**MEMORANDUM FROM THE PARLIAMENTARY OFFICE**

# NATIONAL ASSEMBLY FOR WRITTEN REPLY QUESTION 3

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 20/06/2019 INTERNAL QUESTION PAPER NO 01 OF 2019**

**Mr N Singh (IFP) to ask the Minister of Higher Education, Science and Technology:**

Whether he is aware of the current situation of distress at the Centre for Fine Art and Design [CFAD] in KwaZulu-Natal resulting from the Department of Higher Education’s refusal to re- accredit the CFAD; if not, what is the position in this regard; if so, what is he doing to expedite the institution’s re-accreditation given the current high standards and quality education produced by CFAD since its inception?

# NW947E

**REPLY:**

On 27 June 2016, the Registrar of Private Higher Education Institutions cancelled the registration of the Centre for Fine Art and Design (CFAD) for its failure to submit a complete 2014 annual report, after a due legal process was followed requesting CFAD to submit its annual report. The submission of the annual report is a legal requirement for the maintenance of registration as a private higher education institution as it allows the Registrar to establish if the institution has discharged its responsibilities as a private higher education institution. Subsequently, on 15 September 2016, the appeal lodged by CFAD with the Minister of Higher Education and Training was successful.

For the second time, on 20 November 2016, the Registrar cancelled the registration of CFAD for its failure to submit its 2015 annual report, after a due legal process was followed requesting CFAD to submit its annual report. Subsequently, on 7 April 2017, the appeal lodged by CFAD with the Minister of Higher Education and Training was unsuccessful, for the following reasons:

1. Failure to submit the institution’s administrative data;
2. Failure to provide staff and student data;
3. Failure to submit audited annual financial statements;
4. Failure to submit the financial surety which had expired;
5. Failure to comply with the Occupational Health and Safety Regulations;
6. Failure to provide proof of certificates awarded to students;
7. Failure to comply with the requirements of the National Learner’s Records Database;
8. Failure to provide the updated record of the directors of the company as approved by the Consumer Intellectual Property Commission;
9. Failure to submit the list of premises on which teaching and learning is provided; and
10. Failure to submit the declaration signed by every student.

The Department received a request from parents to extend the phase-out period for CFAD to

31 December 2017 so that final year students would not be affected. At the time, the Department contacted Dr N Soobben, who is the owner and Principal, and requested him to make a formal request to the Director-General, for an extension of the phase-out period from 31 December 2016 to 31 December 2017, which he did and was approved by the Director- General.

The Department has visited the institution in August 2017, January 2018 and April 2018 to assist the institution. At the last site visit in April 2018, an improvement plan was requested from CFAD, which has not yet been submitted.

In an accreditation report dated 28 February 2017, the Council on Higher Education (CHE) withdrew the accreditation of the institution and its programme. The outcome on a subsequent application for accreditation with the CHE is pending. The application for re-registration submitted to the Department is awaiting proof of accreditation from CHE and the submission of an improvement plan as requested on 25 April 2018.

In 2018, the High Court in Durban acceded to CFAD’s request to operate in 2018 and 2019 to teach out its pipeline and final year students. The High Court also ruled that no new students should be enrolled.

CFAD has filed papers with the High Court in Durban to suspend the Registrar’s decision to cancel its registration and suspend the Minister of Higher Education and Training decision to dismiss the appeal. The Minister and Registrar are awaiting the ruling of the High Court.