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**Submission by South African
Communist Party on the Higher
Education Amendment Bill 2015**

Submitted to:

**Portfolio Committee on Higher Education and
Training
National Assembly
Parliament
Republic of South Africa**

Introduction

The South African Communist Party (SACP) welcomes and strongly supports the appropriate and forward-looking objectives and intentions of the Higher Education and Training Amendment Bill. We welcome the Bill's tabling in Parliament.

It is our understanding that the primary objective of this particular revision of the Higher Education Amendment of 1997 Act is to improve the system based on the collective experience of implementing the Higher Education Act since 1997. We contend that the White Paper 3 of 1997, which dealt in detail with the principles of institutional autonomy, academic freedom and public accountability made a distinction on the balance between these 3. We believe that is upheld in this Bill.

Whilst we have additional fundamental proposals with regards to the Bill, we believe that it seeks to achieve important and progressive changes in the public Higher Education sector with regard to sorely-needed transformation of public higher education institutions and will provide for the accountability and good governance of these institutions.

According to the South African law as it stands right now, the HET Minister is prevented from making administrative, governance and curriculum decisions in, and for universities. This is a result of the regime of institutional autonomy and academic freedom that has been conferred to higher and further learning institutions.

However, as we assess this Amendment Bill we must acknowledge that the ongoing student struggle that started at the University of the Witwatersrand and spread across the country to about 17 universities is a legitimate struggle. This is a struggle which is not only against the class discrimination facing the children of the poor and the working class who make the majority of the people in our country and cannot afford the high cost of access to university and college education, but it is also a struggle to increase the pace of the transformation at these institutions with regard to teaching and learning, curriculum reform, access to student support services, and more.

2. Areas of Support in the Bill

The SACP strongly supports the Bill's progressive objectives to:

- To ensure the implementation of legislation that challenges the autonomy of universities.
- Allow for the Minister to not only determine the scope and range of operations of public and private institutions, but to also determine the transformation goals for the higher education system and institute appropriate, oversight mechanisms;
- Allow for the Minister to establish or convert different types of higher education institutions;
- Allow for the Minister to convert public higher institutions to acquire the status of a juristic status person;
- Tighten the eligibility and roles and responsibilities for persons appointed to the council of any public higher education institution;
- Direct councils and senates of higher education institutions to determine language policy of the institution;
- Direct councils of higher education institutions to establish structures to advise on the policy for student support services;
- Confirm the importance and centrality of institutional forums in the operations of the higher education institutions;
- Provide for a statutory external audit obligation for higher education institutions;
- Provide for the appointment of assessors where necessary and provide a guide for their responsibilities;
- Provide for the establishment of National Institutes of Higher Education;
- Identify higher education institutions that shall be obliged to offer qualifications and programmes leading towards trade and occupation leading and qualifications;

The SACP believes that when passed and implemented the Bill will assist with ensuring that:

- The ongoing transformation of the higher education sector will be clearly enhanced;
- Higher education institutions will respond to demands from students to allow for the serious resolution of language policy of the institutions;
- Universities will be held to account to the requirements of the Public Finance Management Act;
- A range of options instead of the current arrangement whereby the Minister is obliged to appoint an Administrator should the Minister wish to pursue matters further. However it is also clear that actions by the Minister should commence with the issuing of a directive and could, should circumstances dictate, progress to the more serious interventions such as the appointment of an independent assessor and an administrator.
- Good governance of public higher institutions through the recalibration of the councils of these institutions, in particular, ensuring the those appointed / elected to the councils are able to contribute to the responsibilities which are shouldered by the executive management of the institutions;
- Whilst the powers of the governing structures, specifically the Councils and the Senate remain unchanged the Minister is provided with a mechanism to ensure momentum and progress with regard to critical transformational matters. The recent Fees Must Fall campaign illustrates the dilemma when the pace and nature of transformation is not attended to comprehensively.
- Vibrant articulation and recognition of prior learning is well entrenched;
- Guidance is provided for the operations of administrators and assessors that may be appointed to assist higher education institutions.
- Private institutions of higher education are registered and regulated.
- Qualifications can be withdrawn and revoked under specific circumstances.

3. Proposed Amendments

The South African Communist Party is of the opinion that universities should be expected to report to Parliament's Committee on Higher Education on an annual basis. This is based on the fact that they are allocated substantial financial resources from the fiscus) both directly for their ongoing operations, (in 2015 in the region of R21 billion) as well as through substantial financing of student fees. The latter has been considerably increased for the 2016 academic year, and could well be further increased in later years.

Further, the SACP believes that private higher education institutions should be strongly monitored to prevent courses being offered that are not accredited. This has caused severe financial hardships to many students who discover that their courses are worthless when they attempt to find employment after completion of non-accredited courses.

The SACP also believes that the Minister should have powers to influence curriculum transformation at higher education institutions to ensure that they are aligned to the developmental agenda and espouse values of humanity, Ubuntu, service to others and hard work. In addition, this influence must be extended to challenging the universities, in particular to look towards Africa for benchmarks, and not only Europe and the United States.

Support services must be extended to include career guidance to all students.

The composition of councils of higher education institutions cannot and must not be determined only on the basis of skills and knowledge, but must include representation and participatory democracy in order that the council play a pivotal role in the governance of the institution.

The portfolio committee should direct that a further amendment to the Higher Education Act to address the fundamental challenge of the skewed composition of higher education institution councils as stipulated in different institutions' statutes and ensure that labour unions are directly represented in all governance structures of universities.

4. Conclusion

The process to develop this Amendment Bill has clearly been highly consultative and inclusive, and is testament to the principle of co-operative governance between institutions and the State, which underpins the governance of higher education in South Africa.

The Bill is long overdue and should be welcomed by all.

The SACP strongly supports the Bill and urges all Members of Parliament to do so as well and to speedily pass it.

The intention of this revised Bill is clearly to strike a better balance between institutional autonomy and public accountability, so as to deal with the outdated aspects and create coherence.

Whilst this Bill is progressive, and the greater clarity that it provides about the mechanisms available for the Minister to intervene can assist with advancing the transformation of higher education institutions, the real solution lies in the higher education institutions, and universities to pursue transformation more vigorously. This must be complemented through the institutions, particularly the universities, being accountable to Parliament for their transformation.

The SACP is of the opinion that the Higher Education Amendment Bill will make a major contribution to enhancing the Higher Education and Training sector.

Thank you.

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