



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

Speech by the Deputy Minister of Higher Education and Training, Mr Mduzuzi Manana, MP, at the passing of the Higher Education Bill at the National Assembly, Parliament, 25 May 2016

Honourable Chairperson of the National Assembly,
Chairperson of the Select Committee on Education and Training,
Chairperson and honourable members of the Portfolio Committee on Higher Education and training
Cabinet Colleagues,
Director-General and Staff of the Department,
Heads of our Post-School Organisations and Institutions,
Honoured Guests,
Ladies and gentlemen

Good afternoon!

This year, 2016, marks 20 years since the National Commission on Higher Education (NCHE) submitted its report to the State President, Mr Nelson Mandela, in fulfilment of its mandate to advise the Minister of Education on, among others, appropriate policies for governance of the higher education system; the role of stakeholders including that of government; institutional autonomy and fulfilment of constitutional obligations by the higher education system in South Africa.

Following the NCHE report, the *White Paper 3: A Programme for Higher Education Transformation* was then developed and adopted in this Parliament in August 1997.

The White Paper 3 guides all higher education related policies and lays a foundation for its transformation from the Apartheid policies.

The Higher Education Act 101 of 1997, which has now been reviewed resulting in the Higher Education Bill that is being tabled today, was also passed and enacted into law in November 1997. Since then, the Act has undergone nine amendments and lately the frequency of such amendments was becoming high. Indeed, that was the first signal that the time had come to consider its review.

Secondly, the Department of Education was split in 2009 into the Department of Basic Education and the Department of Higher Education and Training. The latter was legally established on 1 April 2010 and that ushered in a need for new policies to give direction and purpose to the new establishment. Indeed, the White Paper on Post School Education and Training was launched early 2014. Thus, this is the second reason which necessitated the review of the Higher Education Act 101 of 1997.

Moreover, other policy and legal changes which have a bearing on the Higher Education Act have also taken place elsewhere in government. Thus, the Higher Education Amendment Bill, 2015 [B36-2015] amends the Higher Education Act, 1997 (Act No. 101 of 1997), to ensure alignment and consistency with the administrative law provisions of the Constitution; Promotion of Administrative Justice Act, 2000; and with new policy directives the White Paper for Post-School Education and Training. That being the third reason that necessitated the review of the Act.

The Bill provides new definitions; rectifies any inconsistencies and or contradictions and or gaps in the Act; address issues pertaining to transformation goals; institutional autonomy; public accountability and co-operative governance, arising from previous amendments to the principal Act.

Honourable chairperson, it is true that the higher education system of South Africa is still un-even, owing largely to the legacy of the Apartheid system. One of the consequences is that the one-size-fits-all legislation is not practical for governing and guiding the system. Thus, the amendments to the Act, resulting in this Bill, provide

for a range of measures that can be taken by Minister of Higher Education and Training in steering the system and facilitating its speedy transformation, while supporting the development of the historically underdeveloped institutions of higher learning to acceptable standards.

The amendments do not temper with institutional autonomy, thereby, keeping the integrity of our higher education institutions and the system intact. Councils remain the highest governance structures of universities in South Africa. The accountability of institutions is being strengthened and where there are signals of faltering management and governance, early warning systems are put in place.

The amendments to the Act, resulting in this Bill, create mechanisms for expansion and differentiation of higher education through institutional types. Expanding access; improving quality and increasing diversity are also some of the objectives of the White Paper for Post-School Education and Training. In order to meet the White Paper objectives, therefore, the Higher Education Act had to be amended. The strategic focus of these amendments also take into consideration government's priorities and programmes as set in the National Development Plan (NDP).

The Bill introduces three types of institutions, a university; university college and higher education college. These types are defined in terms of the scope and range of their activities. Universities remain engaged in undergraduate and postgraduate studies, knowledge production (research) and community engagement. Higher education colleges focus on undergraduate and skills development programmes. The amendments anticipate the incorporation of agricultural colleges into higher education. University Colleges are introduced as a mechanism to enable the developmental growth of new universities under the supervision of another identified university.

Moving forward, the amendments to the Act will influence acceleration of transformation of the higher education system. All policies will be amended or developed in line with the provisions of the Act.

We thank the task team, which comprised officials from the Department of Higher Education and Training (DHET), the Universities South Africa; the University Council Chairs Forum (UCCF) and the Council on Higher Education (CHE). We thank all the organisations that were consulted and those that voluntarily made contributions during the review of the Act. We also wish to extend our deepest gratitude to the members of the Portfolio Committee for their invaluable contribution and sterling work in ensuring that we arrive to this final stage of the review of the Higher Education and, resulting in this Bill.

Thank you.