GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1074 **15 AUGUST 2019**

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)

APPOINTMENT OF AN ADMINISTRATOR FOR THE VAAL UNIVERSITY OF TECHNOLOGY

I, **Dr BE Nzimande,** Minister of Higher Education, Science and Technology, in accordance with Section 49B of the Higher Education Act (Act 101 of 1997, as amended) hereby appoint Professor Ihron Rensburg as Administrator for the Vaal University of Technology, following information that I have received that reveals maladministration and serious undermining of the effective functioning of the University. The terms of reference of the Administrator are attached in the Schedule.

Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date: 12/08/2019

TERMS OF REFERENCE

MINISTER OF HIGHER EDUCATION, SCIENCE AND TECHNOLOGY

THE ADMINISTRATOR FOR THE VAAL UNIVERSITY OF TECHNOLOGY

BACKGROUND

According to Section 49B (1) of the Higher Education Act (Act 101 of 1997, as amended) (the Act), notwithstanding any other provision of the Act, the Minister may appoint a person as Administrator, if any of the following circumstances occur:

(a) *an audit of the financial records of a public higher education institution or the report by an independent assessor or any other report or information reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of the public higher education institution;*

(b) *in the event that the Minister has reasonable grounds to believe that the council of the public higher education institution concerned has failed to comply with the directive within the stated period, or the steps taken, fail to remedy the deficiency within a reasonable period of time;*

(c) *the council of the public higher education institution requests such appointment; or*

(d) *if the council of the public higher education institution is deemed to have resigned as contemplated in section 27 (8).*

Section 49(B)(1A) requires that the Minister **must**, before appointing an administrator,

(a) *give written notice that complies with section 42 (3) to the council of the higher education institution concerned of his or her intention to make such an appointment;*

(b) *provide the council of the higher education institution concerned with the reasons for the appointment;*

(c) *give the council of the higher education institution a reasonable opportunity to make written representations; and*

(d) *consider the representations contemplated in paragraph (c).*

Furthermore, Sections 49BA and 49F provide for the publication of appointment of an Administrator; and the role, powers, functions and duties of the Administrator, respectively.

I, Dr BE Nzimande, the Minister of Higher Education, Science and Technology, based on the information that has come to my attention that reveal very serious governance challenges, that seriously undermine the effective functioning of the Vaal University of Technology, and the failure of Council to resolve such matters; and after consulting with the Council, have decided to appoint Professor Ihron Rensburg as an Administrator for the University.

TERMS OF REFERENCE

The general and specific terms of reference for the Administrator are to:

a) Take over the role, powers, functions and duties of the Vaal University of Technology Council for a period of 24 months.
b) Take over the role, powers, functions and duties of the Vaal University of Technology Management, until a new Council can appoint a new management team for the University.
c) Identify and initiate processes and initiatives that will restore proper governance and management at the University including reviewing the statute if necessary.
d) Ensure that a new council for the Vaal University of Technology is appointed and constituted in accordance with the institutional statute as soon as is practicable.
e) Receive the report of the Independent Assessor and initiate processes of implementing its recommendations.

The Administrator, may with my approval appoint any other person with suitable knowledge and experience to assist him in the performance of these functions.

REMUNERATION

In terms of Section 49D of the Act, *the Minister, in consultation with the Minister of Finance, must determine the remuneration and allowances to be paid to*

(a) the administrator appointed in accordance with section 49B or 49G; and

(b) any other person appointed in accordance with section 49C.

(2) All costs associated with the appointment of an administrator appointed in accordance with section 49B or 49G; and any other person contemplated in subsection (1) (b), are for the account of the public higher education institution concerned.

COMPLETION AND REPORT

The Administrator will report to the Minister of Higher Education, Science and Technology, or any delegated officials in the Department of Higher Education and Training. Beside any other forms of communication or interaction with the Minister or the Department, the Administrator must at the completion of the appointment period, submit a written report to the Minister within 30 days.

The Administrator will commence duties on the date of publication of this notice.

The appointment of the Administrator dissolves the Council of the University from the date of publication of the Government Gazette announcing the appointment.

Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date: 12/08/2019