

# NORTH WEST PROVINCIAL LEGISLATURE

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## NEGOTIATING MANDATE

**TO :** HON. MW MAKGATE  
CHAIRPERSON SELECT COMMITTEE ON  
EDUCATION

**NAME OF BILL :** FURTHER EDUCATION AND TRAINING  
COLLEGES AMENDMENT BILL [B24B-2012]

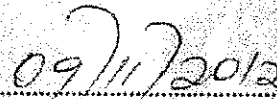
**NUMBER OF BILL :** B24B-2012

**DATE OF DELIBERATION :** 09 November 2012

**VOTE OF LEGISLATURE :** The North West Province vote in favor of  
the BILL



Hon. FG Motladiile



DATE

Chairperson : Education, Sports, Arts

And Culture

12.11.14 SC EDUCATION



## FREE STATE LEGISLATURE

PORTFOLIO COMMITTEE ON EDUCATION, SPORT, ARTS, CULTURE AND  
RECREATION

Negotiating Mandate

TO: Chairperson of the Select Committee on Education and Recreation

NAME OF BILL: FURTHER EDUCATION AND TRAINING COLLEGES  
AMENDMENT BILL

NUMBER OF BILL: [B 24 B -2012]

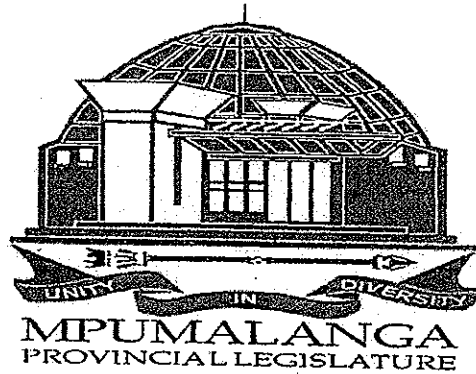
DATE OF DELIBERATION: 12 NOVEMBER 2012

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Education, Sport, Arts Culture and Recreation as  
designated by the Free State Legislature:

Votes in favour of the Bill/

MS S MAKAE  
CHAIRPERSON OF PORTFOLIO COMMITTEE ON EDUCATION, SPORT, ARTS,  
CULTURE AND RECREATION  
FREE STATE LEGISLATURE  
Date: 12 NOVEMBER 2012



**Chairperson**  
**Portfolio on Education; Culture, Sport and Recreation**

Enquiries: Adv. B Mdluli

Tel. No.: 013 766 1034/1038

### NEGOTIATING MANDATE

To: The Chairperson: Select Committee on Social Services  
 National Council of Provinces

Name of the Bill: Further Education and Training Colleges Amendment Bill

Number of the Bill: [B 24B—2012]

Date of Deliberation: 09 November 2012

**Mandate of the Legislature:** The Portfolio Committee on Education; Sport, Culture and Recreation, after considering the Further Education and Training Colleges Amendment Bill, 2012 ("the Bill"), confers on the permanent delegate representing the Mpumalanga Provincial Legislature in the NCOP, the mandate to negotiate in favour of the Bill, taking into consideration the views of members of the Committee and the proposed amendments, contained in the attached report.

  
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**HON NC MAMABOLO**  
**CHAIRPERSON: PORTFOLIO COMMITTEE**  
**ON EDUCATION, CULTURE, SPORT AND RECREATION**

13/11/2012  
 DATE

**REPORT OF THE PORTFOLIO COMMITTEE ON EDUCATION; CULTURE, SPORT AND RECREATION ON FURTHER EDUCATION AND TRAINING COLLEGES AMENDMENT BILL, [B24B-2012]**

**1. INTRODUCTION**

In line with the procedure provided in section 76 of the Constitution, the National Assembly has to refer the Bill to the National Council of Provinces ("the NCOP"). The NCOP represents provinces in the National Assembly in order to ensure that provincial interests are taken into account in the national sphere of government as per section 42 (4) of the Constitution. In this instance, the NCOP referred the Education and Training Colleges Amendment Bill, [B24B-2012] "(the Bill)" to the Mpumalanga Provincial Legislature for further processing and reporting back in terms of Negotiating and Final Mandates.

The Speaker referred the Bill to the Portfolio Committee on Education, Culture, Sport and Recreation (the Committee) for consideration and report back to the House in accordance with the Rules and Orders of the Mpumalanga Provincial Legislature.

In terms of section 118(1) of the Constitution of the Republic of South Africa, Act 108 of 1996, the Legislature has a mandate to facilitate public involvement in the legislative and other processes of the Legislature and its committees. It is against this background that the Committee conducted a public hearing in order to solicit inputs or views from members of the public on the above-mentioned Bill.

**2. OBJECTIVES OF THE BILL**

The Bill mainly seeks;

- To amend certain definitions;
- To amend provision relating to the establishment of a public college;



- To establish the South African Institute for Vocational and Continuing Education and Training (SAIVCET)
- To provide for the composition, functions and functioning of the SAIVCET;
- To provide for transitional arrangements;
- To provide for the repeal of the Adult Education and Training Act, 2000;

### **3. METHOD OF WORK**

The Committee met on 31 October 2012 for a briefing by a permanent delegate of the NCOP. Consequently, the Committee decided to conduct a public hearing which was scheduled and conducted as follows:

- **Date : Tuesday, 06 November 2012**
- **Venue: Govan Mbeki Foyer, Mpumalanga Provincial Legislature**
- **Time : 09h00 to 13h00**

Adverts calling for written comments were placed in the following newspapers:

- **Khanyisa News**
- **Lowvelder**
- **Daily Sun**
- **Bushbuckridge News**
- **Sowetan**

No written submissions were received from members of the public regarding the Bill, however, inputs were made by the public during the above-mentioned public hearing.

The Committee thereafter met on 09 November 2012 to consider the draft report and the negotiating mandate on the Bill.

#### **4. BRIEFING ON THE BILL**

Hon OG Boroto (permanent delegate to NCOP), led the delegation (including legal advisors from the National Department on Higher Education as well as Mpumalanga Department of Education) that briefed the Committee on the Bill.

After the briefing, the following inputs were raised by Members of the Committee:

- ❖ Appointment of an administrator should be reduced to six months
- ❖ An administrator must not conduct investigations
- ❖ The board must consolidate financial report and thereafter it should be tabled by the Minister in Parliament
- ❖ The processes of dissolving the board must be defined
- ❖ The Minister must appoint the administrator
- ❖ The Bill must clearly define people that are entitled to serve in the board and the process of qualifications and disqualifications

Clarity was sort on the following matters:

- ❖ The definition of continuity
- ❖ How does the board account and who is managing the institute
- ❖ Dissolution of the board- a period of reappointing the new board
- ❖ The relationship of the board and the institute
- ❖ Definition of an institute

The legal advisors managed to respond to few matters that were raised by Hon Members and acknowledged that the Bill must be reworked to address concerns raised in the meeting.

## **5. INTERACTION WITH STAKEHOLDERS ON THE BILL**

The following stakeholders were invited by the Committee to attend the public hearing held on 06 November 2012;

- ❖ Department of Education (DOE)
- ❖ House of Traditional Leaders (HTL)
- ❖ African National Congress (ANC)
- ❖ Democratic Alliance (DA)
- ❖ Congress of the People (COPE)
- ❖ COSATU
- ❖ NEHAWU
- ❖ SADTU
- ❖ SASCO
- ❖ COSAS
- ❖ Nkangala FET
- ❖ Gert Sibande FET
- ❖ Ehlanzeni FET
- ❖ NAPTOSA
- ❖ National Youth Development Agency (NYDA)
- ❖ FEDSAS
- ❖ NATU
- ❖ NASGB
- ❖ SAOU

During the public hearings, Members of the Committee gave a thorough presentation of the Bill and also responded to the questions raised thereafter.

The stakeholders who were present at the public hearing generally supported the Bill, however, raised few concerns and also proposed amendments as follows:



## Institutional types

The two institutional types created in terms of clause 1, definition of "college", should be

- ❖ Vocational and Continuing Education and Training Colleges ("VCET Colleges")
- ❖ Community Education and Training Colleges ("CET Colleges")

## Additional functions of the Institute

- Design a model for college infrastructure especially regarding workshops and laboratories
- Develop model for accreditation of college workshops
- Develop and get accreditation for learning material
- Develop aptitude and placement tests
- Develop material for bridging programmes
- Develop material for career guidance
- Develop a model and liaise with universities to ensure that there is a continuous supply of lecturers/facilitators to these institutions

## Funding of the Institute

- Current funding norms do not cater for infrastructure growth – recommend that this is added to the funding norms
- Current Funding formula is 80-20, it is recommended that it is adjusted to 90-10, VCETs and CETs should be free.

## Curriculum matters

- Recommend that the bill enable colleges to produce artisans (full qualification)
- Bill should address articulation between CET, VCETs universities
- FETCs to offer NQF 1 – 5 (include higher certificates and possibly NQF 6 diplomas)



- The Bill should spell out in greater detail what is the relationship between VCET and CET colleges

### **Professional body for VCET and CET**

- Similar to SACE for educators, recommend a professional body specifically to cater for VCET and CET colleges – cohort different.

### **Support Services**

- Support services for adult learners in CETs
- Connectivity and MIS for VCETs and CETs
- National Quality assurance systems
- Governance - Remuneration of councils

### **Job training**

- The Bill should set targets for industry to take students for on the job training.
- The Bill should set targets for SETAs to take on board FET College graduates for a 12 month internship and placement.
- The Bill should also ensure that industry do their own training but work closely with MRTT and VCET.

### **Chapter 7**

The Bill must give definition and insert private colleges and also clarify roles of private colleges.

### **Appointment of the Board**

The Minister needs to publish in a Government Gazette and national newspapers when the board is appointed. In case the Minister decides to dissolve the board, he or she, must provide the reasons thereof before appointing the new board. The Chairperson of the board must have a Deputy. The Bill must stipulate the functions of the board. The

board must constitute of professionals from the education sector, organized labour and one community member. The Bill must state subcommittees of the board and when should the board meetings take place.

The Bill needs to indicate the role of the DG for Higher Education in the institute.

### **Appointment of the CEO**

The Bill must clarify the role of the CEO in the Institute and give clarity on how the CEO must account to the Minister.

### **Other relevant matters relating to the Bill**

Section 43E must be strengthened in ensuring that the Institute provides annual reports to Parliament and be subjected to oversight processes such as the Portfolio Committee on Higher Education and Training and the Select Committee on Public Accounts (SCOPA) as part of its funds are appropriated by Parliament.

There should be a link between CET education and Higher Education Institutions which should provide for among others, CET qualifications resulting in some credits in Higher Education Institutions.

The Amendment Bill should clearly outline the integration of all vocational training such as Mpumalanga Regional Training Trust (MRTT) including regulation of training provided by industries.

The Amendment Bill should outline the developmental role of industries (private capital) in the provision to the CET colleges.

The Amendment Bill should clearly articulate on the provision of free education as the policy position of the current administration.

Curriculum changes of FET's and ABET, the two being feeders to the university

## 6. OBSERVATIONS AND FINDINGS BY THE COMMITTEE

Generally, members of the public were in support of the Bill and made critical proposals and amendments with regard to the improvement in public colleges.

## 7. RECOMMENDATIONS

The Portfolio Committee on Education, Culture, Sport and Recreation, after considering the Bill, confers on the permanent delegate representing the Province of Mpumalanga in the NCOP, the mandate to negotiate in favour of the, Bill taking into consideration the views and amendments of the public and members of the Committee as contained in this report.

## 8. CONCLUSION

The Chairperson wishes to thank all members of the public/stakeholders for their worthwhile participation in the public hearings and for the inputs or comments they have made. She also extends a word of gratitude to the Members of the Portfolio Committee on Education, Culture, Sport and Recreation for their efforts in ensuring that the committee meets its obligation and the support staff who contributed to the success of the public hearings and the production of this report.



**HON NC MAMABOLO**  
**CHAIRPERSON: PORTFOLIO COMMITTEE**  
**ON EDUCATION, CULTURE, SPORT AND RECREATION**

13/11/2012  
**DATE**



**NEGOTIATING MANDATE**

**TO:** The Chairperson of the Select Committee on Education

Hon. M W Makgale

**NAME OF BILL:** Further Education and Training Colleges Amendment Bill.

(Section 76)

**NUMBER OF BILL:** [B24B-2012]

**DATE OF DELIBERATION:** 13 November 2012

**VOTE OF THE LEGISLATURE:**

The Gauteng Provincial Legislature supports the principle and the detail of the bill with the attached amendments and therefore votes in favour of-

- Further Education and Training Colleges Amendment Bill.

**HON. E S NKOSI-MALOBANE**

Chairperson of Education Committee

GAUTENG PROVINCIAL LEGISLATURE

Date: 13/11/2012



# GAUTENG LEGISLATURE

## EDUCATION COMMITTEE

### NEGOTIATING MANDATE ON THE FURTHER EDUCATION AND TRAINING COLLEGES AMENDMENT BILL [B24B-2012] Section 76

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#### 1. INTRODUCTION

The Chairperson of the Education Committee, Hon. Sizakele Nkosi-Malobane, tabled the Committee's Negotiating Mandate on the Further Education and Training Colleges Amendment Bill [B24B-2012], a Section 76 Bill as follows:

#### 2. PROCESS FOLLOWED

The Speaker, Hon. Lindiwe Maseko formally referred the Further Education and Training Colleges Amendment Bill [B24B-2012], a Section 76 Bill to the Portfolio Committee on Education, in terms of GPL Rules 252 read with 253, 254 and 255 for consideration and report on Thursday, 26 September 2012.

On Friday, 02 November 2012, the Portfolio Committee on Education was briefed by NCOP Delegate, Hon. Pinky Mncube. At the same meeting, the Committee received a presentation on the Bill from Mr Albert Chanee, a representative from the Gauteng Department of Education.

The Committee received a research analysis and legal opinion on the Further Education and Training Colleges Amendment Bill [B24B-2012] at the meeting held on Thursday, 08 November 2012. The Committee thereafter held a public hearing at the Johannesburg City Hall to receive submissions from stakeholders and members of the Public.

On Tuesday, 13 November 2012, the Committee deliberated on the technical and substantive amendments and subsequently adopted the Negotiating Mandate on Further Education and Training Colleges Amendment Bill [B24B-2012].

#### 3. PRINCIPAL AND DETAIL OF THE BILL

This Bill seeks to amend the Further Education and Training Colleges Act, 2006 so as to:

- to amend certain definitions;
- to amend provisions relating to the establishment of a public college;

- to establish the South African Institute for Vocational and Continuing Education and Training (SAIVCET);
- to provide for the composition, functions and functioning of the SAIVCET;
- to provide for transitional arrangements;
- to provide for the repeal of the Adult Education and Training Act, 2000;
- to provide for matters connected therewith.

#### 4. OVERVIEW OF PUBLIC HEARING AND SUBMISSIONS

As part of its functions and obligation, the Committee held a public hearing on the Further Education and Training Colleges Amendment Bill [B24B-2012] on Thursday, 08 November 2012. The Committee had received both verbal and written submissions from the various individuals and organisations that are listed hereunder:-

1. The Adult Learning Network
2. South African Qualifications Authority
3. Various Members of the Public

##### 4.1 Submission by the Adult Learning Network

It was indicated that the Adult Learning Network welcomes and supports the Bill, however raises the following submissions:

1. **Right to Adult Basic Education** – the Constitution entrenches the right to adult basic education. The changes proposed by the FET Amendment Bill, 2012 means that the proposed institutions will be under an amended FET Colleges Act. What are the implications of the right to adult basic education in the amended legislation? Does it mean that the right to adult basic education is no longer legislated?
2. **Infrastructure** – Almost in all provinces many AET centres are still operating as night schools. The proposal for Community Education and Training Centres to operate within the FET Colleges or accessing underutilised schools would continue to undermine the sector, if there are no mechanisms legislated to ensure that underutilised infrastructure is accessed by CETCs. In addition, there should be clear guidelines and prescriptions which defines the physical structure of a CETC.
3. **Policy Shift** –
  - Higher Education and Training policies are driven under the banner of androgogy i.e adult education. The currently prevailing instructional approach in this sector is that of mainstream education, which has totally suffocated the innovation and creativity in adult education. All post school institutions must be accredited to provide own qualifications, based on their own research and needs.
  - The concept college implies that educators are the driving engines of curriculum design and subjects specialists in the related fields. Mechanisms should be

entrenched in the educator / lecture development approach, which should totally mirror that of the university standard.

- Policy shift should result in paradigm shift; hence educator qualifications should be taken into serious considerations. This will have implications on the type of Conditions of Service envisaged by the sector.
4. **National Institute for HE** –This structure should create an enabling environment for CETC to thrive and this is the sector which is in dire need of research.
  5. **Co-operative Governance** –Co-operation should be institutionalised with Adult Education and Training stakeholders. In both the FET and the AET acts, Boards were proposed as mechanisms for stakeholder participation and engagement with the Department. Such structures are no longer functioning or in existence. The DHET should provide clarity on this matter once the proposed White Paper is put out for public engagement.

#### 4.2 **Submission by South African Qualifications Authority (SAQA)**

##### 1. **General Comments**

- The Use of terminology such as “technical” and vocational is not consistent.
- Care needs to be taken that the scope proposed for the Institute does not overlap with the mandates of other organisations.
- The Bill does not mention the quality assurance of FET Colleges and SAQA advises that this matter should be included in the scope of the institution.
- The Financial and resource implications of the establishment of the Institute should be further investigated considering its wide scope.

##### 2. **Section 43 (B) (1) Functions of the Institute**

- Section 43B(1)(d) should be clear on what is meant by the “development of public colleges” and what a “skills system” is.
- Section 43B (f) and (g) were welcomed but research done by the Institute should not encroach on the research mandates of other bodies and there should be no duplication in research.
- Section 43 B (i) is welcomed, however the capacity and funding for this enormous task should be further investigated. The clause may be rephrased to read: “ contribute career guidance material to the national career guidance system” rather than “ develop material for career guidance”.
- The current phrasing of Section 43 (B) (l) is not appropriate and should be amended to read “ Facilitate access to...” In addition, the word “Services” should be replaced with “Sector”
- SAQA requested that the role of SAQA and the Quality Councils according to the NQF Act should not be overlooked during dialogue between professional bodies (councils), education and training institutions and the Department of Higher Education and Training.

#### **4.3 General Comments made by Members of the Public**

- The Bill should make provisions for learners with disabilities, specifically the intellectually impaired.
- Adult Learners are not provided with learning materials and it was requested that a stipend be provided.
- AET Centres in rural areas have been closed and this should be addressed.
- Amendment of Section 11 of Act 16 of 2006: Smaller Colleges should be clustered so they can establish their own academic boards to ensure that these colleges do not lose their autonomy.
- There should be a separate database for experiential learning or encourage companies to contract with FET Colleges.

#### **5. FINANCIAL IMPLICATIONS AND SOCIO ECONOMIC IMPACT ASSESSMENT OF THE BILL FOR THE PROVINCE**

##### **5.1. FINANCIAL IMPLICATIONS OF THE BILL**

The current budgets allocated to AET Centers and reflected in provincial budgets will follow the functions to the National Department of Higher Education and Training.

##### **5.2. SOCIAL IMPACT ASSESSMENT**

The Bill will have a positive impact both provincially and nationally as it will expand the number of educated people in the province and this will eventually help in improving the economy of the country.

#### **6. POSITION BY THE GAUTENG DEPARTMENT OF EDUCATION**

The Gauteng Department of Education supports the Further Education and Training Colleges Amendment Bill [B24B-2012]. With regards to the transitional provisions, the Department recommends that the Department of Higher Education and Training :

- put in place proper systems to manage the movement of staff from the Province,
- together with GDE decide on what will be done to school sites that are being used as Adult Education and Training Centres, and
- notify all Private AET Centres in writing to register within 12 months in terms of the amended Act.

#### **7. COMMITTEE RECOMMENDATIONS**

The Committee recommends the following:

##### **7.1 The Department of Higher Education and Training should:**

- put in place proper systems to manage the movement of staff from the Province,
- together with provincial departments decide on what will be done to school sites that are being used as Adult Education and Training Centres, and



- notify all Private AET Centres in writing to register within 12 months in terms of the amended Act
- 7.2 The transitional provisions must put proper systems to manage the movement of staff, labour processes and salaries of staff from the Province as per the Labour Relations Act, be clear on what mechanism is in place on sites that are being used as Adult Education and Training Centres, and provide support to those centres.
- 7.3 The Department of Higher Education and Training should consider Provincial Representation on the Academic Boards of the Colleges within their Province.

## **8. NEGOTIATING POSITION ADOPTED BY COMMITTEE**

The Education Portfolio Committee supports the principle and details on the Further Education and Training Colleges Amendment Bill [B24B-2012] taking into consideration the recommendations proposed above.

121114 SCEducation



## EASTERN CAPE PROVINCIAL LEGISLATURE

OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE  
EDUCATION

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13 November 2012

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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:** [B24B-2012]  
**Date of Deliberation** 13 November 2012

#### 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 15, (South African Institute for Vocational and Continuing Education and Training)

- It is suggested that the Institute should also have representation at provincial level so that it can be closer to the issues and be able to respond quickly.
- **Clause 43C** – It is recommended that when the Minister appoints members of the Board, the current crop of administrators in some of the existing FET Colleges who have amassed a wealth of experience and knowledge must be considered.
- **Clause 43F** – The Bill is not clear on what qualifications or expertise the administrator appointed by the Minister to take over the Institute should have.

**(b) Clause 25 (Transitional provisions)**

- It is noted with concern that the issue of dual-employer still exists as some lecturers are employed by the Department of Basic Education whilst some are employed by the College Councils.

**(c) General Recommendations**

- (i) A concern was raised that the Bill is silent on addressing the needs of disabled persons.
- (ii) It is also concerning that the issue of service conditions of AET practitioners still has not been addressed.
- (iii) Furthermore, it is suggested that AET Centres should have their own infrastructure and not rely on those of normal schools
- (iv) The Bill is silent on the qualifications requirements of the lecturers who will form part of the technical and vocational education and training colleges and the community training colleges since it is envisaged that the quality of the curriculum will be improved in the process.
- (v) It is suggested that liaison with the business sector be strengthened in order to ensure that the students have places to do in-service training when they finish their studies.
- (vi) The Bill is failing short of addressing the entry point and the exit point both on Community Education and Training and Technical and Vocational Education and Training.
- (vii) The Bill is silent on the recommendations to change the CEO's to Principals of the Colleges.
- (viii) The Bill is silent on the regulation on the establishment of satellites for each college as a controlling measure.

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

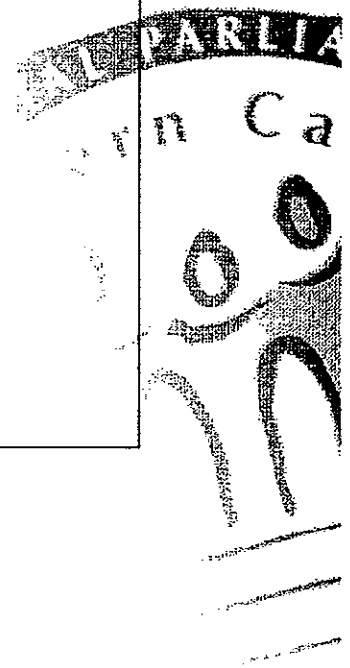
13/11/2012.  
DATE

Wes-Kaapse Provinsiale Parlement  
Western Cape Provincial Parliament  
IPalamente yePhondo leNtshona Koloni



NEGOTIATING MANDATE

To:	Hon. M W Makgate Chairperson: Select Committee on Education and Recreation
Name of Bill:	Further Education and Training Colleges Amendment Bill
Number of Bill:	[B24B - 2012]
Date of deliberation:	13 November 2012
Vote of Legislature:	The Standing Committee on Education begs to report that it confers on the Western Cape's Permanent Delegate in the NCOP the authority not to support the Bill for reasons contained in Annexure A
Signature	Date
<i>C. Labuschagne</i> Hon. C Labuschagne Chairperson: Standing committee on Education	



## **ANNEXURE A**

### **Further Education and Training colleges Amendment Bill [B24B – 2012]**

The Standing Committee on Education hereby informs the NCOP Select Committee that it cannot support the Bill in its current format due to the following reasons –

In terms of the *Further Education and Training Colleges Amendment Bill* [B 24B-2012] AET Centres (to become CET Colleges) will be transferred to the National Department of Higher Education and Training. This was the essence of the 2012 FET Colleges Amendment Bill where FET Colleges were transferred from a provincial competency to a national competency. The present Bill now proposed the same for AET Centres by repealing the AET Act. Individual provinces will thus not be accountable for AET Centres in terms of the Bill.

A further concern regarding this Bill is the Constitution amendment that is required to Schedule 4 Part A. In terms of Schedule 4, education on all levels, excluding tertiary education, is a concurrent national and provincial competence. This Constitutional amendment has not yet been passed.

In view of the fact that the Committee opposed the previous Bill on the abovementioned grounds, we proposed that we also oppose the *Further Education and Training Colleges Amendment Bill* [B 24B-2012].



**C LABUSCHAGNE, MPP**  
**CHAIRPERSON**  
**13 November 2012**