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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 51 OF 2016

**by the
President of the Republic of South Africa**

**AMENDMENTS TO THE TERMS OF REFERENCE OF THE COMMISSION OF
INQUIRY INTO HIGHER EDUCATION AND TRAINING**

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947) I hereby amend the Terms of Reference of the Commission of Inquiry of into Higher Education and Training as published under Proclamation No. 1 in the *Government Gazette* No. 39608 of 22 January 2016 as indicated in the Schedule hereto.

The Proclamation shall come into effect on 23 September 2016.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 28th day of July 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;

- 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 and a Preliminary Report by 15 November 2016.
4. The Commission must complete its work [**within a period of 8(eight) months from the date hereof**] by no later than 30 June 2017 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.

KGOELETŠO**ka****Mopresidente wa Rephabliki ya Afrika Borwa****PHETOŠO YA DIPEELANO TŠA TŠHUPETŠO TŠA KHOMIŠENE YA
DINYAKIŠIŠO GO THUTO YA GODIMO LE TLHAHLO**

Go ya ka maatla ao ke a neilwego ka karolo 1 ya *Commissions Act*. 1947 (Molao 8 wa 1947) ke fetoša Dipeelano tša Tšhupetšo tša Khomišene ya Dinyakišišo go Thuto ya Godimo le Tlhahlo bjalo ka ge go gatišitšwe ka tlase ga Kgoeletšo 1 ka gare ga *Kuranta ya Mmušo* ya nomoro 39608 ya 22 Pherekong 2016 bjalo ka ge go laeditšwe Šetuleng.

E newa ka tlase ga taolo ya ka le Leswao la Rephabliki ya Afrika Borwa go la
..... ka la letšatšikgwedi la
..... Dikete tše Pedi le lesometshela.

Mopresidente

Ka taelo ya Mopresidente Kabineteng:

Tona ya Kabinete

ŠETULE**DIPEELANO TŠA TŠHUPETŠO TŠA KHOMIŠENE YA DINYAKIŠIŠO GO THUTO YA GODIMO LE TLHAHLO**

LE GE Mopresidente wa Rephabliki ya Afrika Borwa, Mrn JG Zuma ka la 23 Diphilane 2015, a swere kopano le Batlatša batšhanselara, Badulasetulo ba dikhansela tša Diyuniibesithi, Bapresidente ba Khansela ya Kemedi ya Baithuti le kemedi ya Mekgatlo ya Baithuti ya setšhaba ka bophara bakeng sa go rerišana ka dingongoregokgolo mabapi le hlatlošo ya ditefišo le thušo ya tšhelete ya thuto ya godimo;

MME LE GE Mopresidente a dumetše gore mmušo o tla etapele tshepetšo yeo e tla lebelelago merero ka bophara yeo e amago thušo ya tšhelete ya thuto ya godimo, go eleletša matsapa a mangwe ka tsela yeo;

KA FAO Khomišene ya Dinyakišišo (“Khomišene”) e a thwalwa go ya ka Karolo 84(2)(f) ya Molaotheo wa Rephabliki ya Afrika Borwa wa 1996.

Khomišene e tla nyakišiša, ya dira dikhwetšo, ya bega ka ga mme le go dira diswayaswayo ka tše dilatelago:

1. Kgonagalo ya go phethagaletša thuto ya godimo le tlhahlo (thuto ya godimo) ya ntle le tefelo mo Afrika Borwa, go eleletšwa-
 - 1.1 Molaotheo wa Rephabliki ya Afrika Borwa, melao ka moka ye malebana ya thuto ya godimo le ya motheo, dikhwetšo ka moka le diswayaswayo tša Dihlopha tša Tiro tše farologanego tša Mopresidente le Ditona, gammogo le dipholisi ka moka tše malebana tša thuto, dipego le methalohlahli;
 - 1.2 Dintlha tše farologanego tša go ya go ile thušong ya tša ditšhelete, phetleko le tekolo ya tema ya mmušo gammogo le diagente, baithuti, dihlongwa, lekala la dikgwebo le bathwadi thušong ya ditšhelete ya thuto ya godimo le tlhahlo;

- 1.3 Boikemelo bja dihlongwa le boitaolo bjo swanetšego go diragala malebana le mokgwa wa go thuša ka ditšhelete.
2. *Commissions Act*, 1947 (Molao 8 wa 1947), e tla šoma go Khomišene, go ya ka diphetolo le dikgethollo ka moo go ka laetšwago ka kgoeletšo ya nako le nako.
3. Khomišene e tla romela dipego tša nakwana le diswayaswayo go Mopresidente ge go na le hlokego gape le Pego ya Mathomo ka la 15 Dibatsela 2016.
4. Khomišene e swanetše go phethagatša mošomo wa yona **[mo nakong ya dikgwedi tše 8(seswai) go tloga ka letšatšikgwedi leo]** pele ga letšatšikgwedi la 30 Phupu 2017 mme e swanetše go romela pego ya yona ya mafelelo go Mopresidente mo nakong ya dikgwedi tše 2(pedi) morago ga letšatšikgwedi leo Khomišene e phethagatšago mošomo wa yona.
5. Melawana e tla dirwa go ya ka *Commissions Act*, 1947 mme e tla šoma go Khomišene go kgontšha Khomišene go diragatša dinyakišišo tša yona ka swanelo mme le go nolofatša kgoboketšo ya tshedimošo ka go nea Khomišene maatla ao a hlokegago, go akaretšwa maatla a go tsena lefelong, go netefatša go ba gona ga dihlatse le go gapeletša tšweletšo ya ditokomane.
6. Dipeelano tša tšhupetšo di ka fetošwa ka nako efe goba efe ka therišano le Bakomešenara.
7. Makala a mmušo ka moka, dihlongwa le bakgathatema ba swanetše go šomišana le Khomišene ka phethagalo.

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