



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**COMMITTEES**

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Interim report of the Portfolio Committee on Higher Education and Training on the **Higher Education and Training Laws Amendment Bill [B 23-2012]** (National Assembly – sec 75).

The Portfolio Committee on Higher Education and Training (the Committee), having considered the subject of the **Higher Education and Training Laws Amendment Bill [B23-2012]** (National Assembly – sec 75), referred to it and classified by the JTM as a section 75 Bill, reports as follows:

The Bill seeks only to address specific issues relating to the establishment of a national institute for higher education, to extend the functions of a national institute for higher education, to provide for the appointment of an administrator for a national institute and to provide for the closure of a national institute for higher education. The Committee is of the opinion that the Act should also address issues relating to investigations conducted by an independent assessor, interventions by the Minister of Higher Education and Training in the Council of a public higher education institution and the appointment of an administrator to take over the management, governance and administration of the public higher education and training institution should certain circumstances occur. Moreover, the Committee does not wish for the Act to be amended twice in a short period of time and is thus proposing further amendments to the Act, which will be incorporated into the Bill. These amendments would make the Act more accessible to all. The proposed amendments will not affect the tagging of the Bill.

**1. OBJECTS OF THE PROPOSED LEGISLATION**

The objects of the additional amendments are as follows:

- Inclusion of a clause that details the powers of investigation by an independent assessor to investigate a complaint or allegation and the manner in which the matter concerned should be dealt with;

- Inclusion of a clause detailing the powers of an independent assessor to enter a premises in order to conduct an investigation;
- Inclusion of a clause detailing the powers of intervention by the Minister of Higher Education and Training to issue a directive to the Council of a public higher education institution to take such action in specific circumstances;
- Inclusion of a clause detailing the appointment of an administrator to take over the management, governance and administration of a public higher education and training institution in specific circumstances;
- Inclusion of a clause detailing the assistance offered to an administrator;
- The remuneration and allowances paid to an administrator; and
- The dissolution of a Council of a public higher education and training institution.

## **2. PROCEDURE TO BE FOLLOWED**

Assembly Rule 249(3) (b) provides that a committee may, if it is considering a Bill that amends provisions of the legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation. In this regard, the Committee intends going beyond amending the sections in the Higher Education Act, No. 101 of 1997 as envisaged in the Higher Education and Training Laws Amendment Bill [B23-2012]. In order for the Committee to amend other sections of the Act over and above what is amended through the Bill as introduced, the Committee is seeking the permission of the Assembly to do so.

## **3. RECOMMENDATION**

The Committee therefore recommends that the National Assembly grants permission in terms of Assembly Rule 249(3) (b) for it to amend other provisions of the Higher Education Act, No. 101 of 1997.

Report to be considered.

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**Adv I Malale, MP**  
**Chairperson: PC on Higher Education and Training**

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**Date**