
GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

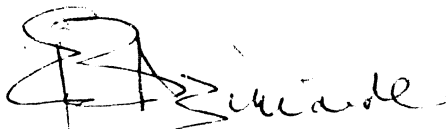
No. 975

27 November 2012

APPOINTMENT OF AN ADMINISTRATOR FOR KING HINTSA PUBLIC FURTHER EDUCATION AND TRAINING COLLEGE

I, **Bonginkosi Emmanuel Nzimande, MP**, Minister of Higher Education and Training, in terms of the provisions of Section 46(4) of the *Further Education and Training Colleges Act, 2006 (Act 16 of 2006)*, as amended by the Further Education and Training Colleges Amendment Act, 2012 (Act 3 of 2012) published in *Notice No. 345 of Government Gazette No. 35308* of 3 May 2012; read with *Notice No. 367 of Government Gazette No. 35336* of 11 May 2012, hereby appoint **Mr A R Wagner** as Administrator for *King Hintsa Public Further Education and Training College*, to take over the functions of Council and management, for a period not exceeding two years, from the date of publication of this Notice.

The terms of reference for this appointment are contained in the Schedule attached hereto.



Dr BE Nzimande, MP

Minister of Department of Higher Education and Training

Date: 10/10/12

SCHEDULE
TERMS OF REFERENCE
ADMINISTRATOR FOR KING HINTSA FET COLLEGE

PREAMBLE AND BACKGROUND

The appointment of the Administrator is necessitated due to serious maladministration of the *King Hintsa FET College* and due to the fact that the term of office of Council ended during July 2011. In the light of this, an Administrator is to be appointed to take over the functions of both council and management in terms of Section 46(4) of the *Further Education and Training Colleges Act, 2006 (Act 16 of 2006)* as amended, read with *Notice No. 367 of Government Gazette No. 35336 of 11 May 2012*.

Section 46(4) of the *FET Colleges Act*, as amended, provides the following:

“If an audit of the financial records of a public college, or an investigation by the person as contemplated in subsection (1) reveals financial or other **maladministration of a serious nature at a public college or the serious undermining of the effective functioning of a public college**, the Minister may, after consultation with the council of the public college concerned, if practicable, and despite any other provision of this Act, appoint a person as administrator to take over the authority of the council or the management of the college and such person may perform all the functions relating to governance or management on behalf of the college for a period determined by the Minister, which period may not exceed two years.”

MAIN OBJECTIVE OF APPOINTMENT

To act in line with the provisions of sections 46(4) and (6) of the *FET Colleges Act*, section 46(6) states: “If an administrator is appointed in terms of subsection (4), the council is deemed to have resigned and the administrator must-

- (a) take over the authority of the council
- (b) perform the council's functions relating to governance; and
- (c) ensure that a new council is constituted.”

SCOPE OF WORK OF THE ADMINISTRATOR

1. The Administrator must provide a range of services or interventions, in line with the *FET Colleges Act, 2006 (Act 16 of 2006)* as amended, and other relevant legislation to ensure functionality of the FET College.

2. In performance of the duties as outlined below, due regard must be taken of the Protocol Agreements between the Minister of Higher Education and the Member of the Executive Council for Education (MEC) in the Eastern Cape Province; and the Director-General of DHET and the Superintendent-General of the Eastern Cape PDE as well as of any further legislative changes that may take place in relation to performance of the functions of council and management.
3. To take over the authority of the Council of *King Hintsa FET College* for a period not exceeding two years.
4. To take over the authority of management and administration and to identify and initiate processes, initiatives and interventions to restore proper governance and administration to ensure effective functionality at *King Hintsa FET College* for a period not exceeding two years.
5. To create and/or install systems to support functions relating to college leadership and governance, infrastructure development, change management, financial management, monitoring and evaluation and to ensure that effective and efficient teaching and learning takes place.
6. To develop structured and relevant policies, strategies and procedures in regard to the roles and responsibilities of council and management, student and staff support and financial management.
7. To implement the procedures to appoint a new council in line with the requisites of the *FET Colleges Act*, college statute and any requirement as may be set by DHET.
8. To strengthen and implement a clear monitoring, evaluation and reporting framework in line with the requirements of DHET.
9. To assess the issues that are prevalent within the college and impeding functionality, identify areas that require investigation, recommend the appropriate course of action to the Head of the Department of the Provincial Department of Education and the Director-General of the DHET, who will concurrently agree and fund investigation duly agreed upon.
10. To steer the College back to operational sustainability with an effective and functional council.

GENERIC SCOPE OF WORK

The administrator is also responsible for:

1. Ensuring that the college adopts a unique educational character inclusive of the mission and value system of the institution.
2. Implementing the decisions of the Department.
3. Providing direction to the administration, management and leadership within the college.
4. Ensuring the efficient and effective management of the college's resourcing.
5. Establishing appropriate financial, planning and management controls to safeguard public funds to the SA-GAAP and/or PFMA standard.
6. Providing accurate annual estimates of income and expenditure for consideration and approval by the Council, and for the management of budget and resources within the approved estimates.
7. Ensuring that funding is used for the purpose intended and in accordance with the conditions set out in the *Public Finance Management Act*.
8. Determining the curriculum offerings, after consultation with the Academic Board and due consideration of the institution's academic activities.
9. Ensuring that the learning and teaching environment is conducive and contributes towards a sustained high certification rate.
10. Ensuring that the information standards, standardised management processes and reporting requirements for FET colleges are adhered to at all times.
11. Maintaining and ensuring student discipline.

INTERNAL AND EXTERNAL CONTACTS

Effective and efficient communication must be established and maintained with (amongst others) the Department of Higher Education and Training, Eastern Cape Department of Education, Eastern Cape Premier's Office, FET Colleges Employee Association, service providers, College Principals' Association, college councils and college staff and students.

WORKING CONDITIONS

- The work is predominantly office-based.
- A 40 hour work week with extended work hours will be required.
- Regular visits to satellite campuses will also be required.
- The position will also involve attending meetings/workshops outside of working hours and on weekends.

REPORTING LINES

The Administrator will report to Mr G Qonde, the Director-General of the Department of Higher Education and Training.

DURATION OF APPOINTMENT

1 year with the option of renewal of the contract to a maximum of two years or until the post is filled by process of advertising.
