



# Higher Education Transformation Network

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For Immediate Release

## **PRESS RELEASE: PARLIAMENTARY INQUIRY INTO FITNESS TO HOLD OFFICE**

The Higher Education Transformation Network (HETN) hereby condemns in the strongest possible terms the legal threats by Prof Peter Amunga Mbatia and the Council of the University of Venda (UNIVEN) to interdict the Parliament of the Republic of South African from proceeding with its planned Public Inquiry Into Prof Mbatia's Fitness to Hold Office.

We find it extremely arrogant for an incumbent Vice-Chancellor who occupies a publicly university funded by South African taxpayers to refer to a Constitutional oversight Committee of Parliament of the Republic of South Africa as a "*kangaroo court*", "*unconstitutional*", "*unlawful, unfair and an abuse of power*".

We find it extremely distasteful when a Kenyan expatriate Vice-Chancellor deems it fit to undermine the Constitutional oversight role of a Constitutional arm of government of the Republic of South Africa and arrogantly seeks to re-educate South Africans about their Constitutional obligations.

Section 195 of the Constitution of the Republic of South Africa states that public Administrators (*such as university Vice-Chancellors and Council members*) must maintain a high standard of professional ethics including fairness, honesty, impartiality and transparency.

Higher Education Managers and University Councils are not a law unto themselves and must comply with the laws of the Republic of South Africa.

## Higher Education ACCESS for ALL Communities



Directors: SR. Legoabe; S. Kopung; ML. Seolonyane (Executive); L. Tlou; T. Phendla; DT. Molea; S. Malinga; R.Ramatshosa

Section 55 (2) (b) of the Constitution of the Republic of South Africa empowers the National Assembly and Parliament to:-

- (a) to ensure that all executive organs of state in the national sphere of government are accountable to it;
- (b) to maintain oversight of—
  - (i) the exercise of national executive authority, including the implementation of legislation; and
  - (ii) any organ of state”.

Rule 227 (1) (b - c) of the National Assembly empowers a Parliamentary Portfolio Committee to maintain oversight of national executive authority of:-

- (ii) any executive organ of state falling within its portfolio,
- (iii) any constitutional institution falling within its portfolio, and
- (iv) any other body or institution in respect of which oversight was assigned to it;
- (c) may monitor, investigate, enquire into and make recommendations concerning any such executive organ of state, constitutional institution or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such organ of state, institution or other body or institution;

We call on the Parliamentary Portfolio Committee into Higher Education Science & Technology to proceed unfazed with the planned Parliamentary Inquiry proceedings without fail.

Instead of arrogantly interdicting Parliament from conducting its Constitutional oversight duties Prof Mbati must subject himself to the Parliamentary Inquiry to determine his fitness to hold office if he has nothing to hide as he publicly proclaims.

We reiterate our view that Prof Mbati does not possess the qualities of honesty and integrity and is accordingly not fit and proper for the role of Vice-Chancellor as demanded by the Higher Education Act 101 of 1997 and Section 195 of the Constitution of the Republic and that Prof Mbati's appointment is not in line with the Employment Equity Act of 1998 and the objectives of the **National Development Plan Vision 2030** which states that the *higher education sector to ensure that **black South Africans and women** make up 50% of the teaching and research staff of universities”.* Ends

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About the Higher Education Transformation Network (HETN):-

The Higher Education Transformation Network (HETN) is an independent network of alumni and graduates from various higher education and further educational institutions across South Africa committed to the process of transformation of higher education to increase equitable and access to education, skills and learning to eliminate of socio-economic disparities.

