**EEduFor Attention: Ms Marcelle Williams**

The Secretary to Parliament of the RSA

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Dear Ms Williams

**Submission of AfriForum on the Higher Education Amendment Bill [B36B- 2015]**

AfriForum appreciates this opportunity to comment on the Higher Education Amendment Bill. One of the main foci of our organisation (currently comprising 180 000 members) is to contribute to and ensure the maintenance of high quality education in South Africa at all levels. Therefore the content of this bill is of the greatest importance to AfriForum.

It is evident that the bill is the result of an extended process of consultation. The amended sections that provide for greater transparency in terms of financial management are welcomed, as are the provision for legal or union representation of employees during investigations (clause 20).

Where internationally, private higher education institutions are becoming more important role players, we also regard the provision in clause 33, namely that such institutions “may in certain circumstances be called universities, university colleges or higher education colleges” and be allowed to use certain titles, confer professorships and award honorary degrees, to be a positive development.

We realise that some aspects not included in the bill might be outlined in subsequent regulations, however the vague nature of some aspects of the bill causes concern. Much has been said in the media re the expansion of the minister’s powers in terms of this bill and that the proposed legislation has the potential to erode the autonomy of higher education institutions. As AfriForum regards academic freedom to be of the greatest importance, we add our concerns to these comments:

 Long title

The amended long title of the bill inter alia states that it aims to “provide for the determination of transformation policy and oversight mechanisms for the public higher education system”. However no definition is provided of what “transformation” means. Does such transformation end with access or does it include the transformation of an institution’s curriculum to conform with an ideological approach that the minister favours? As the minister will have the right to withhold funding (clause 12) and appoint an administrator when an institution is deemed to be dysfunctional, these powers could be applied to give virtually any content to the term “transformation”.

 Clause 5(a & b) and Clause 38

Here provision is made for a public higher education institution to be converted to a different category of public institution of higher learning, or a private higher education institution to be declared a public institution, “with the concurrence” of (respectively) the council or the governance body of such institutions. If there is no concurence, which measures exist for the council or governance body to oppose such a declaration and where does the minister’s powers end in this regard? This should be stated more clearly as it has dramatic implications, especially for private institutions. The minister’s discretion to identify institutions that should offer specific programmes also erodes the autonomy of institutions in this regard.

 Clause 8

The determination process of an institute’s language policy is not substantially clarified by the substituted text. It is however welcomed that this aspect remains within the authority of an institution’s council, with its senate’s concurrence.

Greater clarity and transparency in terms of the above are essential.

We appreciate this additional consultation process and chance to raise our concerns re academic freedom and the autonomy of higher education institutions.

In case of any questions, please do not hesitate to contact us.

Yours sincerely

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