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## GOVERNMENT NOTICE

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### DEPARTMENT OF HIGHER EDUCATION AND TRAINING

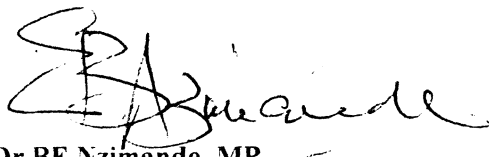
No. 976

27 November 2012

#### APPOINTMENT OF AN ADMINISTRATOR FOR MTHASHANA 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 Raynauld Dumisani Russon as Administrator for Mthashana 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 Higher Education and Training

Date:

25/11/12

**SCHEDULE**  
**TERMS OF REFERENCE**  
**ADMINISTRATOR FOR MTHASHANA FET COLLEGE**

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**PREAMBLE AND BACKGROUND**

The appointment of the Administrator is necessitated due to serious maladministration of the Mthashana 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 Section 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. To take over the authority of the council of Mthashana FET College for a period not exceeding two years.
2. 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 Mthashana FET College for a period not exceeding two years.
3. The Administrator must provide a range of services or interventions, in line with the FET Act, 2006 (Act 16 of 2006) as amended, and other relevant legislation to ensure functionality of the FET College.
4. In performance of the duties as outlined in paragraphs 1, 2 and 3 above, due regard must be taken of the Protocol Agreements between the Minister of Higher Education and the Member of the Executive Council for Education in Kwa-Zulu Natal; and the Director-General of the DHET and the Superintendent General of the Kwa-Zulu Natal PDE and any further legislative changes that may take place in relation to performance of the functions of Council and management.
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 the DHET.
8. To strengthen and implement a clear monitoring, evaluation and reporting framework in line with the requirements of the 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 Director-General of the DHET, who will (subject to any alteration in the current status

on the function of Management at FET Colleges) concurrently agree with the Head of Department of the Provincial Department of Education and fund any investigations duly agreed upon.

10. To steer the College back to operational sustainability with an effective functional Council.

#### **GENERIC SCOPE OF WORK**

- Ensuring that the College adopt a unique educational character inclusive of the mission and value system of the institution.
- Implement the decisions of the Department.
- Provide direction to the administration, management and leadership within the organization.
- Ensure the efficient and effective management of the college's resourcing
- Establish appropriate financial, planning and management controls to safeguard public funds to the approved accounting standard for FET Colleges and/or the PFMA standard.
- Provide 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.
- Ensure that funding is used for the purpose intended and in accordance with the conditions set out in the PFMA (as a minimum requirement)
- Determine the curriculum, after consultation with the Academic Board and due consideration of the institution's academic activities.
- Ensure that the learning and teaching environment is conducive and contributes towards a sustained high certification rate.
- Ensures that the Information standards, standardized management processes and reporting requirements for FET College are adhered to at all times
- Maintain and ensure student discipline

#### **INTERNAL AND EXTERNAL CONTACTS**

Effective and efficient communication must be established and maintained with (amongst others) the Department of Higher Education, Kwa-Zulu Natal Department of Education, Kwa-Zulu Natal Premier's office, FETC Employee Association, Service Providers, College

Principals Association, College Councils, 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

Director-General: 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 of Principal is filled.**

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