

**REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA**

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**THE PRESIDENCY**

No. 167 17 February 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 67 of 2008: National Qualifications Framework Act, 2008.**

**IHHOVISI LIKAMONGAMELI**

Ino. 167 17 February 2009

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzo-shicilelelwa umphakathi:—

**Ino. 67 Ka 2008: Umthetho woHlaka lukaZwelonke lweZiqu ka-2008.**

(English text signed by the President.)  
(Assented to 15 February 2009.)

# ACT

**To provide for the National Qualifications Framework; to provide for the responsibilities of the Minister of Education and the Minister of Labour; to provide for the South African Qualifications Authority; to provide for Quality Councils; to provide for transitional arrangements; to repeal the South African Qualifications Authority Act, 1995; and to provide for matters connected therewith.**

## PREAMBLE

**WHEREAS** the advancement and recognition of learning is an essential attribute of a free and democratic nation and a prerequisite for the development and well-being of its citizens;

**WHEREAS** the National Qualifications Framework has been developed and implemented in terms of the South African Qualifications Act, 1995;

**WHEREAS** the National Qualifications Framework has won wide acceptance as the principal instrument through which national education and training qualifications are recognised and quality-assured; and

**WHEREAS** a review of the implementation of the National Qualifications Framework has necessitated changes to the governance and organisation of the framework so that its objectives may be more effectively and efficiently realised,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## CHAPTER 1

### DEFINITIONS, OBJECT AND APPLICATION OF ACT

#### Definitions

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1. In this Act, unless the context indicates otherwise—

“**board**” means the board of the SAQA established by section 14;

“**Council on Higher Education**” means the Council established in terms of section 4 of the Higher Education Act, 1997 (Act No.101 of 1997);

“**education institution**” means an education institution that is established, 10  
declared or registered by law;

“*Gazette*” means *Government Gazette*;

“**GENFETQA Act**” means the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001);

“**Higher Education Act**” means the Higher Education Act, 1997 (Act No. 101 of 15  
1997);

“**learning**” means the acquisition of knowledge, understanding, values, skill, competence or experience;

(English text signed by the President.)  
(Assented to 15 February 2009.)

# UMTHETHO

**Ukuhlinzekela uhlaka lukazwelonke lweziq; ukuhlinzekela izibopho zikaNgqongqoshe Wezefundo kanye noNgqongqoshe Wezindaba Zabasebenzi; ukuhlinzekela isiPhathimandla saseNingizimu Afrika seziQu; ukuhlinzekela imiKhandlu yeKhwalthi (ama-QC); ukuhlinzekela amalungiselelo esikhashana; ukuchitha uMthetho waseNingizimu Afrika wesiPhathimandla seziQu ka-1995; kanye nokuhlinzekela imidanti exhumayo ngokunjalo.**

## ISINGENISO

**NJENGOBA** ukuqhutshekiswa nokwaziwa kokufunda kuyinto ebalulekile yesizwe esikhululekile nesentando yeningi futhi kuyisidingo entuthukweni nenhlalakahle yabantu baso;

**NJENGOBA** uHlaka lukaZwelonke lweziQu lwakhiwe futhi lasetshenziswa ngokoMthetho waseNingizimu Afrika weZiqu ka-1995;

**NJENGOBA** uHlaka lukaZwelonke lweziQu lwathola ukwamukelwa okukhulu njengehuluzi elikhulu elisetshenziswa imfundo nokuqeqesha kuzwelonke ukwazisa nokuqinisekisa ikhwalthi; futhi

**NJENGOBA** ukubukezwa kokusebenza koHlaka lukaZwelonke lweziQu kubange isidingo soshintsho ekuphatheni nasekulelweni kohlaka ukuze izinhloso zalo zisebenze kangcono futhi ziphunyeleliswe kakalula;

**N**GAKHO KWENZIWA UMTHETHO yiPhalamende laseRiphabhlikhi yase-Ningizimu Afrika, njengoba kulandela:—

## ISAPHLUKO 1

### IZINCAZELO, INHLOSO KANYE NOKUSETSHENZISWA KOMTHETHO

#### Izincazelo

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1. Kulo Mthetho, ngaphandle uma ingqikithi isho okunye—
  - “**ibhodi**” lisho ibhodi le-SAQA elisungulwe kwisiqephu se-11;
  - “**UmKhandlu wezeMfundo ePhakeme**” usho uMkhandlu osungulwe ngokwesiqephu sesi-4 soMthetho wezeMfundo ePhakeme ka-1997 (uMthetho we-101 ka-1997);
  - “**isikhungo semfundo**” sisho isikhungo semfundo esisungulwe, sagunyazwa noma sabhaliswa ngokomthetho;
  - “**iGazethi**” isho *iGazethi kaHulumeni*;
  - “**uMthetho i-GENFETQA**” usho uMthetho wokuqinisekiswa kweKhwalthi weMfundo Jikelele neMfundo eQhubekayo nokuqeqesha ka-2001 (uMthetho wama-58 ka-2001);
  - “**uMthetho wezeMfundo ePhakeme**” usho uMthetho wezeMfundo ePhakeme ka-1997 (uMthetho we-101 ka-1997);

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- “**level**” means a level contemplated in Chapter 2;
- “**Minister**” means the Minister of Education;
- “**NQF**” means the national qualifications framework contemplated in Chapter 2;
- “**part qualification**” means an assessed unit of learning that is registered as part of a qualification; 5
- “**PFMA**” means the Public Finance Management Act, 1999 (Act No.1 of 1999);
- “**professional body**” means any body of expert practitioners in an occupational field, and includes an occupational body;
- “**professional designation**” means a title or status conferred by a professional body in recognition of a person’s expertise and right to practise in an occupational field; 10
- “**qualification**” means a registered national qualification;
- “**quality council**” means a Quality Council contemplated in Chapter 5;
- “**QC**” means a quality council;
- “**registered**” means registered on the NQF by SAQA in terms of Chapter 4; 15
- “**relevant Minister**” means either the Minister or the Minister of Labour as indicated by the context;
- “**SAQA**” means the South African Qualifications Authority contemplated in Chapter 4;
- “**SAQA Act**” means the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995); 20
- “**sector**” means a sector of education or training, as the case may be, for whose sub-framework a QC is responsible;
- “**Skills Development Act**” means the Skills Development Act, 1998 (Act No. 97 of 1998); 25
- “**skills development provider**” means a skills development provider contemplated in section 17 of the Skills Development Act;
- “**sub-framework**” means a sub-framework contemplated in Chapter 2;
- “**this Act**” includes the regulations;
- “**Umalusi**” means the council established by section 4 of the GENFETQA Act. 30

### Object of Act

2. The object of this Act is to provide for the further development, organisation and governance of the NQF.

### Application of Act

3. This Act applies to— 35
- (a) qualifications offered by—
- (i) education institutions; and
- (ii) skills development providers; and
- (b) professional designations, 40
- subject to the limitations prescribed in this Act.

## CHAPTER 2

### NATIONAL QUALIFICATIONS FRAMEWORK

#### Framework

4. The NQF is a comprehensive system approved by the Minister for the classification, registration, publication and articulation of quality-assured national qualifications. 45

- “**ukufunda**” kusho ukuthola ulwazi, ukuqonda, amagugu, amakhono, ukwazi nobungcweti noma ulwazi lokusebenza;
- “**izimiga**” kusho izinga okukhulunywa ngalo eSahlukweni 2 .
- “**uNgqongqoshe**” usho uNgqongqoshe wezeMfundo;
- “**i-NQF**” isho uhlaka lukazwelonke lweziqo olucatshangwa eSahlukweni2; 5
- “**ingxeny ezeziqo**” isho isigaba esihlolwayo sokufunda esibhaliswe njenge-ngxeny ezeziqo;
- “**i-PFMA**” isho uMthetho wokuPhathwa kweziMali zoMphakathi ka-1999 (uMthetho wo-1 ka-1999);
- “**umgwamanda wolwazi**” usho noma ngabe ngumuphi umgwamanda wongoti emkhakheni womsebenzi, futhi umhandakanya umgwamanda wezikhundla ngokomsebenzi; 10
- “**umsebenzi okhethiwe**” usho isikhundla esitholwa ngokolwazi sinikezelwa ngumgwamanda wolwazi ukwazisa ulwazi lomuntu kanye nelungelo lokusebenza emkhakheni wokusebenza; 15
- “**iziqu**” zisho iziqu zikazwelonke ezibhaliswe;
- “**umkhandlu wekhwalthi**” usho umKhandlu weKhwalthi ocatshangwa eSahlukweni 5;
- “**i-QC**” isho umkhandlu wekhwalthi;
- “**ibhalisile**” kusho ukuthi ibhalisile kwi-NQF ibhaliswa yi-SAQA NgokweSahluko 4; 20
- “**ungqongqoshe ofanele**” usho uNgqongqoshe noma uNgqongqoshe wezeMisebenzi njengoba echazwa yingqikithi.
- “**i-SAQA**” isho isiPhathimandla sseNingizimu Afrika seZiqu njengoba sicutshangwa kwisiGaba 4; 25
- “**uMthetho i-SAQA**” usho uMthetho waseNingizimu Afrika wesiPhathimandla seziQu ka-1995 (uMthetho wama-58 ka-1995);
- “**umkhakha**” usho umkhakha wezemfundo noma wokuqeqesha, njengoba kunokwenzeka, ohlakana lwawo lubhekwe i-QC;
- “**uMthetho wokuThuthukiswa kwamaKhono**” usho uMthetho wokuThuthukiswa kwamaKhono ka-1998 (uMthetho wama-97 ka-1998); 30
- “**ohlinzeka ngothuthukiswa kwamakhono**” usho ohlinzeka ngothuthukiswa kwamakhono okucatshangwa kwisahluko se-17 soMthetho wokuThuthukiswa kwamaKhono ka-1998.
- “**uhlakana**” lusho uhlakana okukhulunywe ngalo eSahlukweni 2; 35
- “**lo Mthetho**” umbandakanya imithetho
- “**Umalusi**” usho umkhandlu osungulwe yisiqephu 4 soMthetho wokuQinisekiswa kweKhwalthi eMfundweni Jikelele neMfundo eQhubekayo nokuQeqesha ka-2001 (uMthetho wama-58 ka-2001);

## **Inhloso yalo Mthetho** 40

2. Inhloso yalo Mthetho ukuhlinzeka ukuqhutshekiswa kokuthuthuka, ukuhlelwa nokuphathwa kwe-NQF.

## **Ukusetshenziswa kwalo Mthetho**

3. Lo mthetho usebenza—
- (a) kuziqu zolwazi ezitholakala— 45
- (i) ezikhungweni zemfundo; kanye
- (ii) nabahlinzeka ngothuthukiswa kwamakhono; futhi
- (b) emisebenzini ekhethiwe,
- kuye ngemibandela ebekwe kulo Mthetho.

## **ISAHLUKO 2** 50

### **UHLAKA LUKAZWELONKE IWEZIQU**

#### **Uhlaka**

4. I-NQF uhlelo oluphelele lwemihlahlandlela evunye nguNgqongqoshe yokulama, ukubhalisa, ukushicilela kanye nokwazisa iziqu zikazwelonke okhwalthi yazo iqinisekisiwe. 55

**Objectives of NQF**

5. (1) The objectives of the NQF are to—
- (a) create a single integrated national framework for learning achievements;
  - (b) facilitate access to, and mobility and progression within, education, training and career paths; 5
  - (c) enhance the quality of education and training;
  - (d) accelerate the redress of past unfair discrimination in education, training and employment opportunities.
- (2) The objectives of the NQF are designed to contribute to the full personal development of each learner and the social and economic development of the nation at large. 10
- (3) SAQA and the QCs must seek to achieve the objectives of the NQF by—
- (a) developing, fostering and maintaining an integrated and transparent national framework for the recognition of learning achievements;
  - (b) ensuring that South African qualifications meet appropriate criteria, determined by the Minister as contemplated in section 8, and are internationally comparable; and 15
  - (c) ensuring that South African qualifications are of an acceptable quality.

**Framework levels**

6. (1) The NQF is organised as a series of levels of learning achievement, arranged in ascending order from one to ten. 20
- (2) Each level on the NQF is described by a statement of learning achievement known as a level descriptor.
- (3) A level descriptor, referred to in subsection (2), provides a broad indication of learning achievements or outcomes that are appropriate to a qualification at that level. 25
- (4) Level descriptors must be developed and determined, as provided for in section 13(1)(g).
- (5) There is one set of level descriptors for the NQF.

**Sub-frameworks**

7. The NQF is a single integrated system which comprises of three co-ordinated qualifications sub-frameworks, for— 30
- (a) General and Further Education and Training, contemplated in the GENFETQA Act;
  - (b) Higher Education, contemplated in the Higher Education Act; and
  - (c) Trades and Occupations, contemplated in the Skills Development Act. 35

**CHAPTER 3****RESPONSIBILITIES OF MINISTERS****Responsibilities of Minister**

8. (1) The Minister has the overall executive responsibility for the— 40
- (a) NQF;
  - (b) SAQA; and
  - (c) QC for General and Further Education and Training and the QC for Higher Education contemplated in Chapter 5.
- (2) The Minister must—
- (a) consider advice from SAQA or a QC in terms of this Act; 45
  - (b) determine policy on NQF matters in terms of this Act, after consultation with the Minister of Labour, and publish the policy in the *Gazette*;
  - (c) after consultation with the Minister of Labour, publish guidelines which set out the government's strategy and priorities for the NQF, and which may be updated annually; 50

**Izinhloso ze-NQF****5.(1) Izinhloso ze-NQF—**

- (a) ukwakha uhlaka lukazwelonke olumbandakanyayo lokuzuzwa ngokufunda;
- (b) ukwenza lula ukufinyelela, ukuhambeka nokuqhubekela phakathi, emfundweni, ekuqeqesheni nakwimiklamo yemisebenzi; 5
- (c) ukwenza ngcono ikhwalithi yemfundo nokuqeqesha;
- (d) ukusheshisa ukulungisa ukwenzelela kwakudala kobandlululo emfundweni, ekuqeqesheni nakumathuba emisebenzi.

(2) Izinhloso ze-NQFzakhiwe ukuba zibambe indima ekuthuthukisweni ngokuphelele umfundi ngamunye kanye nasekuthuthukisweni kwenhlalo nomnotho wesizwe sonkana. 10

(3) I-SAQA nama-QC kufanele azinikele ephumeleliseni izinhloso ze-NQF ngokwenza lokhu—

- (a) ukusungula, ukugxilisa kanye nokugcina uhlaka lukazwelonke olumbandakanyayo nolungenazimfihlo lokwazisa okuzuzwa ngokufunda; 15
- (b) ukuqinisekisa ukuthi iziqu zaseNingizimu Afrika zanelisa izimo ezifanele noma ikhrathiriya, engqunywe nguNgqongqoshe njengoba kucatshangwa kwisiqephu se-9, futhi ziyahambelana noma ziyafana nezomhlaba; kanye
- (c) nokuqinisekisa ukuthi iziqu zaseNingizimu Afrika zingezekhwalithi elindelekile. 20

**Amazinga ohlaka**

6. (1) I-NQF ihlelwe yaba uchungechunge lwamazinga enzuzo yokufunda ngohlelo olukhulayo ukusukela kokukodwa ukuya eshumini.

(2) Izinga ngalinye le-NQF lichazwa ngesitatimende zenzuzo yokufunda esibizwa ngokuthi incazelo yezinga. 25

(3) Incazelo yezinga, okukhulunywa ngayo kwisahlukwana (2), ihlinzeka ngenkomba esabalele yenzuzo yokufunda noma imiphumela efanele iziqu kulelo zinga.

(4) Izincazelo zezinga kufanele zakhiwe futhi zinqunywe, njengoba kuhlinzekiwe kwisahluko se-13(g).

(5) Kunesethi elilowa lencazelo yamazinga kwi-NQF. 30

**Izinhlakana****7. I-NQF yakhiwe izinhlakana ezihambisanayo ezintathu zeziq—**

- (a) olweMfundo Jikelele neMfundo eQhubekayo neQeqeshayo, njengoba lulindelwe kuMthetho i-GENFETQA;
- (b) olweMfundo ePhakeme, njengoba lulindelwe kuMthetho wezeMfundo ePhakeme; kanye 35
- (c) nolwemiSebenzi yezaNdla kanye neziKhundla zemiSebenzi, njengoba luca-tshangwa kuMthetho wokuThuthukiswa kwaMakhono.

**ISAPHLUKO 3****IZIBOPHO ZONGQONGQOSHE**

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**Izibopho Zikangqongqoshe****8. (1) UNgqongqoshe unesibopho esikhulu—**

- (a) kwi-NQF;
- (b) kwi-SAQA; futhi
- (c) unesibopho esikhulu kwi-QC yeMfundo Jikelele neMfundo eQhubekayo neQeqeshayo ecatshangwa kwisiGaba 5. 45

**(2) UNgqongqoshe kufanele—**

- (a) acabangisise iseluleko ezivela kwi-SAQA noma kwi-QC ngokwalo Mthetho.
- (b) anqume umgomo ngemidanti ye-NQF ngokwalo Mthetho, ngemuva kokubonisana noNgqongqoshe wezemiSebenzi, bese ewushicilela kwi-*Gazethi*; 50
- (c) ngemuva kokubonisana noNgqongqoshe wezemiSebenzi ashicilele imihlahlandlela ebeka isu nezinhlosongqangi zikahulumeni nge-NQF, futhi ezingafakwa ulwazi olusha njalo ngonyaka;

- (d) provide funds from money appropriated by Parliament for SAQA to enable it to fulfil its functions in terms of this Act;
  - (e) determine, after considering advice from the SAQA and after consultation with the Minister of Labour, the sub-frameworks contemplated in section 7(a) and (b), respectively, and publish them in the *Gazette*; and 5
  - (f) determine by regulation in the *Gazette*, after consultation with the Minister of Labour, the process by which a dispute involving the SAQA or a QC must be resolved, and any matter relating thereto.
- (3) The Minister, after consultation with the Minister of Labour, must—
- (a) advance the achievement of the objectives of the NQF contemplated in Chapter 2; 10
  - (b) uphold the coherence and public credibility of the NQF;
  - (c) encourage collaboration among the QCs and between the QCs and SAQA.
- (4) The Minister may perform any other function consistent with this Act.

#### **Responsibilities of Minister of Labour** 15

9. The Minister of Labour—
- (a) has the executive responsibility for the QC for Trades and Occupations established by the Skills Development Act;
  - (b) must consider advice on NQF matters from the SAQA or a QC in terms of this Act; 20
  - (c) must, after considering advice from the SAQA and after consultation with the Minister, determine the sub-framework contemplated in section 7(c) and publish it in the *Gazette*; and
  - (d) may perform any other function consistent with this Act that advances the objectives of the NQF contemplated in Chapter 2. 25

### **CHAPTER 4**

#### **SOUTH AFRICAN QUALIFICATIONS AUTHORITY**

##### **Continued existence of SAQA**

10. The SAQA that existed immediately before the commencement of this Act, continues to exist as a juristic person under the name of the South African Qualifications Authority. 30

##### **Objects of SAQA**

11. The objects of the SAQA are to—
- (a) advance the objectives of the NQF contemplated in Chapter 2;
  - (b) oversee the further development and implementation of the NQF; and 35
  - (c) co-ordinate the sub-frameworks.

##### **Accountability of SAQA**

12. The SAQA is accountable to the Minister.

##### **Functions of SAQA**

13. (1) The SAQA must, in order to advance the objectives of the NQF— 40
- (a) (i) perform its functions subject to this Act; and
  - (ii) oversee the implementation of the NQF and ensure the achievement of its objectives;
  - (b) advise the Minister and the Minister of Labour on NQF matters in terms of this Act; 45
  - (c) comply with policy determined by the Minister in terms of section 8(2)(b);
  - (d) consider the Minister's guidelines contemplated in section 8(2)(c);
  - (e) oversee the implementation of the NQF in accordance with an implementation framework prepared by the SAQA after consultation with the QCs; 50
  - (f) (i) develop a system of collaboration to guide the mutual relations of the SAQA and the QCs, after consultation with the QCs and taking



- (d) ahlinzeke ngezimali ezithathwe ezimalini ezabelwe i-SAQA yiPhalamende ukuze i-SAQA ikwazi ukwenza imisebenzi wayo ngokwalo Mthetho;
- (e) anqume, ngemuva kokucabangisisa iseluleko se-SAQA nangemuva kokubonisana noNgqongqoshe wezemiSebenzi, izinhlakana ezicatshangwa kwisiqephu sesi-7(a) no-(b), ngokulandelana, nangokuzishicilela *kwiGazethi*; futhi 5
- (f) anqume ngomthetho *okuGazethi*, ngemuva kokubonisana noNgqongqoshe wezemiSebenzi, indlela okufanele kuxazululwe ngayo ingxabano ethinta i-SAQA noma i-QC, futhi nanoma imuphi omunye umdanti mayelana nalokhu. 10
- (3) UNgqongqoshe angenza noma ngabe imuphi umsebenzi ohambelana nalo Mthetho oqhubekisa izinhloso ze-NQF ezicatshangwa kwisiGaba 2.

### Izibopho zikaNgqongqoshe wezemiSebenzi

#### 9. UNgqongqoshe wezemiSebenzi—

- (a) unesibopho esikhulu se-QC yemisebenzi yezandla nezikhundla zomsebenzi ezisungulwe ngoMthetho wokuThuthukiswa kwamaKhono; 15
- (b) kufanele acabangisise iseluleko esivela kwi-SAQA noma kwi-QC ngokwalo Mthetho;
- (c) kufanele, ngemuva kokucabangisisa iseluleko esivela kwi-SAQA nangemuva kokubonisana noNgqongqoshe, anqume uhakana olucatshangwa kwisiqephu sesi- 7(c), bese elushicilela *kwiGazethi*; futhi 20
- (d) angenza noma ngabe imuphi umsebenzi ohambelana nalo Mthetho oqhubekisa izinhloso ze-NQF ezicatshangwa kwisiGaba 2.

## ISAHLUKO 4

### ISIPHATHIMANDLA SASENINGIZIMU AFRIKA SEZIQU 25

#### Ukuqhubeka nokubakhona kwe-SAQA

10. I-SAQA ebikade ikhona ngaphambili kokuqalwa kwalo Mthetho, iyahubeka nokuba khona njengomuntu onamandla omthetho ngaphansi kwegama isiPhathimandla saseNingizimu Afrika seziQu.

#### Izinhloso ze-SAQA 30

##### 11. Izinhloso ze-SAQA—

- (a) ngukuqhubekisa izinhloso ze-NQF ezicatshangwa kwisiGaba 2.
- (b) ngukubheka ukuthuthuka okuqhubekayo kanye nokusetshenziswa kwe-NQF; kanye
- (c) nokwenza lula ukuhlenganiswa kwezinhlakana. 35

#### Ukubika kwe-SAQA

12. I-SAQA ibika kuNgqongqoshe.

#### Imisebenzi ye-SAQA

##### 13. (1) I-SAQA kufanele, ukuze kuphunyeleliswe izinhloso ze-NQF—

- (a) yenze imisebenzi yayo ngokuya kwalo Mthetho; 40
- (b) yeluleke uNgqongqoshe kanye noNgqongqoshe wezemiSebenzi ngemidanti ye-NQF ngokwalo Mthetho;
- (c) ihambisane nanoma imuphi umgomo oqunywe nguNgqongqoshe ngokwesiqephu 9(2)(b);
- (d) icabangisise imihlahlandelela kaNgqongqoshe ecatsangwa kwisiqephu 9(2)(c); 45
- (e) ibheke ukusebenza kwe-NQF ngokuhambelana nomblahlandlela wokusebenza olungiswe yi-SAQA ngemuva kokuxhumana nama-QC;
- (f) yakhe uhlelo lokubambisana oluzokweluleka ngobuhlobo obuphakathi kwe-SAQA nama-QC ngemuva kokuxhumana nama-QC nokubheka izinhloso 50

## Act No. 67, 2008 NATIONAL QUALIFICATIONS FRAMEWORK ACT, 2008

- into account the objects of the SAQA contemplated in section 11 and the regulations contemplated in section 33; and
- (g) with respect to levels—
- (i) develop the content of level descriptors for each level of the NQF and reach agreement on the content with the QCs; 5
  - (ii) publish the agreed level descriptors in the *Gazette*; and
  - (iii) ensure that they remain current and appropriate;
- (h) with respect to qualifications—
- (i) develop and implement policy and criteria, after consultation with the QCs, for the development, registration and publication of qualifications and part-qualifications, which must include the following requirements: 10
    - (aa) The relevant sub-framework must be identified on any document relating to the registration and publication of a qualification or part-qualification; and 15
    - (bb) each sub-framework must have a distinct nomenclature for its qualification types which is appropriate to the relevant sub-framework and consistent with international practice;
  - (ii) register a qualification or part-qualification recommended by a QC if it meets the relevant criteria; 20
  - (iii) develop policy and criteria, after consultation with the QCs, for assessment, recognition of prior learning and credit accumulation and transfer;
- (i) with respect to professional bodies— 25
- (i) develop and implement policy and criteria for recognising a professional body and registering a professional designation for the purposes of this Act, after consultation with statutory and non-statutory bodies of expert practitioners in occupational fields and with the QCs; and 30
  - (ii) recognise a professional body and register its professional designation if the criteria contemplated in subparagraph (i) have been met;
- (j) with respect to international relations—
- (i) collaborate with its international counterparts on all matters of mutual interest concerning qualifications frameworks; and 35
  - (ii) inform the QCs and other interested parties about international practice in the development and management of qualifications frameworks;
- (k) with respect to research—
- (i) conduct or commission investigations on issues of importance to the development and implementation of the NQF, including periodic studies of the impact of the NQF on South African education, training and employment; and 40
  - (ii) publish the findings of the investigations referred to in subparagraph (i); 45
- (l) with respect to records of education and training, maintain a national learners' records database comprising registers of national qualifications, part-qualifications, learner achievements, recognised professional bodies, professional designations and associated information;
- (m) with respect to foreign qualifications, provide an evaluation and advisory service consistent with this Act; and 50
- (n) with respect to other matters—
- (i) inform the public about the NQF;
  - (ii) perform any other function required by this Act; and
  - (iii) perform any function consistent with this Act that the Minister may determine. 55

(2) The SAQA must submit, on or before 30 June in each year, to the Minister an annual report which includes the financial statements and audit reports.

ze-SAQA ezicatshangwa kwisiqephu se-12 kanye nakwimithetho ecatshangwa kusiqephu sama-34;

- (g) mayelana namazinga—
- (i) yakhe okuqokethwe yizincazelo zezinga ngalinye le-NQF futhi ifikelele esivumelwaneni ngokuqokethwe nama-QC; 5
  - (ii) ishicilele izincazelo zezinga *kwiGazethi*; futhi
  - (iii) iqinisekise ukuthi zihlala zingezesimanje futhi zifanele;
- (h) mayelana neziq—
- (i) isungule futhi isebenzise imigomo kanye nekhayithiriya ngemuva kokuxhumana nama-QC, ukuthuthukisa, ukubhabhalisa kanye nokushicilela iziqu nezingxenyane zeziq, okufanele imbandakanye izidingo ezilandelayo:
    - (aa) ukuthi izinhlakana ezifanele kufanele zinikwe amagama kunoma iliphi idokhumenti emayelana nokubhaliswa nokushicilelwa kweziq noma ingxenyane yeziq; futhi 15
    - (bb) uhlakana ngalunye kufanele lube nohlelo oluhlukile lokulotshwa kwamazwi ezinhlotsheni zeziq zalo ezifanele lolo hlakana futhi oluhambisana nokwenziwa emhlabeni jikelele;
  - (ii) ibhalisa iziqu noma ingxenyane yeziq ezinconywe i-QC uma zenelisa ikhayithiriya efanele; futhi 20
  - (iii) yakhe umgomo nekhayithiriya, ngemuva kokuxhumana nama-QC, yokubona okufundwe ngaphambilini kanye nokuqokelela nokudluliselwa kokuklonyeliswa;
- (i) mayelana nemigwamanda yemisebenzi—
- (i) isungule futhi isebenzise imigomo kanye nekhayithiriya yokubona imigwamanda yolwazi kanye nokubhaliswa kwemisebenzi ekhethiwe ngezinhloso zalo Mthetho, ngemuva kokuxhumana nemigwamanda yemithetho nengeyona eyemithetho yongoti abasebenza emikhakheni yomisebenzi kanye nama-QC; kanye 25
  - (ii) yazise umgwamanda wolwazi, iphinde ibhalise igama lemisebenzi yolwazi ekhethekile ecatshangwa kwindimana (i) ukuthi yanelisiwe; 30
- (j) mayelana nobuhlobo bamazwe namazwe—
- (i) ibambisane nabalingani bayo bakwamanye amazwe ngayo yonke imidanti enohlonze kubo mayelana nezinhlaka zeziq; futhi 35
  - (ii) yazise ama-QC namanye amaqembu athintekayo ngokwenziwa kwamanye amazwe ekuthuthukiseni nasekuphatheni izinhlaka zeziq;
- (k) mayelana nocwaningo
- (i) ibambe noma ithumele ukuba kwenziwe uphenyo ngezinto ezibalulekile ekuthuthukisweni nasekusetshenzisweni kwe-NQF, kumbandakanya izifundo ngezikhathi zemiphumela ye-NQF emfundweni, ekuqeqeshweni nasekuqashweni eNingizimu Afrika; futhi 40
  - (ii) ishicilele imiphumela yophenyo okukhulunywa ngalo kwindimana (i); 45
- (l) mayelana namarekhodi emfundo nokuqeqesha, igcine uhlu lukazwelonke lwamagama ababafundi olakhiwe amarejista eziq zikazwelonke, awengxenyane yeziq, awokusebenza kwabafundi, awemigwamanda yolwazi, amagama emisebenzi ekhethiwe kanye nawolwazi oluhambisana nalokhu; 50
- (m) mayelana neziq zakwamanye amazwe, sihlizwe ngesilinganiso kanye nosizo lokweluleka ngokuhambelana nalo Mthetho; futhi
- (n) mayelana neminye imidanti—
- (i) yazise umphakathi nge-NQF;
  - (ii) yenze noma yimiphi imisebenzi edingwa yilo Mthetho; futhi 55
  - (iii) yenze noma yimiphi imisebenzi ehambisana nalo Mthetho enganqunywa nguNgqongqoshe.

(2) I-SAQA kufanele inike, ngomhla ka- noma ngaphambu komhla ka- 30 Juni unyaka nonyaka, uNgqongqoshe umbiko wonyaka ombandakanya izitatimende zezimali kanye nemibiko yocwaningomabhuku ezimali. 60

**SAQA board**

14. (1) The SAQA is governed by a board.
- (2) The board comprises—
- (a) 12 members appointed in their personal capacities by the Minister after consultation with the Minister of Labour; 5
  - (b) the chief executive officer of the SAQA contemplated in section 19, who is a member by virtue of his or her office; and
  - (c) the chief executive officer of each QC contemplated in Chapter 5, who are members by virtue of their offices.
- (3) (a) The Minister must appoint members, from the nomination process contemplated in subsection (4), in such a manner as to ensure, insofar as is practically possible, that the functions of the SAQA are performed according to the highest professional standards provided that at least two members must be appointed from the nominations made by organised labour. 10
- (b) To ensure that the functions of the SAQA are performed in the manner contemplated in paragraph (a), the members appointed must— 15
- (i) be broadly representative of the education and training sectors and related interests;
  - (ii) have thorough knowledge and understanding of education and training;
  - (iii) appreciate the role of education and training in the reconstruction and development of the South African economy and society; 20
  - (iv) have known and attested commitment to the interests of education and training;
  - (v) have knowledge and understanding of qualifications matters and quality assurance in education and training; and 25
  - (vi) be competent to undertake the governance and oversee the financial affairs of the SAQA.
- (c) Due attention must be given to the representativity of the board in terms of such factors as race, gender and disability.
- (4) The Minister must invite nominations for the appointment of members by notice in the *Gazette*, from— 30
- (a) persons involved in education and training;
  - (b) organisations involved in education and training;
  - (c) professional bodies;
  - (d) organised labour; 35
  - (e) organised business; and
  - (f) organisations representing community and development interests.
- (5) Any member—
- (a) holds office for a period not exceeding five years; and
  - (b) may be reappointed at the expiry of his or her term of office, but may not serve for more than two consecutive terms of office. 40
- (6) The Minister must appoint one of the members as chairperson.
- (7) The members must elect a deputy chairperson from amongst their number.

**Vacation of office by board member and filling of vacancies**

15. (1) A member must vacate office if he or she— 45
- (a) resigns by giving written notice to the chairperson, or in the case of the chairperson, to the Minister;
  - (b) is absent from three consecutive meetings of the board, without leave of the board;
  - (c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; or 50
  - (d) is declared unable to manage his or her personal affairs by a court of law.
- (2) The Minister may, in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), remove a member of the board at any time before the expiry of the member's term of office— 55
- (a) on the grounds of misconduct, incapacity or incompetence; or
  - (b) for any other sound and compelling reason.
- (3) A vacancy on the board must be filled by appointment in accordance with section 14. 60

**Ibhodi le-SAQA**

- 14.** (1) I-SAQA iphethwe yibhodi.
- (2) Ibhodi lakhiwe—
- (a) amalungu ayi-12 aqokwe ngqo nguNgqongqoshe ngemuva kokuxhumana noNgqongqoshe wezemiSebenzi; 5
- (b) isisebenzi sehhovisi elikhulu le-SAQA esicatshangwa kusiqephu sama-20, esiyilungu ngokuthanda kwehhovisi laso; kanye
- (c) nesisebenzi sehhovisi elikhulu le-QC ngayinye esicatshangwa kusiGaba sesi-5, esiyilungu ngokuthanda kwehhovisi laso.
- (3) (a) UNgqongqoshe kufanele aqoke amalungu, endleleni yokuphakamisa ecatshangwa kwisiqeshana sesi-(4), ngendlela ezoqinisekisa, njengoba kunokwenzeka, ukuthi imisebenzi ye-SAQA yenziwe ngokuhambelana namazinga aphakeme kakhulu omsebenzi. 10
- (b) Ukuqinisekisa ukuthi imisebenzi ye-SAQA iyenziwa ngendlela ecatshangwa kwindimana (a), amalungu okufanele aqokwe— 15
- (i) ngamele kabanzi imikhakha yemfundo nokuqeqesha kanye nokunye okuthintekayo;
- (ii) nganolwazi nokuqonda okukhulu kwemfundo nokuqeqesha;
- (iii) ngazisa iqhaza le mfundo nokuqeqesha ekwakheni kabusha naseku-thuthukisweni komnotho nomphakathi waseNingizimu Afrika; 20
- (iv) ngazi futhi azinikela kwisibopho sokuletha imfundo nokuqeqesha;
- (v) nganolwazi nokuqonda imidanti ngeziqo kanye nokuqinisekisa kwekhwalithi emfundweni nasekuqeqesheni; futhi
- (vi) nganolwazi lokuphatha nokubhekela ezezimali ze-SAQA;
- (c) ukunaka okulindelekile kunikezwa abamele ibhodi ezintweni ezifana nobuhlanga, ubulili nokukhubazeka. 25
- (4) UNgqongqoshe kufanele ameme ukuphakanyiswa kokuqokwa kamalungu ngesaziso *kwiGazethi*—
- (a) kubantu abaneqhaza emfundweni nasekuqeqesheni;
- (b) kuzinhlango ezibamba indima emfundweni nasekuqeqesheni; 30
- (c) kumigwamanda yolwazi;
- (d) emisebenzini ehleliwe;
- (e) kumabhizinisi ahleliwe; kanye
- (f) nakuzinhlango ezimele umphakathi nentuthuko.
- (5) Noma iliphi ilungu eliqokiwe— 35
- (a) libamba ihhovisi isikhathi esingadluli iminyaka emihlanu; futhi
- (b) lingaqokwa futhi uma sekuphele isikhathi salo sehhovisi, kodwa lingeke labamba ihhovisi izikhathi ezedlula ezimbili ezilandelayo.
- (6) Unqongqoshe kufanele aqoke ilungu elilodwa njengosihlalo.
- (7) Amalungu kufanele akhethe usekela-sihlalo phakathi kwawo. 40

**Ukushiya ihhovisi kwelungu lebhodi kanye nokuvala izikhala**

- 15.** (1) Ilungu kufanele lishiye ihhovisi uma ilungu—
- (a) lishiya umsebenzi ngokunikeza usihlalo isaziso esibhaliwe, noma esimweni sikasihlalo asinike uNgqongqoshe.
- (b) lephuthe imihlangano emithathu yebhodi elandelayo, ngaphandle kwe-mvume yokuphutha yebhodi; 45
- (c) uma kuthiwe alikhoni ukukhokha izikoledi, likhishwe ehhovisi lethrasti yinkantolo noma uma liboshelwa icala osigwebo salo ukuboshwa ngaphandle kokuhlawuliswa; noma
- (d) kuthiwa alikwazi ukuphatha izinto ezibhekene nalo yinkantolo. 50
- (2) UNgqongqoshe, ngokuhambelana nokuMthetho wokuQhubekisela Phambili ubuLungiswa bokuPhatha ka-2000 (uMthetho wesi-3 ka-2000) angasusa ilungu lebhodi nganoma isiphi isikhathi ngaphambu kokuba kuphele isikhathi sokubamba ihhovisi selungu,
- (a) ngesizathu sokungaziphathi kahle, ukungabi namandla noma ukwehluleka ukwenza umsebenzi; 55
- (b) nganoma isiphi isizathu ezizwakalayo futhi esiphocayo.
- (3) Isikhala sebhodi kufanele sivalwe ngokuqoka okuhambisana nesiqephu se-14.

(4) The Minister may, in accordance with the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), dissolve the entire board—

- (a) if the board fails to perform in terms of this Act;
- (b) if there is a total breakdown in the relationship between the board and the Minister; or
- (c) on any reasonable grounds.

5

### **Committees of board**

16. (1) The board may establish one or more committees which must perform such functions as the board may determine.

(2) A committee may co-opt a person who is not a member of the board but the board must consider the criteria contemplated in section 14 when it appoints such a person to a committee. 10

(3) The board must appoint one of its members as chairperson of a committee.

(4) A member of a committee is appointed for such period as the board may determine. 15

### **Meetings of board and committees**

17. (1) The board must meet at least four times a year at such times and places as the chairperson may determine by notice in writing to the members.

(2) The chairperson must convene a meeting of the board—

- (a) within 14 days of receipt of a written request signed by at least one third of the members of the board; or 20
- (b) if requested by the Minister to convene a meeting.

(3) If the chairperson and deputy chairperson of the board are absent from any meeting of the board, the members present must elect one of their number to preside at that meeting. 25

(4) The board must make rules relating to the procedure at meetings of the board and its committees, including the quorum for such meetings, and any other matter necessary or expedient for the performance of the functions of the board or its committees.

(5) The proceedings at a meeting of the board or a committee are not invalid by reason only of the fact that a vacancy exists on the board or committee, as the case may be, at the time of such meeting. 30

(6) The board and its committees must keep minutes of their proceedings and decisions which when confirmed must be open to scrutiny by an interested person subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

### **Allowances and remuneration of members of board and committees**

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18. A member of the board and a member of a committee who is not in the full-time service of the State may, in respect of services rendered by him or her in connection with the affairs of the board or committee, as the case may be, be paid by the SAQA such allowances and, in the case of the chairperson of the board, such additional remuneration as the Minister, with the concurrence of the Minister of Finance, may determine. 40

### **Appointment of chief executive officer and staff**

19. (1) The board must appoint a chief executive officer for the SAQA.

(2) (a) The board must appoint such number of employees as it considers necessary for the performance of the SAQA's functions.

(b) The board may delegate the function referred to in paragraph (a) to the chief executive officer of the SAQA subject to such conditions as are consistent with the relevant provisions of the PFMA. 45

(3) The SAQA is the employer of the chief executive officer and other employees.

(4) The board must determine the remuneration, allowances, subsidies and other conditions of service of the chief executive officer, subject to the approval of the Minister with the concurrence of the Minister of Finance. 50

UMTHETHO WOHLAKA LUKAZWELONKE  
LWEZIQU KA-2008

Act No. 67, 2008

(4) UNgqongqoshe, ngokuhambelana nokuMthetho wokuQhubekisela Phambili ubuLungiswa bokuPhatha ka-2000 (UMthetho wesi-3 ka-2000) angachitha ibhodi lonke—

- (a) uma ibhodi lehluleka ukwenza umsebenzi ngokwalo Mthetho;
- (b) uma kunokulimala okukhulu kobudlelwane phakathi kwebhodi noNgqongqoshe; noma
- (c) nganoma isiphi isizathu ezizwakalayo. 5

**Amakomidi ebhodi**

16. (1) Ibhodi lingasungula ikomidi elilodwa noma amaningi okufanele enze imisebenzi enganqunywa yibhodi. 10

(2) ibhodi lingenyula umuntu ongelona ilungu lebhodi, kodwa ibhodi kufanele likhumbule ikhrathiriya elindelwe kwisiqhephu se-15 ngenkathi liqoka lowo muntu limqokela ekomidini.

(3) Ibhodi kufanele liqoke ilungu lalo njengosihlalo wekomidi.

(4) Ilungu lekomidi liqokelwa isikhathi esifanayo naleso esiqunywe yibhodi. 15

**Imihlangano yebhodi kanye namakomidi**

17. (1) Ibhodi kufanele lihlangane okungenani kane ngonyaka ngezikhathi nendawo eyonqunywa ngusihlalo njengefanele ngesaziso ayosibhalela amalungu.

(2) Usihlalo kufanele abize umhlangano webhodi—

(a) kungakapheli izinsuku eziyi-14 emuva kokuthola isicelo esisayindwe okungenani yisithathu samalungu ebhodi; noma

(b) uma ecelwe nguNgqongqoshe ukuba abize umhlangano.

(3) Uma usihlalo kanye nosekela-sihlalo bebhodi bengekho kunoma imuphi umhlangano webhodi, amalungu akhona kufanele akhethe oyedwa wawo ukuba apathe umhlangano. 25

(4) Ibhodi kufanele lenze imithetho mayelana nenkambiso okufanele ilandelwe emihlanganweni yebhodi nakweyamakomidi alo, kumbandakanya ikhoramu emihlanganweni enjengalena, kanye nangeminye imidanti edingekayo noma efanele ukusebenza imisebenzi yebhodi noma yamakomidi alo.

(5) Okwenziwa emihlanganweni webhodi noma wekomidi akwenziwa kungabisemthethweni ngesizathu sokuthi kunesikhala ebhodini noma kwikomidi kuphela, njengoba kunokwenzeka, ngaleso sikhathi somhlangano.

(6) Ibhodi namakomidi alo kufanele ligcine amaminithi okwenziwayo kanye nezinqumo, okufanele ngenkathi zivunywa, zihlolisiswe ngumuntu othintekayo ngoko-Mthetho wokuFinyeleleka koLwazi ka-2000 (UMthetho wesi-2 ka-2000). 35

**Izibonelelo kanye nenkokhelo yamalungu ebhodi namakomidi**

18. Noma yiliphi ilungu eliqokiwe lebhodi nanoma yiliphi ilungu eliqokiwe lekomidi elingasebenzeli uhulumeni ngokuphelele, mayelana nemisebenzi eliyenzayo exhumene nemidanti yebhodi noma yekomidi, njengoba kunokwenzeka, likhokhelwa yi-SAQA lezo zibonelelo, futhi uma kumayelana nosihlalo webhodi, izibonelelo ezingeziwe ezifana nezikaNqongqoshe, ngokuvumelana noNqongqoshe wezeziMali, zingangunywa. 40

**Ukuqokwa komsebenzi omkhulu kanye nabasebenzi**

19. (1) Ibhodi kufanele liqoke umsebenzi omkhulu wehhovisi le-SAQA.

(2)(a) Ibhodi kufanele liqoke inani elithile labasebenzi njengoba lingabona kudingeka ukuze kwenziwe imisebenzi ye-SAQA., 45

(b) Ibhodi lingathumela umsebenzi omkhulu wehhovisi le-SAQA ukuba enze umsebenzi okukhulunywe ngawo kwindima (a) kuye ngezimo ezifanele njengezihambelana nemibandela ye-PFMA.

(3) I-SAQA ingumqashi kanye nabanye abasebenzi. 50

(4) Ibhodi kufanele liqume inkokhelo, izibonelelo, uxhaso, kanye nezinye izimo zokusebenza zomsebenzi omkhulu, kuye ngokuvuma kukaNgqongqoshe ngokuvumelana noNgqongqoshe wezeziMali.

**Functions of chief executive officer**

- 20.** The chief executive officer—
- (a) is responsible to the board for executing the functions of the SAQA in terms of this Act;
  - (b) must assign responsibilities and supervise the employees of the SAQA; and
  - (c) is the accounting officer charged with accounting for monies received, payments made and property purchased by the board.

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**Funds of SAQA**

- 21.** The funds of the SAQA consist of—
- (a) money appropriated by Parliament;
  - (b) donations and contributions received by the SAQA;
  - (c) money received by the SAQA in respect of fees charged for services;
  - (d) interest received on investments; and
  - (e) any other income received by the SAQA.

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**Alienation and encumbrance of property** 15

**22.** The board may not without the prior approval of the Minister, granted with the concurrence of the Minister of Finance, sell, exchange or otherwise alienate the immovable property of the SAQA.

**Financial statements, audit and annual report**

**23.** The Minister must table in Parliament the annual report, including the financial statements and audit report of the SAQA, within one month after receipt thereof, if Parliament is in ordinary session, and if Parliament is not in ordinary session, within one month after the commencement of the next ordinary session.

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**CHAPTER 5****QUALITY COUNCILS** 25**QC for General and Further Education and Training**

**24.** Umalusi is the QC for General and Further Education and Training as provided for in the GENFETQA Act.

**QC for Higher Education**

**25.** The Council on Higher Education is the QC for Higher Education as provided for in the Higher Education Act.

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**QC for Trades and Occupations**

**26.** The QC for Trades and Occupations is provided for in the Skills Development Act.

**Functions of QCs** 35

- 27.** A QC must, in order to achieve the objectives of the NQF—
- (a) perform its functions subject to this Act and the law by which the QC is established;
  - (b) comply with any policy determined by the Minister in terms of section 8(2)(b);
  - (c) consider the Minister's guidelines contemplated in section 8(2)(c);
  - (d) collaborate with the SAQA and other QCs in terms of the system contemplated in section 13(1)(f)(i);

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**Imisebenzi yomsebenzi omkhulu****20. Umsebenzi omkhulu—**

- (a) ubheka ukuthi ibhodi liyawenza umsebenzi we-SAQA ngokwalo Mthetho.
- (b) kufanele anike imisebenzi futhi abheke abasebenzi be-SAQA;
- (c) ungumsebenzi obheka amabhuku ezimali onomsebenzi wokubala izimali ezitholakele, izimali zokukhokhelwe kanye nempahla ethengwe yibhodi. 5

**Izimali ze-SAQA****21. Izimali ze-SAQA zakhiwa—**

- (a) izimali ezabiwe yiPhalamende;
- (b) iminikelo nezinsiza ezitholwa yi-SAQA; 10
- (c) izimali ezitholwa yi-SAQA mayelana nezimali ezibizwayo ukwenza umsebenzi;
- (d) inzuzo etholakala ekongeni; kanye
- (e) nanoma iyiphi imali engenayo etholwa yi-SAQA.

**Ukwehlukana noma ukujinjelwa kwempahla**

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22. Ibhodi lingeke ngaphandle kokuvunyelwa nguNgqongqoshe ngaphambili, naye evumelene noNgqongqoshe wezeziMali, lathengisa, lashintshana noma lehlukana nganoma ngayiphi indlela nempahla engenakuphatheka ye-SAQA.

**Izitatimende zezimali, ucwaningomabhuku ezimali, nemibiko yonyaka**

23. Ungqongqoshe kufanele ethulele iPhalamende umbiko wonyaka, umbandakanya izitatimende zezimali nemibiko yocwaningomabhuku ezimali ye-SAQA, esikhathini esingangenyanga ngemuva kokusithola, uma iPhalamende lizohlala, kanti uma iphalamende lingezukuhlala, esikhathini esingangenyanga ngemuva kokuqala kohlala okulandelayo kwephalamende. 20

**ISAHLUKO 5**

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**IMIKHANDLU YEKHWALITHI****I-QC yeMfundo Jikelele neMfundo eQhubekayo neQeqeshayo.**

24. Umalusi uyi-QC yeMfundo Jikelele neMfundo eQhubekayo neQeqeshayo njengoba ihlinzekelwe wuMthetho weGENFETQA.

**I-QC yeMfundo ePhakeme**

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25. Umkhandlu weMfundo ePhakeme uyi-QC yeMfundo ePhakeme njengoba ihlinzekelwe wuMthetho weMfundo ePhakeme.

**I-QC yemisebenzi yezandla kanye nezikhundla zemisebenzi**

26. I-QC yemiSebenzi yeZandla kanye neziKhundla zemiSebenzi ihlinzekelwa nguMthetho wokuThuthukiswa kwamaKhono. 35

**Imisebenzi yama-QC****27. I-QC. ukuze iphumelelise izinhloso ze-NQF kufanele—**

- (a) yenze imisebenzi yayo ngokwalo Mthetho nangokomthetho wokusungulwa kwe-QC;
- (b) ihambisane nanoma yimuphi umgomo onqunywe nguNgqongqoshe ngokwe-siqephu se-9(2)(b); 40
- (c) icabangisise imihlahlandlela kaNgqongqoshe ecatshangwa kwisiqephu 9(2)(c);
- (d) ibambisane ne-SAQA kanye namanye ama-QC ngokohlelo olucatshangwa kwisiqephu se-14(f); 45

- (e) develop and manage its sub-framework, and make recommendations thereon to the relevant Minister;
- (f) advise the relevant Minister on matters relating to its sub-framework;
- (g) with regard to level descriptors—
- (i) consider and agree to level descriptors contemplated in section 13(1)(g)(i); and 5
  - (ii) ensure that they remain current and appropriate;
- (h) with regard to qualifications for its sub-framework—
- (i) develop and implement policy and criteria, taking into account the policy and criteria contemplated in section 13(1)(h)(i), for the development, registration and publication of qualifications; 10
  - (ii) develop and implement policy and criteria, taking into account the policy and criteria contemplated in section 13(1)(h)(iii), for assessment, recognition of prior learning and credit accumulation and transfer; 15
  - (iii) ensure the development of such qualifications or part qualifications as are necessary for the sector, which may include appropriate measures for the assessment of learning achievement; and
  - (iv) recommend qualifications or part qualifications to the SAQA for registration; 20
- (i) with regard to quality assurance within its sub-framework—
- (i) develop and implement policy for quality assurance;
  - (ii) ensure the integrity and credibility of quality assurance;
  - (iii) ensure that such quality assurance as is necessary for the sub-framework is undertaken; 25
- (j) with regard to information matters—
- (i) maintain a database of learner achievements and related matters for the purposes of this Act; and
  - (ii) submit such data in a format determined in consultation with the SAQA for recording on the national learners' records database contemplated in section 13(1)(l); 30
- (k) with regard to other matters—
- (i) conduct or commission and publish research on issues of importance to the development and implementation of the sub-framework; 35
  - (ii) inform the public about the sub-framework;
  - (iii) perform any other function required by this Act; and
  - (iv) perform any function consistent with this Act that the relevant Minister may determine.

## CHAPTER 6 40

### PROFESSIONAL BODIES

#### Co-operation with QCs

**28.** Despite the provisions of any other Act, a professional body must co-operate with the relevant QCs in respect of qualifications and quality assurance in its occupational field. 45

#### Recognition by SAQA

**29.** A statutory or non-statutory body of expert practitioners in an occupational field must apply in the manner prescribed by the SAQA in terms of section 13(1)(i)(i) to be recognised as a professional body in terms of this Act.

#### Registration of professional designation 50

**30.** A professional body that is recognised in terms of section 29 must apply to the SAQA, in the manner determined by the SAQA in terms of section 13(1)(i)(ii), to register a professional designation on the NQF.

- (e) isungule futhi yeiphathe isinhlakana zayo, iphinde yenze izincomo eziya kungqongqoshe ofanele;
- (f) yeluleke uNgqongqoshe ofanele ngemidanti emayelana nohlakana lwayo;
- (g) mayelana nezincazelo zezinga—
- (i) icabangisisc futhi ivumele izincalo zezinga ezicatshangwa kwisiqephu 14(g)(i); futhi 5
- (ii) iqinisekise ukuthi zihlala kungezesimanje futhi zifanele;
- (h) Mayelana neziqo zezinhlakana zayo—
- (i) isungule, iphinde isebenzise umgomo kanye nekhrayithiriya, ibheka umgomo nekhrayithiriya ecatshangwa kwisiqephu se-13(h)(i), ukuthuthukisa, ukubhalisa, nokushicilela iziqu; 10
- (ii) isungule, iphinde isebenzise umgomo kanye nendlela esetshe-nziswayo, ibheka umgomo kanye nekhrayithiriya ecatshangwa kwisiqephu se-14(h)(iii), ukuhlola, ukwazisa, ukubona okufundwe ngaphambilini kanye nokuqokelela nokudluliselwa kokuklo-nyeliswa; 15
- (iii) iqinisekise ukuthuthuka kwalezo ziqu noma ingxenye yeziqo njengoba kudingeka kulowo mkhakha, okungambandakanya izinyathelo ezifanele zokuhlola inzuzo yokufunda; futhi
- (iv) income iziqu noma ingxenye yeziqo kwi-SAQA ukuze zibhaliswe; 20
- (i) Mayelana nokuqinisekiswa kwekhwalithi kuhlakana lwayo—
- (i) isungule iphinde isebenzise umgomo wokuqinisekisa ikhwalithi;
- (ii) iqinisekise isithunzi nokwethembeka kwesiqinisekiso sekhwalithi;
- (iii) iqinisekise ukuthi leso siqinisekiso sekhwalithi senziwa njengoba kudingeka ohlakeni; 25
- (j) Mayelana nemidanti yolwazi—
- (i) igcine uhlu lukazwelonke lamagama ababafundi lenzuzo yemfundo neminye imidanti ehlobene nalo ngezinhloso zalo Mthetho; iphinde idlulisele ulwazi olufana nalolu ngendlela enqunywe ngoku-xhumana ne-SAQA ukuze lurekhodwe ohlwini lukazwelonke lamagama abafundi olucatshangwa kwisiqephu se-14(l); 30
- (ii) idlulisele ulwazi olufana nalolu ngendlela enqunywe ngoku-xhumana ne-SAQA ukuze lurekhodwe ohlwini lukazwelonke lamagama abafundi olucatshangwa kwisiqephu se-14(l);
- (k) Mayelana neminye imidanti—
- (i) ibambe noma ithumcle futhi ishicilele ucwaningo ngezinto ezibalulekile ekuthuthukisweni nasekusetshezenisweni kohlakana; 35
- (ii) yazise umphakathi ngohlakana;
- (iii) yenze noma yimiphi imisebenzi edingwa yilo Mthetho; futhi
- (iv) yenze noma yimiphi imisebenzi ehambisana nalo Mthetho enganqunywa nguNgqongqoshe ofanele.

**ISAPHLUKO 6****IMIGWAMANDA YOLWAZI**

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**Ukubambisana nama-QC**

28. (1) Yize imibandela yanoma imuphi uMthetho, umgwamanda wolwazi kufanele ubambisane nama-QC afanele mayelana neziqo nokuqinisekiswa kwekhwalithi enkundleni yawo yomsebenzi.

**Ukwaziswa yi-SAQA**

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29. Umgwamanda wongoti osemthethweni noma ongekho emthethweni enkundleni yomsebenzi kufanele ufake isicelo ngendlela enqunywe yi-SAQA ngokwesiqephu se-13(i)(i) sokwaziwa njengomgwamanda wolwazi ngokwalo Mthetho.

**Ukubhaliswa kwemisebenzi ekhethiwe**

30. Umgwamanda wolwazi owaziwayo ngokwesiqephu sama-30 kufanele ufake isicelo kwi-SAQA. ngendlela enqunywe yi-SAQA ngokwesiqephu se-13(i)(ii), soku-bhalisa umsebenzi okhethiwe kwi-NQF. 50

**Information**

- 31.** A professional body must, in consultation with the SAQA—
- (a) maintain a database for the purposes of this Act;
  - (b) submit such data in a format determined in consultation with the SAQA for recording on the national learners' records database contemplated in section 13(1)(l). 5

**CHAPTER 7****GENERAL PROVISIONS****Delegation**

- 32.** The SAQA and the QCs have the power to delegate any of their functions to a committee, any other body capable of performing the function or an employee, but a delegation— 10
- (a) must be in writing and available for inspection on request by a member of the public;
  - (b) must specify the terms and conditions of the delegation; 15
  - (c) must be consistent with this Act and the Act by which the relevant QC is established;
  - (d) must be accompanied by sufficient funds to perform the function;
  - (e) does not exempt the SAQA or the QC, as the case may be, from responsibility for the function; and 20
  - (f) does not prevent the performance of the function by the SAQA or the QC, as the case may be.

**Regulations**

- 33.** (1) The Minister may make regulations regarding any matter that this Act requires or permits to be prescribed. 25
- (2) The Minister may make regulations regarding—
- (a) allowances and remuneration of members of the board or a committee contemplated in section 18; and
  - (b) generally any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 30

**Conflicting interpretation**

- 34.** In the event of a conflict in interpretation between this Act, the Higher Education Act, the Skills Development Act and the GENFETQA Act, this Act must be given preference. 35

**Saving**

- 35.** The Higher Education Qualifications Framework promulgated by the Minister in Government Notice No. 928 dated 5 October 2007 in terms of section 3 of the Higher Education Act remains the sub-framework for higher education as contemplated in sections 7(b) and 8(2)(e) of this Act unless amended in terms of section 8 of this Act and section 3 of the Higher Education Act. 40

**Transitional arrangements**

- 36.** Despite the repeal of the SAQA Act contemplated in section 37—
- (a) the members of the SAQA appointed in terms of the SAQA Act who are in office immediately prior to the commencement of this Act must fulfil the functions contemplated in section 13 until a new board is appointed by the Minister; 45
  - (b) the NQF, approved by the Minister as contemplated in the SAQA Act, continues to exist to the extent that it is consistent to this Act and must, where necessary, be amended by SAQA to ensure consistency with this Act; 50

**Ulwazi**

- 31.** Umgwamanda wolwazi kufanele, ngokuxhumana ne-SAQA—
- (a) ugcine uhlu lukazwelonke lamagama ukwenzela izinhloso zalo Mthetho;
  - (b) udlulisele ulwazi olufana nalolu ngendlela enqunywe ngokuxhumana ne-SAQA ukuze lurekhodwe ohlwini lukazwelonke lamagama abafundi olucatshangwa kwisiqephu 13(l). 5

**ISIAHLUKO 7****IMIBANDELA EJWAYELEKILE****Ukuthumela**

- 32.** I-SAQA kanye nama-QC anamandla okuthumela ikomidi ukuba lenze noma ngabe imuphi umsebenzi wawo, noma ngabe yimuphi umgwamanda onekhono lokwenza umsebenza noma umsebenzi, kodwa ukuthumela—
- (a) kufanele kube okubhalwe futhi kutholakale ngesicelo sanoma yiliphi ilungu lomphakathi ukuze kuhlolwe;
  - (b) kufanele kuchaze izimo kanye nesikhathi sokutsumela ukuba kwenziwe. 15
  - (c) kuhambisane nalo Mthetho kanye noMthetho i-QC efanele esungulwe ngawo;
  - (d) kufanele kuphelekezelwe yizimali ezanele zokwenza lowo msebenzi;
  - (e) akungashiya ngaphandle i-SAQA noma i-QC, njengoba kunokwenzeka, ukuba ibheke umsebenzi; futhi
  - (f) akungavimbeli lokho kwenziwa komsebenzi yi-SAQA noma yi-QC, njengoba kunokwenzeka. 20

**Imithethonqubo**

- 33.** (1) UNgqongqoshe angenza imithetho emayelana nanoma yiluphi udaba njengoba kudinga lo Mthetho noma ukuvuma okuzobekwa. 25
- (2) UNgqongqoshe angenza imithetho mayelana—
- (a) nezibonelelo nakuholelwa kwamalungu ebhodi noma ekomidi elicatshangwa kwisiqephu se-18; futhi
  - (b) ukusiza noma yikuphi okujwayelekile noma izigameko zokuphatha noma imidanti yenkambiso edingeka ukuba ibekwe ukuze usetshenziswe kahle noma uphathe lo Mthetho. 30

**Ukuhumusha okushayisanayo**

**34.** Uma kuba khona ukushayisana phakathi kwalo Mthetho, noMthetho weMfundo ePhakeme, noMthetho wokuThuthukiswa kwamaKhono kanye noMthetho i-GENFETQA, lo Mthetho kufanele usebenze kuqala.

**Ukongga** 35

**35.** Uhlaka lukaZwelonke lweZiqu zeMfundo ePhakeme olwaziswa umphakathi nguNgqongqoshe ngeSaziso seGazethi engunombolo 928 yomhla ka-5 ku-Okhthoba ka-2007 ngokwisiqephu 3 soMthetho weMfundo ePhakeme luhlala linguhlaka lwe-mfundo ephakeme njengoba lucatshangwa kwisiqephu 7(b) no-9(2)(e) salo Mthetho.

**Amalungiselelo esikhashana** 40

- 36.** Ngaphandle kokuchithwa koMthetho i-SAQA ocatshangwa kwisiqephu sama-38—
- (a) amalungu e-SAQA aqokwe ngokoMthetho i-SAQA abambe ihhovisi ngaphidlana nje kokuqaliswa kwalo Mthetho kufanele enze imisebenzi ecatsangwa kwisiqephu se-14 kuze kube ibhodi elisha liyaqokwa ngu-Ngqongqoshe; 45
  - (b) i-NQE, evnywe nguNgqongqoshe njengoba kucatshangwa ngokoMthetho i-SAQA, iyaqhubeka nokusebenza kuze kube ihambisana nalo Mthetho futhi kufanele, lapho kunokwenzeka, ichtshiyelwe ukuqinisekisa ukuhambelana nalo mthetho; 50

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- (c) the regulations made under the SAQA Act continue to exist to the extent that they are consistent with this Act until they are repealed by the Minister by notice in the *Gazette*;
- (d) a process or action which was started in terms of the SAQA Act prior to the commencement of this Act must be concluded in terms of the SAQA Act unless such process or action is inconsistent with this Act; 5
- (e) a policy made under the SAQA Act continues to exist to the extent that it is consistent with this Act until it is withdrawn by the SAQA;
- (f) subject to any applicable law, an employee of the SAQA who was employed immediately prior to the commencement of this Act continues to be employed in terms of this Act; 10
- (g) the conditions of service or service benefits of employees of the SAQA which were applicable immediately prior to the commencement of this Act continue to exist until changed by the board; and
- (h) all assets, rights, liabilities and obligations of the SAQA that vested in the SAQA under the SAQA Act, continues to vest in the SAQA. 15

**Repeal of law**

37. The South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), is hereby repealed in its entirety.

**Short title and commencement**

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38. (1) This Act is called the National Qualifications Framework Act, 2008, and comes into operation on a date determined by the Minister by notice in the *Gazette*.

(2) Different dates of commencement may be so determined for different sections of this Act.

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- (c) imithetho eyenziwe ngaphansi koMthetho i-SAQA iyaqhubeka noku-sebenza kuze kube ihambisana nalo Mthetho futhi kuze kube ichithiwe nguNgqongqoshe ngesaziso *kwiGazethi*;
- (d) uhlelo olubekiwe noma okwenziwayo okwaqala ngokoMthetho i-SAQA ngaphambili kokuqaliswa kwalo Mthetho kufanele kuqedelwe ngokoMthetho i-SAQA, ngaphandle uma lolo hlelo noma lokho okwenziwayo noma kwenzeka kungahambelani nalo Mthetho; 5
- (e) umgomo owenziwe ngaphansi koMthetho i-SAQA uyaqhubeka nokuse-benza kuze kube uhambisana nalo Mthetho futhi kuze kube i-SAQA ikhishiwe; 10
- (f) kuye nganoma yimuphi umthetho osetshenziswayo, umsebenzi we-SAQA owaqashwa ngaphambili kokuqaliswa kwalo Mthetho uyaqhubeka noku-qashwa ngokwalo Mthetho;
- (g) izimo zokusebenza noma inzuzo yokusebenza yabasebenzi be-SAQA ebizikade setshenziswa ngaphambili kokuqaliswa kwalo Mthetho ziyaqhubeka nokusetshenziswa kuze kube ibhodi liyazishintsha; futhi 15
- (h) yonke impahla, amalungelo, izikoledi nezibopho ze-SAQA ebezibheke i-SAQA ngaphansi koMthetho i-SAQA ziyaqhubeka nokubhekana ne-SAQA.

**Ukuchithwa komthetho**

37. UMthetho waseNingizimu Afrika wesiPhathimandla seZiqu ka-1995 (uMthetho wama-58 ka-1995) lapha uyachithwa ngokuphelele. 20

**Isihloko esifushane nokuqaliswa**

38. (1) Lo Mthetho ubizwa ngokuthi nguMthetho woHlaka lukaZwelonke lweZiqu ka-2008, futhi uqala ukusebenza ngosuku olunqunywe nguNgqongqoshe ngesaziso *kwiGazethi*. 25

(2) Izinsuku ezihlukene zokuqala zinganqunyelwa iziqephu ezihlukene zalo Mthetho.