
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 1 OF 2016

by the
President of the Republic of South Africa

ESTABLISHMENT OF A COMMISSION OF INQUIRY INTO HIGHER EDUCATION AND TRAINING

In terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996, I hereby appoint a Commission of Inquiry into Higher Education and Training.

I further hereby appoint the Honourable Justice Jonathan Arthur HEHER as the chairperson, and Advocate Gregory ALLY and Ms Leah Thabisile KHUMALO, an attorney, as members of the Commission.

The terms of reference of the Commission of Inquiry are in the schedule attached hereto.

Given under my Hand and the Seal of the Republic of South Africa at
PRETORIA..... this 14 day of JANUARY..... Two
Thousand and Sixteen.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

SCHEDULE

TERMS OF REFERENCE OF THE COMMISSION OF INQUIRY INTO HIGHER EDUCATION AND TRAINING

WHEREAS the President of the Republic of South Africa, Mr JG Zuma on 23 October 2015, conducted meetings with the Vice-Chancellors, Chairpersons of the Universities Councils, Presidents of the Student Representative Council and the representative of Student Organisations national wide to discuss grave concerns with regard to fee increases and funding of higher learning;

AND WHEREAS the President agreed that the government would lead a process that will look at broader issues affecting the funding of higher education, cognisant of other endeavours in this regard;

NOW THEREFORE a Commission of Inquiry (the Commission) is hereby appointed in terms of Section 84(2)(f) of the Constitution of the Republic of South Africa, 1996.

The Commission shall enquire into, make findings, report on and make recommendations on the following:

1. The feasibility of making higher education and training (higher education) fee-free in South Africa, having regard to:
 - 1.1 the Constitution of the Republic of South Africa, all relevant higher and basic education legislation, all findings and recommendations of the various Presidential and Ministerial Task Teams, as well as all relevant educational policies, reports and guidelines;
 - 1.2 the multiple facets of financial sustainability, analysing and assessing the role of government together with its agencies, students, institutions, business sector and employers in funding higher education and training; and
 - 1.3 the institutional independence and autonomy which should occur *vis a vis* the financial funding model.

2. The Commissions Act, 1947 (Act No. 8 of 1947), shall apply to the Commission, subject to such modifications and exemptions as may be specified by proclamation from time to time.
3. The Commission shall submit interim reports and recommendations to the President whenever it is necessary.
4. The Commission must complete its work within a period of 8(eight) months from the date hereof and must submit its final report to the President within a period of 2(two) months after the date on which the Commission completes its work.
5. Regulations will be made in terms of the Commissions Act, 1947 and will apply to the Commission to enable the Commission to carry out its investigation properly and to facilitate the gathering of information by conferring on the Commission such powers as are necessary including the power to enter premises, secure the attendance of witnesses and compel the production of documents.
6. The terms of reference may be amended at any time in consultation with the Commissioners.
7. All organs of state, institutions and stakeholders are required to cooperate fully with the Commission.