



Catholic  
Institute of  
Education



---

**Submission**

**to the**

**Portfolio Committee on**

**Higher Education and Training**

**on the**

**HIGHER EDUCATION AMENDMENT BILL**  
**[B36-2025]**

**12 February 2016**

## **1. Introduction**

The Catholic Parliamentary Liaison Office (CPLO) and the Catholic Institute of Education (CIE) welcome the opportunity to comment on the Higher Education Amendment Bill [B36-2016].

The Catholic Institute of Education represents the Catholic network of 345 schools of which 245 are Public Schools on Private Property. The CPLO is the official vehicle for contact and dialogue between the Catholic Church in South Africa on the one hand, and Parliament and government on the other. It provides an avenue for the Church – as part of civil society – to contribute to debates on issues of public policy.

We support, in general, some of the aims of the proposed amendments, and commend the Department of Higher Education and Training for its continued efforts in refining higher education policies. In this respect we are supportive of the proposed Clauses 30 to 33 that would allow private higher education institutions to be called universities, university colleges or higher education colleges.

We do, however, have some concerns with some aspects of the proposed amendments and offer some suggestions that may aid in addressing our concerns.

## **2. Ministerial Powers**

We do not necessarily have any major concerns with some of the proposed amendments that merely confirm, or expand on powers already conferred on the Minister in the existing legislation, however we do have concerns regarding some of the proposed additional powers conferred on the Minister such as, for example, the setting of transformation goals and the composition and functioning of university councils. The extent to which these powers impact on the institutional autonomy and academic freedom of public / state universities will require careful scrutiny and monitoring.

### **2.1 Transformation Goals**

The setting of ‘transformation goals’, as proposed in Clause 3(b), is in itself not problematic, however, these goals must be clearly defined.

*We therefore suggest that the Bill include a definition of ‘transformation goals’ and/or refer to appropriate legislation where these goals are defined.*

### **2.2 Functioning of university councils**

We are concerned that the expansion of the Minister’s powers regarding university councils may encroach on an institution’s autonomy. We would urge that the necessary interventions by the Ministers are finely balanced with the need for universities to enjoy the high degree of autonomy that full academic freedom requires.

### **3. Conclusion**

We wish the Committee well in its deliberations, and we would be happy to make an oral presentation.

For further information please contact:

**Kenny Pasensie**

**SACBC Parliamentary Liaison Office**

**Cape Town**

**[kenny@cplo.org.za](mailto:kenny@cplo.org.za)**

**(021) 461 1417**