

08-03-2017

DATE: 08-03-2017

Set 8 Hearings1 – Public Hearings

COMMISSION OF INQUIRY INTO HIGHER EDUCATION AND TRAINING

PARTIES PRESENT:

The Chairperso2

- Judge J. Heher

Commissioners

- Ms L.T Khumalo
- Adv G. Ally

Head Of Evidence Leader

- Adv Kameshni Pilay, SC

Evidence Leader

- Adv Matseleng Lekoane
- Adv Tshifhiwa Mabuda

Experts

- Prof Themba Mosia
- Dr Genevieve Simpson

Secretariat

- Gugu Ncongwane

WITNESSES:

08-03-2017

Independent from Cape Town

- Mr Guy Andrews

Police and Prisons Civil Rights Union

- Nkosinathi Theledi
- Nomalanga Mabokela
- Nathi Mabhida
- Thulani Ngwenya
- Thulani Ntsele

JUDGE J HEHER: Do you swear that the evidence that you will give will be nothing but the truth? If you do raise up your right hand and say so help me God.

MR GUY ANDREWS: So help me God.

JUDGE J HEHER: Thank you. Ms. Lekoane.

Adv Matseleng Lekoane : Thank you CHAIR. Mr. Andrews said his witness will tell us some other things about unintended consequences of making education fee free and also making some proposals. Mr. Andrews prepared a presentation for the commission and I will ask Mr. Andrews to proceed on his presentation.

JUDGE J HEHER: Mr. Andrews give us your background please? Who are you? Where are you from? And why you come to make the presentation.

MR GUY ANDREWS: My name is Guy Andrews and I was born in 50's 1955 to be precise and I was actually born right here in Benoni. And in 1965, we moved to Boksburg. I thank you guys for inviting me to come and talk about my thought. Some of the things that really made my hair stood up was that person shouldn't be saying that yes we need to have the free education because the Freedom Charter dictates

08-03-2017

that. I agree that Freedom Charter dictates that people should be educated until they are functionally literate, but it should not be tertiary education which the first thing, I disagree with them. Second thing is that education must be quality and decolonized.

Ms LT KHUMALO: Sorry Mr. Andrews before you move on, just on the regard of your first point. What is your opinion that tertiary education should be free or not? Do you agree it should be free or not?

MR GUY ANDREWS: Let me finish the presentation and then if I haven't answered your question, I will come to back to that and make note of it then ask you if your question has been answered. You like that?

MS LT KHUMALO: Yes, thank you.

MR GUY ANDREWS: However that should not be an avenue for anybody to interject and ask questions. Ok? Thank you. Education must be quality. Nobody cannot deny that and been a scientist I wasn't sure of decolonise means for now I will just move on. Government must take over tertiary education but that really bothers me because whose going to run it? Is it going to be run by by Mandela or Zuma or (forora) is that what we want? We look at the things I was saying about the government institution is and they have been ...are we making a good job? Is it a job of tertiary education? My feeling is no. I am afraid that there are people that can do it much more better, so let them do it and let government just provide the means they will able to do that.

Another one is tertiary education must be regulated, when I heard the regulated I am not always sure what exactly it means. Are we going to have uniformity in all our universities and if we do which standard are we going to adopt? Are we going to adopt the highest standard or are we going to adopt the lowest standard? It is the universityinstitutions that must really differentiate themselves from other tertiary institutions so that they can address students; so that we can have proper research rather than be in this place. Now, if it is regulated are we going to lose some of that or not? I will much rather prefer that tertiary institution around and my people would prefer to do tertiary education. I am an engineer I am not going to try and do brain surgery at the same time.

08-03-2017

ADV LEKOANE: Sorry Mr. Andrews does this regulation extend to the regulation of fees or just curriculum?

MR GUY ANDREWS: No, it extends to fee and curriculum that's what I understand to be regulation. So I look at this things and I look at my life and for many years I was a senior manager at (IBM) and I have the advantage of having graduate engineers working for me, but one thing that was really obvious that period was that I could see that was the bad population of coloureds, Indians and our Africans that what is really lacking. Now to give some examples; I see a guy giving a presentation to me and in his presentation he has multiply two numbers and these two numbers was one even number and one uneven number and the answer was an uneven number but it doesn't take to realise that if you multiply two numbers and one of them is even number then the result must always be an even number and how can you present something to me that is uneven number? Similarly few days later, and I am talking about graduates, a guy came to me and he presented and was multiplying something and the unit digit was 5 on grade 3 or 4, which the answer must be 20, 25, 30 etc. So, don't give me something that has got 23 in it. It will always have either a zero a five in there. Aren't you taught these things in school? We were thought our tables. And that was the time I came into realisation that our problem is not in tertiary level, our problem is much earlier than the tertiary level. In fact, it is the fundamental that I refer to as the root cause. It is really in our foundation phase. My wife is a subject adviser and she goes out to schools; she keeps telling me this type of issues they are discussing. So then I started to asking my question if we are really concentrating on tertiary education) and we insist that education must be free, are we solving the problem? Any engineer will tell you when we have got a problem the first thing to do is look for the problem, so you can reconnect the service. If power fails, you put up cables so you can reconnect then you start, then dig in and you get the root cause, then you solve that root cause so that it won't re-occur again. I will say I really believe that there is a need for education in this country and there is a need for it to be free. As indicated to me that the average salary in South Africa is R9900 for the past 4 years and that is if you are lucky enough to have a job. Now if a person earns R9900 and even if the person has two parents, how can a person like that afford to pay fee which is excess of R50,000 or R 60,000 to keep one child in

08-03-2017

the university? Are we just going to leave them? That will be honest crime. We cannot have resourceful of 54 million people in the country and then we don't use all our resources to build the country. Then we are not doing our jobs, so what are going to do because the majority of those kids I am looking into just don't have the resources to be able to go to the university. It is therefore necessary to do something I believe. It must be as far as tertiary education is concerned and an investment that must come from government ...government must invest in our students. Deserving students who really don't have the ability to pay, and if we do that what we need to do is to pay tuition fees, registration fees and accommodation fees. Ok, let's say you pay for your education, then the guy does not have anywhere to stay, and still don't have the ability to study and can't proceed then when he fails then we call him a failure. (Sorry guys that I use the male gender, today is women international day so I use the female gender+). No, she doesn't have the resources or the money to buy food it is therefore necessary that we should make sure that we give them total support. I refer to the problem of people not understanding, someone somewhere indicates to me that there are many of those children going into Grade 1, Grade 2 to foundation phases they are going ...then you talk as a teacher until you, blow the face of the child until he gets angry and think where is my next meal? So all I am saying is that much of this is driven by poverty and if we want to eliminate the poverty, we have to fund these children and fund them in total and those children would have come out and should start becoming part of the country's solutions. The country needs engineers, teachers and all of these productive people. Right now we have shortage of these things. That is why I am saying that it absolutely vital that government should invest. I am calling it investment because it is what I believe in, because somebody will tell me, there must be a return on my investment and that is what I call investment. But that return must be financial because have taken my money and I have invested it in you, you and you and I need to come back here. I need to recoup my finances that have expended and there must also be...

ADV IEKOANE: Sorry Mr. Andrews, what form should the financial return take in your opinion?

MR GUY ANDREWS: It should be the form of physical payment of the amount

08-03-2017

invested in you. And meaning that to work out although I have got some ideas on that, but the most important return on the investment is for those people that are going to give back to the community in return. Now I take myself for example I come from (name of a place)... that was (Boksburg) ... from the place that we come from we were very poor and I look at myself and compare myself to my peers at primary school. The only difference was that I went to the university and I managed to educate myself and I became an engineer and I started working and I could pay my loan even though it was only R500 at that time. Can you believe I studied on R500 but for the four years it was R2000. But I believe with the country... With my experience and everything that I have; the effect of what you have on your peers, your brothers, your sisters, your siblings and other people because you become a role model to them and that is much bigger than anything than the financial could be.

I have to mention this, guys... people having low value. Why do I say that? I say that for number of reasons. Let's look at people who won R20 million with one in Boksburg and one in Cape Town that had R20 million rand and after two years those people are left with zero money and they were back to where they started. This is the R20million that they have won have no real value but it had no real value because they have not worked for it.

JUDGE J HEHER: It is called easy come easy go.

MR GUY ANDREWS: Easy come easy go after... and that is exactly what is. Now I am saying that part of the reason I do not believe education should be free is what are we going to do with foreign student or is it South African government that are going to start sponsoring our foreign students, either from Africa or from Europe anywhere. What about the rich kids? Should we ask the government to fund the children of people who are in position to fund their kids? Or am I to fund my kid this year myself or last year and year before and I have no qualms about that in fact its right? I even found an addition from what I believe I gain from South Africa, but one of the problems is that I have if it is completely free what are going to do about professional student?

MR GUY ANDREWS: The other problems that I am having with it being

08-03-2017

completely free, is what are we going to do about our professional students? Like I say, I attended the university in 75, 76, 77 and 78; the most notorious years in the history of tertiary education. Professor Dicky was our rector. He left and Jakes Vanderhous took over. Ten years later, Jakes invited me to seat on the Alumni of the University that has just started. And I went back and someone said; are you the guy Andrews? I said yeah. He said; I remember you; we were together at the University. So, I asked 'what are you doing? And he said, 'I am still a student. So, I thought 'this must be 14 years later and you are still a student? So, I asked, what are you doing? He replied that, 'I am in my fourth year now. So guys I ask you what is in my navy blue eyes; are we going to fund guys who take 14 years to finish a four year degree or diploma? We can decide we want to do that, that's fine but that means that you got money to waste. I do not believe you want to do that and they say as a professional student, the guy also does every degree that is under the sun. I have met the guy who did first a BSC, didn't make it the first year. So he did BA degree and then decided that he was now going to do B.COM and thought that also not what I want, I want to be a lawyer and enrolled for LLB. Now, some people may think, that is bias but I do think is resources wasted and we shouldn't do that. Now, if I keep on saying what we shouldn't do. What do I think we should do? We've understood that the root cause is not tertiary education The Freedom Charter doesn't dictate that we must fund tertiary education, because that is way beyond personal literacy level. Root cause is down at the root bottom, and what are we doing from the bottom? Are we really investing sufficient in the foundation phase, so that we can have full effect of the foundation phase becoming adequate tertiary students? So, that we don't have the number of dropouts that we currently have. Like I said earlier, we cannot afford not to develop the talent of this country. Another thing as I said that my wife being the subject adviser is that I speak to many teachers, and teachers are very de-motivated. We need to find a way and I am not sure how but we are talking about fees must fall or whether education should be free or not; part of what I consider to be part of the root cause.

MS LT KHUMALO: Sorry Mr. Andrews, just for clarity, we are talking about teachers at basic levels who are de-motivated?

08-03-2017

MR GUY ANDREWS: Yes, we are talking about the basic education level not tertiary level, not tertiary levels.

Another root cause that I consider is poverty. Now what should we do? I believe that tertiary education should continue to determine her own acceptance criteria, i.e:

- they must be autonomous
- they must be fighting for students
- they must compete with each other and do the normal things that tertiary education should do and they must even compete internationally

JUDGE J HEHER: One of those things that show their incompetence is to allow students to stay in the University for as long as they like.

MR GUY ANDREWS: Absolutely, but who is going to fund that?

JUDGE J HEHER: That may be but that must be the University decision

MR GUY ANDREWS: No, that is not a University decision because no University will tell a student to continue to study at infinito. University will only accept a student for as long as that student will apply, that is how I understand it

ADV G ALLY: Yes, Mr. Andrews, lets test what the chair person is putting to you. The institution that you are talking about, determines how long you can take to finish a particular degree, if it is not them, who else? Government can't say to you, you must take, like in basic education up to a certain grade compulsory level like from the age of 7 to 15 as compulsory education that you must accept. Students within a given area and spaces, when you come to the tertiary level Government can't say to the institution in terms of the Universities act that you must take this person, it is the institution itself that determines that. So, the chairperson then puts it to you that the person who had stayed infinito, are you saying that Government says he can be there at infinito or the institution that says that?

MR GUY ANDREWS: No, but correct me if I am wrong, the institution determines that I have got courses like 3 year course , four year course, seven year course or whatever the case may be. You as a student will apply and enrol in one of

08-03-2017

these and it is therefore your duty to finish the three or the four years of the courses that the University dictates. However, like I have been referring into earlier is that you find these professional students who then continue to change their courses to do something else. Those are the guys that I have a problem with. The guys who do BA and then B,COM and then LLB and then BJuris and then Theology.

ADV G ALLY: I understand now what you are alluding to, because the chairperson was giving a scenario of the institution as you are saying that the institution determines the criteria of admission and the length of time and when me and you started the push you have a tenure in which you have to finish a degree except it is so in the prospectus. I asked the Universities that came here, 'what is the rule now'? Nobody was able to tell me but they said it wouldn't take as many as ten years. So, I suppose things have changed over time and I am not sure what it is.

MR GUY ANDREWS: As far as I remember also when I attended you couldn't be allowed after ten years on the same course then but to me the bigger issue is the Professional students; you know the guy that just like to be at the University.

Adv G ALLY: Okay, then I understand where you are going with that point.

MR GUY ANDREWS: Okay

Ms LT KHUMALO: Sorry, Mr. Andrews, is there something you find objectionable if a student is able to pay their way through even if they take that period of time to complete, if it's not at state expense?

MR GUY ANDREWS: If it is not at state expense, the only thing that I would think or find objectionable is the fact that at the University or any of this state tertiary institution there are limited space and that particular student is then robbing another student who may be more conscientious and want to finish it in time the opportunity to do so and that is what I find objectionable about that scenario, does it answer your question

ADV LEKOANE: Sorry Mr. Andrews, I don't know if you are following the slides as it is? I was just interested in your root causes, why would like of mother tongue education foundation phase be a root cause because mother tongue later on

08-03-2017

donated as a medium adversity?

MR GUY ANDREWS: No, but remember that I have said why consider that the root cause of educational problems in these country is the fact that there is a huge percentage of learners who don't have mother tongue education in the foundation phase. That makes it much more difficult because not only will that child learn a new language. This has been proven by research and will try to understand concepts in that new language at the same time.

JUDGE J HEHER: Do you say that education is best playing catch up?

MR GUY ANDREWS: For his or her entire life, they play catch up, and that is the part of the reason why we have these professional students spending many years at these tertiary institutions. I still believe that there should be a limit. Does that answer your question?

ADV LEKOANE: Yes, we'll see later in the slides.

MR GUY ANDREWS: I have now said that the University should have their own acceptance criteria and ability to pay must not be one of them. Now, I will come to that in a minute. Once they accept that the University can decide to say I need guys or girls to have a C average and that obtained by a student and the University accepts him or her then Government must now do the investment and pay the registration and tuition for that student, the accommodation, the books and travelling expenses asides the need to go to the University a core of people became dependent on him or her, we should be thinking of that.

ADV K PILAY: Take the illustration a little bit further

ADV G ALLY: The proposition is actually different, this person comes straight out of school, now is not the fact that he is providing for his family, it is the potentials that he could have been providing for that support after school that you are now must think of the family back at home and therefore some kind of family subsidy. That is how it is put to us.

MR GUY ANDREWS: If you talk about potentials, in other words, it's not a

08-03-2017

reality yet at same token is then the reality that ones he finish his study that he could provide even better life for them and then becomes a family sacrifice and the family should accept that.

JUDGE J HEHER: Then the family may not be In a position to sacrifice as suppose it is a poor family and he could at least be employed as a Gardner or a delivery man or something that produce a income of on skilled basis and the family is deprived of that as a result of that they may be distraught.

MR GUY ANDREWS: I would then say that these things need to be looked at individual, every case in its own merit.

MS LT KHUMALO: On the first slides, 'Institutions to determine their own acceptance criteria', do you mean each varsity must do that independently? Is it like a central application?

MR GUY ANDREWS: No, they must compete!

MS LT KHUMALO: Are you liberating them?

MR GUY ANDREWS: What is happening currently, when varsities set their criteria, the students will apply and when they get accepted, if accepted in more than one, they would go to the one they consider to be the best one. So, there will always be competition marks over tertiary institutions for students. Does it answer your question or do I get your question wrong?

MS LT KHUMALO: No, but my worry was that if they determine their own institution, does it not limit a child's ability if the criteria in the Varsity that is capable of taking that child is different from other acceptance criteria, since you said the University must determine their own acceptance criteria.

MR GUY ANDREWS: That happens for the best.

MS LT KHUMALO: I am saying going forward is that not one of the problems in determining the core of Varsities?

MR GUY ANDREWS: I don't know

08-03-2017

ADV G ALLY: You understand what Commissioner Kumalo is putting to you that presently you have a system that you apply to each University and each University wants an application fee, should you not get into that University you loose that application fees. That is one of the reasons and the reason for that multiple application will be to perhaps cut the cost of getting into the University.

MR GUY ANDREWS: I am not in support of application fees, that should be scrapped altogether because then you are equaling the blame fields by charging a University fees, that means you discriminating against the poorer student because does not even have the money to pay the application fees. That should be scrapped so that everybody can apply. Take my example, I applied to Wits University but I never got admission because I did not get a ministerial consent, way back in 1973 but I applied to Wits, I applied to UWC, I applied to UCT and in the end, I went to UWC but I could have gone to anyone of these. I don't think I'm answering your question, am I?

MS LT KHUMALO: I totally understand, I am just thinking in line with the cost.

MR GUY ANDREWS: That must be scrapped! I don't understand why they got application fees and then registration goes on afterwards. What is the purpose of it?

MS LT KHUMALO: Okay

JUDGE J HEHER: It's very simple, they are looking for all possible sources of income.

MR GUY ANDREWS: Its nothing but revenue generation ploy and it is not acceptable.

ADV LEKOANE: Sorry Mr. Andrews, I understand from your slides you deal with that aspect all at point three and you said that registration fee should be scrapped and the government should pay for it.

MR GUY ANDREWS: Application fee, the one that was raised by advocate Ally, non-refundable, that must be scrapped but registration fees must be part of what government funds. The other important thing that I am saying is that, the funding for

08-03-2017

student should be one per study. Otherwise, if a guy goes first year study on whatever course the student does, be it Electrical Engineering or Medicine, he gets funded first year, he passes and moves on to the second year, he then gets funded for the second year. If however, he fails, he must find his own funding. My reason for that is every year, there is a new cohort of new students that's needs to come in and they must be accommodated and if the failing student can be accommodated by the University but the failing student's tuition must be self-funded otherwise we will be in a situation where the student has multiple first years for various courses which is also not acceptable to me.

JUDGE J HEHER: Given that the basic Education system is lacking, isn't it equitable to make allowances for people who fails at least once?

MR GUY ANDREWS: I actually agree with that, specifically for that reason and all the reason when I describe what is the real root cause. What I am saying is, the student must be funded and looking at my submission. I said SARS must track this funding and these monies must be recouped.

JUDGE J HEHER: Comparing for example, the student who comes out of let's say Saint John's College, he doesn't have the same excuse to fail like the first year

MR GUY ANDREWS: Of course, yes

JUDGE J HEHER: Like the student from (Raka Paka) and if that is true, I think some allowance should be made for that.

MR GUY ANDREWS: I agree with that and I think it is something that is worth considering.

JUDGE J HEHER: The question is how far do you extend that to?

MR GUY ANDREWS: And what mechanism are you going to employ to do that, one of the thing that I thought of is that we can now have a bridging course but the problem is what will be the criteria for the bridging Course but I believe that it will be equitable If we have that quality mechanism.

08-03-2017

JUDGE J HEHER: One of the things that has been suggested to us is that the present 3 years' initial degree should be four years, it's not about doing more work and but doing the same work over four years, this will allow the student to concentrate on what he is doing and have more time to assimilate because of language difficulty or bad basic education or whatever.

MR GUY ANDREWS: Wouldn't that one more year in form of the additional bridging year achieve the same thing?

JUDGE J HEHER: Well, it depends on how you frame it, yes, they are bridging courses but they are not qualification at the moment but yes, it might achieve the same thing.

MR GUY ANDREWS: Okay, that is something that the mechanism can be worked out, I am just thinking that if we postpone the graduation we may be postponing the repayment

JUDGE J HEHER: One of the thing that has been said to us is that there is high dropout rate at the moment, that you will save many people from dropping out if you give them the chance, to complete the first degree in four years instead of three, because they won't find it less easy and they are most like to carry on to the end and therefore you are actually producing more graduates by doing that

MR GUY ANDREWS: That is producing more graduates from your already diminished pool, because I am thinking of my own example, I remember when I was in grade 1, there are 3 schools, each one had 3 grade 1 classes and in each grade 1 classes with 40 kids in each class and that is 360 kids that started, in my matric year there are 2 classes with only 25 kids each, then if I calculate the dropout rate we will be having a dropout rate of 80%, yet I hear what you are saying and buy what you are saying. Yet, we then diminish the dropout rates from the time that he enters the University. However, but in terms of education of this country, are we solving the real problem of 80% of people that has dropout already, and that is why I am putting emphasizes on foundation stage, and saying yes, it is necessary for us to fund these guys because we need this guys to come and work to repay these loans but it mustn't be free.

08-03-2017

JUDGE J HEHER: I am not saying that the four years instead of three should not require more funding or the also be fee free.

MS LT KHUMALO: I think the emphasize on the four year is the success, what causes the student to succeed, hence, the dropout, hence the failure rate, so it was in line with that. I see on the slides you also refer to the repayment on what to do?

MR GUY ANDREWS: Yes, that was actually my next point, been an engineer and having done terms of development, it will be easy for us to track these guys when they start earning. We can do it through legislation or you can decree that as soon as this guy's start earning SARS must subtract a specific amount from their salary, we can now decide what that percentage will be, let's say 3,4,5, %.

JUDGE J HEHER: Put to us it shouldn't be as soon as the person starts earning until when he reaches a level in which he is able to repay.

MR GUY ANDREWS: And how do we describe that level then?

JUDGE J HEHER: Well

MR GUY ANDREWS: Because that definition should be as soon as he starts earning.

JUDGE J HEHER: Supposing he starts earning with R3,000.00 a month, then he can afford to pay very little.

MR GUY ANDREWS: But then 3% of 3000.00 is very little, he has but a lot of money invested upon him, that it wasn't a gift, that he has got an obligation to repay.

JUDGE J HEHER: Would you regard this as necessary it should be the whole cost of studying that will be repaid?

MR GUY ANDREWS: No, I am not saying the whole cost but I am saying that we can determine by the period of study.

JUDGE J HEHER: Does the repayment extends to all the ancillary payments also?

MR GUY ANDREWS: Yes! Absolutely!

08-03-2017

JUDGE J HEHER: Thank you.

MS LT KHUMALO: There is this suggestion of Graduate test, have you given it any thought or ...?

MR GUY ANDREWS: The first one I thought of but when I did the calculations, I discover that if I add one % to the guy's text In 3000.00 text mean is going to be 18% and another 3% and if however you take 3% of his salary for XYZ number of years and I believe that I will think that I have earned this and the country has paid for it and I have an obligation to pay back. If you did the calculations, you will see it been taken from gradual text the repayment period or your breakeven period becomes something like...

MS LT KHUMALO: It is suggested that it must be in perpetuity until retirement there is no break-off period.

MR GUY ANDREWS: Then, what is it that we want to achieve, I think we want to achieve a situation where we can recoup some funding so that we can start pouring it back and get other students at the back to come in and get the same benefit that you as a student got. Unless we are saying that this country is so rich that it can just afford to do that even if you know that the breakeven point is going to be somewhere into the future.

JUDGE J HEHER: Sustainability?

MR GUY ANDREWS: Sustainability, if we take a look at this country and I am driving pass the airport in Cape Town and I see all those squatters camp, I see the numerous problems or challenges that we have and I am saying guys, yes education is one of our big challenges and it is necessary that we invest in it but we can only invest in it and if our repayment or breakeven period is so far into the future, we may not really be able to recycle the funds back into the society and start funding new student. That is what I am saying. I believe I am making sense. I go on to what do, I believe the benefit will be, I am suggesting that by Government funding them, and I know some people will call it a loan but still as far as they are concern at this time it will be free. Tertiary Education will not be only for few but for all. Government will not

08-03-2017

own tertiary institutions and they will not be regulated and I believe they can then compete very well, because competition is necessary, even at the international level. You may think I am saying that because I am an engineer but it is necessary because we need that innovation that comes from competition. Then Government can then collect the money expended funding these students and recycles it for later generations.

JUDGE J HEHER: Just tell me, are these amounts in millions?

MR GUY ANDREWS: No, the number represent past students, figures which are escalated by 8%. Saying a student with four years of study at the University will be owing about R225, 000.00 which government can then recoup.

JUDGE J HEHER: Sorry, these data, do they carry interest or not?

MR GUY ANDREWS: I don't think so. I think we must not add interest to the funding. If you see my tables, that is why I didn't do any interest calculations, because it is an investment of government on its citizen, just like you investing on your child.

JUDGE J HEHER: Do you conclude what R225,000.00 borrowed today will be worth more or less, making it much to repay before you start.

MR GUY ANDREWS: I know, I didn't add that because you will need to start adding price escalation rates and other things that may come into the picture, like Inflation.

JUDGE J HEHER: If you are allowed ten years to repay it becomes much more simple.

MR GUY ANDREWS: Let's just keep it simple. The other reason why I am saying that is there are many other benefits that is already accrued to the country at large with some of the things I mentioned earlier, like role models.

ADV G ALLY: Mr. Andrews, you have been talking about the investment, you haven't talk about who the payment is for, the suggestions of the poor, there is suggestion of a not clearly define 'missing middle' and you are talking about

08-03-2017

everybody, what exactly are you talking about?

MR GUY ANDREWS: I am talking about poor and the 'missing middle'

ADV G ALLY: And the rich person?

MR GUY ANDREWS: The rich people should be in a position to fund their children's education.

ADV G ALLY: In a nutshell to understand your proposition, you are saying fund the poor and 'missing middle' and when they have completed their study successfully and when they start earning an income, then they must repay, the calculation of the amount has no interest accruing while the person is studying, is there any interest accruing while you are earning?

MR GUY ANDREWS: When I thought about it I say no, but here we can have a thought about may be it can start carrying interest at the earning stage.

CHAIRPERSON: In principle, a loan doesn't carry interest until it is due. And if it's only due at the time when you start working then the interest should not run.

MR GUY ANDREWS: True, Absolutely!

CHAIRPERSON: And interest should only run on default, if you are paying what is due each year; you are not owing any interest.

MR GUY ANDREWS: I will agree with that.

ADV ALLY: It's got its own complications but the proposition you are putting forward is that you make investment when the person is earning the person must repay, that is basically it?

MR GUY ANDREWS: Yes, in certain manner it almost becomes seamless for the per

JU DGE: You have nothing to say about Technical Education?

MR GUY ANDREWS: I consider Tertiary Education as including Technical Education.

08-03-2017

JUDGE J HEHER: Would you think that all student where are at an Academic University and Technical College should be treated on the same basis?

MR GUY ANDREWS: Absolutely, because it's the student who can't afford to go to Technical University that is not also able to go to Academic University. It doesn't help us if we want to invest in order for growth, it doesn't help us to exclude 8% of our population, then we are not developing the total population that we have or the total talent pool that we have.

JUDGE J HEHER: I don't think too many people can disagree with what you had to say or who you are but you haven't really told us where the money is to come from to fund these project, for free fee education, At least until there is sufficient returns on investment.

MR GUY ANDREWS: I don't know. I must be honest. However, it is me believe and I have got no basis for this. I believe that if my child comes to me as a father asking for 8,000 from my 1,000,000 I should but say it is not in the budget. I think we need to consider what is the cost if we don't do it. How much does that exceed the actual cost we will incur if we do not invest? I think it is a matter of priority. We should be able to do it.

ADV K PILAY:: Mr. Andrews, no more question from us

MR GUY ANDREWS: Thank you.

JUDGE J HEHER: Thank you Mr. Andrews

SESSION 2

08-03-2017

ADV K PILAY: Thank you Chairperson. I have a note that says Mr Mabhida and Theledi are the Deputy President and General Secretary respectively, will be the main spokespersons for their POPCRU group. May I then ask that they be placed under oath?

JUDGE J HEHER: Yes. Mr Mabida and Mr Teledi, do either of you have any objections about being put under oath?

Mr Theledi: No

JUDGE J HEHER: Do you swear under oath that the evidence you give will be the truth and nothing but the truth? If you do, raise your right hand and say so help me God.

MR THELEDI AND MR MABIDA: So, help me God.

JUDGE J HEHER: Thank you. As indicated, should any other person should speak, would they please put their names on record.

ADV PILAY: Thank you chairperson. Mr Teledi before we begin, perhaps you can tell us about POPCRU, what kind of union it is and what its membership consist.

MR THELEDI: POPCRU is an acronym standing for Police and Prison Civil Rights Union. It is a labour movement operating within the security environment. Established in 1989 November 5th during the height of apartheid. It mobilises members of the South African Police Service and the Correctional Service including traffic officers. The intention was that the policing that should be executed by the State should be just, and it looks into the conditions of the police officers as was regulated by the apartheid system. It evolved from participating in community development activities and other formations at the time. Today, we have over 163,000 POPCRU members across these departments. We engage with the departments of police service, correctional service and traffic which falls under department of transport. We are involved in engaging with policy issues and legislative agenda.

08-03-2017

ADV K PILAY: Thank you Mr. Theledi. Thank you for your submission to the Commission. The submission begins with a historical context with which you submit, we must view the fees debate. Would you like to address on that historical context initially?

MR MABIDA: Yes, that is where we kick. We acknowledge the fact that South African history has been is affected by our past, which we all know. Due to these historical misfortunes of racial discrimination and oppression, the country encountered all sorts of inequalities and oppression economically, socially, politically and otherwise. Against this background, we take education as a right in a developmental state like ours which has been demonstrated by students in 1976 and also changed the political direction of the country. Now, in memory of these gallant heroes; students many of whom lost their lives, we take it that education should be such regarded, achieved and must be accessible.

ADV K PILAY: The submission draws a clear link between the legacy of apartheid and the notion of free fees in higher education and training. Perhaps, we can ask that you explain that link that is drawn in the submission.

MR THELEDI: There has been debate from time immemorial on the notion of public good versus liberalism, and the ideology of education as a private good that should be sold and bought in the marketplace.

ADV K PILAY: Mr. Teledi the paragraph I am referring you to is the one before that.

MR THELEDI: In South African context, we can't speak of fees free education outside the legacy of apartheid education. Lest we forget, apartheid education sought to deliberately provide inferior education to the majority of South Africans, and the master plan of unequal education provision plotted by the **(07.25)** Commission in 1948 found its statutory expression in the Bantu education Act of 1953. It is through this open expression of statutory racism that one **(07.28)**... ratio of black education stood at 14:1. It is solely through apartheid education that today we experience huge infrastructural backlog, and concomitant in equal classroom sizes

08-03-2017

and unequal quality of education among schools that find themselves in opposite of locations of apartheid inherited special geography.

ADV K PILAY: Mr. Theledi before we deal with whether education is public or private good. Perhaps I can ask you a question about the point that is made in your introductory paragraph around the recognition of education as a right specifically given our historical context. What is POPCRU's submission on the right to higher education and training, the nature of the right?

MR THELEDI: It is our strong belief that this right should be compulsory that those school leaving students after matric at least should go to any form of higher education not specifically university, but in other areas of vocational groups.

ADV K PILAY: Based on that submission, do you equate the right to basic education and the right to higher education- do you see them as being equal?

WITNESS: Yes. We see them as equal.

ADV G ALLY : Mr Theledi, maybe you can enlighten us more on the basis for saying what you are saying. There must principle of philosophy from which you derives it from, I am just trying to say why do you the two are the same and what do you mean by saying everyone has the right to higher education? What do you mean and understand by that particular right?

MR THELEDI: If we have to build a state that must develop, economy that must grow and operate within the global village, obviously you need skilled cadres from all forms of sectors to execute their functions with necessary zeal and strength out of experience of being skilled. Now, to have that in practice, you need that level of education. So, it cannot be a voluntarily kind of an approach or an option, it must be in such a way that it becomes a right for all the population to be schooled. More emphasis is coming from our background, so it becomes more of a right in view of how the previous system created imbalances in all forms. Now, there is still a gap that must be close. Moreso with the new generation that is coming up, it is of great importance that such right is emphasised.

08-03-2017

ADV G. ALLY: Let's go a bit further. You see, the constitution talks about that particular right. Now presently, you have these universities and you have access to those universities. So, what more is needed to fulfil what you are saying? Because isn't the government's duty to provide you the opportunities to get that education or is there something more?

MR THELEDI: The opportunity is created for access in one level. In another level, the current approach with education being commodified, that is where the problem is. Now, where there is an opportunity, it is just as good as if it is not there if it is going to be inaccessible because of lack of resources for students to access because they don't have the means to do so. This comes to our approach as to who- it is not everybody who's got the means. We are saying those who got the means should be in a position to pay and more emphasis should be on the poor- whose bright minds cannot get into these institutions because there is no money.

JUDGE J HEHER: You must appreciate that this does not flow from the constitution because the constitution provides rights. It provides the same right for everybody; it has the same right for the rich and the poor, especially in the simple thing like education shall be provided to all. That means the same right to the rich and the poor but that does mean that the rich are to get the right at the same cost as the poor. Do you follow me? Because what is the right is the right to have education made available. So long as both parties have education available, there can't be no objection to one party having to pay for it and the others not because the right is to make education available. So, the right for the people such as it is, is like it is a separate right of any kind. Doesn't arise so much out of the constitution but in the way the constitution must be applied because, that is the only way you can do it. Otherwise, the constitution is the same for everybody.

MR THELEDI: Commissioner, it is not our argument that the rights are different for the poor and the rich. Our argument is that when implementing that provision of the constitution government (we all) must take cognizance of the fact that we are from a particular background with lots of backlogs of inequalities. To address that, there should be those positive discrimination of some sorts.

08-03-2017

JUDGE J HEHER: Yes, how do you best make the right implementable? You would say it is by providing for those who need it not for those who don't.

MR THELEDI: Exactly.

ADV K PILAY: If we can then turn to the question of whether higher education and training is of public or private good. If you could address us on that issue?

MR THELEDI: It is a public good in our submission. If it was to be privatised or outsourced, that is when the inequalities will come into the picture. The approach is that it must be government providing education to the whole nation. The funding model is what the Commission should look into. We are making submission in that regard that it is for the public good that it should be provided and not be privatised. It should not be private entity which can only be accessed by some who have the resources. .

ADV K PILAY: Before we deal with issue of commodification of education, perhaps you can explain to us why POPCRU thinks it is a public good.

MR THELEDI: I think I have indicated earlier on that the fact that we need the country to develop, we need necessary skills. Those kinds of things cannot be acquired through high prices. It must be for the good of the country that it happens and the state has got a responsibility to discharge such a function to a greater extent if not completely.

ADV K PILAY: Does POPCRU accept that for persons who complete higher education and training and who obtain qualifications and results, that the qualifications and results attach to them personally; it puts them in the labour market, in a position where they will be earning a far higher income than someone who does not have a higher education qualification?

MR THELEDI: Yes, of course it does that and that is why we are saying that it should not be just only a few who can afford to do that. It must be everybody who goes through the process of education.

08-03-2017

ADV K PILAY: But once we accept that the effect of higher education and training is to enhance the earning capacity of an individual, then we have to accept that it is partly a private good.

MR THELEDI: Yes, you can say that. Yes, that individual's fulfilment, but there is a bigger picture that should be looked at.

ADV K PILAY:: And if you do accept that it is partly a private and public good, does it mean the individual, in some way or the other, we can debate that later what those measures are, that the individual should contribute towards paying for higher education?

MR THELEDI: Of course, we agree that the individual should, but there should be a threshold. That is why we are saying you should look into free education for the poor because they don't have the means. Those who can, they must pay for their education.

ADV K PILAY: You mentioned Mr. Theledi that higher education should be free for the poor, but we know specifically that your members will fall more into the category of the missing middle than the poor. In your submission, should fees-free higher education be extended to the missing middle as well? And perhaps, you want to address on the extent to which your members can access alternative forms of financing should they want to send their children to higher education institutions?

MR THELEDI: I think the model- what the department of higher education has put in place now can be taken as a base in terms of creating some thresholds of certain levels where some assistance can come from.

ADV K PILAY: Can I just understand the model you are referring to? Is that where you are not liable to increase in university fees up until 600,000 per annum?

MR THELEDI: Yes.

ADV K PILAY: So that is the cut off point?

MR THELEDI: I am saying it can be taken as a base to consider other levels where there should be specific fees that must be paid etc.

08-03-2017

ADV K PILAY: If I understand your submission, if there is a combined total family earning of up to 600,000, those students should get State assistance for the payment of fees?

MR THELEDI: I am not talking about exact figures, but those are current situations that can be taken as baseline to build on specific thresholds as to which levels should be able to pay and what percentage etc as they grow, but those on the lower poverty line should be free.

JUDGE J HEHER: So, what you are saying is some who can afford to pay in total, some who can afford to pay nothing and there some in the middle who can afford to pay some, but not all? And that in itself will vary from small proportion to a large proportion among that middle section.

MR THELEDI: Yes. The final details can be worked out, but the principle is that the lower levels... (cuts)

JUDGE J HEHER: They can't afford to pay anything.

MR THELEDI: Those that can't afford must be free.

JUDGE J HEHER: With fixing any income level, a man would be in a position where he cannot afford to pay anything, he may earn R200,000 and have 6 children. Another man may earn R200,000 and have one child. There is a difference between the two as far as affordability is concerned.

MR THELEDI: Yes, that is why I don't want to put myself into specific numbers, but the principles should be the way to go.

JUDGE HEHER: The ability to afford?

MR THELEDI: Yes.

ADV G ALLY: Let me ask you this. You are agreeing that it is the ability to afford that should be considered at the beginning. What do you say to the proposition that when that person completes and his earning, that person is in a position to pay that which he couldn't pay at the beginning?

08-03-2017

JUDGE HEHER: If not all, at least some.

MR THELEDI: To pay back? No. It is just as good as putting him or her into a disadvantaged position. Some of us when we started working, because of our background, for the first 10 years, you must take care of the backlogs; take care of your siblings and a whole lot of things at home before you can consider yourself. Now, if that was to be the approach, it was as if an amount was required of him to pay when he was at the university.

JUDGE HEHER: That leads to a good deal of inequality. Supposing you have a man whose family income is 550,000 a year and that is deemed top little to afford university education. Then you have another man whose family income is 650,000 a year, and it is deemed sufficient to pay. Now, the man who goes university, who can't afford it but gets it free; gets paid 300,000 to 400,000 of university fees by the state in that period and he doesn't have to pay anything back. That's the 550,000 a year family. The man who has 650,000 has to pay back 450,000 upfront. That doesn't seem equitable.

MR THELEDI: If we take a model that we agree upon that is going to develop our country, it should be in such a way that it does not have preconditions to the beneficiaries in one way or another because it is either you can afford or you can't afford. That should be the line, you can't afford or you can't. If you can't afford is as good as going to the banks and loans sharks; get the loans and get yourself through schooling and then repay it at a certain point.

JUDGE HEHER: But on the proposition I put to you, the difference in family income is a R100,000 a year, but the man who is at the lower end is going to have top at 450 less than the man on the upper end probably more because the more on the upper end has to pay immediately.

MR THELEDI: The question will be what are we trying to address in these paybacks?

JUDGE HEHER: We're trying to find a n equitable basis. One that is fair as possible to all.

08-03-2017

MR THELEDI: With regards to what we are submitting it is a fair proposition

JUDGE HEHER: Alright, that is fair enough. What do you say about the element of sustainability? What has been said to us as one of the reasons why you have to think of payback over a period when a man can afford it is that this helps to generate means for the following generation to be financed much more easily.

MR THELEDI: Indeed what we are submitting we deem it as a firm proposal, and sustainability is one of the interventions.

JUDGE HEHER: How do you propose sustainability to be achieved? If you can come to us in due course, that is fine.

ADV G ALLY: Mr. Theledi, I just want to get your argument in terms of the affordability proposition that was put to you. You were saying the determination of that must be done at the beginning, not at the end, in your submission. So, what is your argument?

MR THELEDI: Of course, obviously, there will be criteria which will sift people according to their status and that will be with alignment to place people in their different brackets.

ADV K PILAY: Can you ask question on your page 2 opening sentence that states: the only means addressing the apartheid legacy in education is through a decolonised, quality education free of financial barriers, a system which does not discriminate against people who are previously disadvantaged. As I understand your submission, this does not apply to students from rich families?

MR THELEDI: Let me put into perspective because of the financial barriers some will be those from previously disadvantaged will be eliminated in terms of access. But decolonised form of education is an emphasis.

ADV K PILAY: I just want to check on it should be free of financial barriers. Do we understand barrier to mean affordability?

MR THELEDI: Yes.

08-03-2017

ADV K PILAY: To the extent that you cannot afford to pay for your education, that there should some forms of assistance?

MR THELEDI: Exactly.

ADV K PILAY: So, it is not the removal of financial barriers in the commodification sense? In other words, you are not submitting that there should no price tag attached to higher education?

MR THELEDI: Education must be paid. I think we all agree. It is just now, who and how in terms of our approach.

ADV K PILAY: And POPCRU calls for decolonisation, what do you have in mind?

MR THELEDI: The education system and curriculum that we have, have been there for ages. When I studied history, it told my history of South Africa started in 1647 and that was history. But there is history for South Africa which does not start 1647. It has been in time immemorial. Now, what our government did was to do away with history at schools and we did not agree with it. History must be rewritten and made compulsory. That is part of decolonisation.

ADV K PILAY: Mr. Teledi, beyond curriculum reform, but does your understanding of decolonisation goes beyond curriculum reform?

MR THELEDI: Yes, even the levels of teaching in higher institutions. For example, I was making a proposal to a university for acceptance which I took to various professors across colour lines to look at before it went to the committee and they gave different inputs. It was treated as if I just drafted it today. To me, it was deliberate exclusion. It seems that it a set-up that only this few more go through or beyond this level from this part of the community. Now, transformation of the higher education is of critical importance to deal with certain ceiling already set in subtle ways. That is practical personal experience that happened to me last week. Transformation is part of decolonisation.

08-03-2017

MS LT KHUMALO: When we are talking about decolonisation are we not talking about access and success, and how many people are coming into the institution?

MR THELEDI: If I understand you, if the education system is qualitative, we will have qualitative outcomes and it will be successful. It will talk to the required skills in the economy.

MS LT KHUMALO: The question from advocate is that the barriers, are they only limited to financials? There could be other things such as the readiness of the students coming to varsity, socio-economic issues.

MR THELEDI: And my answer doesn't address that one?

ADV K PILAY: If you are satisfied then it does.

MR THELEDI: OK. South Africa history has taught us that bad policies have long lasting effects which can be redressed over a decade or two. It is then appropriate for the government to continually review and improve its educational policies for the benefits of the masses. Hence, it is crucial for government to develop a roadmap towards the realisation of a fee-free education for the poor inclusive to the roadmap should be various forms of funding through private businesses, alumni, NGOs etc. A number of revenue sources such as the sector education and training opportunities and national skill funds should be pursued to fund education for the poor at all levels include post-graduates.

ADV K PILAY: Can I ask you question about your submission that it should include postgrads? At what level should state funding stop?

MR THELEDI: I think everything will come to the criteria. We may look at what we call the scarce skills for post-graduates in the marketplace.

MS LT KHUMALO: Fees-free education referred to here, is limited to fees or does it include other necessities?

08-03-2017

MR THELEDI: There are the fundamentals, your tuition, residence and transport.

MS LT KHUMALO: So, can it be interpreted that it doesn't say free fees only or it should be seen to include other necessities?

MR THELEDI: Yes. Another means of funding should come from increasing tax for the elites; the 10% for income earners and stopping the illicit outflow of capital. Another alternative might be a review of current expenditure on higher education; 0.72% of the GDP in 2016.

ADV K PILAY: Mr. Teledi the percentage of the GDP that you reflect is only the percentage that goes to the subsidy that is .72%. and you know there is separate NSFAS allocation which has been growing substantially over the years. I think if you add the NSFAS allocation to the university subsidy, you end up in the region of 2% of the GDP according to treasury.

MR THELEDI: Altogether?

ADV K PILAY: If you add the two together.

MR THELEDI: We accept that, but if you are take everything into cognizance, it will still grow.

ADV G ALLY: Mr. Teledi, I would assume that those avenues are not exhaustive, because you mention SETA and NSF. We have heard in this Commission the kind of money that is lying in UIF. You have also in the Pension Funds unclaimed benefits that have been there for almost 20 years or more. Does POPCRU has a position on those funds that we can access to or do you differentiate to which funds you wish we have access to?

MR THELEDI: We haven't exploited it fully. However, if it is something that in those specifics that can be utilised for other benefits, it can be something for consideration.

JUDGE HEHER: Would you rather have 42 billion lying around unused for some future purpose or you would have it put into education?

08-03-2017

MR THELEDI: We haven't exploited that areas but if it is something that come into the kitty to assist, by all means.

MS LT KHUMALO: If those funds were to be accessed, the labour force will have a lot of say in it, would you have a position on that?

MR THELEDI: Yes, we will have a position. We would look into the sector itself; are there no means of utilising it there? We would do research and then have a firm position. It is also worth noting that both the constitution of South Africa and the Freedom Charter do not specifically make reference to fees-free higher education and training, Honourable Judge as alluded to by many South Africans on many occasions. The Charter says the doors of learning and culture shall be open. Education shall be free compulsory, universal and equal for all children.

ADV G ALLY: Mr. Teledi, we've heard testimonies in the same nature and the evidence leaders were able to put up what the Freedom Charter is actually saying. Do you see where you have those dots, dots, dots, it is important to read the whole because if I recall it brings the aspect of merit to it and it warrants that you interpret what you mean by merits. But I don't see in your own anywhere it qualifies in terms of merits. I am not sure why. So, when the Freedom Charter talks about education, I would assume that one should put the whole article there so that we all know what it says because out there someone says the Freedom Charter says education must be free. No, that is not what it says. That is why it is important when you put something together in paper like this, one is able to lift it up to see is that what it says because it might have been interpreted down years in different ways. But what has got to go back to the Charter and see if that it is what it says. Is that not correct?

MR THELEDI: I think our preceding sentence talks to what you are saying that both the constitution of South Africa and the Freedom Charter do not specifically make reference to fees-free higher education. We take as a preamble to state that. So, we are acknowledging the fact of what you are saying with preceding sentence.

08-03-2017

MS LT KHUMALO: On the same breath, I think the emphasis is that this right to basic education is actually bestowed to children by the use of the word children. When do children stop being children? So, when you are in varsity you are no longer a child?

MR SITHOLE: You are a young adult. The word children denotes free education should be provided at the elementary level, and secondary, tertiary and technical education will then be imagined differently from what the Charter means.

ADV K PILAY: Mr Sithole has your union had looked into the report of the ministerial task team?

MR SITHOLE: We know about it but we haven't analysed it. We took cognizance when the Minister made that outline of what is going to happen.

JUDGE HEHER: Do you feel qualified to express any opinion?

MR SITHOLE: At this moment I think it can be part of what the commissioner was saying

CJUDGE HEHER: Thank you. Thank you very much to all of you.

08-03-2017

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SET 7 – HEARING 1 – DAY 4

COMMISSION OF INQUIRY INTO HIGHER EDUCATION AND TRAINING

CASE NO:	Inquiry
RECORDED AT	St Georges, Pretoria
TRANSCRIBER:	I. Oshin
DATE COMPLETED:	08-03-2017
NO AUDIO FILES	2
NUMBER OF PAGES:	35

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