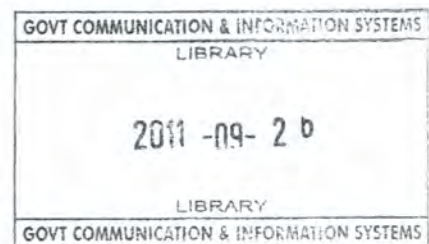


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
HIGHER EDUCATION LAWS
AMENDMENT BILL**

[B 14—2011]

*(As agreed to by the Portfolio Committee on Higher Education and Training
(National Assembly))*



[B 14A—2011]

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AMENDMENTS AGREED TO

HIGHER EDUCATION LAWS AMENDMENT BILL

[B 14—2011]

CLAUSE 1

1. On page 2, in line 7, after “council” to insert:
or a member of a committee of a council
2. On page 2, in line 15, after “raise” to insert “a conflict or”.
3. On page 3, after line 17, to insert the following subsections:

(7C) A committee of the council with delegated functions in terms of section 68(2) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in this section.

(7D) A member of the council or a member of a committee of the council who contravenes subsection (7)(c), (d) or (e), (7A) or (7B), after Council has followed a due process, may be—

 - (a) suspended from attending a meeting; or
 - (b) disqualified as a member of the council or a member of a committee of the council.

(7E) The council must—

 - (a) having regard to the provisions of section 27(9) and (7A) to (7D) and section 34 and after consultation with the institutional forum, adopt a code of conduct to which all the members of the council, all the members of committees of the council and all other persons who exercise functions of the council in terms of delegated authority must subscribe; and
 - (b) determine rules and procedures in terms of section 32 for an annual declaration—
 - (i) by each member of the council, each member of a council committee and each person who exercises functions of the council in terms of delegated authority;
 - (ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and
 - (iii) of the financial interests and fiduciary roles of the members of his or her immediate family.

CLAUSE 2

1. On page 3, from line 20, to omit subsections (4) and (5) and to substitute:

(4) An employee must in writing—

 - (a) before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the public higher education institution concerned; and
 - (b) notify the public higher education institution concerned of any conflict or possible conflict of interest before such public higher education institution procures any goods or services from the employee or an organisation within which the employee holds an interest.

(5) An employee may not conduct business directly or indirectly with the public higher education institution at which he or she is employed that entails or may entail a conflict of interest with the public higher education institution unless the council of such public higher education institution is of the opinion that—

- (a) the goods, product or service in question are unique;
- (b) the supplier is a sole provider; and
- (c) it is in the best interest of the institution.

(6) An employee may not on behalf of that public higher education institution contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.

(7) Contracting referred in subsection (6) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subsection (1).

CLAUSE 4

1. On page 3, in line 38, to omit “direct the board to take any” and to substitute:

issue a directive to the board to take such

2. On page 4, in line 1, to omit “taking any action” and to substitute “making a decision”.
3. On page 4, in line 4, to omit “so to act” and to substitute “to issue a directive”.
4. On page 4, in line 7, to omit “direction” and to substitute “directive”.
5. On page 4, in line 8, to omit “may” and to insert “must dissolve the board and”.
6. On page 4, from line 8, to omit “relevant function” and to substitute “functions”.
7. On page 4, from line 12, to omit subsections (5) and (6), and to substitute:

(5) If the Minister appoints an administrator in terms of subsection (4), the administrator may perform all the functions of the board and an employee must comply with a directive given by the administrator.

8. On page 4, from line 27, to omit section 4B.

CLAUSE 5

Clause rejected.

CLAUSE 6

1. On page 5, in line 23, to omit all the words following “if” up to and including “and” in line 26.
2. On page 5, in line 27, after “education” to insert “and training”.

3. On page 5, after line 41, to insert the following section:

Dissolution of board

17D. The board is dissolved from the date the Minister appoints the administrator in terms of section 17A(3)(a).

LONG TITLE

1. On page 2, in the second line, to omit “and staff” and to substitute:
 , members of committees of the council and employees