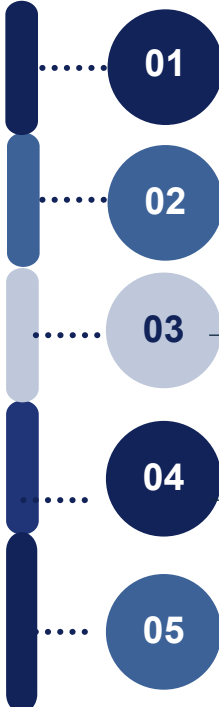


Presentation to Portfolio Committee on Higher Education - Colloquium on Student Accommodation

on 28 August 2026

by the Competition Commission – Commissioner Doris Tshepe

Outline of our Presentation

- 
- 01 Role and mandate of the Competition Commission
 - 02 Purpose of the Competition Act
 - 03 Core functions of the Competition Commission
 - 04 The Competition Commission's work in student accommodation
 - 05 Conclusion

Role and mandate of the Competition Commission

- The Competition Commission (“Commission”) is established in terms of the Competition Act, 89 of 1998, as amended (“the Competition Act”).
- The Commission is one of three statutory bodies constituted in terms of the Competition Act.
- The Commission investigates complaints, assesses mergers, evaluates exemption applications, undertakes market inquiries and advocacy, in order to achieve equity and efficiency in the South African economy.

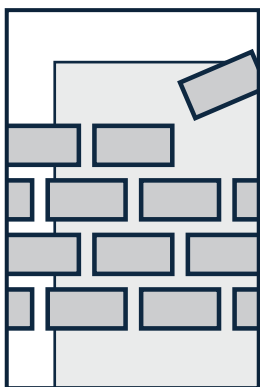
Purpose of the Competition Act

Purpose of the Competition Act is to promote and maintain competition in order to:

- To promote the efficiency, adaptability and development of the economy;
- To provide consumers with competitive prices and product choices;
- To promote employment and advance the social and economic welfare of South Africans;
- To expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic;
- To ensure that SMEs have an equitable opportunity to participate in the economy; and
- To promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons.

Core functions of the Competition Commission

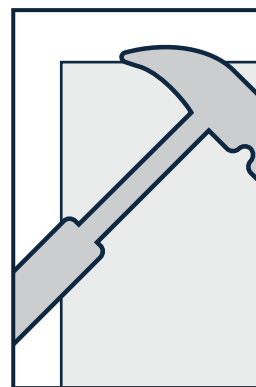
Our Core Toolbox is illustrated as follows:



Enforcement

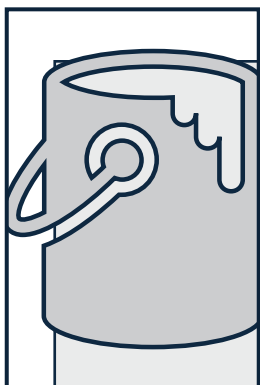
- Prosecution of anti-competitive behaviour, including:
 - Cartels
 - Abuse of dominance
 - Other prohibited conduct

Exemptions



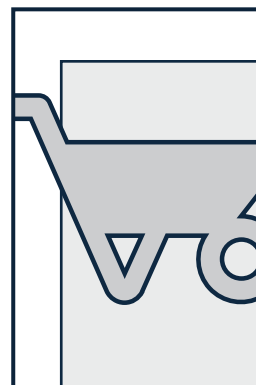
Mergers & Acquisitions

- Prevent concentration through merger control
- Review of merger applications
- Approvals, approvals with conditions, prohibitions



Market Inquiries

- General probe into state of competition in a market without investigating a particular firm.



Advocacy

- Advocacy for pro-competitive conduct
- Case/ Sector Advocacy
- Stakeholder Relations (incl. international)
- Policy Reviews

Investigation of Price Fixing in Private Student Accommodation

- The Department of Higher Education & Training (“DHET”) filed a complaint against private accommodation providers that provide accommodation to students funded by the National Student Financial Aid Scheme (“NSFAS”).
- The complaint is about the alleged collusive behavior in the market for the provision of student accommodation, particularly the provision of student accommodation to NSFAS funded students.
- The DHET alleges that private accommodation providers are charging the same prices / rental rate for student accommodation which amount to price fixing in contravention of section 4(1)(b)(i) of the Competition Act.
- The Commission is still investigating the complaint,

Advocacy initiatives in Private Student Accommodation

- The Commission has initiated an advocacy intervention in student private accommodation to improve awareness and compliance with the Competition Act.
- Advocacy initiatives relating to student accommodation stem from various complaints which includes: .
 - Private accommodation providers charging excessively high prices for student accommodation;
 - NSFAS-accredited accommodation providers charging similar prices for students, per room and
 - Exclusive, long-term agreements between higher education institutions and certain student accommodation providers.
- The Commission identified the need to raise awareness, empower consumers, guide accommodation providers, higher education institutions and all other stakeholders involved in the provision, accreditation, funding and regulation of student accommodation in South Africa about competition policy principles and why they matter in the student accommodation market.
- In this regard, the Commission developed a Practice Note to promote awareness of the Competition Act and pro-competitive practices in the market for student accommodation.

Advocacy initiatives in Private Student Accommodation

Purpose of the Practice Note:

- **Raise Awareness:** Inform students, accommodation providers, associations for accommodation providers, higher education institutions, NSFAS and all stakeholders involved in student accommodation about competition principles and why they matter in the student accommodation market.
- **Empower Consumers:** Equip students with knowledge to identify anti-competitive practices such as price-fixing, exclusive agreements, or excessive prices.
- **Guide Providers and Education Institutions:** Educate accommodation providers and higher education institutions on how to comply with competition law and adopt fair, transparent and inclusive business practices.
- **Guide NSFAS:** Educate NSFAS on promoting a fair, accessible and efficient market for student accommodation, particularly in the context of increasing demand, public-private partnerships and the need for access to affordable student accommodation.

Advocacy initiatives in Private Student Accommodation

- **Practice Note applies to the following stakeholders:**
 - Accommodation providers,
 - Associations for accommodation providers,
 - Higher education institutions,
 - NSFAS and
 - All stakeholders involved in the provision, accreditation, funding and regulation of student accommodation in South Africa.

Advocacy initiatives in Private Student Accommodation

- **Objectives of the Practice Note:**

- Ensure that accommodation providers, higher education institutions and stakeholders comply with the Competition Act;
- Promote competition in the student accommodation market to ensure affordability, innovation, and quality.
- Prevent anti-competitive practices, including excessive pricing, collusion and exclusive arrangements.
- Encourage the entry and participation of SMEs, women-owned businesses, and firms owned by historically disadvantaged persons.
- Encourage inter-agency collaboration between the Commission, NSFAS, accommodation providers and higher education institutions to maintain a healthy, competitive environment that benefits students.

Advocacy initiatives in Private Student Accommodation

Advocacy initiatives in Private Student Accommodation

- The Practice note will be implemented as follows:

Stakeholder	Implementation Approach
Competition Commission	Publish the Practice Note, conduct workshops, monitor complaints and provide further guidance where necessary.
NSFAS	Align accreditation, payment, portal and communication processes with principles of transparency, fairness, affordability and non-exclusive access to student accommodation.
Higher education institutions	Review accreditation, procurement and placement policies to promote student choice, fair access and competitive participation by providers.
Accommodation providers	Set prices independently, disclose fees clearly, avoid collusion and ensure that students receive accurate information on services and charges upfront.
Industry associations	Promote compliance among members, avoid the exchange of competitively sensitive information and support open membership and fair market access.
Students and student representatives	Use available information to compare accommodation options and report suspected unfair, exclusionary or anti-competitive conduct.

Conclusion

- The Commission is utilising both its enforcement and advocacy tools to address competition concerns in the student accommodation market.
- Although the investigation is still ongoing, the Commission has made great progress in identifying the competition concerns that can be resolved through advocacy, hence the development of the Practice Note.
- The Practice Note will provide the market with much needed awareness and guidance, which would improve compliance with the Competition Act, and promote competition in the market.
- The Commission will publish the Practice Note, followed by workshops and campaigns to raise awareness across the industry.



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THANK YOU

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