



Government Gazette

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GOVERNMENT NOTICES

DEPARTMENT OF NATIONAL EDUCATION**No. 13****4 January 2002****HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)****MERGER OF PUBLIC HIGHER EDUCATION INSTITUTIONS****THE UNIVERSITY OF SOUTH AFRICA AND THE TECHNIKON S A**

I, Professor Kader Asmal, MP, Minister of Education, in accordance with section 23(1) of the Higher Education Act, 1997 (Act No. 101 of 1997), and after consulting the Council on Higher Education, hereby merge the University of South Africa and the Technikon S A into a single public higher education institution. The date of the establishment of the new institution, the type and name of the new institution, the physical location and official address of the new institution, the composition of the interim council and the transitional arrangements required to ensure the effective implementation of the merger process are set out in the Schedule hereto



Professor Kader Asmal, MP
Minister of Education

SCHEDULE**The date of the establishment of the new institution**

1 February 2002

The type and name of the new institution

A dedicated distance higher education institution to be known as the Open Learning University of South Africa.

The physical location and official address of the new institution

The physical location of the merged institution will be that of the main campuses of the University of South Africa and Technikon S A respectively, i.e. Preller Street, Nieu Muckleneuk, Pretoria and Corner of Christiaan de Wet Road & Pioneer Avenue, Florida, South Africa.

The postal address is:

Open Learning University of South Africa
PO Box 392
0003
South Africa

or

Open Learning University of South Africa
Private Bag X6
Florida
1710
South Africa

Establishment of Interim Council

An interim council is established for a period not exceeding six months, to perform the functions relating to governance, except the function to make the institutional statute.

The Interim Council must in particular -

- appoint an interim body to manage the day-to-day activities of the institution;
- ensure that a council is constituted in terms of the standard institutional statute
- ensure the establishment of such other structures as may be determined in the standard institutional statute

The composition of the interim council

Chairperson and 4 members (four members must be appointed from nominations received from the higher education institutions concerned).

As no nominations were received from the Council of the University of South Africa, the Minister requests that the Interim Council consider co-option from the existing Council of the University of South Africa. Any co-opted member shall have no voting rights.

The Chairperson shall be:

Dr N M Phosa

The four members shall be:

Dr M R Kgaphola

Mr L Mali

Mr N Nyoka

Dr P Pillay

The transitional arrangements

The two institutions are merged as going concerns.

All assets which vested in University of South Africa and the Technikon S A immediately prior to 1 February 2002 vest in the Open Learning University of South Africa on 1 February 2002.

Existing agreements of employment between University of South Africa and the Technikon S A and their employees, on 1 February 2002, shall be deemed to be agreements entered into between those employees and the Open Learning University of South Africa and shall continue to exist subject to applicable labour laws. The affected employees shall be deemed to have served continuously under the same employer without interruption.

Until such time as a new senate and a new institutional forum are established in terms of the institutional statute, the membership of the existing bodies shall be combined to fulfil the functions and duties of the two bodies.

The two merging higher education institutions' rolls of convocation are combined to establish a single roll of members of convocation for the Open Learning University of South Africa from which roll the office-bearers of convocation shall be elected in terms of the standard institutional statute. Until such election the existing office-bearers shall jointly fulfil their respective duties and functions.

The Students' Representative Councils of the two merging institutions shall continue to co-exist as separate entities until such time as elections for a single Students' Representative Council can be held in terms of the standard institutional statute. In the interim period the respective roles, functions and duties of the two Students' Representative Councils shall be determined by the interim council.