

REPUBLIC OF SOUTH AFRICA

**UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG (PRIVATE)
AMENDMENT BILL**

(As amended by the Portfolio Committee on Education (National Assembly))

(PROF I J MOHAMED)

[B 105B—96]

REPUBLIEK VAN SUID-AFRIKA

**PRIVATE
WYSIGINGSWETSONTWERP OP
DIE UNIVERSITEIT VAN DIE
WITWATERSRAND,
JOHANNESBURG**

(Soos gewysig deur die Portefeuljekomitee oor Onderwys (Nasionale Vergadering))

(PROF I J MOHAMED)

[W 105B—96]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the University of the Witwatersrand, Johannesburg (Private) Act, 1959, so as to delete, substitute or insert certain definitions; to amend the name of the province in which the University is seated; to regulate the composition of the Council and the Convocation of the University anew; to amend the name of the faculty of medicine; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 15 of 1959, as amended by section 1 of Act 32 of 1968, section 1 of Act 37 of 1980, section 7 of Act 64 of 1989 and section 1 of Act 78 of 1991

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1. Section 1 of the University of the Witwatersrand, Johannesburg (Private) Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of “incumbent of a recognized hospital post”;
- (b) by the deletion of the definition of “lecturer”;
- (c) by the substitution for the definition of “member of the academic staff” of the following definition: 10

“member of the academic staff” means a person on the permanent or temporary, full-time or part-time staff of the University, who is an adjunct, associate or assistant professor, reader, senior lecturer, lecturer, assistant lecturer or junior lecturer, a research worker, senior tutor, tutor other than a student tutor, or an incumbent of a recognized hospital post or of any teaching post which the Council, on the recommendation of the Senate, has recognised as a post having academic status in the University, and includes a person in any of these categories who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;”; 15

- (d) by the insertion after the definition of “member of the academic staff” of the following definition: 20
- “member of the support services staff” means a person on the permanent or temporary, full-time or part-time staff of the University, other than a member of the academic staff, and includes a person in this category who is 25

serving a probationary period in terms of his or her contract of service prior to permanent appointment;”;

- (e) by the substitution for the definition of “Minister” of the following definition:
 “ ‘Minister’ means the Minister of Education [**and Culture: House of Assembly**];” and
 (f) by the deletion of the definition of “research worker”.

Amendment of section 2 of Act 15 of 1959, as amended by section 2 of Act 37 of 1980 and section 11 of Act 75 of 1984

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) The University shall as heretofore be a body corporate with its seat at Johannesburg in the Province of [**the Transvaal**] Gauteng and shall, in its name, be capable in law of suing or being sued, of investing, lending and borrowing moneys, of purchasing or otherwise acquiring, holding, leasing, hiring, selling, exchanging, alienating or hypothecating any property, movable or immovable, burdening such property with a servitude or otherwise conferring any real right therein and generally, without in any way being limited by or restricted to the powers specified above, of entering into all other contracts, and of doing or performing such acts and things as bodies corporate may by law do or perform, subject always to the provisions of this Act.”. 15 20

Substitution of section 9 of Act 15 of 1959, as amended by section 6 of Act 32 of 1968, section 6 of Act 37 of 1980, section 8 of Act 64 of 1989 and section 5 of Act 78 of 1991

3. The following section is hereby substituted for section 9 of the principal Act:

“Council of University” 25

9. (1) Subject to the provisions of this Act, the government and the executive authority of the University shall be vested in the Council, which shall consist of—

- (a) the Vice-Chancellor; 30
 (b) the Vice-Principal;
 (c) the Deputy Vice-Chancellor or the Deputy Vice-Chancellors, as the case may be, other than the Vice-Principal;
 (d) four persons appointed by the Minister;
 (e) three persons appointed by the Executive Committee of the Convocation; 35
 (f) five members of the Senate elected by the Senate;
 (g) five Deans of the Faculties of the University elected by the Deans in office;
 (h) two members of the academic staff elected by such staff;
 (i) two members of the support services staff elected by such staff; 40
 (j) two persons appointed by the Premier of the Province of Gauteng;
 (k) two persons appointed by the Greater Johannesburg Metropolitan Council;
 (l) two persons elected by persons who, in accordance with the statutes, are donors to the University; 45
 (m) six persons appointed by the Council by reason of their special knowledge or expertise, or to represent such constituencies as may from time to time be considered by the Council to be under-represented on the Council;
 (n) five students appointed in accordance with the statutes; 50
 (o) two persons appointed by the Council from the membership of such professional bodies, external to the University, as may be determined by the Council;
 (p) four persons from the membership of such business and labour organisations as may, from time to time, be determined by the statutes: 55

Provided that two persons shall be drawn from business organisations and two persons from labour organisations.

(2) Except as provided in paragraphs (a), (b), (c), (f), (g), (h), (i) and (n) of subsection (1)—

(a) no member of the staff of the University and no other person in receipt of regular remuneration from the University shall be eligible for appointment or nomination for election or election as a member of the Council; 5

(b) a member of the Council who becomes a member of the staff of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University shall forthwith vacate his or her seat on the Council. 10

(3) The members of the Council shall hold office for such periods as the statutes may in each case prescribe.

(4) If any member of the Council elected to the Council in terms of paragraph (f), (g), (h) or (i) of subsection (1) is for any reason granted leave of absence from the University for a period of three months or more, his or her place as a member of the Council for the time in which he or she takes such leave shall be filled by a member from the same constituency as the absentee, elected by the members of that particular constituency. 15 20

(5) Subject to the provisions of subsections (1), (2), (3) and (4), any vacancy in the membership of the Council shall be filled in the manner prescribed by the statutes.

(6) The Council shall elect from amongst its members a person to be chairperson of the Council, who shall hold office as chairperson for such period as may be prescribed by the statutes: Provided that for any period for which the chairperson is granted leave of absence the Council may elect from amongst its members another person to be acting chairperson of the Council: Provided further that any meeting of the Council at which the chairperson or acting chairperson is absent shall elect its own chairperson for that meeting. 25 30

(7) The Council shall hold at least one ordinary meeting in each quarter of the calendar year and the quorum and the procedure at meetings of the Council shall be as prescribed by the statutes.

(8) The Council shall administer all the property of the University and, except as otherwise provided in this Act, shall have the general control of the University and of all its affairs, purposes and functions. 35

(9) Without derogating from the generality of the powers vested in it, the Council shall—

(a) subject to the provisions of this Act, appoint all such persons as it considers necessary for the efficient conduct of the University and determine the title, status, powers, privileges, functions and duties of any person so appointed, and such persons shall be subject to such disciplinary provisions as may be prescribed by the statutes or by the rules made by the Council; 40 45

(b) determine, levy and collect the fees to be paid by students and the boarding charges to be paid by resident students and staff: Provided that the fees to be paid by students shall be determined after consultation with the Senate.

(10) The Secretary to the Council shall be appointed by the Council in the manner prescribed by the statutes. 50

(11) The principle of representation must be adhered to in the constitution of the council.”.

Amendment of section 12 of Act 15 of 1959, as amended by section 8 of Act 32 of 1968, section 9 of Act 37 of 1980 and section 11 of Act 75 of 1984 55

4. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Convocation shall consist of—
- (a) the Vice-Chancellor, the Deputy Vice-Chancellor or the Deputy Vice-Chancellors, as the case may be, the Registrar or the Registrars, as the case may be, and such members or former members of the academic staff as may be determined by the statutes; and
- (b) all persons who are or become graduates of the University.”.

Amendment of section 14 of Act 15 of 1959, as amended by section 10 of Act 37 of 1980

5. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) At the University there shall be faculties of arts, science, **[medicine]** health sciences, engineering, commerce, law, **[dentistry]** architecture, education and business administration and the departments established at the commencement of this subsection. **[In addition to the aforementioned faculties and departments there may be established faculties of veterinary science and music and a department of veterinary science as authorised by section *ten* of the University of the Witwatersrand, Johannesburg, (Private) Act, 1921 (Act No. 15 of 1921), and such other faculties and departments as the Council, subject to the provisions of section *fourteen* of the Universities Act, 1955 (Act No. 61 of 1955), may establish]**”.

Transitional provisions

6. (1) The present Council shall continue to exist until a new Council is constituted in terms of this Act.
- (2) A new Council shall be constituted in terms of this Act within three months from the date of commencement of this Act. 25

Short title

7. This Act shall be called the University of the Witwatersrand, Johannesburg (Private) Amendment Act, 1997.

**MEMORANDUM ON THE OBJECTS OF THE UNIVERSITY OF THE
WITWATERSRAND, JOHANNESBURG (PRIVATE) AMENDMENT
BILL, 1996**

The main object of the Amendment Bill is to achieve the transformation of the University Council in accordance with the wishes of the broad transformation forum of the University. The transformation will secure representation on the Council for a number of constituencies not previously represented and the elimination of two of the constituencies currently represented. In addition, there are changes to the numbers of representatives of several constituencies or the ways in which their representatives are elected or appointed.

The new constituencies to be represented on the Council are the deans of the faculties of the University, the academic staff (as distinct from the Senate), the support services staff, provincial government and organised labour.

The constituencies that will no longer be represented are the Council of Education, Witwatersrand, and the Chamber of Mines. There are no longer any former students of the University College that became the University of the Witwatersrand on the first day of March 1922, so mention of them has also been eliminated.

The ways in which or the number by which the Minister, the Convocation, the Senate, local government, the students and organised business will be represented have been changed, as have the number of members to be appointed by the Council itself.

A subsidiary object of the Amendment Bill is to delete mention of the former students of the University College from the constituency of the Convocation.

The Amendment Bill furthermore makes provision for the amalgamation of the faculties of medicine and dentistry into a faculty of health sciences.