

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 546 Cape Town, 7 December 2010 No. 33855
Kaapstad, Desember 2010

THE PRESIDENCY

No. 1178 7 December 2010

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

No. 26 of 2010: Higher Education Laws Amendment Act, 2010

IHHOVISI LIKAMONGAMELI

Ino. 1178 7 December 2010

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshi-cielelwa umphakathi:—

Ino. 26 Ka 2010: uMthetho wezeMithetho yezeMfundo ePhakame, wezi-2010

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 3 December 2010.)

ACT

To amend—

- the Higher Education Act, 1997, so as to amend certain definitions; to ensure that all higher education programmes offered in South Africa by a foreign juristic person are registered on the National Qualifications Framework; and to ensure that higher education institutions may offer a degree, diploma or certificate only if it is registered on the National Qualifications Framework;
- the Skills Development Act, 1998, so as to amend certain definitions; to provide for the appointment of the chief executive officer of the QCTO and for the transfer to and appointment of staff to the QCTO; and to further regulate the composition of the QCTO;
- the National Student Financial Aid Scheme Act, 1999, so as to amend certain definitions; and
- the National Qualifications Framework Act, 2008, so as to amend a definition and delete another; to amend the application of the Act in order to require that all qualifications offered in the Republic are registered on the National Qualifications Framework; and to remove references in the said Act to the Minister of Labour;

and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 101 of 1997, as amended by section 1 of Act 55 of 1999, section 1 of Act 54 of 2000, section 1 of Act 63 of 2002 and section 1 of Act 38 of 2008

5

1. Section 1 of the Higher Education Act, 1997, is hereby amended by—

(a) the substitution for the definition of “**Department of Education**” of the following definition:

“ ‘**Department of Education**’ means the [Government department responsible for education at national level] Department of Higher Education and Training;”

(b) the substitution for the definition of “**Director-General**” of the following definition:

10

INCAZELO EJWAYELEKILE:

- [] Amagama acaciswe ngombhalo ogqamile akubakaki abayisikwele abonisa okukhishwayo emthethweni osebenzayo.
- _____ Amagama adwetshelwe ngomugqa ogqamile akhombisa okufakelwayo emthethweni osebenzayo.

(English text signed by the President.)
(Assented to 3 December 2010.)

UMTHETHO**Ukuchibiyela—**

- UMthetho wezeMfundo ePhakeme, we-1997, ukuze uchibiyele izincazelo ezithile; ukuqikelela ukuthi izinhlelo zezemfundo ephakeme ezihlinzekelwa eNingizimu Afrika ngumuntu ongamangalelwa noma ongamangalela ongowokufika ziyabhaliswa oHlakeni lweziQulu lukaZwelonke; kanye nokuqikelela ukuthi izikhungo zezemfundo ephakeme zinganikezela ngedigri, idiploma noma isitifiketi kuphela uma zibhalisiwe oHlakeni lweziQu lukaZwelonke;
- *i-Skills Development Act, 1998*, ukuze kuchitshiyelwe izincazelo ezithile; ukuhlinzekela ngokuqoka umphathi omkhulu we-QCTO kanye noku-dluliselwa nokuqashwa kwabasebenzi be-QCTO; futhi ngokunquma futhi nokwakheka kwe-QCTO;
- *i-National Student Financial Aid Scheme Act, 1999*, ukuze kuchitshiyelwe izincazelo ezithile; kanye
- *ne-National Qualifications Framework Act, 2008*, ukuze kuchitshiyelwe incazelo futhi kususwe enye; ukuchibiyela ukusebenza koMthetho ukuze iziqu ezinikezwa eRiphabhuliki zibhaliswe oHlakeni lweziQu lukaZwelonke; kanye nokususa okuqondiswe kuNgqongqoshe wezeMisebenzi kulo Mthetho;

kanye nokuhlinzekela izindaba ezixhumene nawo.

UMISWE iPhalamende laseNingizimu Afrika ngale ndlela elandelayo:—

Wysiging van artikel 1 van Wet 101 van 1997, soos gewysig deur artikel 1 van Wet 55 van 1999, artikel 1 van Wet 54 van 2000, artikel 1 van Wet 63 van 2002 en artikel 1 van Wet 38 van 2008

5

1. Artikel 1 van die Wet op Hoër Onderwys, 1997, word hierby gewysig—

- (a) deur die omskrywing van “**Departement van Onderwys**” deur die volgende omskrywing te vervang:

“**‘Departement van Onderwys’ die [Staatsdepartement wat op nasionale vlak vir onderwys verantwoordelik is] Departement van Hoër Onderwys en Opleiding;**”;

10

- (b) deur die omskrywing van “**Direkteur-generaal**” deur die volgende omskrywing te vervang:

- “**Director-General**” means the Director-General of the Department of Higher Education and Training;”; and
 (c) the substitution for the definition of “**Minister**” of the following definition:
 “**Minister**” means the Minister of Higher Education and Training.”.

Substitution of section 51 of Act 101 of 1997, as substituted by section 6 of Act 54 of 2000 5

2. The following section is hereby substituted for section 51 of the Higher Education Act, 1997:

“Registration of private higher education institutions

- 51. (1)** No person other than a public higher education institution or an organ of state may provide higher education unless that person is— 10
 (a) in the prescribed manner, registered or conditionally registered as a private higher education institution in terms of this Act; and
 (b) registered or recognised as a juristic person in terms of the Companies Act, 1973 (Act No. 61 of 1973), before such person is registered or conditionally registered [as contemplated in] in accordance with paragraph (a). 15
 (2) If the person contemplated in subsection (1) is a foreign juristic person, that person must ensure that any qualification or part-qualification offered within the Republic is registered on the sub-framework for higher education on the National Qualifications Framework contemplated in section 7(b) read with section 13(1)(h) of the National Qualifications Framework Act.”. 20

Insertion of section 65D in Act 101 of 1997

3. The following section is hereby inserted in the Higher Education Act, 1997, after section 65C: 25

“Qualifications registered on National Qualifications Framework

- 65D. (1)** No person may offer, award or confer a degree, or a higher education diploma or a higher education certificate, provided for on the HEQF unless such degree, diploma or certificate is registered on the sub-framework for higher education on the National Qualifications Framework contemplated in section 7(b) read with section 13(1)(h) of the National Qualifications Framework Act. 30
 (2) Notwithstanding subsection (1), a public higher education institution intending to offer any education programme or trade and occupational learning programme that leads to a qualification or part-qualification on the sub-framework for trade and occupation contemplated in section 7(c) of the National Qualifications Framework Act may offer the qualification or part-qualification subject to— 35
 (a) the approval of the Minister; and
 (b) compliance with any condition set by the Minister.”. 40

Amendment of section 1 of Act 97 of 1998, as amended by section 23 of Act 9 of 1999, section 1 of Act 31 of 2003 and section 1 of Act 37 of 2008

4. Section 1 of the Skills Development Act, 1998, is hereby amended by— 45
 (a) the substitution for the definition of “**Department**” of the following definition:
 “**Department**” means the Department of [Labour] Higher Education and Training, except in—
 (a) sections 2(1)(g) and (h), 2(2)(a)(v), (vi) and (xii), 5(4) (only with respect to Productivity South Africa established by section 26K), 50

- “**Direkteur-generaal**” die Direkteur-generaal van die Departement van Hoër Onderwys en Opleiding;” en
 (c) deur die omskrywing van “**Minister**” deur die volgende omskrywing te vervang:
 “**Minister**” beteken die Minister van Hoër Onderwys en Opleiding;”.

Vervanging van artikel 51 van Wet 101 van 1997, soos vervang deur artikel 6 van Wet 54 van 2000

2. Artikel 51 van die Wet op Hoër Onderwys, 1997, word hierby deur die volgende artikel vervang:

“Registrasie van private inrigtings vir hoër onderwys 10

51. (1) Geen persoon, behalwe ’n openbare inrigting vir hoër onderwys of ’n staatsorgaan, mag hoër onderwys aanbied nie tensy daardie persoon—
 (a) op die voorgeskrewe wyse geregistreer of voorwaardelik geregistreer is as ’n private inrigting vir hoër onderwys ingevolge hierdie Wet; en
 (b) as ’n regs persoon ingevolge die Maatskappywet, 1973 (Wet 61 van 1973), geregistreer of erken is voordat sodanige persoon geregistreer of voorwaardelik geregistreer word [**soos beoog in**] ooreenkomstig paragraaf (a).

(2) Indien die persoon in subartikel (1) beoog ’n buitelandse regs persoon is, moet daardie persoon toesien dat enige kwalifikasie of gedeeltelike kwalifikasie wat binne die Republiek aangebied word, geregistreer is op die sub-raamwerk vir hoër onderwys op die Nasionale Kwalifikasieraamwerk beoog in artikel 7(b) gelees met artikel 13(1)(h) van die ‘National Qualifications Framework Act’.”.

Invoeging van artikel 65D in Wet 101 van 1997 25

3. Die volgende artikel word hierby in die Wet op Hoër Onderwys, 1997 na artikel 65C ingevoeg:

“Kwalifikasies op Nasionale Kwalifikasieraamwerk geregistreer

65D. (1) Geen persoon kan ’n graad, ’n hoër onderwysdiploma of hoër onderwysertifikaat aanbied, toeken of uitreik, waarvoor op die hoër onderwys kwalifikasieraamwerk voorsiening gemaak word nie, tensy sodanige graad, diploma of sertifikaat op die subraamwerk vir hoër onderwys of die Nasionale Kwalifikasieraamwerk beoog in artikel 7(b) gelees met artikel 13(1)(h) van die ‘National Qualifications Framework Act’, geregistreer is.

(2) Ondanks subartikel (1), kan ’n openbare inrigting vir hoër onderwys wat van voorneme is om enige onderwysprogram of bedryfs- en beroepsleerprogramme wat kan lei tot ’n kwalifikasie of gedeeltelike kwalifikasie op die subraamwerk vir bedryf en beroepe in artikel 7(c) van die ‘National Qualifications Framework Act’ beoog aan te bied, kan die kwalifikasie of gedeeltelike kwalifikasie aanbied behoudens—
 (a) die goedkeuring van die Minister; en
 (b) nakoming van enige voorwaarde wat deur die Minister gestel word.”.

Ukuchitshiyelwa kwesigaba soku-1 soMthetho wama-97 we-1998, njengoba uchitshiyelwe ngesigaba sama-23 soMthetho wesi-9 we-1999, isigaba soku-1 soMthetho wama-31 wezi-2003 kanye nesigaba soku-1 soMthetho wama-37 wezi-2008 45

4. Ngakho-ke isigaba soku-1 se-*Skills Development Act, 1998*, sitchitshiyelwe ngoku—

- (a) faka endaweni yencazelo “**uMnyango**” le ncazelo elandelayo: 50
 “**uMnyango**” uchaza uMnyango [**wezeMisebenzi**] wezeMfundo ePhakeme nokuQeqesha, ngaphandle—
 (a) kwezigaba sesi-2(1)(g) no-(h), 2(2)(a)(v), (vi) kanye nesesi-(xii), 5(4) (kuphela mayelana noMkhiqizo waseNingizimu Afrika osungulwe ngesigaba sama-26K), 22(1), 23(1)(a) kanye no-(d), (2) 55

- 22(1), 23(1)(a) and (d), (2) and (3), 24, 25, 26, 26K, 26L, 26M, 26N, 32(2), 36(o), (p) and (q), item 7 of Schedule 2A and Schedule 4; and
 (b) sections 32(1), 33 and 36(a) and (s) and any other provision to the extent that these provisions apply to 'employment services' defined in section 1 or to Productivity South Africa established by section 26K, but excluding section 23(1)(b) and (c),
 where it means the Department of Labour;";
- (b) the substitution for the definition of "**Director-General**" of the following definition:
 "**Director-General** means the Director-General of [**Labour**] Higher Education and Training;"; and
- (c) the substitution for the definition of "**Minister**" of the following definition:
 "**Minister** means the Minister of [**Labour**] Higher Education and Training, except in—
- (a) sections 2(1)(g) and (h), 2(2)(a)(v), (vi) and (xii), 5(4) (only with respect to Productivity South Africa established by section 26K), 22(1), 23(1)(a) and (d), (2) and (3), 24, 25, 26, 26K, 26L, 26M, 26N, 32(2), 36(o), (p) and (q), item 7 of Schedule 2A and Schedule 4; and
 (b) sections 32(1), 33 and 36(a) and (s) and any other provision to the extent that these provisions apply to 'employment services' defined in section 1 or to Productivity South Africa established by section 26K, but excluding section 23(1)(b) and (c),
 where it means the Minister of Labour;".

Amendment of section 26 of Act 97 of 1998, as inserted by section 11 of Act 37 of 2008

5. Section 26G of the Skills Development Act, 1998, is hereby amended by the substitution for subsection (5) of the following subsection:

- "(5) (a) The Minister must appoint the chief executive officer of the QCTO on the recommendation of the members of the QCTO.
- (b) If the Minister does not agree with the recommendation of the members of the QCTO, they must make another recommendation for consideration by the Minister.
- (c) The QCTO must appoint such number of employees to assist the QCTO in the performance of its functions as it may deem necessary.
- (d) Despite paragraph (a), the QCTO is the employer of the executive officer and employees and must determine their remuneration, allowances, subsidies and other conditions of service.
- (e) Staff identified in posts on the establishment of the Department who immediately before the commencement of the Higher Education Laws Amendment Act, 2010, performs functions relating to the administrative management of the QCTO may, subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), be appointed or transferred to the QCTO."

Amendment of Schedule 3 to Act 97 of 1998, as added by section 16 of Act 37 of 2008

6. Schedule 3 to the Skills Development Act, 1998, is hereby amended by—
- (a) the substitution in item 1(1) for paragraph (b) of the following paragraph:
 "(b) the chief executive officer of the SAQA;"; and
- (b) the substitution in item 1(1) for paragraphs (d) and (e) of the following paragraphs, respectively:
 "(d) the chief executive officer of the QCTO;
 (e) the chief executive [**director**] officer of the [**Higher Education Quality Committee**] Council on Higher Education established in terms of section [7] 4 of the Higher Education Act, 1997 (Act No. 101 of 1997);".

- nesesi- (3), 24, 25, 26, 26K, 26L, 26M, 26N, 32(2), 36(o), (p) no-(q), uhlamvu lwesi-7 lwesiThasiselo sesi-2A nesiThasiselo sesi-4; no—
- (b) izigaba 32(1), 33 nama-36(a) no-(s) nomunye umbandela ngendlela okusebenza ngayo le mibandela ‘umsebenzi wezokuqasha’ ochazwe esigatsheni soku-1 noma eMkhizweni waseNingizimu Afrika osungulwe ngesigaba sama-26K, kodwa akubandakanyi isigaba sama-23(1)(b) no-(c), lapho sichaza uMnyango weze-Misebenzi;”;
- (b) kufaka endaweni yencazelo “**uMqondisi-Jikelele**” le ncazelo elandelayo: 10
 “**uMqondisi-Jikelele**’ uchaza uMqondisi-Jikelele [**wezeMisebenzi**] wezeMfundo ePhakeme nokuQeqesha;”;
- (c) ngokufaka endaweni yencazelo “**uNgqongqoshe**” le ncazelo elandelayo: 15
 “**uNgqongqoshe**’ uchaza uNgqongqoshe [**wezeMisebenzi**] wezeMfundo ePhakeme nokuQeqesha, ngaphandle kwezi—
- (a) gaba sesi-2(1)(g) no-(h), 2(2)(a)(v), (vi) no-(xii), 5(4) (kuphela mayelana noMkhizweni waseRiphabhuliki osungulwe ngesigaba sama-26K), 22(1), 23(1)(a) no-(d), (2) esesi- (3), 24, 25, 26, 26K, 26L, 26M, 26N, 32(2), 36(o), (p) no-(q), uhlamvu lwesi-7 lwesiThasiselo sesi-2A nesiThasiselo sesi-4; kanye 20
- (b) gaba sama-32(1), 33 nama-36(a) no-(s) kanye nomunye umbandela ngendlela le mibandela esebenza ngayo ‘emsebenzini wezokuqasha’ ochazwe esigatsheni soku-1 soMkhizweni waseNingizimu Afrika osungulwe ngesigaba sama-26K, kodwa awuhlanganisi izigaba sama-23(1)(b) no-(c), lapho kuchazwa uNgqongqoshe wezeMisebenzi;”.

Ukuchitshiyelwa kwesigaba sama-26 soMthetho wama-97 we-1998, njengoba kushuthekwe isigaba se-11 soMthetho wama-37 wezi-2008

5. Ngakho-ke isigaba sama-26G se-*Skills Development Act, 1998*, sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(5) salesi sigatshana esilandelayo: 30
 “(5) (a) UNgqongqoshe kufanele aqoke umphathi omkhulu we-QCTO ngezinzincomo zamalungu e-QCTO.
 (b) Uma uNgqongqoshe engavumelani nezinzincomo zamalungu e-QCTO, kufanele enze ezinye izinzincomo ezizobhekwa uNgqongqoshe.
 (c) I-QCTO kufanele iqoke ilungu kubasebenzi ukuba lisize i-QCTO ekwenzeni imisebenzi ebona ukuthi ifanele. 35
 (d) Nakuba kunendima (a), i-QCTO ingumqashi womsebenzi oyisi-phathimandla kanye nabasebenzi futhi kufanele inqume umholo wabo, izibonelelo, imali yokulekelela kanye nemibandela yomsebenzi.
 (e) Abasebenzi ababalulwe ezikhaleni zomsebenzi ngesikhathi kusungulwa uMnyango ngaphandle kokupholisa amaseko ngaphambi kokuqala ukusebenza koMthetho weMithetho yezeMfundo ePhakeme, wezi-2010, abenza imisebenzi ehlobene nokusingathwa konobhala be-QCTO, ngokwesigaba se-197 se-*Labour Relations Act, 1995 (Act No. 66 of 1995)*, bangaqokwa noma badluliselwe e-QCTO.”. 45

Ukuchibiyela isiThasiselo sesi-3 soMthetho wama-97 we-1998, njengoba kungezwe isigaba se-16 soMthetho wama-37 wezi-2008

6. Ngakho-ke isiThasiselo sesi-3 se-*Skills Development Act, 1998*, sichitshiyelwe ngoku—
- (a) faka endaweni yohlamvu loku-1(1) lwendima (b) le ndima elandelayo: 50
 “(b) umphathi omkhulu we-SAQA;”;
- (b) nokufaka endaweni yohlamvu loku-1(1) lwezindima (d) no-(e) lezi zindima ezilandelayo ngokulandelana:
 “(d) umphathi omkhulu we-QCTO;
 (e) umphathi omkhulu [umqondisi] [weKomidi Lezinga lezeMfundo ePhakeme] woMkhandlu wezeMfundo ePhakeme osungulwe ngokwemigomo yesigaba sesi-[7] 4 soMthetho wezeMfundo ePhakeme, we-1997 (uMthetho we-101 we-1997);”.

Amendment of section 1 of Act 56 of 1999, as amended by section 13 of Act 31 of 2007

7. Section 1 of the National Student Financial Aid Scheme Act, 1999, is hereby amended by—

- (a) the substitution for the definition of “**Department**” of the following definition: 5
 “**Department**” means the [government department responsible for education at national level] Department of Higher Education and Training;”; and
 (b) the substitution for the definition of “**Minister**” of the following definition: 10
 “**Minister**” means the Minister of Higher Education and Training;”.

Amendment of section 1 of Act 67 of 2008

8. Section 1 of the National Qualifications Framework Act, 2008, is hereby amended—

- (a) by the substitution for the definition of “**Minister**” of the following definition: 15
 “**Minister**” means the Minister of Higher Education and Training;”; and
 (b) by the repeal of the definition of “relevant Minister”.

Substitution of section 3 of Act 67 of 2008

9. The following section is hereby substituted for section 3 of the National 20
 Qualifications Framework Act, 2008:

“Application of Act

3. (1) This Act applies to—

- (a) education programmes or learning programmes that lead to qualifications or part-qualifications offered within the Republic by— 25
 (i) education institutions; and
 (ii) skills development providers; and
 (b) professional designations,
 subject to the limitations prescribed in this Act.

(2) Every qualification or part-qualification contemplated in subsection (1) must be registered on the National Qualifications Framework in accordance with this Act.” 30

Amendment of section 8 of Act 67 of 2008

10. Section 8 of the National Qualifications Framework Act, 2008, is hereby amended— 35

- (a) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 35
 “(c) QC for General and Further Education and Training, [and] the QC for Higher Education and the QC for Trades and Occupations contemplated in Chapter 5.”; 40
 (b) by the substitution in subsection (2) for paragraphs (b) and (c) of the following paragraphs, respectively: 40
 “(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; 45
 (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;”;
 (c) by the substitution in subsection (2) for paragraphs (e) and (f) of the following paragraphs, respectively: 50
 “(e) [determine,] after considering advice from the SAQA [and after consultation with the Minister of Labour,] determine the sub-

Wysiging van artikel 1 van Wet 56 van 1999, soos gewysig deur artikel 13 van Wet 31 van 2007

7. Artikel 1 van die Wet op Nasionale Skema vir Finansiële Bystand vir Studente, 1999, word hierby gewysig—

- (a) deur die omskrywing van “**Departement**” deur die volgende omskrywing te 5
vervang:
“**‘Departement’** die [staatsdepartement verantwoordelik vir onder-
wys op nasionale vlak] Departement van Hoër Onderwys en
Opleiding;”; en
- (b) deur die omskrywing van “**Minister**” deur die volgende omskrywing te 10
vervang:
“**‘Minister’** die Minister van Hoër Onderwys en Opleiding;”.

Ukuchibiyela isigaba soku-1 soMthetho wama-67 wezi-2008

8. Ngakho-ke isigaba soku-1 se-*National Qualifications Framework Act, 2008*, 15
sichitshiyelwe—

- (a) ngokufaka endaweni yencazelo “**uNgqongqoshe**” le ncazelo elandelayo: 15
“**‘uNgqongqoshe’** uchaza uNgqongqoshe wezemfundo ePhakeme
nokuQeqesha;”; kanye
- (b) nangokuchitha incazelo “uNgqongqoshe oqondene”.

Ukufaka endaweni yesigaba sesi-3 soMthetho wama-67 wezi-2008 20

9. Ngakho-ke kufakwe lesi sigaba esilandelayo endaweni yasigaba sesi-3 se-*National Qualifications Framework Act, 2008*:

“Ukusebenza koMthetho

3. (1) Lo mthetho usebenza—

- (a) ezinhlelweni zezemfundo noma ezinhlelweni zokufunda eziholela 25
eziqwini ezithile noma engxenyeni yeziqo ezinikezwa eRipha-
bhuliki—
(i) zikhungo zezemfundo; kanye
(ii) abahlinzekela ngozokuthuthukisa amakhono; kanye
- (b) nabaqokelwe umsebenzi ofundelwe, Ngokubheka umkhawulo onqu- 30
nywe kulo Mthetho.
- (2) Zonke iziqu noma okuyingxenywe yeziqo okuvezwe esigatshaneni (1)
kufaneke kubhaliswe oHlakeni lweziQu lukaZwelonke ngokulandela lo
Mthetho.”.

Ukuchibiyela isigaba sesi-8 soMthetho wama-67 wezi-2008 35

10. Ngakho-ke isigaba sesi-8 se-*National Qualifications Framework Act, 2008*,
sichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) sendima (c) sale ndima 40
elandelayo:
“(c) I-QC yeMfundo eJwayelekile noma yoKwengeza nokuQeqesha, 40
[kanye] i-QC yezeMfundo ePhakeme kanye ne-QC yezoHwebo
okuvezwe esaHlukweni sesi-5.”;
- (b) ngokufaka endaweni yesigatshana sesi-(2) sendima (b) no-(c) zalezi zindima 45
ezilandelayo ngokulandelana:
“(b) linqume inqubomgomo yezindaba ze-NQF ngokwemigomo yalo 45
Mthetho[, ngemuva kokuxoxisana noNgqongqoshe weze-
Misebenzi,] futhi lishicilele inqubomgomo kuSomqulu;
- (c) [ngemuva kokuxoxisana noNgqongqoshe wezeMisebenzi,] 50
lishicilele imihlahlandlela eveza amasu kahulumeni kanye noku-
semqoka ku-NQF, futhi okungavuselelwa njalo ngonyaka;”;
- (c) ngokufaka endaweni yesigatshana sesi-(2) sendima (e) no-(f) salezi zindima 50
ezilandelayo ngokulandelana:
“(e) [linqume,] ngemuva kokubheka isu elivela ku-SAQA [futhi
ngemuva kokuxoxisana noNgqongqoshe wezeMisebenzi],

- frameworks contemplated in section 7 [(a) and (b), respectively,] and publish them in the *Gazette*; and
- (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.”; and 5
- (d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “The Minister[, after consultation with the Minister of Labour,] must—”.

Repeal of section 9 of Act 67 of 2008

11. Section 9 of the National Qualifications Framework Act, 2008, is hereby repealed. 10

Amendment of section 13 of Act 67 of 2008

12. Section 13 of the National Qualifications Framework Act, 2008, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) advise the Minister [and the Minister of Labour] on NQF matters in terms of this Act.”. 15

Amendment of section 14 of Act 67 of 2008

13. Section 14 of the National Qualifications Framework Act, 2008, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) 12 members appointed in their personal capacities by the Minister [after consultation with the Minister of Labour];”.

Amendment of section 27 of Act 67 of 2008

14. Section 27 of the National Qualifications Framework Act, 2008, is hereby amended— 25

- (a) by the substitution for paragraphs (e) and (f) of the following paragraphs, respectively:
- “(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;”;
- (b) by the substitution in paragraph (k) for subparagraph (iv) of the following subparagraph:
- “(iv) perform any function consistent with this Act that the [relevant] Minister may determine.”. 30 35

Substitution of long title of Act 67 of 2008

15. The following long title is hereby substituted for the long title of the National Qualifications Framework Act, 2008:

“To provide for the National Qualifications Framework; to provide for the responsibilities of the Minister of Higher Education and [the Minister of Labour] Training; 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.”. 40

Short title 45

16. This Act is the Higher Education Laws Amendment Act, 2010.

- linqume imihlahlandlela emincane evezwe esigatsheni sesi-7 [(a) **no-(b), ngokulandelana,**] futhi liyishicilele kuSomqulu, futhi
- (f) linqume, ngezimiso zomthetho kuSomqulu, [**ngemuva kokuxoxisana noNgqongqoshe wezeMisebenzi,**] uhlelo okufanele kuso- 5
mbululwe ngalo izinxushunxushu ezibandakanya i-SAQA noma i-QC, kanye nezinye izindaba ezihlobene nalokhu.”; futhi
- (d) ngokufaka endaweni yesigatshana sesi-(3) emagameni alandela indima (a) 10
lawa magama alandelayo:
“uNgqongqoshe, **ngemuva kokuxoxisana noNgqongqoshe wezeMisebenzi,**] kufanele—”.

Ukuchithwa kwesigaba sesi-9 soMthetho wama-67 wezi-2008

11. Ngakho-ke isigaba sesi-9 se-*National Qualifications Framework Act, 2008*, sichithiwe.

Ngokuchibiyela isigaba se-13 soMthetho wama-67 wezi-2008

12. Ngakho-ke isigaba se-13 se-*National Qualifications Framework Act, 2008*, 15
sichitshiyelwe ngokufaka endaweni yesigatshana isigatshana soku-(1) sendima (b) sale ndima elandelayo:
“(b) ukululeka uNgqongqoshe [**kanye noNgqongqoshe wezeMisebenzi**] ngezindaba ze-NQF ngokwemigomo yalo Mthetho.”.

Ukuchitshiyelwa kwesigaba se-14 soMthetho wama-67 wezi-2008

13. Ngakho-ke isigaba se-14 se-*National Qualifications Framework Act, 2008*, 20
sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(2) sendima (a) sale ndima elandelayo:
“(a) amalungu ali-12 aqokwe ngokwamandla awo uNgqongqoshe [**ngemuva kokuxoxisana noNgqongqoshe wezeMisebenzi**]”.

Ukuchitshiyelwa kwesigaba sama-27 soMthetho wama-67 wezi-2008

14. Ngakho-ke isigaba sama-27 se-*National Qualifications Framework Act, 2008*, 25
sichitshiyelwe—
(a) ngokufaka endaweni yezindima (e) no-(f) lezi zindima ezilandelayo ngokulandelana: 30
“(e) thuthukisa nokusingatha uhlaka olungaphansi kwalo, kanye nokwenza izincomo zalo kuNgqongqoshe [**oqondene**];
(f) luleka uNgqongqoshe [**oqondene**] ezindabeni ezihlobene nohlaka lwalo olungaphansi;”; kanye
(b) nokufaka endaweni yendima (k) yendinyana (iv) le ndinyana elandelayo: 35
“(iv) ukwenza umsebenzi ohambisana nalo Mthetho onganqunywa uNgqongqoshe [**oqondene**]”.

Ukufaka endaweni yesihloko esichazayo soMthetho wama-67 wezi-2008

15. Ngakho-ke lesi sihloko esicacisayo sifakwe endaweni yesihloko esicacisayo 40
se-*National Qualifications Framework Act, 2008*:
“**Ukuhlinzekela ngoHlaka lweziQu lukaZwelonke; ukuhlinzekela ngemi-
sebenzi kaNgqongqoshe wezeMfundo ePhakeme kanye [kaNgqongqoshe
wezeMisebenzi] nokuQeqesha; ukuhlinzekela ngoMkhandlu weziQu zase-
Ningizimu Afrika; ukuhlinzekela ngoMkhandlu obhekele iZinga; ukuhlin-
zekela ngamalungiselelo esikhashana; ukuchitha i-South African Qualifica-
tions Authority Act, 1995; kanye nokuhlinzekela izindaba ezixhumene nawo.**”.

Isihloko esifingqiwe

16. Lo Mthetho uMthetho wezeMithetho yezeMfundo ePhakeme, wezi-2010.