

# NORTH WEST PROVINCIAL LEGISLATURE

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NEGOTIATING MANDATE FROM THE NORTH WEST PROVINCE

TO : HON. MW MAKGATE

CHAIRPERSON SELECT COMMITTEE ON EDUCATION

NAME OF BILL : FURTHER EDUCATION AND TRAINING COLLEGES  
AMENDMENT BILL

NUMBER OF BILL : B13B-2011

DATE OF DELIBERATION : 15 NOVEMBER 2011

The following comments on, and amendments to, the Bill were proposed and considered:

**1.1 Clause 1 to 10 and 1 to 14 :**

These clauses make reference to the assignment of functions currently with the Provincial Authorities to be transferred to the National Authorities of Education. Further reference is made to the policy position that was taken by government regarding configuration of the department into two departments.

**COMMENT**

The Province is in agreement with the clause but taking in consideration the necessary changes such as:

- The Minister in consultation with the stakeholders should appoint the Council of FETs.

- The National Department should do a road show on the migration of duties and induct employees on all systems before integration into the National Department.

#### **1.2. Clause 8:**

This clause seeks to inculcate a culture of integrity assured corporate governance on the part of the Council members of FET colleges, by requiring them to declare their personal interest that might have a bearing in the proper execution of their duties.

#### **COMMENT**

- The Province is in total agreement with the changes.

#### **Clause 11,12,13,14**

The clauses seek to categorize employees for councils of FETs as civil servants, as opposed to the current state of affairs, wherein they are not categorized as such. Clause 11 of the amendments substitutes section 19 of the principal Act, insofar as it refers to "appointment of staff". Clauses 13 and 21 substitute references to "lecturers" and "support staff" as referred to in section 20 of the principal act of the phrase "staff employed". This serves to give effect to the quest to categorize such employees under "civil servants" banner as referred to above.

#### **COMMENT**

- The amendment should make distinction between academic and non-academic staff and definition thereof.
- The definition of scarce skills should be inserted to include artisan, boiler maker, motor mechanics, etc.
- Staff employed by council versus staff employed by department should earn equal salary.


### **PORTFOLIO COMMITTEE'S POSITION ON THE BILL**

The Portfolio Committee on Education, Sports, Arts and Culture is in favor of the BILL and Amendments noting the concerns that have been highlighted.

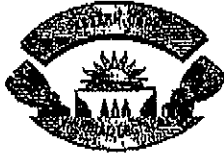
  
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**HON. P.D.N. MALOYI**

**SPEAKER: NWPL**

  
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**DATE**



## **EASTERN CAPE PROVINCIAL LEGISLATURE**

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 08 November 2011

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### **NEGOTIATING MANDATE**

**To:** The Chairperson: Select Committee on Education and Recreation  
 National Council of Provinces

**Name of Bill:** Further Education and Training Colleges Amendment Bill  
**Number of Bill:** [B13B-2011]  
**Date of Deliberation:** 08 November 2011

#### **1. Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the Bill within the following parameters:

##### **(a) Clause 12 (Appointment of staff)**

- It is proposed that section 20(4) should be removed so that College Councils cannot appoint their own additional staff and that the responsibility to appoint all staff and the determination of the conditions of service for staff must rest with the Minister because this creates undesirable disparities between those Colleges that have enough funds and those that do not have.
- It is also submitted that this subsection further perpetuates the disparities that currently exist between Department-employed staff and those employed by the Council and FET staff actually prefer a situation where all staff are employed by the Department.

##### **(b) Item 35(1) (Evaluation)**

- It is proposed that the word "are" in the first line be substituted for the word "is" for better legislative drafting.

**(c) Item 36(1) and (2) (Disciplinary code of [lecturers and support] staff)**

- It is suggested that the word "Every" in subitems (1) and (2) be substituted for the word "A" for better legislative drafting.
- It is further suggested that the word "members" in subitem (2) be substituted for the word "member" for the same reason highlighted in the previous bullet point.

**(d) Clause 34 (Transitional Provisions)**

- It is suggested that all College staff be transferred to the Department of Higher Education and Training for uniformity and equity.
- Clarification is required regarding the verification of posts by the Minister in terms of Clause 34(4), i.e. how long will this process take place and whether this process will not affect any employees' jobs?

**(e) General**

- It is suggested that the Heads of FET Colleges must be given a status of a principal and not that of a CEO.
- It is also suggested that Public FET Colleges must not have autonomous status.
- The nature of training provided by the Colleges is not recognised by the labour market and it is therefore recommended that the Department of Higher Education and Training must liaise with the Department of Labour to assist the Colleges to ensure that they provide practical and experiential training that is properly recognised by the labour market.
- The shortage of resources at FET Colleges based in the Eastern Cape and the non-recognition of qualifications offered by these Colleges is raised with great concern.
- It is suggested that section 10 of the Further Education and Training Colleges Act, 2006 (Act No.16 of 2006) be amended to ensure that local communities are represented in College Councils.



**HON M MRARA (MPL)**  
CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON EDUCATION

DATE

05/11/2011