14 January 2016 - On the 23rd of October 2015, President Jacob Zuma met with vice-chancellors, chairpersons of university councils, presidents of student representative councils and the representatives of student organisations to discuss concerns with regard to fee increases and funding of higher education.

The President announced thereafter, that government would lead a process that will look at broader issues affecting the funding of higher education, cognisant of other endeavours in this regard.

The President has now appointed a Commission of Inquiry in terms of Section 84(2)(f) of the Constitution of the Republic of South Africa, 1996.

The Commission will be chaired by Honourable Justice Jonathan Arthur Heher, a former judge of the Supreme Court of Appeal. Judge Heher was appointed as a Judge of the High Court in 1993 and as a judge of the Supreme Court of Appeal in 2003. He retired from the bench in 2013. Judge Heher will be assisted by Adv Gregory Ally and Ms Leah Thabisile Khumalo as Commissioners.

Adv. Ally was admitted to the bar in 1990. Ms Khumalo is a practising attorney and is a founder and Director of Mngoma–Mlaba Khuloa Inc.

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.

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