo velonkhe**41C. Lenchubomgomo levetwe kusigaba 41B kufanele icondziswe—**

- | | | |
|-----|---|----|
| (a) | ekutfufukiseni kanye nasekuvikeleni emalungelo labalulekile awonkhe wonkhe locinisekisiwe ngekweSahluko 2 seMtsetfosisekelo kanye nangekuhambisana nemihlangano yamhlabuhlangene levunyelwe yiPhalamende, ikakhulukati lilungelo— | 5 |
| | (i) lawonkhe umuntfu lekufanele avikelwe ekubandlululweni ngendlela lengakalungi Litiko noma emakolishi noma ngayiphi indlela; | |
| | (ii) lawonkhe umuntfu lotawutfolela imfundvo yekungeta nekucecesha kanye nekuba nelilungelo lelilinganako lekungena kutikhungo tahlumende | 10 |
| | (iii) lemtali noma umgcini losemtsetfweni ngekuya ngemfundvo yekungeta nekucecesha yemtfwanakhe noma sigodzi; | |
| | (iv) wonkhe umtfwana kungayi ngemfundvo yakhe yekungeta nekucecesha; | 15 |
| | (v) bonkhe bafundzi kufanele bafundziswe ngelulwimi labalukhetsile lapho loku kungenteka khona; | |
| | (vi) wonkhe umuntfu ngekukhululeka kwengcondvo, inkholo, imicabango, inkholelo, umbono, kutiveta kanye nekusebentisana emakolishi; | 20 |
| | (vii) lawonkhe umuntfu lekusungula, lapho kungenteka khona, tikhungo letibukete kululwimi lolwetayelekile, lisiko noma inkholo, inkhuni nje uma kungenalubandlululo ngekwebuhlanga, kanye | 25 |
| | (viii) lawonkhe umuntfu lekusebentisa lulwimi nekungenelela kumphilo yemasiko lawakhetsile kumakolishi; | |
| (b) | lekuvumela luhlelo lwemfundvo yekungeta nekucecesha kutsi lifake sandla ekutfufukeni lokugcwele kwemfundzi ngamunye, kanye nasekutsembekeni, emmangweni, kumasiko, kutfutfuka kutepolitiki nemnotfo wesive sonkhana, kufaka ekhatsi kukhula kwentsandvo yelunyenti, emalungelo eluntfu kanye nangekusombulula kungavisani ngekuthula; | 30 |
| (c) | lekutfolela emafuba emfundvo ngalokulinganako kanye nekulungisa kungalingani kumibandzela yemfundvo yalabadzala nekucecesha, kufaka ekhatsi kutfutfukiswa kwekulingana ngebulili kanye nekutfutfuka kwesimo sabomake; | 35 |
| (d) | kuzama kwenta lokutsi kucinisekisa kutsi akekho umuntfu, ngenca yekutsi aphila nekukhubateka, ancishwe litfuba lekutfolela imfundvo yekungeta nekucecesha ngendlela langakhona ngayo; | 40 |
| (e) | lekuniketa emafuba kanye nekugcugcutela kufundza kwesikhatsi lesidze; | |
| (f) | lekutfolela indlela lecubile yemfundvo yalabadzala nekucecesha ekhatsi kweluhlaka lweticu tavelonkhe; | |
| (g) | lekwakha emakhono, tifundvo kanye nalokudzingekako kwekwakha kabusha nekutfufukisa; | 45 |
| (h) | lekubona emakhono, bukhoni, inshisekelo lwati lwangaphambilini kanye nelwati bafundzi lebevele banalo; | |
| (i) | lekugcugcutela kucabanga ngekutimela kanye nekuhlaluyisisa; | |
| (j) | lekutfufukisa lisiko lekuhlonipha uma kufundziswa nanoma kufundvwa kumakolishi; | 50 |
| (k) | lekutfufukisa luphenyo, lucwaningo kanye nekutfufukiswa kwe-lwati; | |
| (l) | lekungeta siciniseko semfundvo yekungeta nekucecesha kanye netingucuko tekucecesha nekufundzisa— | 55 |
| | (i) lekusebentisa luhlelo lwekucwaninga nekutfufukisa ngekuhambisana nemfundvo yalabadzala nekucecesha; | |
| | (ii) ngekubukisisa nekubuyeketa kwemibandzela yemfundvo yekungeta nekucecesha kanye nekwenza umsebenzi; kanye | |
| | (iii) ngekucecesha bafundzisi kanye nebaphatsi bemfundvo yekungeta nekucecesha kwalabadzala; | 60 |

- (m) lekucinisekisa kungenelela kwemango ngalokugcwele ekusunguleni inchubomgomo yemfundvo nekuceshwa kwekungeta kanye nekumeleleka kwalabatsintsekako embusweni kuyo yonkhe imikhakha yetinhlelo temfundvo yekungeta nekucesha;
- (n) lekutfolela imfundvo yekungeta nekucesha lokungabiti kakhulu kanye netinsita kufundza kanye nekwenza lokusimeme kwetinsita temfundvo yalabadzala nekucesha;
- (o) lekuba nendlela yekusebentisana emkhatsini wabohulumende besifundza kanye newavelonkhe ngetindzaba letiphatselene nemfundvo yekungeta nekucesha, kufaka ekhatsi kuniketwa kwemandla kulelitiko kanye nekuphatsa ngemphumelelo kwetinhlelo tavelonkhe temfundvo yalabadzala nekucesha.

Kubonisana ngenchubomgomo yetemfundvo velonkhe

- 41D.** (1) Inchubomgomo levetwe kusigaba 41B itawuncunywa nguNgcongcoshe ngemuva kwekutsintsana Nemkhandlu waboNgcongcoshe beTemfundvo losungulwe ngekwesigaba 41H. 15
- (2) Lenchubomgomo levetwe kusigaba 41B itawuncunywa nguNgcongcoshe weTimali uma ngabe kufaka ekhatsi timali letitawucitfwa kuSikhwama Sentsela yeMbuso. 20
- (3) Akukho kulesigaba lokutawunciphisa sincumo saNgcongcoshe sekutsintsana nanoma ngubani lekafuna kutsi ambonise ngalesincumo senchubomgomo wetemfundvo velonkhe.

Kubonisana ngemtsetfo loshayiwe

- 41E.** Umtsetfo loshayiwe kuludzaba loluvelwe kusigaba 25B utawetfulwa ePhalamende noma, uma ngabe kunemitsetfo, lekufanele ishicilelwe kuGazethi kutawenteka kuphela ngemuva kwekutsintsana emkhatsini waNgcongcoshe kanye— 25
- (a) Sigungu saBongcongcoshe Betemfundvo lesisungulwe ngekwesigaba 41H ngekwefundvo yekungeta nekucesha emakolishi; kanye 30
- (b) nato tonkhe tinhlango letikhona kuSigungu Setemisebenti yeTemfundvo lesisungulwe ngekwesigaba 54(3) nganoma nguluphi ludzaba lolungaphansi kwemisebenti yesigungu sekucocisana.

Kushicilelwa kwenchubomgomo yetemfundvo velonkhe

- 41F.** Ngcongcoshe kungakapheli emalanga langema-21 ngemuva kwekuncuma ngenchubomgomo ngekwesigaba 41B— 35
- (a) utawuniketa satiso ngaleso sincumo kuGazethi bese uyakhombisa kuleso satiso lapho khona lelithulusi lalenchubomgomo lapho lesatiso sakhishelwa khona ngalokuphatselene naloko singatfolakala;
- (b) kucociswana ngalolithulusi lalenchubomgomo lelivetwe kundzima (a) ePhalamende kungakapheli emalanga langema-21 ngemuva kwekutsi satiso sishicilelwe kuGazethi, uma ngabe iPhalamende ihlala, noma, uma ngabe iPhalamende ingahlali, kungakapheli emalanga langema-21 ngemuva kwekucala kusebenta kwePhalamende. 40

Kuhlolisisa nekubuyeketwa kwemfundvo yekungeta nekucesha

- 41G.** (1) Ngcongcoshe utawuhola lamazinga emibandzela yemfundvo yekungeta nekucesha, kwetfula nekusebenta kuRiphabhulikhi yonkhana kufanele ahlolwe futsi abuyeketwe litiko minyaka yonkhe noma ngaletinye tikhawu letibekiwe, ngenjongo yekuhlola indlela lekuchutjwa ngayo ekulandzeleleni lemibandzela yeMtsetfosisekelo kanye nenchubomgomo yetemfundvo nekuceshwa kwekungeta velonkhe, ikakhulukati njengoba kuvetiwe kusigaba 41B. 45
- (2) Ngamunye umbandzela lokhokhwe ngekwesigatjana (1) utawuhambisana nalembandzela yanoma ngabe ngumuphi umtsetfo losungula luhlaka lweticu tavelonkhe, kantsi kutawufanele ucalwe ngemuva 50

kwekutsintsana Nesigungu saBongcongoshe beTemfundvo lababalwe kusigaba 41D(1).

(3) Litiko kufanele licwaningisise libuye libuyekete ngalendlela levetwe kusigatjana (1) ngekucwaninga lwati lolubtselwe ngekuphatfwa netinhlelo telwatiso lwemfundvo yekungeta nekucecesha, noma ngaletinye tindlela, ngekubambisana nematiko etemfundvo etifundzeni.

(4) Litiko litawugcwalisa imisebenti yalo ngekwetigatjana (1) kuya ku (3) ngendlela lefanelekile, ngembono wekukhulisa emakhono lafundzelwe ekubukisiseni nasekucwaningeni kuluhlelo lwetemfundvo lwavelonkhe, nekusita labaphetse labakhonako ngato tonkhe tindlela letisebentako kumikhawulo yetinsita tahlumende letikhona kutfutukisa lizinga lemibandzela nekusebenta kwemfundvo yekungeta nekucecesha.

(5) Litiko litawulungisa libuye likhiphe umbiko ngemiphumela yeluphenyo ngalunye lolutsetfwe ngaphansi kwesigatjana (3) ngemuva kwekuniketa litfuba kulitiko letemfundvo lelitsintsekako esifundzeni kutsi libeke umbono, lowo mbono utawushicilelwa kanye nalombiko.

(6) Uma ngabe umbiko lolungiswe ngekwesigatjana (5) ukhombisa kutsi imibandzela yemazinga emfundvo yekungeta nekucecesha, kwetfula tinsita nekusebenta kwesifundza akuhambisani neMtsetfosisekelo noma nenchubomgomo ngekwesigaba 41B, Ngcongoshe utawubikela baholi bepolitiki kutemfundvo labatsintsekako bese ucela tetfulo, kungakapheli tinsuku letingema-90, ngelisu lekulungisa lesimo.

(7) Luhlelo lelitawudzingwa nguNgcongoshe ngekwesigatjana (6) litawulungiswa litiko letemfundvo lelitsintsekako esifundzeni, ngekubonisana neLitiko, kantsi Ngcongoshe utawuveta loluhlelo ePhalamende kufaka ekhatsi imibono yakhe kungakapheli tinsuku letingema-21 alutfolile, Uma ngabe iPhalamende itawube isebenta, noma, uma ngabe iphalamende itawube ingasebenti, kungakapheli emalanga langema-21 ngemuva kwemhlangano wekucala wekuhlala kwePhalamende.

Sigungu saboNgcongoshe beTemfundvo

41H. (1) Kutawusungulwa sigungu, lesitawubitwa ngeSigungu saboNgcongoshe beTemfundvo, sitawufaka ekhatsi—

(a) Ngcongoshe, lekangusihlalo; kanye

(b) bonkhe baholi betepolitiki kutemfundvo.

(2) Umcondzisi-Jikelele utawungenelela imihlangano yeLikomidi leSigungu leLitiko leTemfundvo lelisungulwe ngekwesigaba 41I, abuye anikete teluleko nganoma ngutiphi tindzaba letiphatselene nemsebenti weLitiko.

(3) Bosihlalo beLikomidi leSigungu Savelonkhe leTemfundvo Lephakeme nekucecesha KuSigungu Savelonkhe kanye nebeLikomidi Letifundza leTemfundvo Nekukhibika Lemkhandlu Lomele Tifundza bangangenelela imihlangano weSigungu saBongcongoshe beTemfundvo.

(4) Imisebenti yaleSigungu saBongcongoshe beTemfundvo kutawuba—

(a) kutfutukisa inchubomgomo yemfundvo yekungeta nekucecesha velonkhe letsatsa wonkhe umtfwalo wetinchubomgomo tahlumende;

(b) kuhlephulelana ngelwati kanye nemibono kuyo yonkhe imikhakha yemfundvo yekungeta nekucecesha eRiphabhulikhi; kanye

(c) nekuchumanisa imishukumo kutindzaba letitsintsa inshisekelo kuhulumende wavelonkhe newetifundza.

(5) LeSigungu saBongcongoshe beTemfundvo singabeka imitsetfo lenjalo lephatselene nekubitwa kwemihlangano yabo, kuhlala kwaleyo mihlangano yabo, tindlela tekwenta emihlanganweni yabo, kufaka ekhatsi ikhoramu emihlanganweni yabo, kanye naletinye tintfo letiphatselene nekuphatsa noma nekuhanjiswa kwetintfo lebangatibona tifanele kute kutsi bente kahle imisebenti yabo noma kusebentisa emandla aso.

(6) Lokuchubekako kuSigungu saBongcongoshe beTemfundvo angeke ibe ngulengatsatfwa ngekwesizatfu sekutsi kunesikhala semuntfu kuSigungu.

Baphatsi beMakomidi eTemfundvo kuMatiko

41I. (1) Kutawusungulwa likomidi, libitwa ngeLikomidi leBaphatsi beMatiko eTemfundvo (kulesigaba lekubitwe Likomidi), lelifaka ekhatsi—

- (a) Umcondzisi-Jikelele, lotawuba ngusihlalo; 5
(b) Lisekela leMcondzisi-Jikelele weLitiko; kanye
(c) neBaphatsi beMatiko Etemfundvo eTifundzeni.

(2) Imisebenti yaleLikomidi kutawuba—

- (a) kuhlolisisa inkhambiso yekutfufuka yetinhlelo lwetemfundvo yekwengeta nekucecesha yavelonkhe ngekuhambisana netinjongo kanye nemigomo letiniketive kuloMtsetfo; 10
(b) kuhlephulelana lwati nemibono ngemfundvo yekungeta nekucecesha;
(c) kuchumanisa tindlela tekuphatsa kutinzaba lebanenshisekelo kuto ngematiko emfundvo lephakeme nekucecesha; kanye
(d) nekubonisa Litiko nganoma ngabe nguluphi ludzaba loluvetwe kutigaba 41B kuya ku 41G na 41J ngalokuphatselene nemfundvo yekungeta nekucecesha, nganoma nguluphi ludzaba loluchumene nekusebenta kahle kweluhlelo lwemfundvo yekungeta nekucecesha. 15

(3) Likomidi lingasungula emakomidi lamancane kusita kulokwentwa kwemsebenti walo, kanye—

- (a) nekucoka bantfu labangasiwo emalunga alelikomidi kutsi babe ngemalunga alamakomidi lamancane: Uma ngabe bothishela batawucelwa kutsi bakhetse labatabamela njengemalunga elikomidi lelincane ngalinye; 20
(b) kubeka sihlalo welikomidi lelincane noma kuniketa imibandzela kutsi sihlalo abekwe likomidi lelincane emkhatsini wemalunga akhe. 25

(4) (a) Imihlangano yeLikomidi kufanele ibanjwe ngesikhatsi nasendzaweni lapho khona sihlalo welikomidi atawuncuma khona.
(b) Lokuchubekako kuleLikomidi angeke kube ngulokungasebenti ngenca yekutsi kunesikhala Ekomidini. 30
(c) Uma ngabe sihlalo weLikomidi angekho emhlanganweni weLikomidi, munye weMasekela eMcondzisi-Jikelele lobekelwe lenhloso ngusihlalo utawutsatsa lesikhundla kulowo mhlango.

(5) Likomidi lingabeka imitsetfo ngekubanjwa kwalemihlangano, nanoma ngutiphi tindzaba letiphatselene nekubanjwa kwemhlangano, lizinga lemhlangano, indlela umhlangano lobanjwa ngayo, kufaka ekhatsi ikhoramu yemihlangano, kanye naletinye tekuphatsa noma tekuhambisa letingabonakala tifanele nona letifanelekile kute bente kahle umsebenti wabo noma kusebentisa emandla labanawo: Kufaka ekhatsi kutsi lelikomidi angeke labamba imihlangano lengaphansi kwalemine ngemnyaka. 35 40

Sibonelelo kanye nemholo wemalunga emakomidi lamancane

41J. Lilunga lelikomidi lelincane lelingakacashwa ngalokuphelele nguMbuso, ngekuya ngalemisebenti leniketwa ngulelo lilunga ngekuhambisana netinzaba talelikomidi lelincane kanye nangetimali letiphakelelwe leyo nhloso yiPhalamende, angakhokhelwa leti tindleko tekutfutsa kanye netekuphila naletinye nje tindleko njengoba Ngcongcoshe angancuma, ngekuvumelana naNgcongcoshe weTimali. 45

Imisebenti yekuphatsa yeLikomidi leSigungu

41K. (1) Lemisebenti yekuphatsa yeSigungu lesungulwe ngekwesigaba 41H kanye neLikomidi lelisungulwe ngekwesigaba 41I utawentiwa basebenti beLitiko lababekwe nguMcondzisi-Jikelele ngaleyo njongo. 50

(2) Umcondzisi-Jikelele ngekuhambisana neSigungu kanye neLikomidi lelivetwe kusigatjana (1) litawubeka nobhala le ngaphansi kwakhe labanye basebenti batawenta imisebenti yabo.

Imitimba letsintsiwe

41L. (1) Ngcongcoshe ngekwelandzela umtsetfosimiso utawusungula umtimba lotawatiwa njenge Sigungu seTemfundvo Nekucessha Velonkhe kanye naleminywe imitimba letambonisa nganoma ngaluphi ludzaba loluvetwe kusigaba 41B noma luphi ludzaba lolubonwe nguNgcongcoshe. 5

(2) Kwakheka, tiku temalunga, imisebenti, emandla nemisebenti yemtimba losungulwe ngekwesigatjana (1), kanye nesikhatsi sasehhovisi semalunga alo, kufanele sibe ngalendlela lebekiwe kumtsetfosimiso.

Emalungiselelo lagucukako lamayelana nenhubomgomo

41M. Noma ngabe nguyiphi inhubomgomo ngeke-*National Education Policy Act, 1996* (Umtsetfo Nom. 27 wanga 1996), kute kufike kumhlaka 31 Ingongoni 2010 ibuye ihambisane neMakolishi eKwengeta Imfundvo Nekucessha itawuhlala isebenta ite ichitjiyelwe noma icitfwe nguNgcongcoshe ngekwaloMtsetfo.” 10

Kuchitjiyelwa kwesigaba 42 seMtsetfo 16 wanga 2006

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11. Sigaba 42 se-*Further Education and Training Colleges Act, 2006*, siyachitjiyelwa ngekukhishwa kwesigatjana (1) kulamagama lalandzelela indzima (a) yalamagama lalandzelako:

“Ngekuya ngemihambo nemazinga labekwe nguNgcongcoshe ngekwesigaba [sigaba 3 se-*National Education Policy Act, 1996* (Umtsetfo 27 wanga 1996), neiSAQA,] 41B, Umcondzisi-Jikelele kufanele-” 20

Kuchitjiyelwa kwesigaba 43 seMtsetfo 16 wanga 2006

12. Sigaba 43 se-*Further Education and Training Colleges Act, 2006*, iyachitjiyelwa—

(a) kukhipha kusigatjana (1) salesigatjana lesilandzelako: 25

“(1) Ngcongcoshe angabeka emazinga enkhambiso kanye netindlela tetinhlelo temfundvo lephakeme nekucessha, lokuholela kuticu ngekhatshi kuloluhlaka lwemfundvo-jikelele nemfundvo lechubekako nekucessha levetwe kusigaba 7(a) sifundvwe nesigaba 13(1)(h) se-*National Qualifications Framework Act, leniketwa kumakolishi.*” 30

(b) kungetwa kwaletigatjana letilandzelako kusigatjana:

“(5) Likolishi lingafaka sicelo ku-*Quality Council for Trades and Occupations* lesungulwe ngekwesigaba 26G se-*Skills Development Act, 1998* (Umtsetfo Nom. 97 wanga 1998), kuniketwa imvume njengeMphakeli weMakhono Ekutfufukisa kute kutsi kuniketwe tiku letibhaliswe kuloluhlaka lolunye lweMisebenti Neticu lobalwe kusigaba 7(c) se-*National Qualifications Framework Act, 2008* (Umtsetfo Nom. 67 wanga 2008).” 35

Sihloko lesifushane

13. LoMtsetfo ubitwa ngeMtsetfo Wekuchibiyela Imitsetfo Yemfundvo Lephakeme Nekucessha, 2010. 40

Act No. 25 of 2010

MULAYO WA TSHANDUKISO YA ZWA PFUNZO
YA NTHA NA VHUGUDISI, 2010**ṪHALUSO YA ṪHALUTSHEDZONYANGAREDZI:**

- [] Maipfi o swifhadzwaho a re kha buraketezwitange a sumbedza zwo siedzwaho u bva kha khwaṭhisedzo dzine dza kha ḡi tshila.
- _____ Maipfi o talelwaho nga mutalo u songo khauwaho a sumbedza zwo dzheniswaho kha khwaṭhisedzo dzine dza kha ḡi tshila.

(English text signed by the President.)
(Assented to 3 December 2010.)

MULAYO**U shandukisa—**

- Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, u itela uri hu shandukiswe ṭhalutshedzo dzenedzo; u ita mbetshelo kha u tholwa ha vhadededzi kha senthara dza muvhuso nga u dzhenisa dzimbetshelo kha Mulayo wo bulwaho zwi tshi yelana na vhatholi vha vhadededzi, miholo na dziṅwe nyimele dza tshumelo ya vhadededzi, u thomiwa ha vhadededzi, maanḡa a vhatholi, u tholwa na u ḡadziwa ha zwikhala, phiriso ya vhadededzi, u sekondiwa ha vhadededzi, u ya phentshenini ha vhadededzi, u pandelwa ha vhadededzi, u sa kona u shuma zwavhuḡi na u sa ḡifara zwavhuḡi na u shuma miṅwe mishumo nga vhadededzi; u vhetshela tshandulo dza dzinzudzanyo zwi tshi yelana na senthara dza muvhuso; u itela mbetshelo kha u lavhelesa mbekanyamaitele ya pfunzo ya lushaka kha sentahara dza muvhuso, kha milayo ya vhusumbedzeli ha mbekanyamaitele ya pfunzo ya lushaka, kha vhukwamani kha zwa mulayo na mbekanyamaitele, kha u anḡadzwa ha mbekanyamaitele ya pfunzo ya lushaka na u sedzulusa na u sengulusa pfunzo ya vhaaluwa na vhugudisi; na u vhetshela ndeme I thembeaho malugana na ndalukano dzi ḡetshedzwaho nga senthara dzi si dza muvhuso na dza muvhuso; na
- Mulayo wa Dzikhoḡedzhi dza u isa Phanḡa Pfunzo na Vhugudisi, 2006, u itela u shandukisa ṭhalutshedzo dzenedzo; u ita mbetshelo kha u lavhelesa mbekanyamaitele ya lushaka ya pfunzo ya khoḡedzhini, kha milayo ya vhusumbedzeli ha mbekanyamaitele ya pfunzo ya lushaka, kha vhukwamani kha zwa mulayo na mbekanyamaitele; kha u anḡadzwa ha mbekanyamaitele ya pfunzo ya lushaka na u sedzulusa na u sengulusa u ya phanḡa na pfunzo na vhugudisi; u ita mbetshelo kha Khantseḡe ya Dziminiṣṡa dza zwa Pfunzo na Ṫhoho dza Komiti ya Mihasho na kha mishumo yavho ya zwa vhutshimbidzi; u vhetshela nzudzanyo dza tshandulo zwi tshi yelana na dzikhoḡedzhi; na u vhetshela ndeme I thembeaho zwi tshi yelana na dzindalukano dzi ḡetshedzwaho nga dzikhoḡedzhi; na u vhetshela zwi ṭumanaho heneffho.

U KHWAṪHISEDZWE nga Phalamennde ya Riphabuḡiki ya Afrika Tshipembe, sa zwi tevhelaho:—

Tshandukiso ya khethekanyo 1 ya Mulayo 52 wa 2000

1. Khethekanyo 1 ya Mulayo wa Pfunzo na Vhugudisi zwa vhaaluwa zwa Ndeme, 2000, hafha I khou shandukiswa nga—

- (a) u imelwa nga thalutshedzo ya **“pfunzo na vhugudisi zwa vhaaluwa zwa ndeme”** ya thalutshedzo I tevhelaho: 5
 “**‘mualuwa [ndeme] pfunzo na vhugudisi’** zwi amba mbekanya-mushumo dzothe dza vhugudisi na u guda ha vhaaluwa [u bva] kha levele 1 [u ya kha 4 hune levele 4 ya lingana na—
 (a) **gireidi 9 kha zwickolo zwa muvhuso; kana**
 (b) zwo nwaliswaho kha mutheo wa ndalukano dza lushaka [levele 1 sa] zwo sumbedziswaho kha [Mulayo wa Maanda a Ndalukano dza Afrika Tshipembe, 1995 (Mulayo wa Nomboro. 58 wa 1995)] Mulayo wa Mutheo wa Ndalukano dza Lushaka, 2009 (Mulayo wa Nomboro. 67 wa 2008);”;
- (b) u imelwa nga thalutshedzo ya **“Khantseje ya Dziminista da zwa Pfunzo”** ya thalutshedzo I tevhelaho: 15
 “**‘Khantseje ya Dziminista dza zwa Pfunzo’** zwi amba khantseje yo thomiwaho [nga fhasi ha khethekanyo 9 ya Mulayo wa Mbekanyamaitele wa Pfunzo ya Lushaka, 1996 (Mulayo wa Nomboro. 27 wa 1996)] nga khethekanyo 41H ya Mulayo wa Dzikholezhi dza u isa Phanda Pfunzo na Vhugudisi, 2006 (Mulayo wa Nomboro. 16 wa 2006);”;
- (c) u imelwa nga thalutshedzo ya ipfi **“Muhasho”** ya thalutshedzo I tevhelaho: 25
 “**‘Muhasho’** zwi amba [**muhasho wa muvhuso ure na vhuqifhinduleli ha zwa pfunzo kha lushaka**] Muhasho wa zwa Pfunzo ya Ntha na Vhugudisi;”;
- (d) u imelwa nga thalutshedzo ya ipfi **“mudededzi”** ya thalutshedzo I tevhelaho: 30
 “**‘mudededzi’** zwi amba muthu muñwe na muñwe ane a , dededza, fha pfunzo kana u gudisa [**mugudiswa**] muñwe muthu, kana u ngetshedza tshumelo dza pfunzo lwa phurofeshina]a, u katela tshumelo dza zwa muhumbulo kha zwa pfunzo na zwa phodzo nahone lwa phurofeshina]a, kha [a] senthara inwe na inwe ya muvhuso nahone o tholiwaho kha tshikhala tsha mudededzi muñwe na muñwe o ambiwaho kha khethekanyo 20F;”;
- (e) u dzheniswa nga murahu ha thalutshedzo ya ipfi **“mudededzi”** ya thalutshedzo I tevhelaho: 35
 “**‘mutholi’**, zwi tshi yelana na mbetshelo inwe na inwe ya Ndima 4, 5 kana 7 ya Mulayo wa Mushumo wa Vhadededzi, 1998 (Mulayo wa Nomboro. 76 wa 1998), une wa shuma kha, kana une wa tumana na, mudededzi kha tshumelo ya— 40
 (a) muhasho wa zwa Pfunzo ya Ntha na Vhugudisi zwi amba Mulangi-Muangaredzi; na
 (b) muhasho wa zwa pfunzo wa vundu, zwi amba Thoho ya Muhasho;”;
- (f) u dzhemiswa nga murahu ha thalutshedzo ya **“Thoho ya Muhasho”** ya thalutshedzo I tevhelaho: 45
 “**‘Mulayo wa zwa Vhushaka ha Vhashumi’** zwi amba Mulayo wa zwa Vhushaka ha Vhashumi, 1995 (Mulayo wa Nomboro. 66 wa 1995);”;
- (g) u imelwa ha thalutshedzo ya ipfi **“Minista”** ya thalutshedzo I tevhelaho: 50
 “**‘Minista’** zwi amba Minista wa zwa Pfunzo ya Ntha na Vhugudisi;”;
- (h) u imelwa ha thalutshedzo ya **(NABABET)**” ya thalutshedzo I tevhelaho: 55
 “**‘[NABABET] NABAET’** zwi amba Bodo ya Vhuelethedzi ya Lushaka kha zwa Pfunzo na Vhugudisi zwa Vhaaluwa zwa [Ndeme], yo thomiwaho nga ndangulo zwi tshi ya nga khethekanyo 11 ya Mulayo wa Mbekanyamaitele ya Pfunzo ya Lushaka, 1996 (Mulayo wa Nomboro. 27 wa 1996);” na
- (i) u dzheniswa ha thalutshedzo ya **“mbekanyamaitele”** ya thalutshedzo I tevhelaho yo: 60
 “**‘randelwaho’** zwi amba u randelwa nga ndangulo yo itwaho nga zwi tshi ya nga khethekanyo 41;”.

Tshandukiso ya khethekanyo 11 ya Mulayo 52 wa 2000

2. Khethekanyo 11 ya Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, hafha I khou shandukiswa nga—

(a) u imelwa nga khethekanyo ya nga fhasi (2) kha pharagirafu (a) ya pharagirafu I tevelaho: 5

“(a) vhadededzi na u thola vhadededzi vha tshi tou engedzwa kha u thonwa zwi tou bva kha Miraḁo Mihulwane ya Khantseje zwi tshi ya nga [khethekanyo 5 ya Mulayo wa u zwa u Tholwa ha Vhadededzi] Ndimā 3A; na”; na

(b) u imelwa nga khethekanyo ya nga fhasi (7) ya khethekanyo ya nga fhasi I tevelaho: 10

“(7) [Nga murahu ha u kwamana sa zwe zwa sumbedzwa kha khethekanyo 5 ya Mulayo wa Mbekanyamaitela ya Pfunzo ya Lushaka, 1996 (Mulayo wa Nomboro. 27 wa 1996,) Minisṯa a nga, nga ndivhadzo kha *Gazete ya Muvhuso*, lavhelesa milayo na zwitandadi [nga ndivhadzo kha *Gazete ya Muvhuso*] malugana na tshedele dzine dza shumiswa kha u thola tshifafu tsha tsha ambiwa kha khethekanyo ya nga fhasi (2), fhedzi milayo yeneyo na zwitandadi zwi nga si talutshedzwe [ngauralo] sa [u ita] ita uri Muvhuso u vhe Mutholi o tanganelanaho na tshenetsho tshifafu.”. 15 20

Ufheliswa ha khethekanyo 12 ya Mulayo 52 wa 2000

3. Khethekanyo 12 ya Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, hafha i khou fheliswa.

Udzheniswa ha Ndimā 3A kha Mulayo 52 wa 2000

4. Ndimā I tevelaho hafha I khou dzheniswa kha Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, nga murahu ha Ndimā 3: 25

“NDIMā 3A**Kushumiselwe kwa Ndimā**

20B. Ndimā ino I shuma kha u tholwa ha vhadededzi kha senthara dza Riphabuliki. 30

Vhatholi vha vhadededzi na vhanwe vthathu

20C. (1) Nga ndani ha musi hu nga inwe ndila zwo vhetshelwa nga ino khethekanyo, Thoho ya muhasho wa zwa pfunzo ya vundu a nga vha mutholi wa vhadededzi kha tshumelo ya muhasho wa pfunzo ya vundu kha zwikhala kha senthara dza muvhuso dzo thomiwaho kha ndivho dzothe dza u thola. 35

(2) Kha ndivho dza u ta miholo na dziñwe nyimele dza tshumelo ya vhadededzi, Minisṯa a nga vha mutholi wa vhadededzi vhothe zwo sumbedzwaho kha khethekanyo ya nga fhasi (1).

(3) Kha ndivho dza u sika zwikhala kha u thomiwa ha senthara dza muvhuso kha muhasho ya pfunzo ya mavundu, Miraḁo Mihulwane ya Khantseje I nga vha yone mutholi wa vhadededzi kha tshumelo ya wonoyo muhasho. 40

Miholo na dziñwe nyimele dza tshumelo ya vhadededzi

20D. (1) Naho zwo ralo tshiñwe na tshiñwe tshi fhambanaho tshi re kha mulayo muñwe na muñwe fhedzi zwi tshi bva kha mbetshelo dza ino khethekanyo, Mulayo wa zwa Vhushaka ha Vhashumi kana thenedelanogute inwe na inwe yo swikelwaho nga Khantseje ya zwa Vhushaka ha Vhashumi kha zwa Pfunzo, Minisṯa a nga lavhelesa miholo na dziñwe nyimele dza tshumelo ya vhadededzi. 45 50

(2) Miholo yo fhambanaho na nyimele dza tshumelo dzo sumbedzwaho kha khethekanyo ya nga fhasi (1) dzi nga lavheleswa zwi tshi ya nga u fhambana ha dzirenke na dzigireidi dza vhadededzi.

(3) U lavheleswa nga Ministā nga fhasi ha khethekanyo ino zwi tshi khou kwama tshelede yo shumiswaho u bva kha tshikwama tsha Mbuelo tsha Lushaka I nga itwa khathihi na Tshelede ya Ministā. 5

U thoma zwa Vhadededzi

20E. (1) Naho zwo ralo tshiñwe na tshiñwe tshi fhambanaho na zwi re kha mulayo muñwe na muñwe fhedzi zwi tshi tou bva kha milayo yo randelwaho kha mbetshelo ya zwikhala, u thomiwa ha zwa vhadededzi vha muhasho wa zwa pfunzo wa vundu zwi nga vha na zwikhala zwo itwaho nga Miraḡo ya Khantseje Khulwane. 10

(2) U thomiwa ha zwa Vhadededzi vha senthara inwe na inwe ya muvhuso nga fhasi ha ndango ya muhasho wa zwa pfunzo wa vundu I nga, zwi tshi ḡo tou bva kha milayo yo randelwaho kha mbetshelo ya zwikhala, vha na zwikhala zwo newaho senthara ya muvhuso wo bulwaho kana ofisi nga Thoho ya Muhasho u bva kha u thomiwa ha zwa vhadededzi vha uyo muhasho. 15

(3) Kha dzindivho dza ino Ndima— (a) maanḡa a u sika tshikhala nga fhasi ha ino khethekanyo a nga katela maanḡa a u gireida, u gireidulula-hafhu, u nanga, u nangulula-hafhu, u shandukisa kana u fhelisa tshikhala; na u neulula tshikhala hafhu. 20

(4) U sa thoma ha zwa vhadededzi vha senthara dza muvhuso zwi tshi ya nga Mulayo wa zwa Tshumelo dza Muvhuso, 1994 (Mulevho wa Nomboro. 103 of 1994). 25

Maanḡa a vhatholi

20F. (1) Zwi tshi ḡo tou bva kha dzimbetshelo dza ino khethekanyo, u tholwa ha muthu muñwe na muñwe, kana u aluswa kana u fhiriswa ha mudededzi muñwe na muñwe, kha tshumelo ya muhasho wa zwa pfunzo wa vundu hu nga itwa, kana u thomiwa u shumiswa, nga Thoho ya Muhasho. 30

(2) Zwi tshi ḡo ḡi tou bva kha dzimbetshelo dza ino Ndima, Mulayo wa zwa Vhushaka ha Vhashumi kana Utendelana nga guḡe huñwe na huñwe ho swikelwaho nga Khantseje ya zwa Vhushaka ha Vhashumi kha zwa Pfunzo, u tholwa kha, na u aluswa kana u fhiriselwa kha, zwikhala kha u thonwa ha zwa vhadededzi huñwe na huñwe nga fhasi ha uno Mulayo hu nga itwa zwi tshi ya nga kuitele kwonokwo na ḡoḡea dzenedzo sa zwine Ministā a nga zwi lavhelesa. 35

Utholwa na u ḡadzwa ha zwikhala

20G. (1) Kha u itwa ha u thola huñwe na huñwe kana u ḡadzwa ha tshikhala tshiñwe na tshiñwe kha u thonwa ha zwa vhadededzi huñwe na huñwe nga fhasi ha uno Mulayo, nga zwenezwo hu ḡo tea u nga itwa lwa ndinganelano, ndinganyiso na nga zwiñwe zwa tshidemokirasi na milayo I ne ya khou sumbedzwa kha khethekanyo 195(1) ya Ndayotewa ya Riphabuḡiki ya Afrika Tshipembe, 1996, na zwine zwa katela— 40

(a) vhukoni ha onoyo muthu, na 45

(b) ḡoḡea kha u fhelisa u sa linganela ha tshifhinga tsho fhelaho u itela u swikelela u imelwa ho ḡanḡavhuwaho. 45

(2) Muthu a nga tholwa nga fhasi ha ino Ndima—

(a) lwa tshoḡhe, lwa phurobesheni kana lu si lwa phurobesheni; 50

(b) lwa tshifhinga tshipfufhi kha tshifhinga tsho imaho nga uri, lwa tshifhinga tsho ḡalaho, lwa tshifhinga tshi songo ḡalaho kana lwa u tou kovhekana; kana 50

(c) lwa konḡiraka ya tshipentshela kha tshifhinga tsho imaho nga uri kana kha mushumo wonoyo, hu nga vha lwa tshifhinga tsho ḡalaho kana lwa tshifhinga tshi songo ḡalaho. 55

Phiriso ya vhadededzi

20H. (1) Zwi sthi do di tou bva kha dzimbetshelo dza ino Ndima, Thoho ya Muhasho I nga fhirisa mudedededzi muñwe na muñwe kha tshumelo ya—

- (a) muhasho wo teaho kha tshikhala tshinwe na tshinwe kana tshikhala kha muhasho muñwe na muñwe wa muvhuso hu na thangelathendelo ya muthu kha wonoyo muñwe muhasho wa muvhuso are na maandā a u thola kana u fhirisa nahone hu na u tenda-vho ha uyo mudededza; na
- (b) muhasho wa zwa pfunzo wa vundu kha tshikhala tshinwe na tshinwe.

(2) Muholo na dziñwe nyimele dza tshumelo ya mudededzi zwi nga do tou kwamea nga phiriso nga fhasi ha ino khethekanyo hu si na thendelo ye ya tou ñwalwa nga uyo mudededzi.

Usekondiwa ha vhadededzi

20I. (1) Mudedzi muñwe na muñwe kha tshumelo ya muhasho wa zwa pfunzo wa vund muñwe na muñwe a nga, hu na u tenda ha uyo mudededzi ho tou ñwalwaho , a nga vhewa kha tshikhala tsha—

- (a) muñwe muhasho wa zwa pfunzo;
- (b) muñwe muvhuso; kana
- (c) tshiimiswa tshinwe na tshinwe kana muthu, lwa tshumelo yeneyo kana lwa tshifhinga tsho tou bulwaho kha nyimele dzenedzo, nga nyengedzedzo kha dzinyimele dzo randelwaho nga kana nga fhasi ha mulayo muñwe na muñwe, sa zwine zwa nga tou lavheleswa nga Thoho ya Muhasho.

(2) Musi o vhewa kha tshenetsho tshikhala, mudededzi u do dzula e nga fhasi ha mbetshelo dza uno Mulayo.

U ya phetshenini

20J. (1) Zwi tshi do tou bva kha dzimbetshelo dza ino khethekanyo—

- (a) mudededzi u do vha na pfanelo ya u ya phentshenini, nahone ngau ralo u do vha o ya phentshenini, nga ñuvha line mudededzi a vha kha vhukale ha miñwaha ya 65; na
- (b) mudededzi ane a vha kha vhukale ha miñwaha yo bulwaho nga murahu ha ñuvha ja u thoma ja ñwedzi u do dzhiwa o swika kha vhukale honoho kha ñuvha ja u thoma ja ñwedzi u tevhelaho.

(2) Naho zwo ralo dzimbetshelo dza khethekanyo ya nga fhasi (1), mudededzi we a vha e kha mushumo nga u tou ñavhanya phanḁa ha 2 Khubvumedzi 1994 zwi tshi ya nga mulayo wo fheliswaho nga Mulayo wa zwa U tholwa ha Vhadededzi, 1994 (wo phadladzwaho nga fhasi ha Mulevho wa Nomboro. 138 wa 1994), u do vha na pfanelo ya u ya phentshenini kha kana nga murahu ha u swika kha vhukale ha u ya phentshenini ho teaho kha mudededzi nga u tou ñavhanya phanḁa ha datumu yo bulwaho.

- (3) Naho zwo ralo—
- (a) dzimbetshelo dza dzikhethekanyo dza nga fhasi (1) na (2), mudededzi u do vha na pfanelo ya u ya phentshenini kha kana nga murahu ha u swika kha vhukale ha miñwaha ya 55; na
- (b) u sa vha hone ha mbuno inwe na inwe ya u bviswa zwi tshi ya nga khethekanyo 20K, mutholi a nga, nga kha khumbelo ya mudededzi, tendela mudededzi u ya phentshenini phanḁa ha u swika kha vhukale ha miñwaha ya 55, arali mutholi e na muhumbulo—
- (i) wa uri mbuno dzi fushaho dzi hone, nahone; na
- (ii) uri u ya phentshenini hu do vha vhuḁi kha Muvhuso.

(4) Naho zwo ralo dzimbetshelo dza heyi khethekanyo, mudededzi—

(a) ane o vha kha mushumo nga u ñavhanya phanḁa ha I Shundunthule 1996;

(b) ane, hu si na u khauwa ha tshumelo, ho fhedzaho tshifhinga tsha miñwaha ya 10 tshi sa khauwi tsha tshumelo I tendelaho phentsheni zwi tshi ya nga mulayo wa zwa phentsheni yo teaho mudededzi; na

(c) ane o swika kha vhukale ha minwaha ya 50,
u do vha na pfanelo ya u ya phentshenini.

Ubviswa ha vhadededzi

20K. (1) Mutholi a nga, zwi tshi itiswa nga zwi yelanaho na mbetshelelo dzo teaho dza Mulayo wa Vhushaka ha Vhashumi, bvisa mudededzi kha tshumelo— 5

- (a) nga kha u tou talutshedza mutakalo u lwalaho lu sa khauwi;
- (b) nga kha u tou talutshedza u fhelisa tshikhala tsha mudededzi kana u tou fhungudza huñwe na huñwe kha, kana u tou dzudzanyulula kana livhanyisulula, u thoma ha zwikhala zwa mihasho kana senthara dza muvhuso; 10
- (c) arali, hu na dzimbuno dzi fhiraho dza uri mudededdedzi ha ngo tea kana ha khou kona u shuma, u bviswa ha uyo mudededzi zwi alusa vhukoni kana ikonomi kha muhasho kana senthara ya muvhuso I ne mudededzi o tholwa khayoy, kana nga inwe ndila zwa do vha kha dzangalelo la muvhuso; 15
- (d) nga kha u tou talutshedza u sa tea kha mishumo ye ya fhiwa tshikhala tsha mudededzi kana u sa kona u shuma heyoy mishumo zwavhuđi;
- (e) nga kha u tou talutshedza zwa u sa difara zwavhuđi;
- (f) arali mudededzi o vha o tholwa kha tshikhala tshine ha khou ambiwa nga tsho nga kha nthani ha u sumbedza zwi si zwone ho itwaho nga uyu mudededzi zwi tshi yelana na nyimele ya kutholelwe; na 20
- (g) uri arali, nga kha vhanga la uri mudededzi o tholwa kha phurobesheni, u tholwa ha mudededzi a hu a thu u khwañhisedzwa. 25

(2) Arali mudededzi a tshi khou bviswa kha tshumelo zwi tshi ya nga khethekanyo ya nga fhasi (1)(f), uyo mudededzi u do dzhiwa a tshi khou bviswa nga kha u talutshedzwa ha u sa difara zwavhuđi. 30

Ubviswa nga kha u talutshedzwa ha mutakalo u lwalaho

20L. Mudededzi a nga bviswa nga kha u tou talutshedzwa ha mutakalo u lwalaho kha dzinyimele dzo ambiwaho kha shedulu I kha Mulayo wa u Tholwa ha Vhadedezi. 30

Ubviswa ha vhadededdedzi vho tholwaho vha re kha phurobesheni

20M. (1) Arali zwi sa tamisei u khwañhisedza u tholwa, u fhiriswa kana u aluswa ha mudededzi a re kha phurobesheni, mutholi a nga, naho zwo ralo nga tshinwe na tshinwe tshi fhambanaho na zwi re kha uno mulayo fhedzi zwi tshi do tou bva kha ino khethekanyo— 35

- (a) lapfisa tshifhinga tsha phurobesheni ya mudededzi; kana
- (b) nga murahu ha ndivhadzo I pfadzaho kha mudededzi, bvisa mudededzi kha tshumelo musi tshifhinga tsha phurobesheni tshi tshi fhela kana u tou engedza huñwe na huñwe henefho. 40

(2) A hu na u tholwa, u fhiriswa kana u aluswa kha phurobesheni hune ha nga lapfiswa, nahone a hu na mudededzi ane a khou shuma kha phurobesheni ane a nga bviswa kha tshumelo, arali—

- (a) mudededzi e na vhuđiimiseli;
- (b) mudededzi vhuđifari hawe ho vha vhu fushaho; 45
- (c) mudededzi nga ndila dzothe a tshi tea u vha kha tshikhala tshine o tshi fara; na
- (d) mudededzi o tevhedzelaho milayo yo teaho kha u tholwa ha mudededzi, u fhiriswa kana u aluswa. 50

(3) Mudededzi ane u fhiriswa hawe kana u aluswa kha phurobesheni ha saathu u khwañhisedzwa nahone ane nga u javhanya phanda ha uho u fhiriswa kana u aluswa o vha e mudededzi, hu si mudededzi a re kha phurobesheni, a nga fhiriselwa kha tshikhala tsho a vha o tshi fara, kana kha tshikhala tshi linganaho na tsho.

Ulitsha mushumo

20N. (1) Mudededzi a nga rula mushumo nga u fha ndivhadzo ya maquvha a 90 nga u tou n'wala kana ndivhadzo yeneyo pfufhi sa I ne mutholi a nga I tendela nga kha khumbelo yo mudededzi.

(2) Arali dzina la mudededzi la bva kha redzhistara ya vhadededzi yo farwaho nga Khantseje ya Vhadededzi vha Afrika Tshipembe, mudededzi a nga , naho zwo ralo tshinwe na tshinwe tshi fhambanaho na zwi re kha uno Mulayo, dzhiwa o litsha mushumo u tou thoma kha quvha li tevhelaho nga murahu ha quvha le dzina la mudededzi la bva kha ridzhistara.

U sa kona u shuma na u sa qifara zwavhuqi

20O. U sa kona u shuma na u sa qifara zwavhuqi ha vhadededzi zwi shumaniwa nazwo zwi tshi ya nga kuitele kwo sumbedzwaho kha Ndimas 5 I tshi vhalwa na shedulu 1 na 2 kha Mulayo wa u Tholwa ha Vhadededzi.

U shuma muñwe mushumo nga vhadededzi

20P. (1) Nga ndani ha musini nyimele dza tshumelo ya mudededzi tshi vhetshela nga inwe ndila—

- (a) mudededzi u qo vheya itsho tshifhinga sa zwine zwa nga tou lavheleswa nga Minista kha tshifhinga tsha mutholi;
- (b) a hu na mudededzi ane a qo hu si na thendelo ya mutholi u shuma muñwe mushumo une wa holela nga nnda ha mushumo wa mudededzi wa tshiofisi; na
- (c) a hu na mudededzi ane a nga vhila muñwe muholo u sa yelaniho na mushumo wa tshiofisi kana mushumo une mudededzi—
 - (i) a u shuma lwa u tou qinetshedza; kana
 - (ii) o laelwa u u shuma nga vhalwane vho teaho.

(2) Mutholi a nga laela mudededzi u shuma, lwa tshifhinyana, mishumominwe I so ngo qowealeho ye ya fhiwa mudededzi, arali iyo mishumo yo tea yeneyo gireidi, mushumo kana u kijasifaiwa ha tshikhala tsha mudededzi.

Nzudzanyo dza tshanduko malugana na senthara dza muvhuso

20Q. (1) Kha dzindivho dza ino Ndimas na zwi yelanaho na mushumo na zwinwe zwi yelanaho, mudededzi o tholwaho kha senthara ya muvhuso nga fhasi ha Mulayo wa u Tholwa ha Vhadededzi phanda ha 31 Nyendavhusiku 2010, u qo isa phanda na u tholwa ha tshikhala tshine tsha qo thomiwa kha yeneyo senthara tsho fariwaho nga uyo kana zwa dzhiwa tshi tshi khala tsho itwaho nga Miraqo ya Khantseje Khulwane zwi tshi ya nga ino Ndimas.

(2) Tshikhala tsho thomiwaho nga senthara ya muvhuso tsho tsha vha hone nga u javhanya phanda ha 31 Nyendavhusiku 2010 tshi qo dzhiwa tshi tshikhala tsho thomiwaha nga zwa u thonwa ha zwa vhadededzi kha senthara yeneyo ya muvhuso ndivho hu khethekanyo 20E.

(3) Mushumo na zwithu zwi yelanaho zwo sumbedzwaho kha khethekanyo ya nga fhasi(1), sa muholo na dziñwe nyimele dza mushumo dzo teaho kha mudededzi, dzi qo ya phanda nahone dzo tea uyo mudededzi lwa ndivho dza uno Mulayo nahone dzi qo dzhiwa dzo lavheleswa nga Minista zwi tshi ya nga khethekanyo 20D.”.

U dzheniswa ha Ndimu 4A kha Mulayo 52 wa 2000

5. Ndimu I tevhelaho hafha I khou dzheniswa kha Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, nga murahu ha Ndimu 4:

“NDIMA 4A**Zwipikwa zwa Ndimu**

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25A. Zwipikwa zwa ino Ndimu ndi u vhetshela—

- (a) u lavheleswa ha mbekanyamaitele ya pfunzo ya lushaka nga Minista zwi tshi ya nga milayo yeneyo;
- (b) vhukwamani vhune ha do shuwa phanda ha u lavhelesa mbekanyamaitele, na u thonwa ha zwinwe zwiimiswa u itela dzindivho dza vhukwamani;
- (c) u anqadzwa na u thoma u shumiswa ha mbekanyamaitele ya pfunzo ya lushaka; na
- (d) u sedzulusa na sengulusa pfunzo na vhugudisi zwa vhaaluwa.

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Ndavheleso ya mbekanyamaitele ya pfunzo ya lushaka kha dzisenthara

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25B. (1) Minista u do lavhelesa mbekanyamaitele ya pfunzo ya lushaka zwi tshi ya nga dzimbetshelo dza Ndayotewa na uno Mulayo.

(2) Kha u lavhelesa mbekanyamaitele ya lushaka kha pfunzo na vhugudisi zwa vhaaluwa kha dzisenthara, Minista u do dzhiela ntha vhukoni ha vhusimamilayo ha mavundu zwi tshi ya nga khethekanyo 146 ya Ndayotewa, na dzimbetshelo dzo teaho dza mulayo muwe na muwe wa vundu u yelanaho na pfunzo na vhugudisi zwa vhaaluwa.

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(3) Zwi tshi do tou bva kha Ndayotewa, mbekanyamaitele ya lushaka I do vha yone ine ya fhira yothe kana tshipiqa tsha mbekanyamaitele ya vundu jinwe na jinwe kha pfunzo na vhugudisi zwa vhaaluwa arali hu na khuqano vhukati ha mbekanyamaitele dza vundu na lushaka.

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(4) Zwi tshi do tou bva kha dzimbetshelo dza khethekanyo ya nga fhasi (1) kha (3), Minista u do lavhelesa mbekanyamaitele ya lushaka kha vhuwani, mbetshelo, zwa tshede, vhulangi, vhulangi, vhuvhusi, dzimbekanyamushumo, vhusedzulusi, vhusengulusi na vhuwani ha sisiteme ya pfunzo na vhugudisi zwa vhaaluwa nahone, hu si na u nyadza hu bvaho kha nyangaredzo ya ino khethekanyo, hune ha nga lavhelesa mbekanyamaitele ya lushaka kha—

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(a) dzisisiteme dza vhuwani dza pfunzo na vhugudisi zwa vhaaluwa, hu tshi katelwa mbetshelo ya data zwi tshi ya nga zwine zwa tou vhotha zwa mashango a dzitshaka-tshaka;

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(b) nzudzanyo, vhulangi na vhuvhusi ha sisiteme ya pfunzo na vhugudisi zwa vhaaluwa;

(c) puane dza mvelaphanda ya zwishumiswa, na tshede kha pfunzo ya na vhugudisi zwa vhaaluwa, hu tshi katelwa na ngeletshedzo kha Khomishini ya zwa Masheleni;

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(d) vhuwani, hodiyo na mvelaphanda kha pfunzo na vhugudisi zwa vhaaluwa;

(e) nzudzanyo, vhulangi, vhuvhusi, vhuwani, u thoma na u nwaliswa ha dzisenthara;

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(f) mitheo ya kharikhulamu, dzisiabasi khulwane na mbekanyamushumo dza pfunzo na vhugudisi zwa vhaaluwa, zwitandadi zwa u guda, milingo na vhuwani dza dzindakukano, zwi do tou bva kha dzimbetshelo dza mulayo muwe na muwe une wa thoma mutheo wa dzindalukano kana u khatshidza kana tshiimiswa tsha u tendela;

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(g) tshumisano vhukati ha Muhasho na—

- (i) muwe mihasho;
- (ii) mihasho ya zwa pfunzo ya mavundu;
- (iii) mivhuso yapo; na
- (iv) madzangano a si a muvhuso,

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muhumbulo hu u khwinisa mbekanyamaitele ya zwa pfunzo ya lushaka yo sumbedzwaho kha ino khethekanyo na kha Mbekanyamushumo ya Mvelaphanda na Mvusuludzo;

- (h) vhushaka ha dzitshakatshaka kha sia la pfunzo na vhugudisi zwa vhaaluwa; na
- (i) mishumo ya vhaulwane I ne ya todeha kha u thoma u shumisa mbekanyamaitele ya zwa pfunzo ya lushaka l lavheleswaho zwi tshi ya nga ino Ndimba, hu tshi katelwa u thoma u shumisa maga kha u tandulula zwiito zwa tshitalula.

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Milayo I ne ya sumbedzela mbekanyamaitele ya zwa pfunzo ya lushaka

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25C. Mbekanyamaitele yo sumbedzwaho kha khethekanyo 25B I do livhiswa kha—

- (a) khwiniso na tsireledzo ya dzipfanelo dza nuthu muñwe na muñwe o ombedelwaho zwi tshi ya nga Ndimba 2 ya Ndayotewa na u ya nga zwiimiswa zwa dzitshakatshaka zwo tendelwaho nga Phalamennde, nga maandesa panelo—

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(i) ya muthu muñwe na muñwe kha u vha o tsireledzeaho kha tshitalula tshi so ngo lumbamaho kha kana nga Muhasho kana dzisenthara nga kha sia jifhio na jifhio;

(ii) ya muthu muñwe na muñwe kha u tangedza pfunzo na vhugudisi zwa vhaaluwa na kha u vha na u swikelela u lingana kha senthara dza muvhuso;

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(iii) ya muthu muñwe na muñwe kha u wana u swikelela kha pfunzo na vhugudisi zwa vhaaluwa;

(iv) ya mugudiswa muñwe na muñwe kha u gudiswa nga luambo lwawe lune a tou funa hune zwa pfala zwi tshi konadzea;

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(v) ya muthu muñwe na muñwe kha u vofholowela zwa luvalo, vhurereli, muhumbulo, lutendo, muhumbulo, huqibvukululi na vhuqiambeli kha dzisenthara;

(vi) ya muthu muñwe na muñwe kha u thoma, hune zwa konadzea, dzisenthara dzo sedzaho kha zwo dowelesaho zwa luambo, mvelela kana vhurereli, tenda ha vha hu si na tshitalula tsho disendekaho kha murafho; na

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(vii) ya muthu muñwe na muñwe kha u shumisa luambo na u dzhenela kha zwa vhutshilo ha mvelele yawe kha dzisenthara;

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- (b) u ita uri sisiteme ya pfunzo na vhugudisi zwa vhaaluwa zwi dzhenela kha mvelephanda ya muthu lwo dalaho kha mugudiswa muñwe na muñwe, na kha zwa mvelaphanda ya mikhwa, matshiliso, mvelele, politiki na ikonomi ya lushaka nga vhuhulu, hu tshi katelwa khwinifhadzo ya demokirasi, panelo dza vhuthu na u tandulula dziphambano nga mulalo;

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- (c) u wana zwifhinga zwa pfunzo zwi linganaho na u dzudzanyulula zwa u sa lingana zwa tshifhinga tsho fhelaho kha mbetshelo ya pfunzo na vhugudisi zwa vhaaluwa, hu tshi katelwa u aluswa ha zwa ndinganelo ya mbeu na khwiniso ya tshiimo tsha vhafumakadzi;

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- (d) u lingedza u vhona uri a hu na muthu, sa mvelele dza vuhole ha muvhili, ane a hanelwa tshifhinga tsha u tangedza pfunzo na vhugudisi zwa vhaaluwa kha vhukoni hawe ho dalesaho;

(e) u tshedza zwifhinga kana u tshuwedza u guda lwa vhutshilo hothe;

(f) u wana ndila yo tangelanaho kha pfunzo na vhugudisi zwa vhaaluwa kha mutheo wa ndalukano dza lushaka;

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(g) u sima zwikili, vhuqifari na vhukoni vhu todeaho kha phathululo na mvelaphanda;

(h) u kona u vhona vhuqali, vhukoni, madzangalelo, thangela-ndivho na tshenzhemo zwa vhugudiswa;

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(i) u tshuwedza u humbula na vhuqimisi zwa vhukuma;

(j) u alusa mvelele ya thonifho kha u dededza na u guda kha dzisenthara;

(k) u alusa zwa u vhudzisa, thodisiso na khwiniso ya ndivho;

(l) u engedza ndeme ya vthuthomi kha pfunzo na vhugudisi zwa vhaaluwa—

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- (i) nga kha ndungekano ya mvelaphanḁa na ḥoḁisiso ho sedzwa pfunzo na vhugudisi zwa vhaaluwa;
- (ii) nga kha vhulsedzulusi na vhusengulusi ha mbetshelo na kushumele kwa pfunzo na vhugudisi zwa vhaaluwa; na
- (iii) nga kha vhugudisi ha vhadededzi na vhalangi vha pfunzo ya vhaaluwa; 5
- (m) u vhona uri hu vhe na u dzhenela ha tshitshavha ho ḁandavhuwaho kha mbekanyamaitele ya mvelaphanḁa ya pfunzo na vhugudisi zwa vhaaluwa na u imelwa ha vhafaramikovhe kha vhulangi ha masia oḥe a sisiteme ya pfunzo na vhugudisi zwa vhaaluwa; 10
- (n) u wana zwiko zwi sa ḁuri zwa pfunzo na vhugudisi zwa vhaaluwa na u thoma u shumisa dzitshumelo dzo khwaḥhaho dza zwa pfunzo na vhugudisi zwa vhaaluwa;
- (o) u swikela tshumisano ya tsini vhukati ha mivhuso ya lushaka na mavundu kha zwi yelanaho na pfunzo na vhugudisi zwa vhaaluwa, hu tshi katelwa mvelaphanḁa ya vhukoni kha Muhasho na vhalangi havhuḁi ha sisiteme ya pfunzo na vhugudisi zwa lushaka zwa vhaaluwa. 15

Vhukwamani kha zwa mbekanyamaitele ya pfunzo ya lushaka

25D. (1) Mbekanyamaitele yo sumbedzwaho kha khethekanyo 25B I ḁo lavheleswa nga Minisḁa nga murahu ha u kwamana na Khantseḁe ya Dziminisḁa dza zwa Pfunzo. 20

(2) Mbekanyamaitele yo sumbedzwaho kha khethekanyo 25B I ḁo lavheleswa nga Minisḁa khathhi na Minisḁa wa zwa Matseleni nga u ralo zwi tshi kwama tshelede yo shumiswaho u bva kha Tshikwama tsha Mbuelo tsha Muvhuso. 25

(3) A hu na tshithu tshine kha ino khethekanyo tsha nga fhungudza tsho ya uri Minisḁa a kwamane na Muḁwe na muḁwe ane a tama u wana ngeletshedzo kha u lavhelesa mbekanyamaitele ya pfunzo ya lushaka.

Vhukwmani malugana na zwa mulayo 30

25E. Mulayo kha zwo sumbedzwaho kha khethekanyo 25B u ḁo ḁivhadzwa Phalamenndeni kana, nga kha zwa dzindangulo, u ḁo tou anḁadzwa kha *Gazete* fhedzi nga murahu ha vhukwamani vhukati ha Minisḁa na—

(a) Khantseḁe ya Dziminisḁa dza zwa Pfunzo, malugana na pfunzo na vhugudisi zwa vhaaluwa kha dzisenthara; na 35

(b) zwiimiswa zwoḥe kha zwa Khantseḁe ya Vhushaka ha Vhashumi kha zwa Pfunzo yo thomiwaho nga khethekanyo 40 ya Mulayo wa zwa Vhushaka ha Vhashumi, malugana na zwiḁwe na zwiḁwe zwi welaho kha zwipikwa zwa Mulayo. 40

U anḁadzwa ha mbekanyamaitele ya pfunzo ya lushaka

25F. Minisḁa u ḁo hu saathu u fhela maḁuvha a 21 nga murahu ha u lavhelesa mbekanyamaitele zwi tshi ya nga khethekanyo 25B—

(a) fha nḁivhadzo kha yeneyo ndavheleso kha *Gazete* na u sumbedza kha yeneyo nḁivhadzo hune tshishumiswa tsha mbekanyamaitele malugana na uri ndi ifhio nḁivhadzo yo bviswaho I ne ya nga wanala; na 45

(b) u ita uri tshishumiswa tsha mbekanyamaitele tsho sumbedzwaho kha pharagirafu (a) tshi ambiwe nga ha tsho Phalamenndeni hu saathu u fhela maḁuvha a 21 nga murahu ha musi nḁivhadzo yo vhonekha kha *Gazete*, arali Phalamennde I songo vala, kana, arali Phalamennde yo vala, hu saathu u fhela maḁuvha a 21 nga murahu ha mathomoni a u vula ha Phalamennde. 50

U Sedzuluswa na u senguluswa ha pfunzo na vhugudisi zwa vhaaluwa

25G. (1) Minista u do langa zwitandadi zwa mbetshelo ya pfunzo na vhugudisi zwa vhaaluwa, ndisedzo na kushumele kha Riphabuiki yothe uri I sedzuluswe na u senguluswa nga Muhasho nwaha nga nwaha kana nga zwiwe zwifhinga zwo talulswaho, tshipikwa hu u sedzulusa kushumele kha u tevhedza dzimbetshelo dza Ndayotewa na mbekanyamaitele ya lushaka ya pfunzo na vhugudisi zwa vhaaluwa, nga maandesesa sa zwi lavheleswaho nga khethekanyo 25B.

(2) Tsumbedzelo inwe na inwe I bviswaho zwi tshi ya nga khethekanyo ya nga fhasi (1) I nga tevhedza dzimbetshelo dza mulayo muinwe na muinwe u thonwaho nga mutheo wa ndalukano dza lushaka, nahone I nga vhubwaha nga murahu ha u kwamana na Dziminista dza Khantseje ya Pfunzo.

(3) Muhasho u do shuma u sedzulusa na u sengulusa zwo sumbedzwaho kha khethekanyo ya nga fhasi (1) nga u sengulusa data yo kuvhanganywaho nga ndila dza dzisisiteme dza vhulangandivhiso ya zwa pfunzo na vhugudisi zwa vhaaluwa, kana nga dziinwe ndila dzo teaho, u tshi khou tou shumisana na mihasho ya zwa pfunzo ya mavundu.

(4) Muhasho u do fusha vhudivhinduleli hawo zwi tshi ya nga khethekanyo dza nga fhasi (1) u ya kha (3) nga ndila I pfdzaho, muhumbulo u wa u nea ndeme vhukoni ha phurofeshinaja kha u sedzulusa na u sengulusa sisiteme yothe ya pfunzo ya lushaka, na u thusa zwiimiswa zwi konaho nga ndilaitwa kha phungudzelo dzi re hone kha zwiko zwa muvhuso kha u alusa zwitandadi zwa mbetshelo ya zwa pfunzo na vhugudisi zwa vhaaluwa na kushumele.

(5) Muhasho u do lugisa na u andadza muvhigo wa mvelelo dza tsezuluso inwe na inwe yo shunwaho zwi tshi ya nga khethekanyo ya nga fhasi (3) nga murahu ha u fha tshifhinga kha muhasho wa pfunzo ya vundu uri hu pfiwe mahumbulwa, ane mahumbulwa eneo a do andadzwa na muvhigo.

(6) Arali muvhigo wa lugiswa zwi tshi ya nga khethekanyo ya nga fhasi (5) zwi sumbedza uri zwitandadi zwa mbetshelo ya pfunzo na vhugudisi zwa vhaaluwa, ndisedzo na kushumele kha vundu a zwi khou tevhedza Ndayotewa kana na mbekanyamaitele yo lavheleswaho zwi tshi ya nga khethekanyo 25B, Minista u do vhudza thoho ya zwa politi ya vundu kha zwa pfunzo I kwameo nahone ha tode u getshedza linwalo, hu saathu u fhela maduvha a 90, ya pujane ya u fhelisa nyimele.

(7) Pujane I todwaho nga Minista zwi tshi ya nga khethekanyo ya nga fhasi (6) I nga lugiswa nga muhasho wa pfunzo ya vundu u kwameaho, u tshi khou kwamana na Muhasho, nahone Minista u do ita uri pujane I ambiwe nga hayo Phalamenndeni khathihi na mahumbulwa awe hu saathu u fhela maduvha a 21 o I tangedza, arali Phalamennde I songo vala, kana, arali Phalamennde yo vala, hu saathu u fhela maduvha a 21 nga murahu ha u vula maduvha a u thoma a Phalamennde.

Mishumo ya Khantseje ya Dziminista dza zwa Pfunzo malugana na pfunzo na vhugudisi zwa vhaaluwa**25H. Khantseje ya Dziminista dza zwa Pfunzo i fanela u—**

- (a) alusa mbekanyamaitele ya pfunzo na vhugudisi zwa vhaaluwa I ne ya dzhia vhudivhinduleli ho fhelelaho kha mbekanyamaitele ya muvhuso;
- (b) kovhekana ndivhiso na mihumbulo kha nyimele dzothe dza zwa pfunzo na vhugudisi zwa vhaaluwa kha Riphabuiki; na
- (c) langa nyito ya zwa dzangalelo kha mihasho ya mavundu na ya lushaka.

Mishumo ya komiti ya thoho dza Mihasho ya Pfunzo malugana na pfunzo na vhugudisi zwa vhaaluwa

25I. Komoti ya Thoho dza Mihasho ya zwa Pfunzo yo thomiwaho nga khethekanyo 41I ya Mulayo wa Dzikhohedzhi dza u isa Phanda Pfunzo na Vhugudisi, 2006 (Mulayo wa Nomboro. 16 wa 2006), I fanela u—

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- (a) leludza mvelaphanda ya sisiteme ya pfunzo na vhugudisi zwa vhaaluwa zwa lushaka zwi tshi ya nga zwipikwa na milayo yo vhetshelwaho nga uno Mulayo;
- (b) kovhekana ndivhiso na mihumbulo kha zwa pfunzo na vhugudisi zwa vhaluwa kha lushaka;
- (c) langa nyito ya vhutshimbidzi kha zwa dzangalelo kha Muhasho na mihasho ya zwa pfunzo ya mavundu; na
- (d) tsivhudza Muhasho kha zwiñwe na zwiñwe zwo sumbedzwaho kha dzikhethekanyo 25B u ya kha 25G na 25J malugana na zwa pfunzo na vhugudisi zwa vhaaluwa kana zwiñwe na zwiñwe zwi y elanaho na u shuma havhuḏi ha sisiteme ya pfunzo na vhugudisi zwa vhaaluwa.

Nzudzanyo dza tshanduko malugana na mbekanyamaitele

25J. Mbekanyamaitele inwe na inwe I lavheleswa zwi tshi ya nga Mulayo wa Mutheo wa Pfunzo ya Lushaka, 1996 (Mulayo wa Nomboro. 27 wa 1996), u swika kha 31 Nyendavhusiku 2010 nahone wo teaho kha Dzisenhara dza zwa Pfunzo ya Ndeme na Vhugudisi zwa Vhaaluwa dzo salaho dzi tshi khou shuma nahone u swika u tshi shandukiswa kana u fheliswa nga Minista zwi tshi ya nga uno Mulayo.

U imelwa ha khethekanyo 32 ya Mulayo 52 wa 2000, sa zwine wa khou imelwa nga khethekanyo 29 ya Mulayo 50 wa 2002

6. Khethekanyo I tevhelaho hafha I khou imelwa kha khethekanyo 32 ya Mulayo wa zwa Pfunzo ya Ndeme na Vhugudisi zwa Vhaaluwa, 2000:

“Ndeme ya u vhona senthara dza muvhuso na dzi si dza muvhuso

32. (1) Umalusi I fanela u, zwi tshi ya nga Mulayo wa Nyangeredzo wa u Vhona Ndeme ya zwa u Isa Phanda Pfunzo na Vhugudisi, 2001 (Mulayo wa Nomboro. 58 wa 2001), Utshi vhalwa na Mulayo wa Mutheo wa Ndalukano dza Lushaka, 2008 (Mulayo wa Nomboro. 67 wa 2008), u shuma mishumo I yelanaho na Khantseje ya Ndeme malugana na ndalukano dzothe dzi netshedzwaho kha senthara dza muvhuso na dzi si dza muvhuso.

(2) U itela dzindivho dza ino khethekanyo, “Umalusi” zwi amba khantseje yo thomiwaho nga khethekanyo 4 ya Mulayo wa Nyangeredzo wa u Vhona Ndeme ya zwa u Isa Phanda Pfunzo na Vhugudisi, 2001 (Mulayo wa Nomboro. 58 wa 2001).”

Uimelwa ha khethekanyo 44 ya Mulayo 52 wa 2000

7. Khethekanyo I tevhelaho hafha I khou imelwa kha khethekanyo 44 ya Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000:

“Thoho pfufhi

44. Uno Mulayo u vhidzwa u pfi Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000.”

Uimelwa ha zwenezwo zwi ambiwaho kha Mulayo 52 wa 2000

8. Mulayo wa Pfunzo na Vhugudisi zwa Vhaaluwa zwa Ndeme, 2000, hafha u khou shandukiswa nga—

- (a) u imelwa kha vhubvukululi “NABABET” (Bodo ya Vhueleletshedzi ya Lushaka kha zwa Pfunzo ya Vhaaluwa ya Ndeme), huñwe na huñwe hune, ha u ambiwa nga “NABAET”;
- (b) u imelwa kha vhubvukululi ha “pfunzo na vhugudisi zwa vhaaluwa zwa ndeme”, huñwe na huñwe hune, ha ambiwa nga “pfunzo na vhugudisi zwa vhaaluwa”; na
- (c) u imelwa kha vhubvukululi “muhasho wa pfunzo ya vundu”, huñwe na huñwe hune, ha ambiwa “muhasho wa pfunzo ya vundu”.

Ushandukiswa ha khethekanyo 1 ya Mulayo 16 wa 2006

9. Khethekanyo 1 ya Mulayo wa Dzikhojedzhi dza u Isa Phanḁa Pfunzo na Vhugudisi, 2006, hafha I khou shandukiswa nga—

- (a) u imelwa kha pharagirafu (b) ya ḁhalutshedzo ya ipfi “**khojedzhi**” ya pharagirafu I tevhelaho: 5
 “(b) *khojedzhi* nga fhasi ha maanḁa a muhasho wa muvhuso nga nnḁani ha Muhasho [wa Pfunzo];”;
- (b) u imelwa kha ḁhalutshedzo ya ipfi “**Muhasho**” ya ḁhalutshedzo I tevhelaho: “**‘Muhasho’** zwi amba [muhasho wa muvhuso u re na vhuḁifhinduleli kha zwa pfunzo ya lushaka] Muhasho wa zwa Pfunzo ya Nḁha na Vhugudisi;”; na 10
- (c) u imelwa kha ḁhalutshedzo ya ipfi “**Minisḁa**” ya ḁhalutshedzo I tevhelaho: “**‘Minisḁa’** zwi amba Minisḁa wa Pfunzo ya Nḁha na Vhugudisi;”.

Udzheniswa ha Ndimu 6A kha Mulayo 16 wa 2006

10. Ndimu I tevhelaho hafha I khou dzheniswa kha Mulayo wa Dzikhojedzhi dza u Isa Phanḁa Pfunzo na Vhugudisi, 2006, nga murahu ha Ndimu 6: 15

“NDIMA 6A**Zwipikwa zwa Ndimu****41A. Zwipikwa zwa ino Ndimu ndi zwa u vhetshela u—**

- (a) lavheleswa ha mbekanyamaitele ya pfunzo ya lushaka nga Minisḁa zwi tshi ya nga milayo yemneyo; 20
- (b) kwamana hune ha ḁo itwa phanḁa ha u lavhelesa mbekanyamaitele, na u thoḁwa ha zwiimiswa zwenezwo ndivho hu vhukwamani;
- (c) anḁadzwa na u thoma u shumisa mbekanyamaitele ya pfunzo ya lushaka; na tshikoupu 25
- (d) lavhelesa na u sedzulusa pfunzo na vhugudisi kha tshikoupu tsha dzindalukano dzi ḁetshedzwaho nga a khojedzhi dza u isa phanda pfunzo na vhugudisi.

Ndavheleso ya mbekanyamaitele ya pfunzo ya lushaka kha dzikhojedzhi 30

41B. (1) Minisḁa u ḁo lavhelesa mbekanyamaitele ya pfunzo ya lushaka zwi tshi ya nga dzimbetshelo dza Ndayotewa na uno Mulayo.

(2) Kha u lavhelesa mbekanyamaitele ya lushaka kha zwa pfunzo na vhugudisi kha dzikhojedzhi, Minisḁa u ḁo dzhiela nḁha vhukoni ha vhusimamilayo ha vundu zwi tshi ya nga khethekanyo 146 ya Ndayotewa, na dzimbetshelo dzo teaho dza mulayo muḁwe na muḁwe wa vundu u yelanaho na zwa pfunzo. 35

(3) Zwi tshi ḁo tou bva kha Ndayotewa, mbekanyamaitele ya lushaka I ḁo vha yone yone khulwane kha zwoḁhe kana tshipiḁa tsha mbekanyamaitele inwe na inwe ya vundu kha zwa u isa phanḁa pfunzo na vhugudisi arali hu na khuḁano vhukati ha dzimbekanyamaitele dza lushaka na mavundu. 40

(4) Zwi tshi ḁo tou bva kha dzimbetshelo dza dzikhethekanyo dza nga fhasi (1) u ya kha (3), Minisḁa a nga lavhelesa mbekanyamaitele ya lushaka u itela u puḁana, mbetshelo, zwa masheleni, vhulangi, vhulangi, vhuvhusi, dzimbekanyamushumo, vhusedzulusi, vhusengulusi na ndondolo ya zwa sisiteme ya u isa phanḁa pfunzo na vhugudisi nahone, hu si na u nyadza hu bvaho kha nyangaredzo ya ino khethekanyo, hune ha ḁo lavhelesa ino mbekanyamaitele ya lushaka kha— 45

- (a) zwa vhuLANGASISITEME dza ndivhiso kha zwa u isa phanḁa pfunzo na vhugudisi, hu tshi katelwa mbetshelo ya data zwi tshi ya nga dzimbofho dza mashango dzitshaka-tshaka kha muvhuso; 50
- (b) dzangano, vhulangi na vhuvhusi ha sisiteme ya zwa u isa phanḁa pfunzo na vhugudisi,

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- (c) puļane dza u shumisa, tshelede na mvelaphanᄁa kha zwa u isa phanᄁa pfunzo na vhugudisi, hu tshi katelwa ngeletshedzokha khomishini ya zwa masheleli;
- (d) vhuthomi, ᄁhoᄁisiso na mvelaphanᄁa kha zwa u isa phanda pfunzo na vhugudisi, 5
- (e) dzangano, vhulangi, vhuvhusi, masheleni, u thoma na u ᄁwalisa dzikhojedzhi;
- (f) mitheo ya kharikhuļamu, dzisiļabasi khulwane na dzimbekany-mushumo dza u isa phanᄁa pfunzo na vhugudisi, zwitandadi zwa u guda, milingo na khwaᄁhisedzo ya dzindalukano, zwi ᄁo tou bva kha dzimbetshele dza mulayo muᄁwe na muᄁwe u thomaho mutheo wa ndalukano dza lushaka kana u khwaᄁhisedza kana tshiiᄁiswa tsha u tendela;
- (g) tshumisano vhukati ha Muhasho na— 15
- (i) miᄁwe mihasho; 15
- (ii) mihasho ya pfunzo ya mavundu;
- (iii) mivhuso yapo; na
- (iv) madzangano a si a muvhuso, 20
- muhumbulo hu u khwinisa mbekanyamaitele ya pfunzo ya lushaka yo sumbedzwaho kha ino khethekanyo na Mbekanyamushumo ya Phaᄁhululo na Mvelaphanᄁa;
- (h) vhushaka ha dzitshakatshaka kha sia ļa zwa u isa phanᄁa pfunzo na vhugudisi;
- (i) mishumo ya vhahulwane I ᄁoᄁeaho kha u thoma u shumisa mbekanyamaitele ya pfunzo ya lushaka I lavheleswa zwi tshi ya nga ino Ndima, hu tshi katelwa u thoma u shumisa maga a u tandulula zwiito zwa tshiᄁalula zwa tshifhinga tsho fhelaho. 25

Milayo I ne ya sumbedzela mbekanyamaitele ya pfunzo ya lushaka**41C.** Mbekanyamaitele yo sumbedzwaho kha khethekanyo 41B I nga livhiswa kha— 30

- (a) u khwinisa na u alusa dziᄁfanelo khulwanesa dza muthu muᄁwe na muᄁwe dzo fhulufhedziswaho zwi tshi ya nga Ndima 2 ya Ndayotewa na u ya nga zwiimiswa zwa dzitshakatshaka zwo tendelwaho nga Phalamennde, nga maanᄁesa zwa ᄁfanelo— 35
- (i) ya muthu muᄁwe na muᄁwe kha u vha o tsiredzeaho kha tshiᄁalula tshi songo lumbamaho kha kana nga Muhasho kana khojedzhi nga kha sia ļifhio na ļifhio; 35
- (ii) ya muthu muᄁwe na muᄁwe kha u ᄁanganedza u isa phanᄁa pfunzo na vhugudisi na u swikelela hu linganaᄁo kha khojedzhi dza muvhuso; 40
- (iii) ya mubebi kana muunᄁi malugana na zwa u isa phanᄁa pfunzo na vhugudisi ᄁwana wawe kana wadi;
- (iv) ᄁwana muᄁwe na malugana na u isa phanᄁa pfunzo na vhugudisi hawe; 40
- (v) ya mutshudeni muᄁwe na muᄁwe kha u vha a funzwaho nga luambo lune a funa lwone hune hezwi zwa pafala zwi tshi konadzea; 45
- (vi) ya muthu muᄁwe na muᄁwe kha dzimbofholowo dza luvalo, vhurereli, muhumbulo, lutendo, mihumbulo, vhuᄁibvukukuli na u ᄁibaᄁerkanya na khojedzhi; 50
- (vii) ya muthu muᄁwe na muᄁwe kha u thoma, hune zwa konadzea, dzikhojedzhi dzo ᄁisendekaho kha luambo lwo ᄁoweleaho, mvelele kana vhurereli, tenda ha sa vhe na tshiᄁalula tsho sendekaho kha murafho; na 55
- (viii) ya muthu muᄁwe na muᄁwe kha u shumisa luambo na u dzhenelela kha zwa vhutshilo ha mvelele I ne a funa henefho kha khoļidzhi; 55
- (b) u tendela sisiᄁeme ya u isa phanᄁa pfunzo na vhugudisi uri I shume kha mvelaphanᄁa ya muthu lwo ᄁalaho kha mutshudeni muᄁwe na muᄁwe kha mvelaphanᄁa ya mikhwa, matshilisano, mvelele, ᄁoļitiki na ikonomi zwa lushaka nga vhuphara, hu tshi katelwa na khwinifhadzo 60

- ya demokirasi, ppanelo dza vhuthu na u tandulula phambano lwa mulalo;
- (c) u wana zwifhinga zwa pfunzo nga ndila I linganaho na u lulamisa u sa lingana ha tshifhinga tsho fhelaho kha mbetsshelo ya u isa phanḁa pfunzo na vhugudisi, hu tshi katelwa nyaluso ya ndinganelo ya mbeu na khwiniso ya tshiimo tsha vhafumakadzi; 5
- (d) u lingedza u vhona uri a hu na muthu, sa mvelele dza vuholefhali ha muvhili, ane a hanelwa tshifhinga tsha u ḁanganedza u isa phanda pfunzo na vhugudisi lwo ḁalaho kana lwa vhukoni hawe; 10
- (e) u ḁetshedza zwifhinga kha na u ḁuḁwedza u guda lwa vhutsilo hoḁhe; 10
- (f) u wana ndila yo ḁanganelanaho kha pfunzo na vhugudisi zwa vhaaluwa ngomu kha mutheo wa ndalukano dza lushaka;
- (g) u sima zwikili, vhuḁifari na vhukoni zwi ḁoḁeaho kha phaḁhululo na mvelaphanḁa; 15
- (h) u vhona vhuḁali , vhukoni, madzangalelo, thangela-ndivho na tshenzhemo zwa matshudeni; 15
- (i) u ḁuḁwedza vhuḁiimisi na u humbula lwo ḁanḁavhuwaho; 20
- (j) u alusa mvelele malugana na u dededza na u gudisa dzikhoḁedzhini; 20
- (k) u alusa zwa vhuvhudzisi, ḁhoḁisiso na u kwhinisa ndivho; 20
- (l) u fha tshileme ndeme ya vhuthomi kha zwa u isa phanḁa pfunzo na vhugudisi— 20
- (i) nga kha dzisisiḁeme dza ḁhodisiso na mvelaphanḁa ya zwa u isa phanḁa pfunzo na vhugudisi; 25
- (ii) nga kha u sedzulusa na u sengulusa mbetsshelo ya zwa u isa phanḁa pfunzo na vhugudisi na kushumele; na 25
- (iii) nga kha u g udisa vhadededzi na vhalangi vha zwa u isa phanḁa pfunzo na vhugudisi; 25
- (m) u vhona uri tshitshavha tshi dzhenelele lwo ḁanḁavhuwaho kha mvelaphanḁa ya mbekanyamaitele ya zwa u isa phanḁa pfunzo na vhugudisi na vhuimeli ha vhafaramikovhe kha vhuvhusi ha masia oḁhe a sisiḁeme ya zwa u isa phanḁa pfunzo na vhugudisi; 30
- (n) u wana u shumiswa hu vhulungaho masheleni ha zwiko zwa u isa phanḁa pfunzo na vhugudisi na u thoma u shumisa ho khwaḁhaho ha tshumelo dza zwa u isa phanḁa pfunzo na vhugudisi; 35
- (o) u wana tshumisano ya tsinisa vhukati ha mivhuso ya lushaka na mavundu kha zwi yelanaho na zwa u isa phanḁa pfunzo na vhugudisi, hu tshi katelwa mvelaphanḁa ya vhukoni kha Muhasho, na vhalangi havhuḁi ha sisiḁeme ya lushaka ya u isa phanḁa pfunzo na vhugudisi. 35

Vhukwamani kha zwa mbekanyamaitele ya pfunzo ya lushaka

- 41D. (1)** Mbekanyamaitele yo sumbedzwaho kha khethekanyo 41B I ḁo lavheleswa nga Minisḁa nga murahu ha u kwamana na Khantseḁe ya Dziminisḁa dza zwa Pfunzo yo thomiwaho nga khethekanyo 41H. 40
- (2) Mbekanyamaitele yo sumbedzwaho kha khethekanyo 41B I ḁo lavheleswa nga Minisḁa khathihi na Minisḁa wa zwa Masheleni u swika zwa zwino sa zwine zwa kwama tshedele yo shumiswaho u bva kha Tshikwama tsha Mbuelo tsha Muvhuso. 45
- (3) A hu na tshithu kha ino khethekanyo tshine tsha fhungudza uri Minisḁa a dzhie tsho ya u kwama muḁwe na muḁwe ane a tama uri a tshi nga mu eletsshedza malugana na u lavhelesa mbekanyamaitele ya pfunzo ya lushaka. 50

Vhukwani kha zwa mulayo

- 41E.** Mulayo kha zwo sumbedziwaho kha khethekanyo 41B u ḁo divhadzwa Phalamenndeni kana, arali hu dzindangulo, dza tou anḁadzwa kha *Gazete* fhedzi nga murahu ha vhukwamani vhukati ha Minisḁa na— 55
- (a) Khantseḁe ya Dziminisḁa dza zwa Pfunzo yo thomiwaho nga khethekanyo 41H malugana na, zwa u isa phanḁa pfunzo na vhugudisi kha dzikhoḁedzhi; na

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- (b) zwiimiswa zwothe kha Khantsele ya Vhushaka ha Vhashumi kha zwa Pfunzo zwo ambiwaho kha khethekanyo 54(3) malugana na zwi welaho kha mishumo ya khantsele ya nyambedzano.

U anqadzwa ha mbekanyamaitele ya pfunzo ya lushaka

41F. Minista u do, hu saathu u fhela maquvha a 21 nga murahu ha u lavhelesa mbekanyamaitele zwi tshi ya nga khethekanyo 41B— 5

- (a) fha ndivhadzo ya uho u lavhelesa kha *Gazete* na u sumbedza kha iyo ndivhadzo hune tshishumiswa tsha mbekanyamaitele ya bviswa malugana na zwa henefho zwa nga wanala; 10
- (b) ita uri tshishumiswa tsha mbekanyamaitele tsho sumbedzwaho kha pharagirafu (a) tshi ambiwe nga hatsho Phalamenndeni hu saathu u fhela maquvha a 21 nga murahu ha musi ndivhadzo yo vhonala kha *Gazete*, arali Phalamennde I songo vala, kana, arali Phalamennde yo vala, hu saathu u fhela maquvha a 21 nga murahu ha u vula kha tshipida tsha u tou thoma yo vula. 15

Tsedzuluso na senguluso ya zwa u isa phanda pfunzo na vhugudisi

41G. (1) Minista u do sumbedza uri zwitandadi zwa mbetshelo ya zwa u isa phanda pfunzo na vhugudisi, ndisedzo na kushumele kha Riphabuliki yothe uri zwi sedzuluswe na u senguluswa nga Muhasho nwaha nga nwaha kana nga kha zwifhinga zwo tou talulwaho, tshipikwa hu u sengulusa mashumele kha u tevhedza dzimbetshelo dza Ndayotewa na mbekanyamaitele ya lushaka ya zwa u isa pfunzo phanda na vhugudisi, zwi hulwanesa sa zwine zwa lavheleswa zwi tshi ya nga khethekanyo 41B. 20

(2) Ndaela inwe na inwe I bviswaho zwi tshi ya nga khethekanyo ya nga fhasi (1) I fanela u tevhedza dzimbetshelo dza mulayo muñwe na muñwe wo thomiwaho nga mutheo wa ndalukano dza lushaka, nahone I nga vhumbwa nga murahu ha u kwamana na Khantsele ya Dziminsta dza zwa Pfunzo yo ambiwaho kha khethekanyo 41D(1). 25

(3) Muhasho u nga shuma u sedzulusa na u sengulusa zwo sumbedzwaho kha khethekanyo ya nga fhasi (1) nga u sengulusa data yo kuvhanganywaho nga dzindila dza dzisisiteme dza vhangandivhiso kha zwa u isa phanda pfunzo na vhugudisi, kana nga dziñwe ndila dzo teaho, nga kha tshumisano na mihasho ya pfunzo ya mavundu. 30

(4) Muhasho u nga fusha vhuqifhinduleli hawo zwi tshio ya nga khethekanyo dza nga fhasi (1) u ya kha (3) nga ndila I pfdzaho, muhumbulo u wa u fha tshileme vhukoni ha phurofeshinaja na u sedzulusa sisiteme ya pfunzo ya lushaka yothe, na u thusa zwiimiswa zwa maanda zwi konaho nga ndila-nyiteo nga kha phungudzelo ya zwiko zwa muvhuso zwi re hone u itela u alusa zwitandadi zwa mbetshelo na kushumele kwa zwa u isa phanda pfunzo na vhugudisi. 35

(5) Muhasho u do lugisela nahone wa anqadza muvhigo wa mvelelo dza tsedzuluso yo itwaho zwi tshi ya nga khethekanyo ya nga fhasi (3) nga murahu ha u nea tshifhinga muhasho wa pfunzo ya vundu u kwameaho uri u vhe na mahumbulwa, ane mahubulwa eneo a do anqadzwa na muvhigo. 40

(6) Arali muvhigo wo lugiswa zwi tshi ya nga khethekanyo ya nga fhasi (5) wa sumbedza uri zwitandadi zwa mbetshelo ya zwa uisa pfunzo phanda na vhugudisi, ndisedzo na kushumel kha vundu zwi sa anani na Ndayotewa kana mbekanyamaitele I lavheleswaho zwi tshi ya nga khethekanyo 41B, Minista u do vhudza thoho ya zwa politiki ya vundu kha zwa pfunzo a kwameaho nahone a toda jinwalo; hu saathu u fhela maquvha a 90, ja pujane ya u tandulula tshiimo. 45

(7) Pujane I todwaho nga Minista zwi tshi ya nga khethekanyo ya nga fhasi (6) I do lugiswa nga muhasho wa pfunzo ya vundu u kwameaho, hu tshi khou kwamaniwa na Muhasho, nahone Minista u do ita uri pujane I ambiwe nga hayo Phalamenndeni I na mahumbulwa awe hu saathu u fhela maquvha a 21 o I tangedza, arali Phalamennde zwenezwoha I songo vala, kana, arali Phalamennde yo Vala, hu saathu u fhela maquvha a 21 nga murahu ha u vula kha tshipida tsha u tou thoma yo vula. 55

Khantseje ya Dziminista dza zwa Pfunzo

41H. (1) Hafho zwino hafha I khou thoma khantseje, I vhidzwaho u pfi Khantseje ya Dziminista dza zwa Pfunzo, yo vhumwaho nga—

- (a) Minista, ane a vha mudzalatshidulo; na
- (b) thoho ya zwa politiki ya vundu kha zwa pfunzo inwe na inwe. 5
- (2) Mulangi-Muangaredzi a nga dzenela mitangano ya khantseje ya Dziminista dza zwa Pfunzo u itela uri a vhige kha mitangano ya Komiti ya Dziqhoho dza Mhasho ya zwa Pfunzo yo thomiwaho nga khethekanyo 41I, na u eletshedza kha zwiinwe na zwiinwe zwi yelanaho na vhudifhinduleli ha Mhasho. 10
- (3) vhadzalatshidulo vha Komiti ya Photfolio kha zwa Pfunzo ya Ntha na Vhugudisi ya Buthano ja Lushaka na Komiti ya u Nanga kha zwa Pfunzo na Vhumvumvusi na Khantseje ya Lushaka ya Vundu vha nga dzenela mitangano ya Khantseje ya Dziminista dza zwa Pfunzo.
- (4) Mishumo ya Khantseje ya Dziminista dza zwa Pfunzo ndi u — (a) 15
alusa zwa u isa phanda pfunzo na vhugudisi zwa lushaka zwine zwa dzhiela ntha mbekanyamatele dza muvhuso; (b) kovhekana ndivhiso na mihumbulo kha zwothe zwa u isa phanda pfunzo na vhugudisi kha Riphabuliki; na (c) u langa nyito kha zwa dzangalelo kha mivhuso ya lushaka na mavundu. 20
- (5) Khantseje ya Dziminista dza zwa Pfunzo I nga ola iyo milayo malugana na u vhidza mitangano yayo, u dzulela u vha hone ha mitangano yayo, kuitele kha mitangano yayo, hu tshi katelwa na khorarmu ya mitangano yayo, na zwiinwe zwa vhutshimbidzi kana zwa kuitele zwine ya nga vhona zwi tshi todea kana zwo tea kha kushumele kwavhuqi kwa mishumo yayo kana kwa u shumisa maandza ayo. 25
- (6) mitangano ya Khantseje ya Dziminista dza zwa Pfunzo a I nga vhi I si ya vhukuma nga nwanbo wa u tou ri hu na tshikhala kha khantseje.

Komiti ya Dziqhoho dza Mhasho ya zwa Pfunzo

- 41I.** (1) Hafho zwino hafha I khou thoma komiti, I vhidzwaho Komiti ya 30
Dziqhoho dza zwa Pfunzo (kha ino khethekanyo I tshi khou vhidzwa Komiti), yo vhumwaho nga—
- (a) Mulangi-Muangaredzi, ane a vha mudzalatshidulo;
- (b) Mulangi-Mufarisi wa Mhasho; na
- (c) Dziqhoho dza mhasho ya zwa pfunzo kha mavundu. 35
- (2) Mishumo ya Komiti hu do vha u—
- (a) leludza mvelaphanda ya sisiteme ya zwa u isa phanda pfunzo na vhulangi zwi tshi ya nga zwipikwa na milayo yo vhetshelwaho nga uno Mulayo;
- (b) kovhekana ndivhiso na mihumbulo zwa u isa phanda pfunzo na vhugudisi zwa lushaka; 40
- (c) langa nyito dza vhutshimbidzi kha zwa dzangalelo kha mhasho ya zwa pfunzo ya ntha na vhugudisi; na
- (d) eletshedza Mhasho kha zwo sumbedzwaho kha dzikhethekanyo 41B u ya kha 41G na 41J malugana na zwa u isa phanda pfunzo na vhugudisi, kana kha zwiinwe na zwiinwe zwi yelanaho na kushumele kwavhuqi kwa sisiteme ya zwa u isa phanda pfunzo na vhugudisi. 45
- (3) Komiti I nga thoma dzikomiti dza nga fhasi u itela u thusa kha kushumele kwa mishumo yayo, na—
- (a) uri I nga thola vhatu vhane vha si vhe mirado ya komiti uri vha vhe mirado ya komiti ya nga fhasi: tenda phurofesheni yo dzudzanyeaho ya vhudededzi ya todea kha u nanga vhaimelile sa mirado ya komiti ya nga fhasi inwe na inwe; 50
- (b) u topola mudzalatshidulo wa komiti ya nga fhasi kana u laela uri mudzalatshidulo a nangiwe nga komiti ya nga fhasi u bva kha mirado yayo. 55
- (4) (a) Mitangano ya Komiti I do farwa kha zwifhinga zwenezwo nahone fhethu honoho sa zwine mudzalatshidulo wa komiti a do zwi lavhelesa.
- (b) Mitangano ya Komiti a si uri I do vha I si ya vhukuma nga u tou vha hone ha tshikhala kha komiti. 60

(c) Arali mudzulatshidulo wa Komiti e siho muṭanganoni wa Komiti, muthihi wa Vhalingi-Vhaangaredzi-Vhafarisi o nangwaho lwa ino ndivho nga mudzulatshidulo u ḑo dzhia tshidulo kha uyo muṭangano.

(5) Komiti I nga ola milayo malugana na u vhidza muṭangano, u anzela ha muṭangano, kuitele kwa muṭangano, hu tshi katelwa na khoramu ya muṭangano, na kuṅwe kutshimbidzele na kuitele kune kwa nga dzhiwa ku tshi ḑoḑea kwo teaho kha kushumele kwone-kwone kwa mishumo yayo kana u shumisa maanḑa ayo: Tenda Komiti I sa ḑo fara muṭangano miṭuku kha miṅa nga ṅwaha.

Mitendelo na muholo wa miraḑo ya komiti ya nga fhasi

41J. Muraḑo wa komiti ya nga fhasi ha khou tou vha kha mushumo wo fhelelaho wa Muvhuso ane a nga, malugana na dzitshumelo dzi ṅewaho nga uyo muraḑo zwi tshi ṭumana na vhushaka ha komiti ya nga fhasi nahone u bva kha tshelede I rumelwaho nga Phalamennde lwa ndivho yeneyo, a ḑo badelwa u tshimbila na na miṅwe mitendelo sa zwine Minisṭa, hu tshi tenda Minisṭa wa zwa Masheleni, a ḑo tou zwi lavhelesa.

Mishumo ya vhutshimbidzi ya Khantseḑe na Komiti

41K. (1) Mishumo ya vhutshimbidzi ya Khantseḑe yo thomiwaho nga khethekanyo 41H na Komiti yo thomiwaho nga khethekanyo 41I I ḑo shumiwa nga vhaofisiri vha Mhasho vhane vho topolwa nga Mulangi-Muangaredzi lwa yeneyo ndivho.

(2) Mulangi-Muangaredzi u ḑo malugana na Khantseḑe na Komiti zwo sumbedzwaho kha khethekanyo ya nga fhasi (1) topola muṅwaleli ane nga fhasi ha ndaela yawe vhaofisiri vha ḑo shuma mishumo yavho.

Zwiimiswa zwi kwamiwaho

41L. (1) Minisṭa a nga, nga ndangulo thoma tshiimiswa tshine tsha ḑo ḑivhea sa Khantseḑe ya pfunzo na Vhugudisi zwa Lushaka na zwiṅwe zwiimiswa zwine zwa ḑo mu eletshdza kha zwo sumbedzwaho kha khethekanyo 41B kana zwiṅwe na zwiṅwe zwo sumbwaho nga Minisṭa.

(2) Mbumbo, dzindalukano dza vhuraḑo, mishumo, maanḑa na mishumo ya tshiimiswa tsho thomiwaho zwi tshi ya nga khethekanyo ya nga fhasi (1), na tshifhinga tsha ofisi tsha miraḑo yatsho, zwi ḑo randelwa kha ndaulo.

Nzudzanyo dza Tshandukiso ya mbekanyamaitele

41M. Mbekanyamaitele iṅwe na iṅwe I lavheleswa zwi tshi ya nga Mulayo wa Mbekanyamaitele ya Pfunzo ya Lushaka, 1996 (Mulayo wa Nomboro. 27 wa 1996), u swika kha 31 Nyendavhusiku 2010 nahone wo fanelaho kha zwa Dzikhoḑedzhi dza u Isa Phanḑa Pfunzo na Vhugudisi une wo sala u kha ḑi shuma nahone u shuma u swika u tshi shandukiswa kana wa fheliswa nga Minisṭa zwi tshi ya nga uno Mulayo.”.

Tshandukiso ya khethekanyo 42 ya Mulayo 16 wa 2006

11. Khethekanyo 42 ya Mulayo wa Dzikhoḑedzhi dza Isa Phanḑa Pfunzo na Vhugudisi, 2006, hafha I khou shandukiswa ya imelwa nga khethekanyo ya nga fhasi (1) kha maipfi o rangelwaho nga pharagirafu (a) ya maipfi a tevhelaho:

“Zwi tshi ḑo tou bva kha milayo na zwitandadi zwo vhewaho nga Minisṭa zwi tshi ya nga [khethekanyo 3 ya Mulayo wa Mbekanyamaitele ya Pfunzo ya Lushaka, 1996 (Mulayo 27 wa 1996), na nga Tshiimiswa tsha Maanḑa a Ndalukano dza Afrika Tshipembe,] khethekanyo 41B, Mulangi-Muangaredzi u fanela u—”.

Tshandukiso ya khethekanyo 43 ya Mulayo 16 wa 2006

12. Khethekanyo 43 ya Mulayo wa Dzikhojedzhi dza Isa Phanda Pfunzo na Vhugudisi, 2006, hafha I khou shandukiswa nga—

(a) u imelwa nga khethekanyo ya nga fhasi (1) ya khethekanyo ya nga fhasi I tevhelaho: 5

“(1) Minista a nga randela milayo miukusa na zwitandadi zwa dzimbekanyamushumo dza zwa u isa phanda pfunzo na vhugudisi, dzi livhisaho kha u wana ndalukano ngomu kha mutheo wa nga fhasi wa zwa u isa phanda pfunzo na vhugudisi-nyangaredzi zwo sumbedzwaho kha khethekanyo 7(a) zwi tshi vhalwa na khethekanyo 13(1)(h) ya Mulayo wa Mutheo wa Ndalukano dza Lushaka, dzine dza ngetshedza dzikhojedzhini.” 10

(b) U engedzwa ha khethekanyo ya nga fhasi I tevhelaho:

“(5) Khojedzhi I nga humbela Khantseje ya zwa Ndeme Makwevho na Mishumo yo thomiwaho zwi tshi ya nga khethekanyo 26G ya Mulayo wa Mveledziso ya Zwikili, 1998 (Mulayo wa Nomboro. 97 wa 1998), kha uri I tendelwe sa Mugetshedzi wa Mveledziso ya Zwikili u itela uri I ngetshedze Ndalukano dzo nwaliswaho kha Mutheo wa nga fhasi wa Makwevho na Mbambadzo na Mishumo zwo sumbedzwaho kha khethekanyo 7(c) ya Mulayo wa Mutheo wa Ndalukano dza Lushaka, 2008 (Mulayo wa Nomboro. 67 wa 2008).” 15 20

Thoho pfufhi

13. Uno Mulayo ndi Mulayo wa Tshandukiso ya zwa Pfunzo ya Ntha na Vhugudisi, 2010.