

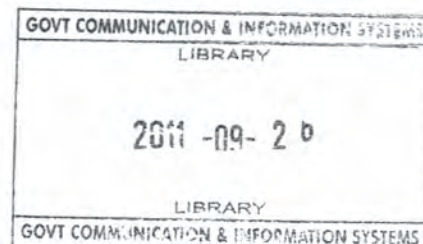
REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**FURTHER EDUCATION AND
TRAINING COLLEGES
AMENDMENT BILL**

[B 13—2011]

*(As agreed to by the Portfolio Committee on Higher Education and Training
(National Assembly))*



[B 13A—2011]

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AMENDMENTS AGREED TO

FURTHER EDUCATION AND TRAINING COLLEGES AMENDMENT BILL

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CLAUSE 8

1. On page 5, after line 41, to insert the following subsections:

(9C) A committee of the council with delegated functions in terms of section 50 (1) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in this section.

(9D) A member of the council or a member of a committee of the council who contravenes subsection (9), (9A) or (9B), after the council has followed a due process, may be—

- (a) suspended from attending a meeting; or
- (b) disqualified as a member of the council or a member of a committee of the council.

(9E) The council must—

- (a) having regard to the provisions of subsections 9, (9A) and (9B) adopt a code of conduct to which all members of the council, all members of committees of the council and all persons who exercise functions of the council in terms of delegated authority must subscribe; and
- (b) determine rules and procedures for an annual declaration—
 - (i) by each member of the council, each member of council committees and each person who exercises functions of the council in terms of delegated authority;
 - (ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trustee-ships held; and
 - (iii) of the financial interests and fiduciary roles of the members of his or her immediate family.

CLAUSE 12

1. On page 7, from line 2, to omit subsections (7) and (8) and to substitute:

(7) A member of staff must in writing—

- (a) before he or she is appointed, declare any business that may raise a conflict or a possible conflict of interest with the further education and training college concerned; and
- (b) notify the further education and training college concerned of any conflict or possible conflict of interest before such further education and training college procures any goods or services from such member of staff or an organisation within which such member holds an interest.

(8) A member of staff may not conduct business directly or indirectly with the further education and training college at which he or she is employed that entails or may entail a conflict of interest with the further education and training college unless the council of such further education and training college is of the opinion that—

- (a) such goods, products or services are unique;
- (b) the supplier is a sole provider; and
- (c) it is in the best interest of the institution.

(9) A member of staff of a further education and training college may not, on behalf of that further education and training college, contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.

(10) Contracting referred in subsection (9) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subsection (1).

LONG TITLE

1. On page 2, in the fifth line, after "council" to insert ", members of a committee of the council".