

Namibia

## Teachers' Education Colleges Act, 2003

Act 25 of 2003

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# Teachers' Education Colleges Act, 2003

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Republic of Namibia  
Annotated Statutes

# Teachers' Education Colleges Act, 2003

## Act 25 of 2003

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## ACT

To regulate the education and training of teachers; to provide for the establishment, functions and composition of the Advisory Council on Teachers' Education and Training; to provide for the establishment, closure and governance of teachers' education colleges; to provide for the establishment and administration of Teachers' Education and Training Funds; to provide for the appointment of committees to investigate and monitor teachers' education colleges; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

### Chapter I INTRODUCTORY PROVISIONS

#### 1. Definitions

In this Act, unless the context indicates otherwise -

“Advisory Council” means the Advisory Council on Teachers' Education and Training established by [section 4](#);

“board” means the board of a teachers' education college referred to in [section 19](#);

“financial year” means the financial year of a Teachers' Education and Training Fund referred to in [section 36](#);

“hostel” means a hostel established under [section 12](#) for the purpose of providing accommodation to students of a teachers' education college;

“Minister” means the Minister responsible for higher education;

“Ministry” means the Ministry charged with the administration of affairs relating to higher education;

“NCHE” means the National Council on Higher Education established by section 4 of the Higher Education Act, 2003;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“Public Service Act” means the Public Service Act, 1995 (Act [No. 13 of 1995](#));

“recognized teachers’ union” means a teachers’ union registered in terms of section 54 of the Labour Act, 1992 (Act [No. 6 of 1992](#));

**[The Labour Act 6 of 1992 has been replaced by the Labour Act 11 of 2007. Section 16 of Act 11 of 2007 provides that “any reference to a provision of the previous Act must be read as if it were a reference to the corresponding provision of this Act, in so far as possible”.]**

“rector” means the rector of a teachers’ education college appointed in terms of [section 16](#) or a person acting in that capacity by virtue of [section 17](#);

“regulation” means a regulation made under [section 44](#);

“rule” means a rule made under [section 34](#);

“Secretariat” means the Secretariat to the Advisory Council established by [section 10](#);

“student” means a person who is registered in terms of [section 31](#) as a student for a particular course of study at a teachers’ education college;

“students’ representative council” means the students’ representative council of a teachers’ education college recognized in terms of [section 25](#);

“teacher” means a person whose occupation is to teach others at an institution at which education is provided;

“Teachers’ Education and Training Fund” means a Teachers’ Education and Training Fund established under [section 35](#) for a teachers’ education college;

“teachers’ education college” means a teachers’ education college established under [section 12](#);

“this Act” includes the rules and regulations made under thereunder.

## 2. Object of Act

The object of this Act is to provide for the establishment of teachers’ education colleges for the education and training of students and serving teachers in order to enable them to obtain the necessary qualifications or to better such qualifications.

## 3. Determination of general policy in respect of the education and training of teachers

The Minister may, after consultation with the Advisory Council, determine the general policy which is to be pursued in respect of the education and training of teachers in order to ensure that -

- (a) the co-ordination of such education and training is effected throughout Namibia; and
- (b) the demand for teachers is met.

## Chapter II

### ADVISORY COUNCIL ON TEACHERS' EDUCATION AND TRAINING

#### 4. Establishment of Advisory Council

There is hereby established an advisory council to be known as the Advisory Council on Teachers' Education and Training.

#### 5. Functions of Advisory Council

The Advisory Council must advise the Minister on -

- (a) the general policy to be pursued in respect of the education and training of teachers;
- (b) the establishment, governance and funding of teachers' education colleges;
- (c) the establishment of diploma and certificate courses at teachers' education colleges, including the determination of the curricula of such courses;
- (d) the education and training standards or qualifications to be maintained by teachers' education colleges; and
- (e) any other matter with regard to teachers' education colleges that is referred to it by the Minister.

#### 6. Composition of Advisory Council

- (1) The Advisory Council comprises -
  - (a) the rector of each teachers' education college;
  - (b) the director of the Directorate: National Institute for Educational Development of the Ministry responsible for basic education;
  - (c) the dean of the Faculty of Education of the University of Namibia established by section 2 of the University of Namibia Act, 1992 (Act [No. 18 of 1992](#));
  - (d) one staff member, with a rank not lower than that of director in the Directorate: Higher Education of the Ministry, appointed by the Minister;
  - (e) one member of each recognized teachers' union appointed by the Minister from amongst the persons nominated by the union concerned; and
  - (f) one person appointed by the Minister on account of that person's expertise, knowledge or special interest in matters related to the functions of the Advisory Council.
- (2) The Minister must, for the purposes of the appointment of members of the Advisory Council in terms of subsection (1)(e), in writing invite each recognized teachers' union to within a specified period nominate, subject to subsection (3), three of its members for appointment.
- (3) At least one of the members nominated by a recognized teachers' union in terms of subsection (2), must be female.
- (4) If a nomination referred to in subsection (2) is not received by the Minister within the period specified in the relevant invitation, the Minister may, notwithstanding the provisions of subsection (1)(e), appoint such person as the Minister thinks fit to serve on the Advisory Council.
- (5) The Minister must designate a member of the Advisory Council as chairperson of the Advisory Council for such period, not exceeding three years, as the Minister may determine at the time of such designation.

## 7. Tenure of office of Advisory Council

- (1) A member of the Advisory Council appointed in terms of [section 6\(1\)\(e\)](#) or (f) holds office, subject to subsection (2), for a period of three years from the date of his or her appointment, but may be reappointed upon the expiry of his or her term of office.
- (2) A member of the Advisory Council referred to in subsection (1) vacates office if -
  - (a) he or she ceases to be a member of the teachers' union that nominated him or her for appointment;
  - (b) his or her nomination is withdrawn by the teachers' union that nominated him or her for appointment;
  - (c) he or she resigns by giving 30 days written notice to the Minister; or
  - (d) he or she has been absent from three consecutive meetings of the Advisory Council without the leave of the chairperson of the Advisory Council.
- (3) If a member of the Advisory Council dies or vacates office, the vacancy must be filled by the appointment of another person in accordance with [section 6](#) and the person so appointed holds office for the unexpired portion of the term of office of the member that died or vacated office.

## 8. Meetings and decisions of Advisory Council

- (1) The chairperson of the Advisory Council must convene the first meeting of the Advisory Council and thereafter, subject to subsection (4), meetings must be held at such times and places as the Advisory Council determines, but a meeting must be held at least every three months.
- (2) At the first meeting of the Advisory Council convened under subsection (1), and thereafter as the occasion arises, the members present must elect from among their number a vice-chairperson.
- (3) The chairperson of the Advisory Council or, in his or her absence, the vice-chairperson must preside at meetings, but if both of them are absent from, or for whatever reason unable to preside, at any meeting of the Advisory Council, the members present thereat must elect from among their number a person to preside at such meeting.
- (4) The chairperson of the Advisory Council may at any time, and must if so requested in writing by the Minister or at least one third of the members of the Advisory Council, convene a special meeting of the Advisory Council.
- (5) The majority of the members of the Advisory Council constitute a quorum for any meeting of the Advisory Council.
- (6) A decision of the majority of the members present at a meeting of the Advisory Council constitutes a decision of the Advisory Council and, in the event of an equality of votes, the person presiding at the meeting has a casting vote in addition to a deliberative vote.
- (7) The Advisory Council may invite any person whose presence is in its opinion desirable to attend and participate in the deliberations at any meeting of the Advisory Council, but such person may not vote.
- (8) The Advisory Council must cause proper minutes to be kept of the proceedings at its meetings.
- (9) No decision taken by the Advisory Council or act performed under the authority of the Advisory Council is invalid by reason only of -
  - (a) a vacancy on the Advisory Council; or

- (b) the fact that a person not entitled to sit as a member of the Advisory Council was in attendance at the time when the decision was taken or the act authorized,  
if the decision was taken or the act authorized by the requisite majority of the members who were present at the time and entitled to vote.
- (10) The Advisory Council may make rules relating to the holding of and procedure at meetings of the Advisory Council.

### **9. Allowances of members of Advisory Council and other expenses**

- (1) The Minister must, with the concurrence of the Minister responsible for finance, determine the allowances payable from moneys appropriated by Parliament, to the members of the Advisory Council who are not in the full-time employment of the Public Service, for -
  - (a) meetings of the Advisory Council attended by any such member; and
  - (b) reasonable expenses incurred by any such member in connection with the performance of the functions of the Advisory Council.
- (2) Any other expenses related to the functions of the Advisory Council must be defrayed from moneys appropriated for such purpose by Parliament.

### **10. Secretariat to Advisory Council**

- (1) There is hereby established a secretariat to be known as the Secretariat to the Advisory Council.
- (2) The Secretariat consists of such staff members of the Ministry as the Permanent Secretary may designate to perform the functions of the Secretariat.
- (3) The functions of the Secretariat are to provide such secretarial and administrative services and technical assistance as may be required by the Advisory Council.

### **11. Accommodation and other facilities**

The Ministry must facilitate the acquisition of the accommodation and other facilities required by the Advisory Council or the Secretariat for the performance of any work related to the functions of any such body.

## **Chapter III TEACHERS' EDUCATION COLLEGES**

### **Part I – Establishment and closure of teachers' education colleges**

#### **12. Establishment of teachers' education colleges**

- (1) The Minister may, on recommendation of the NCHE and after consultation with the Advisory Council from moneys appropriated by Parliament for the purpose, establish and maintain teachers' education colleges and hostels for such colleges.
- (2) The Minister must give notice in the Gazette of the establishment of any teachers' education college and hostel for such college.

#### **13. Closure of teachers' education colleges**

- (1) The Minister may, permanently or temporarily, close a teachers' education college and hostel established for such college.

- (2) The Minister may only act under subsection (1) after having -
  - (a) consulted the NCHE, the Advisory Council, and the board of the teachers' education college in question;
  - (b)
    - (i) made known, by notice in the Gazette and by means of announcement in such other public media as the Minister considers appropriate, the reasons for the proposed closure; and
    - (ii) invited, in a similar manner, interested persons to make representations, within a specified period, in respect of the proposed closure; and
  - (c) considered any representations made in terms of paragraph (b)(ii).
- (3) As soon as practicable after the closure of a teachers' education college under subsection (1), the Minister must make known, by notice in the Gazette and by means of announcement in such other public media as the Minister considers appropriate, the closure of that college and, if applicable, the period during which no courses of instruction are to be provided at that college.
- (4) If the Minister is, after consultation with the board of a teachers' education college, of the opinion that an emergency situation exists that involves the safety of persons or property, the Minister may dispense with the requirements of subsection (2) and forthwith close a teachers' education college and hostel as contemplated in subsection (1).
- (5) Upon the permanent closure of a teachers' education college under this section the Teachers' Education and Training Fund of that college is disestablished and the assets, rights, liabilities and obligations of the Fund vest in the State.

## **Part 2 – Determination by Minister of admission and other requirements and standards applicable to teachers' education colleges**

### **14. Determination of admission and other requirements and standards**

- (1) The Minister must, after consultation with the Advisory Council -
  - (a) approve the courses of study, including the curricula of such courses, under which education and training are to be provided by teachers' education colleges and in respect of such courses determine -
    - (i) the duration of, and the conditions for admission to, the courses;
    - (ii) the minimum requirements and standards to which the courses of study must conform;
    - (iii) the examinations and other forms of assessment to be conducted by teachers' education colleges; and
    - (iv) the minimum requirements and standards for examination, assessment and promotion of students;
  - (b) determine the design and form of the diplomas and certificates to be awarded to students at teachers' education colleges;
  - (c) determine the annual calendar of teachers' education colleges, inclusive of college holidays and periods of instruction;
  - (d) determine the conditions for admission to hostels established for the benefit of persons seeking instruction at teachers' education colleges.

- (2) The Minister may, after consultation with the Advisory Council, issue directives to teachers' education colleges and hostels regarding the services provided at, and the management of, the colleges and hostels.

### **Part 3 – Governance and staffing of teachers' education colleges, and related matters**

#### **15. Institutional structure**

A teachers' education college established under [section 12](#) must have -

- (a) a rector;
- (b) a vice-rector;
- (c) a registrar;
- (d) a board; and
- (e) a students' representative council.

#### **16. Rector**

- (1) The Minister must, subject to the Public Service Act, appoint a person as the rector of a teachers' education college.
- (2) The rector of a teachers' education college is the academic and administrative head of the college and is responsible -
  - (a) subject to the control and directions of the board, for carrying out of the resolutions of the board;
  - (b) for supervising over the staff at the teachers' education college;
  - (c) for preparing the estimates of revenue and expenditure of the Teachers' Education and Training Fund and exercising proper control over the moneys of the fund; and
  - (d) for performing such other functions as may be assigned to the rector under [section 41\(2\)](#).

#### **17. Vice-rector**

- (1) The Minister must, subject to the Public Service Act, appoint a person as the vice-rector of a teachers' education college.
- (2) The vice-rector of a teachers' education college must act as the rector of the college when the post of rector is vacant or the rector is absent or for any other reason unable to perform his or her functions as rector.
- (3) A vice-rector must perform such other functions as may be assigned to the vice-rector under [section 41\(2\)](#) or (3).

#### **18. Registrar**

- (1) The Minister must, subject to the Public Service Act, appoint a person as the registrar of a teachers' education college.
- (2) The registrar of a teachers' education college must act as secretary of the board of the college and of a committee of the board, but if the office of the registrar is vacant or if he or she is absent or for any other reason unable to act as secretary of the board or of a committee of the board, the

rector may designate any other staff member of the college to so act during the vacancy, absence or incapacity.

- (3) A registrar must perform such other functions as may be assigned to the registrar under [section 41\(2\)](#) or (3).

## 19. Board of teachers' education college

- (1) Subject to subsections (2) and (3), the board of a teachers' education college must consist of -
- (a) the rector of the college, who is the chairperson;
  - (b) the vice-rector of the college;
  - (c) the registrar of the college; and
  - (d) the heads of the teaching units of the college.
- (2) Upon the recognition of a students' representative council in terms of [section 25](#), the students' representative council must elect one of its members to serve as a member of the board, and thereupon the board consists of the members referred to in subsection (1) and such member.
- (3) From a date determined by the Minister the board of a teachers' education college consists, in addition to the members referred to in subsections (1) and (2), of two members of the community appointed by the Minister from amongst the members of the community nominated by the staff and students of that college.
- (4) The Minister must, for the purposes of the appointment of members of the board in terms of subsection (3), in writing request the rector of a teachers' education college to within a specified period convene a meeting of the staff and students of that college to by majority vote nominate, subject to subsection (5), four members of the community for appointment.
- (5) At least two of the members nominated by the staff and students of a teachers' education college in terms of subsection (4), must be female.
- (6) If a nomination referred to in subsection (4) is not received by the Minister within the specified period, the Minister may, notwithstanding the provisions of subsection (3), appoint such persons as the Minister thinks fit to serve on the board.
- (7) For purposes of this section "community" means any group of persons residing in the region in which a teachers' education college is situated, but does not include the staff or students of that college.

## 20. Functions of board

The board of a teachers' education college must, subject to this Act, govern the college and exercise general control over the facilities and the affairs and functions of the college and must further -

- (a) make recommendations to the Permanent Secretary with regard to the staff establishment of the teachers' education college, inclusive of recommendations regarding the appointment in terms of the Public Service Act of the teaching staff and other staff members in posts on such staff establishment;
- (b) exercise control over the instruction and discipline of the students at the college;
- (c) establish internal academic monitoring and quality assurance measures to ensure that the education and training provided by the college conform to the standards and norms determined in terms of this Act;
- (d) approve the annual estimates of revenue and expenditure of the Teachers' Education and Training Fund of the college; and

- (e) perform such other functions as may be entrusted to the college or the board by or under this Act or as may be necessary or conducive for the realization of the object of this Act.

## 21. Tenure of office of board

- (1) Subject to subsection (2), a member of the board referred to in [section 19](#)(2) or (3), holds office for a period of one year from the date of his or her election or appointment, but may be re-elected or reappointed upon the expiry of his or her term of office.
- (2) A member of the board referred to in subsection (1) vacates office if he or she -
  - (a) ceases to be a member of the students' representative council that elected him or her to serve as a member of the board;
  - (b) resigns by giving 30 days written notice to the chairperson of the board who must, upon receipt of such notice, in writing notify the Minister, accordingly; or
  - (c) has been absent from three consecutive meetings of the board without the leave of the chairperson of the board.
- (3) If a member of the board dies or vacates office, the vacancy must be filled with due regard to [section 19](#).

## 22. Meetings and decisions of board

- (1) The chairperson of the board of a teachers' education college must convene the first meeting of the board and thereafter, subject to subsection (4), meetings must be held at such times and places as the board determines, but a meeting must be held at least every three months.
- (2) At the first meeting of the board convened under subsection (1), and thereafter as the occasion arises, the members present must elect from among their number a vice-chairperson.
- (3) The chairperson of the board or, in his or her absence, the vice-chairperson must preside at meetings, but if both of them are absent from, or for whatever reason unable to preside, at any meeting of the board, the members present thereat must elect from among their number a person to preside at such meeting.
- (4) The chairperson of the board may at any time, and must if so requested in writing by the Minister or at least one third of the members of the board, convene a special meeting of the board.
- (5) The majority of the members of the board constitute a quorum for any meeting of the board.
- (6) A decision of the majority of the members present at a meeting of the board constitutes a decision of the board and, in the event of an equality of votes, the person presiding at the meeting has a casting vote in addition to a deliberative vote.
- (7) The board may invite any person whose presence is in its opinion desirable to attend and participate in the deliberations at any meeting of the board, but such person may not vote.
- (8) The board must cause proper minutes to be kept of the proceedings at its meetings.
- (9) No decision taken by the board or act performed under the authority of the board is invalid by reason only of -
  - (a) a vacancy on the board; or
  - (b) the fact that a person not entitled to sit as a member of the board was in attendance at the time when the decision was taken or the act authorized,if the decision was taken or the act authorized by the requisite majority of the members who were present at the time and entitled to vote.
- (10) The board may make rules relating to the holding of and procedure at meetings of the board.

### 23. Committees of board

- (1) The board of a teachers' education college may establish one or more committees to advise the board on such matters as the board may refer to any such committee or to perform such functions of the board as it assign to a committee under [section 41\(2\)](#).
- (2) Any committee established under subsection (1) may consist of such -
  - (a) members of the board as it may designate; or
  - (b) members of the board as the board may designate and such other persons as the board may, with the concurrence of the Minister, appoint.
- (3) A board must designate a chairperson for every committee established by it, and if it regards it necessary, a vice-chairperson and may at any time dissolve or reconstitute any such committee.

### 24. Allowances of members of board and of committees and other expenses

- (1) The Minister must, with the concurrence of the Minister responsible for finance, determine the allowances payable from moneys appropriated by Parliament, to the members of a board and of a committee of a board who are not in the full-time employment of the Public Service, for -
  - (a) meetings of the board or of a committee of the board attended by any such member; and
  - (b) reasonable expenses incurred by any such member in connection with the performance of the functions of the board or of such committee.
- (2) Any other expenses related to the functions of a board or of a committee of a board must be defrayed from moneys appropriated for such purpose by Parliament.

### 25. Students' representative council

- (1) Upon the establishment of a students' body by the students of a teachers' education college, the board of that college must -
  - (a) if it considers that body to be representative of the students of the college; and
  - (b) if the constitution adopted in respect of that body is submitted to, and approved by, the board of the college,  
  
recognize that body as the students' representative council of the college in question.
- (2) The composition, mode of election, period of office, privileges and functions of a students' representative council is governed by its constitution.
- (3) No amendment of the constitution of a students' representative council of a teachers' education college is of force unless and until such amendment has been approved by the board of that college.

### 26. Staff establishment at teachers' education college

The staff establishment at a teachers' education college consists of such teaching staff, administrative staff, and other staff as may, subject to the Public Service Act and this Act, be appointed by the Permanent Secretary for such college.

### 27. Departments and other academic units

- (1) The board of a teachers' education college may -
  - (a) establish, with the concurrence of the Minister, departments or other academic units for that college; and

- (b) (i) establish committees for any department or academic unit established under paragraph (a); and
- (ii) determine the composition and functions of such committees.

## 28. Institution of courses of study

- (1) A teachers' education college must institute the courses of study approved by the Minister in terms of [section 14](#).
- (2) The courses of study instituted in term of subsection (1) must conform to the minimum requirements and standards determined by the Minister in terms of [section 14](#).

## 29. Medium of instruction

The English language must be used as medium of instruction at all teachers' education colleges, except in the instruction of any other language as a subject at teachers' education colleges in which event that other language may be used as medium of instruction.

## 30. Examinations, diplomas and certificates

- (1) A teachers' education college must with regard to the courses of study instituted in terms of [section 28](#) -
  - (a) conduct the examinations and other forms of assessment required to be conducted in terms of [section 14](#) in respect of such courses; and
  - (b) award diplomas or certificates to students who have satisfied the minimum requirements and standards determined in terms of [section 14](#) in respect of such courses.
- (2) No teachers' education college may issue or award diplomas or certificates regarding any education or training provided by it, except in accordance with this Act.

## 31. Admission and registration of students

- (1) A teachers' education college must on receipt of an application by a person who has satisfied the admission and other requirements determined in terms of this Act in respect of a particular course of study -
  - (a) register such person as a student for that course of study at the teachers' education college; or
  - (b) renew his or her registration as such a student.
- (2) If a person fails to satisfy or comply, or to remain in compliance, with the requirements referred to in subsection (1), the teachers' education college may -
  - (a) refuse to register such person, or to renew his or her registration, as a student of that college; or
  - (b) cancel such person's registration as such a student.
- (3) A teachers' education college must make the admission policy that applies to that college available on request.

## 32. Tuition, boarding and other fees

A student at a teachers' education college -

- (a) to whom education and training is provided at such college, must pay such tuition and other fees to that college as the Minister may determine; and

- (b) to whom boarding is provided in a hostel established for such college, must pay such boarding fees to that college as the Minister may determine.

### 33. Disciplinary measures

A student at a teachers' education college or a boarder accommodated in a hostel of that college is subject to such code of conduct and disciplinary measures and procedures as the board of the college may by rule prescribe.

### 34. Rules by board

- (1) The board of a teachers' education college may make rules, not inconsistent with any regulation or directive made or issued under this Act, in relation to -
  - (a) any matter permitted to be prescribed in terms of [section 33](#); or
  - (b) any other matter which the board considers necessary or expedient to prescribe for the effective day-to-day management of the college.
- (2) No rule made in relation to any matter referred to in [section 33](#), or any amendment of such rule, is of force unless and until it has been approved by the Minister.
- (3)
  - (a) The Minister may by notice in the Gazette make standard rules in relation to any matter referred to in subsection (1).
  - (b) Until the board of a teachers' education college makes rules under subsection (1), the standard rules made under paragraph (a) of this subsection applies to that college.

## Part 4 – Teachers' Education and Training Funds

### 35. Establishment of a Teachers' Education and Training Fund

- (1) The Minister may for each teachers' education college establish a fund to be called the Teachers' Education and Training Fund.
- (2) Notwithstanding anything to the contrary contained in any other law, there must be paid into the Teachers' Education and Training Fund established under subsection (1) for a teachers' education college -
  - (a) moneys appropriated by Parliament for the realization of the objects of the college;
  - (b) moneys accruing to the college by virtue of [section 32\(a\)](#) of this Act or of the provisions of any other law;
  - (c) interest derived from investments made from the moneys of the fund;
  - (d) moneys which, with the approval of the Minister granted with the concurrence of the Minister responsible for finance, may accrue to the college from any other source, including from donations and grants made for the benefit of the college.

### 36. Administration of a Teachers' Education and Training Fund

- (1) The rector of a teachers' education college must administer the Teachers' Education and Training Fund of the college in accordance with an estimate of revenue and expenditure approved, by the board of the college and the Permanent Secretary, in respect of a financial year of the fund.
- (2) The financial year of a Teachers' Education and Training Fund ends on 31 March of each year.
- (3) No expenses may be incurred as a charge against a Teachers' Education and Training Fund except in accordance with the estimate of revenue and expenditure referred to in subsection (1).

- (4) The rector of a teachers' education college -
- (a) must open and maintain a banking account with a banking institution authorised to do business under the Banking Institutions Act, 1998 (Act [No. 2 of 1998](#)), into which must be deposited all moneys accruing to the college;
- [paragraph (a) substituted by section 5 of [Act 16 of 2022](#)]**
- (b) may, with the approval of the Minister, invest moneys that are not immediately required for the purposes of the college with -
    - (i) any banking institution authorized to do business under the Banking Institutions Act, 1998;
    - (ii) any building society registered under the Building Societies Act, 1986 (Act [No. 2 of 1986](#));
    - (iii) the Savings Bank referred to in the Posts and Telecommunications Companies Establishment Act, 1992 (Act [No. 17 of 1992](#)); or
    - (iv) any other institution approved by the Minister and the Minister responsible for finance.
- (5) Any unexpended balance in a Teachers' Education and Training Fund at the end of a financial year must be carried forward to the next financial year as a credit to the fund.

### 37. Accounting responsibility

- (1) The rector of a teachers' education college is the accounting officer of the Teachers' Education and Training Fund of the college and must keep or cause to be kept in accordance with generally accepted accounting principles such financial accounts and statements as are necessary to accurately reflect the transactions and financial position of the fund.
- (2) The accounting officer of a Teachers' Education and Training Fund must -
- (a) not later than four months after the end of a financial year, submit to the Auditor-General for his or her examination, auditing and audit report the financial accounts and statements of the fund in respect of that financial year; and
  - (b) not later than six months after the end of a financial year, submit to the Minister -
    - (i) the financial accounts and statements of the fund in respect of that financial year together with the audit report of the Auditor-General relating thereto; and
    - (ii) a report on the activities of the college during that financial year.
- (3) The financial accounts and statements as well as the reports submitted to the Minister in terms of subsection (2) must be tabled in the National Assembly by the Minister within 30 days after receipt thereof, if the National Assembly is then in ordinary session, or, if the National Assembly is not then in ordinary session, within 14 days after the commencement of its next ordinary session.

## Part 5 – Investigation and monitoring of teachers' education colleges

### 38. Appointment of committees to investigate and monitor

- (1) The Minister may establish one or more committees to investigate and monitor, at such intervals as the Minister may determine, teachers' education colleges and hostels with regard to any matter affecting -
- (a) the management or control thereof;
  - (b) the instruction and training provided thereat;

- (c) the staff, students or boarders thereof;
  - (d) the premises, buildings and accessories thereof; or
  - (e) anything else which the Minister considers necessary to be investigated or monitored.
- (2) Any committee established under subsection (1) may consist of one or more staff members of the Ministry designated by the Minister or of such staff members and so many other persons as the Minister may appoint.
- (3) The Minister may at any time dissolve or reconstitute any committee so established.
- (4) Any member of a committee may for the purposes of subsection (1) -
- (a) at any reasonable time and without prior notice enter any teachers' education college or hostel;
  - (b) monitor the instruction and training provided at any teachers' education college;
  - (c) inspect and examine the premises, buildings and accessories of any teachers' education college or hostel;
  - (d) inspect and make copies of, or extracts from, any register, document or record which contains information that may be of relevance;
  - (e) by notice in writing direct any person, who may be able to produce a book, document or furnish information that may be of relevance, to within such reasonable period as may be specified -
    - (i) produce that book or document; or
    - (ii) furnish that information; and
  - (f) question any person who may be able to furnish information that may be of relevance.
- (5) A committee that carried out an investigation or performed any monitoring functions under this section must within 30 days thereof -
- (a) submit a written report to the Minister containing its findings and recommendations on such findings; and
  - (b) furnish copies of the report to the teachers' education college or hostel to which such report relates.

### **39. Allowances of members of committees and other expenses**

- (1) A member of a committee established under [section 38](#) who is not in the full-time employment of the Public Service must be paid such allowances as the Minister, with the concurrence of the Minister responsible for finance, determines.
- (2) The allowances referred to in subsection (1) and any other expenses related to the functions of a committee must be defrayed from moneys appropriated for such purpose by Parliament.

## Chapter IV GENERAL PROVISIONS

### 40. Offences and penalties

- (1) A person commits an offence, if that person -
  - (a) without the authority of a teachers' education college -
    - (i) awards a diploma or certificate purporting to be a diploma or certificate awarded by a teachers' education college; or
    - (ii) performs any other act which purports to have been done by or on behalf of a teachers' education college;
  - (b) contravenes or fails to comply with any determination or directive made or issued under [section 14](#);
  - (c) issues and awards a diploma or certificate contrary to [section 30](#);
  - (d) obstructs, hinders, handicaps or disturbs any member of a committee in carrying out an investigation or monitoring in terms of [section 38](#);
  - (e) refuses or fails to allow any member of a committee to enter any premises for purposes of carrying out an investigation or performing monitoring functions in terms of [section 38](#);
  - (f) refuses or fails, without reasonable excuse, to produce any material, book or document, or to furnish any information in accordance with any directive referred to in [section 38](#);
  - (g) refuses or fails, without reasonable excuse, to properly answer any question put to him or her under [section 38](#), or knowingly gives an answer which is false or incorrect in a material respect; or
  - (h) contravenes [section 42](#).
- (2) Any person convicted of an offence -
  - (a) in terms of subsection (1)(a), is liable to a penalty not exceeding a fine of N\$20 000 or a period of five years imprisonment, or to both such fine and such imprisonment; or
  - (b) in terms of subsection (1)(b) to (h), inclusive, is liable to a penalty not exceeding a fine of N\$8 000 or a period of two years imprisonment, or to both such fine and such imprisonment.

### 41. Assignment of functions

- (1) The Minister may in writing assign any function entrusted to the Minister by or under this Act, to the Permanent Secretary or any other staff member of the Ministry, except the function to make regulations under [section 44](#).
- (2) The board of a teachers' education college may in writing assign any function entrusted to the board by or under this Act, to a committee of the board or the rector or any other person on the staff establishment of the college, except the function to make rules under [section 34](#).
- (3) The rector of a teachers' education college may in writing assign any function entrusted to the rector by or under this Act, to the vice-rector or registrar or any other person on the staff establishment of the college.

- (4) An assignment by the Minister under subsection (1), a board under subsection (2), or a rector under subsection (3) -
- (a) may be effected subject to such conditions as the Minister, the board or the rector may determine;
  - (b) may be withdrawn or varied by the Minister, the board or the rector;
  - (c) does not preclude the Minister, the board or the rector from performing any function so assigned.

#### **42. Preservation of secrecy**

No person may disclose any information obtained by him or her in the performance of his or her functions in terms of this Act, except -

- (a) to the extent to which it may be necessary for the proper administration of this Act;
- (b) when authorized to do so in writing by the Minister; or
- (c) when required to do so by any court of law or under any law.

#### **43. Limitation of liability**

No person, including the State, is liable in respect of anything done or omitted in good faith and not attributable to gross negligence in the performance of any function in terms of this Act.

#### **44. Regulations**

- (1) The Minister may make regulations in relation to -
- (a) the management and control of teachers' education colleges and hostels, inclusive of the keeping of records by such colleges and hostels;
  - (b) the form of an application for registration under [section 31](#);
  - (c) the admission and accommodation of students of teachers' education colleges;
  - (d) the control of funds received by a teachers' education college under this Act;
  - (e) the conducting of examinations or assessments by teachers' education colleges;
  - (f) the investigation and monitoring of teachers' education colleges and hostels;
  - (g) any matter which is in terms of this Act required or permitted to be prescribed; and
  - (h) generally, any other matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the object of this Act or to effectively administer this Act.
- (2) A regulation made under subsection (1) may prescribe a penalty not exceeding a fine of N\$2 000 or imprisonment for a period of six months, or not exceeding both such fine and such imprisonment, for any contravention thereof or failure to comply therewith.

#### **45. Transitional arrangements and savings**

- (1) Subject to subsections (2) and (3), the National Education Act, 1980 (Act [No. 30 of 1980](#)) and the National Education Amendment Act, 1988 (Act [No. 12 of 1988](#)) are repealed in so far as those Acts apply to teachers' education colleges.
- (2) A teachers' education college or hostel which was established under any law repealed by subsection (1) and which existed immediately before the commencement of this Act is, from such commencement, deemed to have been established under this Act.

- (3) Anything done or purporting to have been done under a provision of any law repealed by subsection (1) and which can be done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

#### **46. Short title and commencement**

This Act is called the Teachers' Education Colleges Act, 2003, and comes into operation on a date to be determined by the Minister by notice in the Gazette.