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| MEMORANDUM FROM THE PARLIAMENTARY OFFICE |

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 763**

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 06/09/2019**

**INTERNAL QUESTION PAPER NO 14 OF 2019**

**Ms N T Mkhatshwa (ANC) to ask the Minister of Higher Education, Science and Technology:**

What legal interventions have been made in the cases of maladministration, unethical and self-enriching practices which found expression in the governance of institutions of higher learning from the University of Venda to the University of Fort Hare, where there are unfinished infrastructure development projects and institutions are under administration?

**NW1862E**

**REPLY:**

In terms of the Higher Education Act, if the Minister has reasonable grounds to believe that the council or the management of a public higher education institution is involved in financial impropriety or the institution is being otherwise mismanaged, the Minister may issue a directive which must state the nature and extent of the deficiency; the negative impact of the deficiency on the institution; the steps which should be taken to remedy the situation; and a reasonable period within which the steps must be taken. In the event that the Minister has reasonable grounds to believe that the council has failed to comply with the directive, the Minister may, depending on the circumstances, appoint an independent assessor, appoint an administrator, or take any other appropriate action allowed by this Act or any other law.

The Minister may appoint an independent assessor if circumstances arise at an institution that involve financial or other maladministration of a serious nature; or seriously undermine the effective functioning of the institution. In the case where an audit of the financial records of an institution or the report by an independent assessor or any other report or information reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of a public higher education institution, the Minister may appoint an administrator.

There are two universities under administration currently, namely the University of Fort Hare (UFH) and Vaal University of Technology (VUT). Under normal circumstances, an independent assessor would be appointed first to investigate the affairs of a university and advise the Minister on the source and nature of problems facing the institution and the measures required to restore good governance and management at the university. At the recommendation of the independent assessor, the Minister would then appoint an Administrator. However, the circumstances surrounding these institutions were such that the appointment of an Administrator preceded an independent assessment in the case of UFH, and for VUT before the independent assessment could be concluded.

**Institutions with unfinished infrastructure development projects**

There are two institutions with abandoned infrastructure development projects, namely the University of Venda (UNIVEN) and the University of Fort Hare (UFH).

In the case of UNIVEN, the existing abandoned infrastructure projects are as a result of insufficient funds to finalise construction or appointed service providers failing to deliver in terms of the contractual agreement. When the matter wasbrought to the Minister’s attention, the Minister issued a directive to the Council to discontinue any new infrastructure development plans. The Department also conducted an institutional oversight visit to understand the infrastructure challenges facing the University. Furthermore, an in-depth analysis of the implementation and management of the Recovery Projects at UNIVEN was done to assist the University going forward. During the last quarter of 2017, contractors were invited, through an open tender process, to complete some of the abandoned projects. An additional amount of R55 million has been allocated to the University to complete some of the critical projects, and the University was instructed to seek additional funds from other sources to complete other projects. The University has since put stringent measures in place to ensure the completion of these projects, and the Department is monitoring the University closely.

With regards to UFH, the abandoned project is the Early Childhood Development Centre (ECDC) building on the East London Campus. This has been due to maladministration to some extent, but also lack of capacity to manage and implement infrastructure projects. The Department has supported the University to develop an infrastructure procurement strategy to ensure the commencement of the implementation of the abandoned ECDC project and is also monitoring the university closely.