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Government Printing Works  
**REPUBLIC OF SOUTH AFRICA**

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20 October 2016

Dear Value Customers

The 27<sup>th</sup> of December 2016 has been declared as a public holiday by the State President Mr Jacob Zuma.

For this reason, the closing date of all gazettes during that week will be a day before scheduled dates as published in the gazette or on the website.

Sincerely,

Maureen Toka  
Acting Assistant Director: Publications  
(Tel): 012 748-6066

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

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**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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*The closing time is **15:00** sharp on the following days:*

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
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# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2016**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwnonline.co.za](http://www.gpwnonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****NOTICE SUBMISSION PROCESS**

3. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
4. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
5. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
6. Each notice submission should be sent as a single email. The email should contain **all documentation relating to a particular notice submission**, each as a separate attachment:
  - 6.1. Electronically completed *Adobe* form, specific to the type of notice that is to be placed.
    - 6.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
    - 6.1.2. The notice content (body copy) **MUST** be a separate attachment.
  - 6.2. Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
  - 6.3. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should also be attached as a separate attachment. (See specifications below, point 11).
  - 6.4. Any additional notice information if applicable.
7. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
8. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
9. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
10. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

11. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
  - 11.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
  - 11.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

12. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
13. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

14. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

15. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
  - 15.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
  - 15.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
  - 15.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
  - 15.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

16. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
17. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

18. The Government Printer will assume no liability in respect of—
  - 18.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 18.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 18.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

19. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

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**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NO. 7****06 JANUARY 2017****CALL FOR NOMINATION OF PERSONS TO SERVE AS MEMBERS OF THE APPEAL BOARD IN TERMS OF SECTION 24(3) IN TERMS OF THE PLANNING PROFESSION ACT, 2002 (ACT NO. 36 OF 2002)**


Under Section 24(6) of the Planning Profession Act, 2002 (Act No 36 of 2002), I, Mduduzi P Shabane, Director General for Rural Development and Land Reform, acting on behalf of the Minister of Rural Development and Land Reform, hereby invite interested persons, voluntary associations and organizations to submit nominations of suitably qualified persons who are prepared to serve as member(s) of the Appeal Board in terms of the Planning Profession Act.

The Board will comprise of the following members:

- 3 persons who have been practising or teaching planning for a period of not less than 5 years, and
- 2 members of the public, at least one of whom is qualified in law and has at least five years experience in the legal profession

The Director General will take into account, among other things, the principles of transparency and representativity when appointing members of the Appeals Board.

A nomination should be accompanied by an **acceptance** letter and **curriculum vitae** and should mention the category in which the person is nominated. All nominations should be addressed to the Director-General, Department of Rural Development and Land Reform, Private Bag X833, PRETORIA, 0001 for the attention of Mr Rajesh Makan Tel: (012) 312 8155, Fax: 086 692 8882 and E-mail: [sacplannominations@drdir.gov.za](mailto:sacplannominations@drdir.gov.za). The deadline for submission of nominations is a period of 30 days after the publication date of this notice.



MR PM SHABANE  
DIRECTOR GENERAL: RURAL DEVELOPMENT AND REFORM  
DATE: 25/11/2016

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 8

06 JANUARY 2017

**CALL FOR NOMINATION OF PERSONS TO SERVE ON THE SOUTH AFRICAN COUNCIL FOR PLANNERS IN TERMS OF THE PLANNING PROFESSION ACT, 2002 (ACT NO. 36 OF 2002)**

Under Section 4(3) of the Planning Profession Act, 2002 (Act No. 36 of 2002) ("the Act"), I, Petrus Mduduzi Shabane, Director – General of Rural Development and Land Reform, acting on behalf of the Minister of Rural Development and Land Reform, hereby invite interested persons, voluntary associations and organisations to submit nominations of suitably qualified persons who are prepared to serve as member(s) of the South African Council for Planners in terms of the Act.

Categories of persons to constitute the Council are:

- **Two** planners in the full time employ of the Department of Land Affairs nominated by the head of the Department.
- **One** planner in the employ of provincial government nominated by Provincial Government.
- **Two** planners in the employ of municipal sphere of government (one from a municipality which is mainly rural in character and the other from a municipality which is mainly urban in character) nominated by municipality (ies) or an association representing planners at municipal level or representing the interests of local government sphere of government.
- **Three** planners from the planning education and training sector nominated by the Committee of University Principals, or Education and Training Institutions that offer training on the subject matter
- **Three** planners in private practice nominated by association(s) or institutions representing planners in private practice or representing the interest of planners in general.
- **Three** persons to represent the interests of communities who may be affected by planning decisions, nominated by interested persons, voluntary associations and organisations.

Persons nominated must not be disqualified in terms of Section 5 of the Act. In appointing members of the Council, the Minister will have due regard to the planning profession principles contained in Section 2 of the Act, the diversity of interests and the need to ensure and promote gender, disability and other demographic representativity.

Council members will hold office for a period of four years from the date the appointment takes effect to be published in the *Gazette*.

A nomination should be accompanied by an **acceptance** letter and **curriculum vitae** and should mention the category in which the person is nominated. All nominations should be addressed to the Director General, Department of Rural Development and Land Reform, Private Bag X833, PRETORIA, 0001 for the attention of Mr Rajesh Makan Tel: (012) 312 8155, Fax: 086 692 8882 and E-mail: [sacplannominations@drdlr.gov.za](mailto:sacplannominations@drdlr.gov.za). The deadline for submission of nominations is a period of 30 days after the publication date of this notice.



MR PM SHABANE

DIRECTOR GENERAL: RURAL DEVELOPMENT AND LAND REFORM

DATE: 25.11.2016

## SOUTH AFRICAN QUALIFICATIONS AUTHORITY

NO. 9

06 JANUARY 2017



# DRAFT NATIONAL POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

Draft for public comment  
6 January 2017

## Introductory note

The South African Qualifications Authority (SAQA) is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, to advance the objectives of the NQF, oversee the further development and implementation of the NQF and to co-ordinate the Sub-Frameworks. One of the objectives of the NQF is to facilitate access to, and mobility and progression within education, training, development and work. In this regard Section 13(1) (m) requires SAQA to provide an evaluation and advisory service in respect of foreign qualifications, consistent with the NQF Act. The NQF Amendment Bill also confirms SAQA's role in the verification of national qualifications.

To give effect to preserving the integrity of the NQF, and to provide a more complete evaluation and advisory service, SAQA, in consultation with DHET and the Quality Councils, developed this draft Policy on the Misrepresentation of Qualifications. The Policy defines what is meant by misrepresented qualifications; provides a framework for dealing with individuals and providers who misrepresent qualifications; and defines the roles and responsibilities of the different role-players.

SAQA encourages all stakeholders who directly or indirectly engage with qualifications, are in the education and training sector, in the police services or judiciary, have knowledge of the SA legal system, are employers, or have an interest in curbing the proliferation of misrepresented qualifications, to engage with this draft Policy and submit comments to SAQA within 30 days of its publication.

Comments should be sent to Ms Nireen Naidoo, Director: Office of the CEO ([nnaidoo@saqa.co.za](mailto:nnaidoo@saqa.co.za))

Joe Samuels  
Chief Executive Officer



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# PART A: DRAFT NATIONAL POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

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## 1. GLOSSARY OF TERMS

The purpose of this glossary is to define the terminology used in developing this policy document.

**“Accredited provider”** means a legally established institution (public or private) that has been recognised, usually for a particular period of time, by a Quality Council or its appointed agent, as having the capacity or provisional capacity to offer a qualification or part-qualification registered on the NQF at the required standard.

**“Appeal”** means the formal petitioning, by an applicant (the qualification holder), against the decision made by SAQA, regarding the recognition of a foreign qualification or the verification of a South African qualification.

**“Assessment Quality Partner (AQP)”** means a body delegated by the QCTO to manage and coordinate the external integrated summative assessments of specified NQF-registered occupational qualifications and part-qualifications.

**“Authentic qualification”** means that the qualification must be:

- (i) registered on the NQF; and
- (ii) Offered by a registered and accredited provider. This criterion means that:
  - Providers that offer qualifications and/or part-qualifications registered on the HEQSF must be registered as a higher education provider by the DHET and accredited by the CHE;
  - Providers that offer qualifications and/or part-qualifications registered on the GFETQSF must be registered by the DHET as a private college and be accredited by Umalusi; and
  - Providers that offer qualifications and/or part-qualifications registered on the OQSF must be registered by the DHET as a private education and training provider and be accredited by the QCTO or by a body to whom the QCTO has delegated its quality assurance function.

**“Authentic qualification (Foreign)”** means a foreign qualification/part-qualification that meets the following criteria:

- (i) The provider must be an educational institution that is registered, accredited or recognised in a national system other than South Africa and in accordance with the national policies, or generally accepted practice of that country; and
- (ii) The qualification/part-qualification must be registered/accredited/recognised in that country.

**“Comparison”** means a process which entails comparing foreign qualifications with South African qualifications, considering the structure and outcomes of foreign qualifications and locating them within the South African NQF.

**“Council on Higher Education (CHE)”** means an independent statutory body responsible for advising the Minister: HET on all Higher Education policy issues, and for quality assurance in Higher Education. The CHE is the council for quality assurance in Higher Education, mandated by the NQF Act, No. 67 of 2008, to achieve the objectives of the NQF and to develop and manage the HEQSF.

**“Degree Mill”** means a provider operating outside of the South African NQF or a foreign institution that is not operating within any national education system outside of South Africa, and that usually exhibit the following characteristics. They:

- (i) Lack legal authority to operate as higher education institutions or award degrees;
- (ii) Require little if any attendance, either on-site or online;
- (iii) Require little if any coursework, or few if any assignments to obtain a credential;
- (iv) Do not provide information about location of incorporation, ownership or governance;
- (v) Provide little or no contact information other than a telephone number or email address;
- (vi) Publish false or exaggerated claims of external quality review (accreditation or quality assurance);
- (vii) Issue degrees that are not accepted for licensing or entry into graduate or professional programmes in the degree mill’s home country;
- (viii) List academic staff whose degrees were issued by degree mills or are unable to provide verifiable lists of academic staff and their qualifications;
- (ix) Plagiarise material from legitimate institutions for inclusion on degree mill websites;
- (x) Feature websites with internet domain registration that is obscured by privacy service rather than being publicly accessible; and
- (xi) There is usually little more than a financial transaction in exchange for a certificate of award.

**“Evaluation of foreign qualifications”** means the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications so as to locate the foreign qualification within the SA NQF.

**“Foreign institution”** means an education institution that is registered, accredited or recognised in a national education and training system other than South Africa and in accordance with the national policies, or generally accepted practice of that country.

**“Foreign qualification”** means a qualification offered by an awarding institution that is registered, accredited or recognised in an education and training system other than South Africa, and in accordance with the national policies or generally accepted practice of that country.

**“Fraudulent qualification”** means a qualification that is not authentic and has been so pronounced by a court of law.

**“General and Further Education and Training Qualifications Sub-Framework (GFETQSF)”** means the Sub-Framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi.

**“Higher Education Qualifications Sub-Framework (HEQSF)”** means the Sub-Framework of the NQF for Higher Education that is developed and managed by the Council on Higher Education (CHE).

**“Misrepresentation”** means an incorrect statement of fact or law made by one person to another. A qualification/part-qualification has been **misrepresented** if:

- (i) It does not meet the criteria to be an authentic qualification;
- (ii) The certificate of award was not issued by the provider;
- (iii) An individual alters the certificate of award or the SAQA Certification of Evaluation for a qualification; and
- (iv) An individual offers for any reason, a qualification that was obtained from a degree mill.

**“National Learners’ Records Database (NLRD)”** means the electronic management information system of the NQF under the authority of SAQA, which contains records of qualifications, part-qualifications, learner achievements, recognised professional bodies, professional designations and all related information such as registrations and accreditations

**“National Qualifications Framework (NQF)”** means the comprehensive system approved by the Minister: HET for the classification, co-ordination, registration, publication and articulation of quality-assured national qualifications and part-qualifications. The South African NQF is a single integrated system comprising three coordinated Qualifications Sub-Frameworks for: General and Further Education and Training; Higher Education; and Trades and Occupations.

**“Occupational Qualifications Sub-Framework (OQSF)”** means the Sub-Framework of the NQF for Trades and Occupations that is developed and managed by the Quality Council for Trades and Occupations (QCTO).

**“Part-Qualification”** means an assessed unit of learning with a clearly defined purpose that is, or will be, registered as part of a qualification on the NQF.

**“Private college”** means a private institution that is established or declared as a private college and registered under the Further Education and Training Colleges Amendment Act, No. 1 of 2013.

**“Provider (Public)”** means a state or partially state-funded body that offers any education or training programme that leads to a qualification or part-qualification registered on the NQF. They include universities, community education and training colleges and public workplace providers.

**“Provider (Private)”** means a non-state-funded body that offers any education or training programme that leads to a qualification or part-qualification registered on the NQF, and that meets the minimum criteria set by the DHET for providers that are allowed to operate in South Africa. Registration is a pre-requisite for accreditation by the relevant Quality Council.

**“Provider”** for the purposes of the Policy, means a public or private body operating in South Africa, and offering any education or training programme that leads to a qualification or part-qualification registered on the NQF. Providers of other learning initiatives that are not qualifications or part-qualifications are excluded, on condition that no reference relating to the NQF is made in the product offering or marketing thereof.

**“Providers operating outside of the South African NQF”** means providers that:

- (i) Are not registered with the DHET;
- (ii) Are not accredited by a Quality Council;
- (iii) Are not accredited to offer the qualification in question;
- (iv) Mislead the public by making false claims about their programmes; or
- (v) Are degree mills.

**“Qualification”** means a registered national qualification consisting of a planned combination of learning outcomes which has a defined purpose or purposes, intended to provide qualifying learners with applied competence and a basis for further learning and which has been assessed in terms of exit level outcomes, registered on the NQF and certified and awarded by a recognised body.

**“Qualification award”** means the formal acknowledgement of achievement of the stated learning outcomes for a qualification by the relevant authority.

**“Qualifications framework”** means a system for classification, registration, publication and articulation of quality-assured qualifications.

**“Quality Council (QC)”** means one of the three Councils tasked with developing and managing each of the Sub-Frameworks of the NQF in order to ensure that agreed quality standards are met: CHE for the HEQSF; Umalusi for the GFETQSF; and QCTO for the OQSF.

**“Quality Council for Trades and Occupations (QCTO)”** means the Quality Council for Trades and Occupations that was established in terms of the NQF Act, No. 67 of 2008, mandated to achieve the objectives of the NQF and to develop and manage the OQSF.

**“Recognition agreement”** means a formal arrangement, signed between two or more countries at a designated political level, confirming the intent to mutually recognise each other’s qualifications and outlining the agreed mechanisms and responsibilities.

**“Recognition of a foreign qualification”** means the formal acceptance of the appropriateness of a foreign qualification for a specific purpose.

**“Recognition of Prior Learning (RPL)”** means the principles and processes through which the prior knowledge and skills of a person are made visible, mediated and assessed for the purposes alternative access and admission, recognition and certification, or further learning and development.

**“Register of Fraudulent Qualifications”** means a Register containing the names and details of the offence of individuals and providers who have been found guilty by a court of law of holding or issuing at least one fraudulent qualification.

**“Register of Misrepresented Qualifications and Providers operating outside of the South African NQF (RMQP)”** means a Register comprising two parts:

- (i) Part A comprises a list of individuals who have misrepresented their qualifications; and
- (ii) Part B comprises a list of providers that have operated outside of the South African NQF.

An individual or provider's name will be entered into the *RMQP* after the misrepresentation has been confirmed by SAQA or one of the Quality Councils.

**“Registration of a qualification or part-qualification”** means the formal inclusion of a qualification or part-qualification by SAQA on the NQF, with an identification of the relevant Sub-Framework, when a qualification or part-qualification meets the SAQA Policy and Criteria for the Registration of Qualifications and Part-Qualifications on the NQF, and as recommended by the relevant QC.

**“Revocation”** means the action taken to invalidate or cause to no longer be in effect, as by voiding or cancelling (a SAQA Certificate of Evaluation and the recognition decision it conveys).

**“SAQA Certificate of Evaluation”** means a certificate issued by SAQA indicating the authenticity of the foreign qualification and its location on the NQF.

**“Sector Education and Training Authority (SETA)”** means a body established in terms of the Skills Development Act, No. 97 of 1998, to develop and implement sector skills plans and promote learning programmes, including workplace learning. The QCTO has delegated quality assurance powers to the SETAs.

**“South African Qualifications Authority (SAQA)”** means the statutory authority established in terms of the SAQA Act, No. 58 of 1995, and continuing in terms of the NQF Act, No. 67 of 2008, which oversees the further development and implementation of the NQF, the achievement of the objectives of the NQF, and the co-ordination of the three Sub-Frameworks.

**“Sub-Framework of the NQF”** means one of three co-ordinated Qualifications Sub-Frameworks which make up the South African NQF as a single integrated system, namely the Higher Education Qualifications Sub-Framework (HEQSF), the General and Further Education and Training Qualifications Sub-Framework (GFETQSF) and the Occupational Qualifications Sub-Framework (OQSF).

**“Umalusi”** means the Quality Council for General and Further Education and Training established by the GENFETQA Act, No. 58 of 2001. In terms of the NQF Act, No. 67 of 2008, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the GFETQSF.

**“Verification of a foreign qualification”** means the process followed by SAQA to check the authenticity of a foreign qualification. Verification includes authenticating the status of the foreign institution and the qualifications offered by them, investigating the authenticity of qualification documentation and verifying that the qualification was awarded to the individual in question.

**“Verification of a national qualification”** means the process followed by SAQA to verify a South African qualification.

## 2. BACKGROUND AND CONTEXT

- a. Media exposure of high ranking officials claiming to hold qualifications that they were not awarded or for which they did not enrol, has created greater public awareness around misrepresented qualifications. Universities are faced with prospective students who submit, as proof of fulfilment of admission requirements, qualifications that they have not rightfully earned. In addition, degree mills continue to operate unabated. As soon as one is shut down, another mushrooms in its place.
- b. Qualifications fraud is not only a South African phenomenon, but also poses a global challenge.
- c. Apart from being illegal, the misrepresentation of qualifications has other serious implications. People are appointed to positions based on their false qualifications, which raises questions around their competence to hold these positions. In more senior positions, the safety of ordinary citizens and employees, the long-term viability and profitability of organisations, and public service delivery rest in these fraudsters' hands.
- d. The stigma of being associated with fraudulent qualifications can lead to negative perceptions about the provider purported to have awarded the qualification, about South Africa and the NQF, and result in reputational damage insofar as skills development, the portability of NQF qualifications to other countries and the competitiveness of South Africa in the world economy are concerned.
- e. The Department of Public Service and Administration (DPSA) issued an amended *Directive on the Verification of Public Service Employees' Qualifications by SAQA*. This Directive came into effect on 1 October 2015 and compels national and provincial government departments to verify the qualifications of all current and prospective employees.
- f. The NQF Amendment Bill (when it comes into effect) will provide for the establishment of the Register of Misrepresented Qualifications and Providers operating outside of the South African NQF. This Register will be published periodically and should act as a deterrent to individuals and providers who are contemplating misrepresenting their qualifications or operating outside of the NQF.

## 3. PURPOSE

- a. The purpose of this Policy is to:
  - (i) Define what is meant by misrepresented qualifications;
  - (ii) Provide a framework for dealing with individuals and providers who misrepresent qualifications; and
  - (iii) Define the roles and responsibilities of the different role-players.
- b. The Policy includes:
  - (i) Definitions of terminology used in the context of this Policy;
  - (ii) The legislative environment pertaining to the Policy and a description of the legislative amendments required to enable the Policy to be implemented;

- (iii) The different categories and types of actions by individuals and providers that can be construed as qualification misrepresentation;
- (iv) The requirements for inclusion on the *Register of Misrepresented Qualifications and Providers operating outside of the South African NQF (RMQP)*, of individuals found to have misrepresented their qualifications or obtained their qualifications from a degree mill;
- (v) The requirements for inclusion on the *RMQP*, of providers operating outside of the South African NQF;
- (vi) The requirements for inclusion on the *Register of Fraudulent Qualifications*, of the names and details of individuals and providers found guilty of qualifications fraud by a court of law;
- (vii) Description of the processes to be followed when a qualification is suspected of having been misrepresented:
  - The process applied to confirm cases of misrepresentation and to deal with confirmed cases of misrepresentation;
  - The process to deal with foreign qualifications where the definition/ understanding of fraud/ misrepresentation in the foreign country is different to that of South Africa and where the nature of the foreign institution differs from those in South Africa;
  - The process to handle qualifications that have been issued by foreign institutions that no longer exist; and
  - Measures to deal with exceptions and exclusions.
- (viii) The respective roles and responsibilities of the different bodies involved;
- (ix) The mechanism(s) available to individuals and providers who have been identified as having misrepresented qualifications, to respond to the claim before their names are added to the *RMQP*; and
- (x) The appeals process available to individuals and providers whose details already appear on the *RMQP*.

#### 4. SCOPE

a. This Policy covers:

- (i) All cases of qualification misrepresentation by individuals living in, who have studied in or who want to live/ work/ study in South Africa; and
- (ii) Providers who operate in South Africa and have flouted the legislation/ regulations that pertain to registration, accreditation, the issuing of certificates and/or marketing of qualification offerings.

b. It should be noted that SAQA reserves the right to decide on which foreign qualifications and foreign institutions to recognise. SAQA is guided by the Policy and Criteria for the Recognition of Foreign Qualifications in the South African NQF and bilateral recognition agreements that the South African government has signed with foreign nations, but is under no obligation to recognise any foreign qualification or provider.

#### 5. OBJECTIVES

The objectives of this Policy are to:



- (i) Establish the Register of Misrepresented Qualifications and Providers Operating outside of the South African NQF (*RMQP*);
- (ii) Define the responsibilities of NQF partners who suspect/confirm that a qualification has been misrepresented;
- (iii) Indicate the rules governing the inclusion on and removal from the *RMQP*;
- (iv) Outline the responsibilities of private qualification verification agencies and the private sector when confronted with a misrepresented qualification;
- (v) Outline the proposed role and responsibilities of the South African Police Services (SAPS) in investigating cases of misrepresentation and providing feedback on progress with investigations;
- (vi) Outline the proposed role and responsibilities of the Department of Justice (DOJ) in prosecuting cases of misrepresented qualifications and providing information about individuals and providers convicted of fraud relating to qualifications; and
- (vii) Outline SAQA's co-ordinating role in dealing with misrepresented and fraudulent qualifications.

## 6. UNDERLYING PRINCIPLES

The following principles underpin this Policy:

- (i) A person and/or provider are confirmed to have misrepresented qualifications or a provider has operated outside of the South African NQF if supporting evidence can show this to be true. The person's name and details, or details about the provider with the relevant timeframes of non-compliance (if applicable) are published in the *RMQP*.
- (ii) A person and/or provider are guilty of qualification fraud only when convicted by a court of law. Details about the person and/or provider are entered into the *Register of Fraudulent Qualifications* with details of the court sentencing and relevant timeframes.
- (iii) Where qualifications are submitted for verification either by individuals or by prospective employees, the qualification holder must be informed of the process and give written consent to have his/her name included in the *RMQP* if he/she has misrepresented his/her qualifications, or where the provider, through which the qualification was obtained, is found to be a degree mill.
- (iv) Innocent parties may not be unnecessarily punished because of the unscrupulous actions of other parties.
- (v) All parties involved in the investigation of possible qualification misrepresentation must be informed of:
  - The pending investigation,
  - Possible action in the case of a confirmed finding,
  - Their right to make representation to the proceedings, and
  - Their right to appeal the findings of the investigation.
- (vi) Both registers will be made public by SAQA.

## 7. LEGISLATIVE ENVIRONMENT

- a. The following legislation is pertinent to the development and implementation of this policy:
  - (i) The Constitution of the Republic of South Africa, 1996;
  - (ii) The NQF Act, No. 67 of 2008;

- (iii) The Higher Education Act, No. 101 of 1997;
- (iv) The Protection of Personal Information Act, No. 4 of 2013;
- (v) The Promotion of Access to Information Act, No. 2 of 2000; and
- (vi) The Promotion of Administrative Justice Act, No 3 of 2000.

In addition, this Policy is part of the suite of NQF policies that were published by SAQA. Of particular relevance are the following SAQA policies:

- (i) Policy and Criteria for the Registration of Qualifications and Part-Qualifications on the National Qualifications Framework;
  - (ii) Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF;
  - (iii) Revised Foreign Qualifications Evaluation Appeals Policy;
  - (iv) Verification Appeals Policy; and
  - (v) Foreign Qualifications Revocation Policy.
- b. The Draft NQF Amendment Bill compels Quality Councils and private verification agencies to report all cases of misrepresented qualifications as defined by the Policy, to SAQA.
  - c. The NQF Amendment Bill also allows for the publication of the names and details of individuals who have misrepresented their qualifications.
  - d. The NQF Act should be further strengthened to obligate all providers offering learning that results in the award of qualifications and/or part-qualifications, to load all learner records onto the National Learners' Records Database (NLRD). The Quality Councils are already obliged to do so.
  - e. There should be a legal obligation that compels the Department of Justice to report to SAQA the outcomes of court cases involving fraudulent qualifications on a regular basis.

## **8. AUTHENTIC QUALIFICATIONS**

### **8.1 SOUTH AFRICAN QUALIFICATIONS**

- a. For an Individual to be holding a qualification/part-qualification that is authentic, the following criteria must all be met:
  - (i) The qualification must be registered on the NQF;
  - (ii) The qualification must be offered by a registered and accredited provider;
  - (iii) The individual must have enrolled for the qualification/part-qualification and have met the entrance requirements or been admitted to the qualification/part-qualification through RPL;
  - (iv) The individual must have completed the qualification/part-qualification and have met the criteria for the awarding of the qualification/part-qualification either through successfully completing the summative assessments, or through RPL, or through a combination of assessment and RPL; and
  - (v) The individual must have been awarded the qualification/part-qualification by the relevant awarding body e.g. the accredited higher education provider in the case of HEQSF qualifications, by Umalusi in the case of GFETQSF qualifications or by the QCTO in the case of OQSF qualifications.

- b. If the provider is no longer in business, confirmation may be sought from the records of the provider available to SAQA or to any other approved agency (e.g. Umalusi, DHET, and the HSRC), on condition that the provider was recognised by SAQA or an approved agency.
- c. For awards of qualifications/part-qualifications that cannot be verified, no decision can be taken about its authenticity. A statement must be provided to the effect that the qualification was approved by an agency recognised by SAQA, but records about the qualification award and its holder cannot be located.

## **8.2 FOREIGN QUALIFICATIONS**

- a. For an individual to hold an authentic foreign qualification/part qualification the following criteria must be met:
  - (i) The qualification/part qualification must meet the criteria to be declared authentic;
  - (ii) The individual must have enrolled for the qualification/part-qualification by meeting the entrance requirements for that qualification/part qualification;
  - (iii) The individual must have satisfied the criteria for the awarding of the qualification/part-qualification; and
  - (iv) The awarding of the qualification/part-qualification to the individual must be confirmed by the relevant foreign institution.
- b. For foreign qualifications/part-qualifications that cannot be verified and its award to the individual purporting to hold that qualification/part qualification cannot be confirmed, no decision can be taken about its authenticity. A statement should be provided to the effect that details about the qualification and/or the holder cannot be located. SAQA reserves the right to refuse to recognise any foreign provider and/or qualification.

## **9. MISREPRESENTED QUALIFICATIONS**

- a. A qualifications/part-qualification has been misrepresented if:
  - (i) It does not meet the criteria to be an authentic qualification;
  - (ii) The certificate of award was not issued by the provider;
  - (iii) An individual alters the certificate of award or the SAQA Certification of Evaluation for a qualification; and
  - (iv) An individual offers for any reason, a qualification that was obtained from a degree mill.
- b. A provider has misrepresented a qualification/part-qualification if the provider:
  - (i) Fails to inform the learners that (a) the qualification/part qualification is not registered on the NQF or (b) the provider is not accredited by the relevant Quality Council to offer the qualification/part-qualification; or
  - (ii) Misleads the public in the marketing of a qualification/part-qualification.

## **10. RESPONSIBILITIES OF NQF PARTNERS AND THE GENERAL PUBLIC WITH RESPECT TO MISREPRESENTED QUALIFICATIONS**

- a. The NQF Act and related legislation, by implication, requires SAQA and the NQF partners to uphold the integrity of, and act against threats to, the NQF. It is incumbent upon SAQA and the Quality Councils to take action against providers and individuals who misrepresent qualifications. Such actions will also act as a deterrent to those considering misrepresenting their qualifications.
- b. It is imperative that *all* applications submitted for the verification of qualifications must contain a statement signed by the qualification holder indicating that s/he understands that, should her/his qualification(s) be found to be misrepresented or from a degree mill, then her/his name will be included in the *RMQP*.

### 10.1 THE QUALITY COUNCILS (QCs)

The QCs must:

- (i) Investigate all suspected cases of qualification misrepresentation related to qualifications on their respective sub-frameworks and providers accredited by them;
- (ii) Inform all relevant parties of:
  - The intention of the QC to further investigate possible qualification misrepresentation;
  - Their right to make submissions to the QC;
  - The outcome of the investigation; and
  - Their right to appeal the decisions.
- (iii) Appoint a committee to consider the evidence surrounding an alleged case and make a decision for consideration by the QC CEO;
- (iv) Keep a list of all cases of suspected qualification misrepresentation related to their qualifications sub-framework and accredited providers;
- (v) Develop the knowledge and skills of staff to be able to identify and investigate misrepresented qualifications;
- (vi) Confirm cases of misrepresentation related to qualifications on their respective sub-frameworks or by providers accredited by them;
- (vii) Report cases of misrepresentation to the South African Police Services (SAPS) for further investigation and possible prosecution;
- (viii) Recommend to the DHET to withdraw the provider registration where appropriate; and
- (ix) Report all cases of misrepresentation every two months to SAQA in accordance with SAQA's reporting schedule. The report must include:
  - All information on the matter;
  - Where a decision has been reached, whether or not a charge was laid with the SAPS;
  - A recommendation for the inclusion of the name of the individual/provider in the *RMQP*; and
  - Any other action that should be taken.

### 10.2 SETAS AND ASSESSMENT QUALITY PARTNERS (AQPs)

SETAs and AQPs must:

- (i) Inform the QCTO of any suspected cases of qualification misrepresentation involving qualifications that they quality assure or providers they have accredited on behalf of the QCTO, within 5 working days of them becoming aware of them; and
- (ii) Render the necessary assistance to the QCTO in the latter's investigation of the cases.

### 10.3 SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

SAQA must:

- (i) Investigate and confirm cases of misrepresentation that are reported directly to it or by the DHET and decide on the course of action to be taken;
- (ii) Confirm the findings of qualification misrepresentation reported by private verification agencies by adhering to the process outlined in 10.1 for QCs above;
- (iii) Establish an Appeals Committee to consider appeals against the decision to add the name of an individual or provider to the *RMQP*;
- (iv) Compile and communicate the schedule for reporting cases of qualification misrepresentation and circulate it to QCs, private qualification verification bodies and the DHET;
- (v) Co-ordinate the actions of all involved in this process;
- (vi) Act as a sounding board to the QCs on challenging cases;
- (vii) Manage the process of appeals lodged by individuals / providers whose names appear in the *RMQP*;
- (viii) Maintain the *RMQP* by entering and removing information as required;
- (ix) Provide the Minister bi-monthly, with an updated *RMQP*;
- (x) Receive information from the Department of Justice, about individuals and providers who have been convicted of qualifications fraud;
- (xi) Maintain the Register of *Fraudulent Qualifications* by entering and removing names of offenders as per the court rulings; and
- (xii) Provide the updated Register of Fraudulent Qualifications to the Minister bi-monthly.

### 10.4 THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING (DHET)

The DHET must:

- (i) Request the relevant QC or SAQA to investigate suspected cases of misrepresentation by individuals that it is aware of;
- (ii) Investigate or request the relevant QC to investigate suspected cases of misrepresentation by providers;
- (iii) Inform SAQA of the details of the providers that it has confirmed to be operating outside of the South African NQF, for inclusion in the *RMQP*;
- (iv) Report these cases to the SAPS for further investigation and possible prosecution; and
- (v) Consider SAQA and/or the QCs' recommendations to withdraw the registration of providers who have misrepresented qualifications or been convicted of fraud related to qualifications.

### 10.5 OTHER GOVERNMENT DEPARTMENTS AND STATE OWNED ENTITIES

- a. These departments and bodies must inform SAQA / the relevant QC of any cases of misrepresented qualifications that they become aware of and provide as much information as possible to assist SAQA / the QC to investigate further;
- b. Consider the recommendations made by SAQA with respect to the outcome of the verification process of employees or prospective employees' qualifications; and
- c. Lay charges of fraud where appropriate, with the SAPS against offenders in cases that it investigates itself.

#### **10.6 PRIVATE QUALIFICATIONS VERIFICATION BODIES**

- a. These bodies must inform SAQA regularly of all cases of qualification misrepresentation for inclusion on the *RMQP*; and
- b. They must lay charges/ensure that their clients lay charges against offenders with the SAPS, where appropriate.

#### **11. MEASURES TO PREVENT THE MISREPRESENTATION OF QUALIFICATIONS**

- a. The existence and strict application of this Policy, coupled with listing of offenders in the *RMQP* and Register of Fraudulent Qualifications and its publication on SAQA's website, will be strong deterrents to those contemplating qualification misrepresentation and fraud.
- b. In addition, advocacy campaigns across media platforms that draw attention to the existence of the *RMQP* and the Register of Fraudulent Qualifications should drive the message home. The target for the campaigns should be the general public, education and training providers and employers.

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# PART B: PROCEDURE FOR IMPLEMENTING THE POLICY ON THE MISREPRESENTATION OF QUALIFICATIONS

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## 1. PROCEDURES

### 1.1 THE QUALITY COUNCILS (QCs)

The procedure for QCs to deal with alleged cases of qualification misrepresentation is as follows:

- (i) Details of the case of suspected qualifications misrepresentation is entered in the relevant QC's List of Misrepresented Qualifications;
- (ii) The CEO will appoint a staff member to investigate the case;
- (iii) The CEO (or his/her designate) will inform the qualification holder and applicant that an investigation of qualification misrepresentation is being conducted, giving the details of the alleged offence and requesting further information from the individual and/or provider to assist in the investigation;
- (iv) The case is investigated and the information from the qualification holder/applicant /provider is considered;
- (v) A report with supporting documents is submitted to the CEO for consideration;
- (vi) The CEO makes a decision on the matter. The decision could be that:
  - The individual is innocent and the investigation is closed;
  - There is insufficient evidence for a finding of misrepresentation so the investigation is closed;
  - The individual is an innocent victim of circumstances beyond his/her control and the investigation is closed;
  - The individual is an innocent victim of unscrupulous provision by a provider and therefore is not guilty of misrepresentation, but the provider is. The provider's name is recommended to SAQA for addition to the *RMQP*;
  - The individual obtained his/her qualification from a degree mill and is therefore guilty of misrepresentation and his/her name is recommended to SAQA for inclusion in the *RMQP*; or
  - The individual and/or provider is guilty of misrepresentation and their names are recommended to SAQA for inclusion in the *RMQP*.
- (vii) The CEO informs the relevant individual/provider of the outcome of the investigation and, where applicable, of the recommendation that their names be added to the *RMQP*;
- (viii) The individuals/providers are made aware that they may appeal to SAQA against the outcome and are directed to the Appeals Process that should be followed;
- (ix) Details of the misrepresentation are submitted to SAQA ;

- (x) Supporting documents are filed for possible future reference and sent to SAQA in cases where appeals have been lodged with SAQA;
- (xi) Individuals/providers who were found to have misrepresented qualifications must be reported by the CEO to the SAPS for further investigation and possible prosecution; and
- (xii) A recommendation is made to DHET to withdraw registration of the provider if appropriate.

## 1.2 SAQA

SAQA is involved in the process in the following ways:

- (i) Investigating alleged cases of misrepresented qualifications that are reported directly to it or which it becomes aware of;
- (ii) Recording the cases of misrepresented qualifications reported to it by the QCs and other departments and agencies;
- (iii) Considering appeals lodged by individuals/providers whose names appear on the *RMQP*; and
- (iv) Maintaining the *RMQP* as well as the Register of Fraudulent Qualifications and reporting regularly on its contents to the Minister: HET.

### 1.2.1 Investigating cases of alleged qualification misrepresentation

This process is the same as that followed by the QCs.

### 1.2.2 Managing incidents of misrepresented qualifications reported to it by the QCs

a. When SAQA receives its bi-monthly report from the QCs:

- (i) Details of the individual/provider will be entered into the *RMQP*; and
- (ii) A report is generated for the Minister: HET for publication in the Government Gazette.

### 1.2.3 Hearing appeals

The appeals process is as follows:

- (i) An appeal against the decision must be submitted to the SAQA CEO in writing within 60 days of the date on the letter sent by the relevant CEO of the QC informing them of the decision. The appeal should contain the necessary support documentation.
- (ii) SAQA has an existing Appeals Committee. The CEO of the relevant QC will be invited to provide additional information for appeals involving investigations conducted by that QC, where necessary.
- (iii) Acknowledgement of receipt of the appeal must be made to the appellant within 48 hours of receipt.
- (iv) The Appeals Committee must meet within 30 days of receipt of the appeal.
- (v) The Appeals Committee may request the appellant or anyone else deemed necessary to make representation either in writing or in person to the Committee.
- (vi) The decision of the Appeals Committee must be communicated in writing to the appellant within 3 days of the decision being taken. The appellant must also be informed that a final appeal may be made to the Minister: HET whose decision will be final.



- (vii) Should an appeal be lodged with the Minister: HET, the decision of the Minister: HET must be conveyed to SAQA who will implement the decision.

#### **1.2.4 Maintaining the Register of Misrepresented Qualifications and providers operating outside of the NQF (*RMQP*) and reporting to the Minister: HET**

- a. The names of individuals/providers who have misrepresented qualifications are entered into the *RMQP*.
- b. The Register is updated bi-monthly as information is received from QCs.
- c. The Register of Fraudulent Qualifications is updated as information is received from SAPS with respect to cases finalised and sentences handed down in a court of law.
- d. Both Registers are provided to the Minister bi-monthly and published on SAQA's website.

### **1.3 CRITERIA FOR THE REMOVAL OF NAMES FROM THE *RMQP***

#### **1.3.1 INDIVIDUALS**

- a. Names of individuals will be removed from the *RMQP* if they had succeeded in their appeal against the SAQA/QC decision to include their names in the *RMQP*.
- b. The individual's record in the *RMQP* may be amended if the individual later obtains the exact same qualification that s/he had previously falsely claimed to hold.

#### **1.3.2 PROVIDERS**

The *RMQP* will be amended in the case of providers that:

- (i) Falsely claimed to be registered and/or accredited providers and who are subsequently registered and/or accredited. The register will show the dates when the provider operated illegally and the date from which it operated legally; and
- (ii) Falsely claimed that their qualifications or part-qualifications were registered and/or accredited and were subsequently registered and/or accredited. The register will show the dates when the qualifications were not registered and/or accredited and the date from which they were registered and/or accredited.

## **2. EXCLUSIONS**

An individual will not be regarded as having misrepresented a qualification if:

- (i) He/she presents a qualification for which the details of- and/or confirmation that it was awarded to the individual in question- cannot be confirmed; and
- (ii) Mistakes were made by the provider and/or the relevant Quality Assuring Body and/or SAQA regarding the details of the award holder on a qualification certificate or a SAQA Certificate of Evaluation.

## 2.1 VICTIMS OF UNSCRUPULOUS PROVIDERS

- a. The provision of education and training courses by unscrupulous providers results in many unsuspecting victims investing time and money into what is later found to be non-authentic/unaccredited qualifications. These individuals will not have their names published in the *RMQP* as it is through no fault of their own other than their ignorance that they find themselves in this situation. Their qualifications will, however, be flagged on the National Learners' Records Database (NLRD) as being unaccredited.
- b. No mercy must be shown to individuals who obtain qualifications from degree mills as they know that they did not study towards obtaining a qualification. Their details will be entered into the *RMQP*.

## 2.2 SUSPICIOUS QUALIFICATIONS FROM INSTITUTIONS THAT NO LONGER EXIST

- a. Sometimes individuals submit qualification awards for employment or admission to further study, issued by providers that no longer exist and for whom no or incomplete learner records are available. SAQA or the verifying body should inform the applicant if the qualification is authentic or not, and state that no records are available to verify the qualification award.
- b. A similar procedure applies to foreign qualifications and institutions that no longer exist and for whom information cannot be verified.

## 2.3 FOREIGN INSTITUTIONS THAT APPEAR TO BE ACTING UNSCRUPULOUSLY

- a. Care must be taken when contemplating listing the names of suspected unscrupulous foreign institutions. The following must be fully understood:
  - (i) The situation prevailing in their countries regarding their status, their legal ability to operate and the international status of their qualifications;
  - (ii) The way in which fraud and misrepresentation of qualifications is viewed in their countries; and
  - (iii) Whether the education authority/department in their country would consider listing the institution on the *RMQP* as justifiable.
- b. SAQA reserves the right to choose whether to recognise any foreign institution, including regional institutions such as those belonging to the United Nations System, and their qualification/s.
- c. The names and details of foreign institutions that have been found to have misrepresented qualifications or are degree mills will be entered into the *RMQP*. However, no legal action will be sought if the foreign institution does not operate in South Africa.

**LIST OF ACRONYMS**

AQP	Assessment Quality Partner
CHE	Council on Higher Education
DHA	Department of Home Affairs
DOJ	Department of Justice
DPSA	Department of Public Service and Administration
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
HEQSF	Higher Education Qualifications Sub-Framework
MINISTER: HET	Minister of Higher Education and Training
NQF	National Qualifications Framework
OQSF	Occupational Qualifications Sub-Framework
RPL	Recognition of Prior Learning
RMQP	Register of Misrepresented Qualifications and Providers operating outside of the South African National Qualifications Framework
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
SAPS	South African Police Services
SAQA	South African Qualifications Authority
SCoE	SAQA Certificate of Evaluation
SETA	Sector Education and Training Authority
UMALUSI	Council for Quality Assurance in General and Further Education and Training
UNESCO	United Nations Educational, Scientific and Cultural Organisation

## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

#### NOTICE 1 OF 2017

#### PRODUCT CONTROL FOR AGRICULTURE (PROKON)

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT NO. 119 OF 1990)

#### INSPECTION FEES

In terms of section 3(1A)(a)(ii) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), the Product Control for Agriculture (Prokon) designated as an Assignee in terms of section 2 (3) of the said Act, hereby imposes the following inspection fees in respect of specified categories of products, which may be sold in the Republic of South Africa:

#### INSPECTION FEES

##### Category 1

<u>Products</u>	<u>Inspection fee</u>
Apples	1.8c per kg
Apricots	1.8c per kg
Asparagus	1.8c per kg
Avocados	1.8c per kg
Baby Marrow (Courgette)	1.8c per kg
Bananas	1.8c per kg
Aubergines / Egg plant	1.8c per kg
Cucumber	1.8c per kg
Citrus Fruit	1.8c per kg
Garlic	1.8c per kg
Ginger	1.8c per kg
Grapes	1.8c per kg
Litchis	1.8c per kg
Mushrooms	1.8c per kg
Peaches and Nectarines	1.8c per kg
Pears	1.8c per kg
Plums and Prunes	1.8c per kg

**Category 2**

<u>Products</u>	<u>Inspection fee</u>
Artichokes	1.6c per kg
Broccoli	1.6c per kg
Brussel Sprouts	1.6c per kg
Butternut	1.6c per kg
Gem Squash	1.6c per kg
Carrots	1.6c per kg
Cauliflower	0.8c per unit
Celery	1.6c per kg
Chillies	1.6c per kg
Chinese Cabbage	1.6c per kg
Endives	1.6c per kg
Fennel	1.6c per kg
Green Beans	1.6c per kg
Green Onions	1.6c per kg
Green Peas	1.6c per kg
Horse-Radish	1.6c per kg
Leeks	1.6c per kg
Lettuce	1.6c per kg
Okra	1.6c per kg
Onion and Shallots	1.6c per kg
Parsley	1.6c per kg
Parsnips	1.6c per kg
Peppers / Capsicums	1.6c per kg
Pumpkins	0.8c per unit
Radish	1.6c per kg
Rhubarb	1.6c per kg
Scorzoneria	1.6c per kg
Spinach	1.6c per kg
Sweetcorn	1.6c per kg
Tomatoes	1.6c per kg
Turnips	1.6c per kg
Witloof Chicory	1.6c per kg

**Category 3**

<u>Products</u>	<u>Inspection fee</u>
Beetroot	1.4c per kg
Cabbages	0.8c per unit
Sweet Potatoes	1.4c per kg
Unspecified Vegetables	1.4c per kg

All levies exclude Value Added Tax (VAT). The inspection fees will be valid from the 01<sup>st</sup> February 2017 until further notice.

Chief Executive Officer: Product Control of South Africa, Mr. Etienne Booyens, P.O Box 24026, Gezina, 0031, Tel. (012) 325 4578 or fax 086 542 2521 or e-mail: [etienne@prokonsa.co.za](mailto:etienne@prokonsa.co.za).

DEPARTMENT OF TRADE AND INDUSTRY  
NOTICE 2 OF 2017

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

**Rebate item 460.11/00.00/01.00: Used overcoats, car-coats, raincoats, anoraks, ski-jackets, duffle coats, mantles, three-quarter coats, greatcoats, hooded caps, trench coats, gabardines, padded waistcoats and parkas (but no other clothing articles) classifiable under tariff headings 61.01, 61.02, 62.01, 62.02 and 6309.00.13 in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit**

ITAC hereby invites new importers to submit permit applications in terms of the abovementioned rebate provision, for 2017, within three (3) weeks from the date of this publication.

It is imperative that new importers acquaint themselves and comply with the interim guidelines, rules and conditions pertaining to the rebate provision concerned, which are attached hereto together with the relevant Application form, which are also available on ITAC's website at [www.itac.org.za](http://www.itac.org.za), before applying for a rebate permit.

Hard copies of the original duly completed applications for rebate permits must either be:

Posted/couriered to:

The International Trade Administration Commission of South Africa (ITAC), Private Bag X 753, Pretoria, 0001; or

Hand delivered or couriered to:

The DTI Campus, (Block E, 1<sup>st</sup> Floor), 77 Meintjies Street, Sunnyside, Pretoria.

**Note: Permits in relation to rebate provisions which are subject to a permit being issued by ITAC must be applied for and received before the goods concerned are shipped.**

**For enquires contact:** Mr Christopher Sako, email: [csako@itac.org.za](mailto:csako@itac.org.za), Tel: (012) 394 3669, Mr Coert Grobbelaar, email: [cgrobbelaar@itac.org.za](mailto:cgrobbelaar@itac.org.za), Tel: (012) 394 3672 or Ms Kokami Legodi email: [klegodi@itac.org.za](mailto:klegodi@itac.org.za), Tel: (012) 394 3812.

## INTERIM GUIDELINES, RULES AND CONDITIONS

**GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.11/00.00/01.00 FOR USED OVERCOATS, CAR-COATS, RAINCOATS, ANORAKS, SKI-JACKETS, DUFFLE COATS, MANTLES, THREE-QUARTER COATS, GREATCOATS, HOODED CAPS, TRENCH COATS, GABARDINES, PADDED WAISTCOATS AND PARKAS (BUT NO OTHER CLOTHING ARTICLES) CLASSIFIABLE UNDER TARIFF HEADINGS 61.01, 61.02, 62.01, 62.02 AND 6309.00.13 IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT.**

1. Applicants must register with the South African Revenue Service (SARS) as an importer before applying for a rebate permit under rebate item 460.11/00.00/01.00.
2. Applications for rebate permits must be addressed to the International Trade Administration Commission of South Africa (ITAC), Private Bag X 753, Pretoria or delivered by hand to the DTI Campus, (Block E), 77 C/o Meintjies street and Robert Sobukwe Street, Sunnyside, Pretoria, 0002.
3. Applications for permits must be submitted according to the requirements laid down in the application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.
4. If all the information requested in the application form is not submitted, the application will be deemed as deficient and the application will not be considered, and it will be returned to the applicant.
5. At least fourteen (14) working days should be allowed for the processing of applications and the issuing of permits.
6. Used overcoats are subject to Import Control conditions and an import permit will only be issued in instances where a rebate permit has already been obtained.
7. Each rebate permit issued defines the period during which the goods concerned can be cleared under rebate. The period shall be from the date when the permit is issued in the prevailing year until 31 December of the same year. This period shall apply to both new and existing importers and shall be for a shorter period if so requested by the applicant or so decided by ITAC. Permits for the next period may be issued with effect from 01 January every year until 31 December, unless otherwise determined by ITAC. Where applications are not received in time for issuing from 01 January to 31 December, permits will be issued for the remainder of the year until 31 December.
8. Rebate and Import Control permits may not be transferred in any manner by the holder thereof to any other person or entity, or be used to the benefit of any person or entity not named in the permits.



9. Permit holders are not allowed to import used overcoats and then sell the imported coats directly to a person or entity which is owned by or who is owned by any related party, person or entity set out in Section 2 of the Companies Act.
10. Applications submitted in terms of this rebate provision will be subject to the following requirements:
  - 10.1 The applicant must provide a formal letter on business letterhead confirming that the applicant complies with labour laws, regulations and agreements gazetted by the Minister of Labour.
  - 10.2 The applicant must provide, in each permit application, the number of jobs it expects to create annually as a result of the rebate. The applicant must submit to ITAC an annual report on its job creation performance.
  - 10.3 Proof of UIF registration must be provided by submitting a certified copy of UIF registration. Furthermore, proof need to be provided that all the permanent workers employed as registered for UIF and that the UIF payments are made to SARS.
  - 10.4 Proof must be provided that salaries are being paid (permanent as well as temporary workers) as well as certified copies of ID documents must be submitted. In this regard certified copies of salary slips need to be provided as well as certified proof of payment of these salaries.
  - 10.5 Certified copies of bank statements need to be provided as proof of payment of UIF and salaries. Bank accounts must be in the name of the applicant.
  - 10.6 Certified copies of employment contracts need to be provided as proof of employment of permanent employees.
  - 10.7 The applicant must provide their CIPC registration document as proof of registration.
  - 10.8 The applicant must submit a valid Tax Clearance and VAT Certificate (NB: VAT certificate only applicable based on annual turnover). In line with the VAT Act, applicants must be registered for VAT if the income earned in any consecutive twelve month period exceeded or is likely to exceed R1 million. In addition, an enterprise which has not made R50 000 in taxable supplies must register for VAT, if there is a reasonable expectation to exceed R50 000 in taxable supplies within the 12 month period from date of registration.
  - 10.9 Certified invoices as proof of sales must be provided.
  - 10.10 New importer's business premises will be visited by inspectors of the Inspectorate: Import and Export Control prior to the consideration of the

application. Existing importer's business premises will be visited should it be deemed necessary.

10.11 Applicants must provide municipal proof of its registered address as listed in the business CIPC documents.

10.12 Applicants must provide proof of country of import and proof that they have secured supply from abroad;

10.13 Where an entity is owned or partly owned by a person or persons who are non-citizens or non-residents of RSA, or these persons own any shareholding in such entity, applications should be accompanied by certified copies of the following documentation:

10.13.1 South African Identity issued document and passport;

10.13.2 Valid Business Visa and a letter of recommendation from the Department of Trade and Industry (thedti);

10.13.3 Proof of extension of permanent residence, and

10.13.4 Any other information as ITAC may require.

11. Applicants shall not be related to any existing importers or current permit holders in any way. Note that the definition of related parties in terms of Section 2 of the Companies Act 70 of 2008 and Section 66 (2) of the Customs and Excise Act 91 of 1964 (as amended) apply to these applications and ITAC reserves the right to request whatever appropriate and relevant information it deems necessary to properly evaluate each of the applications submitted. Also for Tax purposes, the Customs and Excise Act, Section 66 (2) (i) –(viii)'s objective is to ensure that no two people use the Act to derive the same benefit on a multiple scale.

11.1 Please note that in terms of Section 66 (2)(a) of the Customs and Excise Act, two persons shall be deemed to be related, inter alia, when:

- (i) they are officers or directors of one another's businesses;
- (ii) they are legally recognized partners in business;
- (iii) the one is employed by the other;
- (iv) any person directly or indirectly owns, controls or holds five per cent or more of the equity share capital of both of them;
- (v) one of them directly or indirectly controls the other;
- (vi) both of them are directly or indirectly controlled by a third person;
- (vii) together they directly or indirectly control a third person; or
- (viii) they are members of the same family.

12. The take-over or sale of a business as a going concern, which deals, in among others, with worn overcoats subject to such rebate permit; shall warrant the permit holder first to notify ITAC of such sale as rebate permits or the allocated quota issued under such permit are not transferrable without the prior approval of ITAC on application

made in terms of Section 26 showing demonstrable good cause why such permit should be transferred or re-allocated to the new entity or its management.

13. Permit holders shall not operate or conduct business from or store their goods cleared in terms of the permit on the same premises. All importers that are companies or closed corporations must submit their company or close corporation registration documents, and ITAC reserves the right to verify the shareholding or membership of the companies or close corporations with the Companies and Intellectual Property Commission (CIPC).

13.1 "Premises" include a warehouse, office, establishment, store, shop, quarters and dwelling".

14. An entity will be deemed a new importer where:

14.1 That entity applies for a permit with ITAC for the first time under this rebate item and is not linked in any way to an existing participant under this rebate **(In respect to this category importers will be limited to 5)** ; or

14.2 An entity that has previously utilised a permit under this rebate provision but has not applied for another permit under this rebate provision for a period of one year following the issue of the aforementioned permit. **(In respect of this category importers will be limited to 5)**.

15. The quantity of overcoats to be imported by each importer will be limited and the criteria that will be used for the allocation of the quantity of overcoats that each importer may import under this rebate item will be as follows:

#### **Existing Importers**

- The quantity imported during the validity of the rebate permit period will be used as the basis for allocation of quota for the current application.
- Importers will only be allowed the same quantities as the quantity allocated in the previous rebate permit, with no quota increase.

#### **New Importers**

- The quota for new importers will be limited to a maximum of 20 000kg. In terms of this category the number of importers will be limited to 5.
- The 20 000 kg quota for new users of this rebate item will be allocated on a first come first serve basis and ITAC reserves the right to reject the applications in cases where the quota for the year approved by the Commission for use by new importers under this rebate item is fully issued to applicants.

16. All applicants for rebate permits under this rebate item must also apply for an import permit, for the same period, to import the used or second hand overcoats and no rebate permits will be released without the import permit. The rebate permit issued will also be subject to the conditions contained in the import permit issued.
17. It is a condition of permits issued in terms of the rebate provision that the holder of this permit must notify the Manager of the Directorate Import and Export Control Mr D Daniels; e-mail: [ddaniels@itac.org.za](mailto:ddaniels@itac.org.za), Tel: (012): 394 3606 and fax: (012) 394 4606 in writing of the date of shipment, the place of arrival and the expected date of arrival of all consignments at least 7 days.
18. All users of rebate permits under this rebate item must inform ITAC without delay if any consignment imported by the permit holder under this rebate item contains clothing items not defined in this rebate item. These clothing items must be kept separate from the rest of the clothing items imported under this rebate item or any other clothing items in possession of the permit holder and may not be removed until officials of ITAC had an opportunity to inspect these items. ITAC in consultation with the importer and SARS will decide how to dispose of the clothing items incorrectly imported under this rebate item.
19. If there is reasonable suspicion that any condition of this permit has not been complied with, the consignment in terms of which the rebate permit was issued may be seized by ITAC. If it is established that there was non-compliance, appropriate steps will be taken. These steps will be taken in terms of the International Trade Administration Act and the Customs and Excise Act, and can include criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

## **INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

### **APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEM 460.11/00.00/01.00 FOR REBATE OF DUTY ON USED OVERCOATS**

## APPLICATION FORM

BEFORE COMPLETING THIS FORM, PLEASE ACQUAINT YOURSELF WITH THE GUIDELINES AND CONDITIONS PERTAINING TO REBATE ITEM 460.11/00.00/01.00

**NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED**

<p>1 (a). Applicant's name (Company):</p> <p>Contact Person:.....</p> <p>Position:.....</p> <p>Postal Address:.....</p> <p>Tel No.:.....</p> <p>Fax No.:.....</p> <p>Date completed:.....</p> <p>Email add:.....</p> <p>VAT Registration No:.....</p> <p>SARS Importer Registration No:.....</p> <p>(No application for this rebate provision will be considered for applicants utilising the "unallocated importers reference number i.e. 70707070)</p>	<p>1(b). Physical address where used overcoats bales will be stored and sold: This address must be the address that ITAC will verify in case where verification visit may be conducted.</p>
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2. Details of product in respect of which a rebate permit is required with regards to categories: Men's, Ladies, Boy's or girls'

Overcoats	Duty payable	Quota applied for	Estimated customs FOB value	Country of origin
1. Men's				
2. Ladies'				
3. Boy's				
4. Girls'				

3. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) for the past three years in respect of the overcoats imported under thi.

Year	Overcoats: Men's, Ladies', Boys and Girls'	Total quantity	Total Sales (in SACU)
1.			

4. Copies of the relevant DA500 (for previous permit) and import permit in terms of the International Trade Administration Act of 2002 should be submitted as per schedule below.

### SCHEDULE 1

Bill of Entry (DA 500) No	Date of Entry	Quantity: Number of Items	FOB Value
1.			

5. Provide information pertaining to the number of jobs the firm will create annually as a result of this rebate. (*Submit with the application a letter signed by the Chief Executive Officer providing a report on job creation performance*)
6. Name of Chief Executive Officer:.....  
Tel No:.....Fax No:.....

### DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE PROVISION 460.11/00.00/01.00 OF SCHEDULE 4 TO THE CUSTOMS AND EXCISE ACT, 1964

**NB:** The obligation to complete and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the claimant

I, ..... (full names) with identity number  
....., in my capacity as – managing director/chief executive (in respect of a company) or senior member/ person with management responsibility (close corporation, partnership or individual)

**(Delete whichever is not applicable)**

of ..... (hereinafter referred to as the applicant) hereby declare that –

- a) the applicant complies with prescribed requirements in order to qualify for rebate in terms of the above-mentioned rebate provision;
- b) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration Commission will be final and conclusive and that the said Chief Commissioner may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;

- d) The information furnished in this application is true and correct.
- e) The applicant is not related to any other rebate and import permit holder(s) in terms of the above-mentioned rebate provision, as set out in the guidelines pertaining to the rebate provision.
- f) The applicant or any one of its associates, or related party is not the subject of an investigation by either the South African Police, the Office for Serious Economic Offences, International Trade Administration, or the Commissioner for South African Revenue Services (SARS) into previous claims or other related matters.
- g) I confirm that the applicant complies/ does not comply with the relevant labour laws and agreement gazetted by the Minister of Labour.

**NAME:** ..... **DESIGNATION:** .....

**SIGNATURE:** ..... **DATE:**.....

**I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.**

**SIGNED and SWORN before me at ..... on this ..... Day of ..... Year.**

**COMMISSIONER OF OATHS.....FULL NAMES.....**

**CAPACITY:** .....

**BUSINESS**

**ADDRESS:**

.....  
.....  
.....**AREA**.....

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