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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 595

18 APRIL 2019

**CALL FOR PUBLIC COMMENTS ON THE DRAFT CENTRAL APPLICATION
SERVICE BILL, 2019**

I, Mrs Grace Naledi Mandisa Pandor, MP, Minister of Higher Education and Training, hereby publish the call for public comments on the *Draft Central Application Service Bill, 2019* to enable the establishment of a Post-School Education and Training Central Application Service.

The *Draft Central Application Service Bill, 2019* should be read in conjunction with other policy documents affecting Post-School Education and Training (PSET) institutions in South Africa and is part of a broader focus on building the capacity of the post-school system.

The Central Application Service is a crucial service supporting students to access post-school opportunities and make informed choices. The primary aim of the service is to offer advice and serve as an application channel for students applying for PSET opportunities. The service allows students to apply for study places, pay a single application fee, and facilitate their applications to more than one institution if necessary. In so doing, it will ensure an effective and efficient placement of students across the system.

All interested persons and organisations are invited to comment on the draft CAS Bill. Comments should reach the Department not later than 31 (thirty-one) calendar days, excluding Saturdays, Sundays and public holidays, after the publication of this gazette.

Comments should be directed to CAS Project Manager (**posted:** Private Bag X174, Pretoria, 0001; **fax:** 012 321 6770; **email:** psetcasbill@dhet.gov.za; **hand delivered:** 117-123 Francis Baard Street, Pretoria). The name, address, telephone number or fax number of the person, governing body or organisation responsible for submitting comments must also be provided.



Mrs GNM Pandor, MP

Minister of Higher Education and Training

Date: 10 - 4 - 2019

REPUBLIC OF SOUTH AFRICA

CENTRAL APPLICATION SERVICE BILL

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. 42410 of 18 April 2019)
(The English text is the official text of the Bill)*

(MINISTER OF HIGHER EDUCATION AND TRAINING)

[B—2019]

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BILL

To provide for the establishment of a Central Application Service for the public post-school education sector so as to create a central application access point to all public post-school education and training institutions; to provide for the object and functions of the Central Application Service; to provide for the manner in which it is to be managed and governed; to provide for the regulation of its staff matters and financial affairs; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING the need for informed access to public post-school education and training institutions for prospective students;

RECOGNISING the need for a simple, fair and cost-effective application process for those individuals seeking entry to public post-school education and training institutions to make informed choices and to make their placement across the public post-school education and training system more effective and efficient;

AND SINCE these needs can be best achieved by a Central Application Service which provides a single applications hub for all public post-school education and training institutions by coordinating and managing the applications across the public post-school education and training sector,

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

ARRANGEMENT OF SECTIONS

1. Definitions
2. Object of Act
3. Application of Act
4. Establishment of Central Application Service
5. Accountability of Central Application Service
6. Functions of Central Application Service
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Definitions

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

"**Board**" means the Board of the Central Application Service established in terms of section 9 of this Act;

"**CAS**" means the Central Application Service;

"**CEO**" means the Chief Executive Officer of the CAS;

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

"**clearing house**" means the control and management of a prospective entrant who was unsuccessful with his or her application for enrolment at a preferred public PSET institution which is full to capacity and redirecting such prospective entrant to a public PSET institution with space for enrolment in the prospective entrant's chosen or alternative field of study;

"**financial year**" means the period from 1 April in any year to 31 March in the following year;

"**Minister**" means the Minister of Higher Education and Training;

"**NQF**" means the national qualification framework as contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

"**PFMA**" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"**programmes**" means programmes approved by the CAS which lead to the awarding of NQF qualifications or part-qualifications accredited by the appropriate Quality Councils;

"**prospective entrant**" means an applicant, or prospective undergraduate student, seeking admission to any public PSET institution in the Republic for the first time, but

does not include an application for a postgraduate programme, or a conversion to another course within the same institution;

"**PSET**" means post-school education and training;

"**public PSET institution**" means a public higher education institution that is established, declared, merged or converted in terms of the Higher Education Act, 1997 (Act No. 101 of 1997), or a public college that is established, declared or merged in terms of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006);

"**SETA**" means a sector education and training authority established in terms of section 9(1) of the Skills Development Act, 1998 (Act No. 97 of 1998);

"**this Act**" includes any regulations made by the Minister in terms of this Act; and

"**TVET**" means technical and vocational education and training.

Object of Act

2. The primary object of this Act is to—
- (a) provide a legislative framework for a fair, efficient, effective, simple and affordable system to manage, control and redirect applications for entry into public PSET institutions in the Republic;
 - (b) broaden access to public PSET institutions by putting in place—
 - (i) a mechanism to determine fees chargeable to prospective entrants for admission to public PSET institutions;
 - (ii) a mechanism which provides equal opportunities for all prospective entrants for entry to public PSET institutions in order to ensure that public PSET institutions broadly reflect the demographic of the Republic;
 - (iii) measures to provide for the rendering of services to reach out to rural, underdeveloped and historically disadvantaged communities to facilitate their participation and integration into the CAS; and
 - (iv) collaboration with public PSET institutions and measures to disseminate all relevant applicable information, in the interests of the public, by whatever means, to rural, underdeveloped and historically disadvantaged communities; and
 - (c) create a single statutory body to manage, control and redirect applications to public PSET institutions.

Application of Act

3. This Act applies to all public PSET institutions which have been established, merged, converted or declared as public PSET institutions in terms of the applicable legislation and may be extended to nursing colleges, agricultural colleges, police colleges or other institutions and this Act further applies to prospective entrants, both domestic and foreign, seeking access to any public PSET institution in the Republic.

Establishment of Central Application Service

4. (1) A juristic person to be known as the Central Application Service is hereby established to be governed by a Board and to exercise jurisdiction over all admissions of prospective entrants to public PSET institutions.

(2) The CAS must comply with the provisions of the PFMA.

Accountability of Central Application Service

5. The CAS is accountable to the Minister as the Executive Authority.

Functions of Central Application Service

6. The functions of the CAS are to—

- (a) advance the object of this Act;
- (b) advise the Minister on any matters pertaining to its operation;

-
- (c) comply with policy as determined by the Minister in terms of this Act;
 - (d) provide all prospective entrants with access to information about qualifications offered at various public PSET institutions, including but not limited to—
 - (i) minimum entrance requirements;
 - (ii) career related information;
 - (iii) educational and training opportunities;
 - (iv) public PSET institutions offering such qualifications; and
 - (v) public resources available to prospective entrants;
 - (e) provide a single, affordable, easy to understand, efficient and cost-effective access point for prospective entrants to apply for admission to all public PSET institutions and to apply for financial assistance and accommodation;
 - (f) determine the scale of fees payable to the CAS for purposes of performing its functions;
 - (g) raise and invest funds;
 - (h) establish an application advice service so that prospective and unsuccessful applicants can obtain information, advice and access to available and alternative application opportunities in the public PSET sector;
 - (i) establish a career referral capability so that prospective and unsuccessful applicants can obtain information, advice and access to career counselling where required;
 - (j) establish a centralised platform and hub for receiving applications from prospective entrants and the submission of such applications to the relevant public PSET institutions for selection, redirection and placement;
 - (k) ensure effective communication with prospective entrants at all stages of the application cycle;

- (l) promote the application process by ensuring that it is accessible to all prospective entrants;
- (m) establish efficient interfaces with public PSET institutions to enable the CAS to provide the relevant application data to all public PSET institutions;
- (n) maintain an up-to-date record of the application and to make it accessible to the prospective entrant;
- (o) establish efficient interfaces with examining authorities to ensure that the results achieved by each prospective entrant are made readily available to the public PSET institutions to which the prospective entrants have applied to enable timeous decision making by the public PSET institutions concerned;
- (p) provide a clearing house function which matches prospective entrants, who have not been successful in securing admission to a public PSET institution, with unfilled places in other public PSET institutions for which the applicants have met the minimum admission requirements;
- (q) collect data and report on matters relating to its functions to the Minister;
- (r) in consultation with the respective sub-sectors of the PSET sector, determine cut-off dates for applications for enrolment at public PSET institutions and to specify the method of publication and communication thereof to the public;
- (s) annually advise the Minister on the application process relating to the efficacy of the application cycle; and
- (t) institute and defend legal proceedings on its own behalf.

Responsibilities of Minister

7. (1) The Minister has the overall responsibility for the CAS.

(2) The Minister must—

- (a) consider advice from the CAS in terms of this Act;
- (b) determine policy, which must not be inconsistent with the provisions of this Act or any other legislation, pertaining to the functioning of the CAS in terms of this Act and publish such policy in the *Gazette*;
- (c) provide funds from money appropriated by Parliament for the CAS to enable it to fulfil its functions in terms of this Act;
- (d) advance the achievement of the object of this Act; and
- (e) encourage collaboration between the CAS, public PSET institutions and other stakeholders.

(3) The Minister may perform any other function consistent with this Act.

Obligations of public post-school education and training institutions

8. All Public PSET institutions must—

- (a) participate in the CAS;
- (b) list all accredited programmes offered by such public PSET institution and ensure the submission of updated information relating to the specific programmes, including the minimum admission and selection requirements of the public PSET institution in respect of each course, to the CAS to facilitate applications for such programmes;
- (c) submit information on new accredited programmes with the minimum requirements for admission to such programmes;

- (d) receive the application data from the CAS in respect of all applications made for admission to such public PSET institution;
- (e) consider the applications received from prospective entrants and communicate its decision in respect of the said applications to the CAS;
- (f) communicate information relevant to a student's progress from application to admission;
- (g) provide any additional information, including the final registration of prospective entrants which will assist in completing the data set, enabling effective planning and sector management;
- (h) adhere to sector-agreed milestones and cut-off dates to ensure that the selection process is timeous and efficient; and
- (i) recruit prospective entrants and market its own programmes.

Board of Central Application Service

9. (1) The CAS is governed by a Board.
- (2) The Board consists of:
- (a) Three executive members, being the CEO, Chief Financial Officer and Chief Operations Officer; and
 - (b) 14 non-executive members appointed by the Minister as follows—
 - (i) four members representing and nominated by the public universities;
 - (ii) two members representing and nominated by the TVET colleges;
 - (iii) two members representing and nominated by SETAs and who are also representing the skills sector;

- (iv) two members representing and nominated by the community education and training colleges;
- (v) two members with experience in managing applications for public PSET institutions; and
- (vi) two members nominated by the Director-General of the Department of Higher Education and Training.

(3) Before appointing the members of the Board, as contemplated in subsection (2)(b), the Minister must—

- (a) publish a notice in the *Gazette*, and in at least three newspapers published nationally, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (2)(b);
- (b) appoint an independent panel which must compile a shortlist of not more than 20 persons from the nominees referred to in paragraph (a) and submit such shortlist to the Minister; and
- (c) consider the shortlisted nominees referred to in paragraph (b) and appoint the members of the Board with due regard to the criteria contemplated in subsection (4).

(4) When appointing the Board, the Minister must adhere to the following principles:

- (a) Appointments must be based on merit determined by an assessment of—
 - (i) the object, functions and the operations of the CAS;
 - (ii) the competencies collectively required by the Board, including skills, expertise and experience; and
 - (iii) the qualifications of each individual prospective candidate; and

(b) ensure that the Board is broadly representative in respect of race, gender, disability and geographic composition of the Republic.

(5) The first meeting of the Board must be held at such time and place as the Minister determines, and the members of the Board present must elect a chairperson and deputy chairperson of the Board from amongst themselves.

(6) No vacancy in the office of the CEO, or a deficiency in the number of members of the Board, affects or impairs the corporate existence of the CAS or any rights, duties or powers conferred or imposed by this Act upon the CAS or the Board.

Term of office and termination of membership of Board

10. (1) A member of the Board contemplated in section 9(2)(b), holds office for a period of five years and is eligible for re-appointment but may not serve as a member of the Board for more than two consecutive terms.

(2) A Board member's term of office terminates if—

- (a) he or she tenders a written notice of resignation addressed to the Minister; or
- (b) the member is removed from office by the Minister as contemplated in subsection (3).

(3) The Minister may remove a member of the Board—

- (a) on the written request of the body or constituency that nominated him or her in terms of section 9(2)(b);
- (b) for serious misconduct after following due process;
- (c) on the ground of permanent incapacity to perform his or her duties;

- (d) for absence from three consecutive meetings of the Board in one calendar year—
 - (i) without leave or prior permission of the Board; or
 - (ii) without just and good cause;
- (e) for engaging in any activity that may undermine the proper and efficient functioning of the Board;
- (f) if he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; or
- (g) if he or she is declared insolvent or becomes incapacitated or declared a delinquent director in terms of the companies act.

Vacation of office by Board members and filling of vacancies

11. (1) Whenever a vacancy occurs before the expiry of the term of office of any non-executive member of the Board, the Minister must, in terms of section 9 appoint a new member for the remainder of the term of office.

(2) If the office of the chairperson or deputy chairperson of the Board, as the case may be, becomes vacant, a chairperson or deputy chairperson must be elected in accordance with the provisions of this Act, subject to necessary changes.

(3) If both the chairperson and deputy chairperson of the Board are absent or unable to perform any function of the chairperson, the Minister may designate any other Board member to act as chairperson during such absence or incapacity.

(4) If 75 per cent or more of the Board resigns, the Minister may appoint an interim Board for a period not exceeding six months pending the appointment of a new Board in accordance with section 9.

Powers and functions of Board

12. (1) The Board is responsible for the governance of the CAS and must exercise the powers and duties conferred upon it in terms of this Act and any other legislation.

(2) The Board is the accounting authority for the CAS.

(3) The Board must—

(a) oversee the functions of the CAS;

(b) appoint suitably qualified and experienced CEO, CFO, COO and the Chief Risk and Audit Officer —

(i) for a period, of five years, which period may be extended for a further period not exceeding five years as the Board determines; and

(ii) subject to such conditions as the Board may determine;

(c) provide direction and oversight to the CEO in his or her performance of all financial and administrative functions as well as other work which may arise from the performance of any function under this Act;

(d) enter into a written performance agreement with the CEO stipulating measurable objectives relating to the performance of the CEO's functions in terms of this Act and must set appropriate key performance indicators and measurable performance targets;

- (e) approve the appointment of other staff members for the CAS;
- (f) prepare and update a strategic plan for the CAS, on an annual basis, in accordance with the medium term strategic framework to be used by the CAS in exercising its powers and carrying out its functions;
- (g) approve the annual report and other reports prior to its submission to the Minister;
- (h) take such other decisions as may be requested by the CEO;
- (i) determine the conditions of service, code of conduct and the privileges and functions of its employees in accordance with the relevant labour legislation;
- (j) in consultation with the Minister and the Minister of Finance, approve the remuneration, allowances, subsidies, benefits and other terms and conditions of employment of the CEO and other members of staff; and
- (k) ensure the implementation of any policy determined by the Minister in terms of section 7(2)(b).

(4) The Board and the CEO may from time to time amend the CEO's performance agreement in writing.

Action on failure by Board to comply with Act

13. (1) If the Board fails to comply with any provision of this Act under which an allocation from money appropriated by Parliament is paid to the CAS, or with any condition subject to which any such allocation is paid to the CAS, the Minister may call upon the Board to comply with the provision or relevant condition within a specified period.

(2) If the Board thereafter fails to comply with the provision or relevant condition, the Minister may withhold payment of any commensurate portion of any money appropriated by Parliament in respect of the CAS.

(3) Before taking action under subsection (2), the Minister must—

- (a) give written notice to the Board of the intention so to act;
- (b) give the Board a reasonable opportunity to make representations; and
- (c) consider the representations contemplated in paragraph (b).

(4) If the Minister acts under subsection (2), a report regarding such action must be tabled in Parliament by the Minister as soon as reasonably practicable.

Intervention by Minister

14. (1) The Minister may issue a directive to the Board to take such action as he or she may determine if the CAS—

- (a) is involved in financial impropriety or is being otherwise mismanaged;
- (b) is unable to perform its functions effectively;
- (c) has acted unfairly or in a discriminatory or inequitable manner towards a person to whom it owes a duty under this Act;
- (d) has failed to comply with any law; or
- (e) has obstructed the Minister or a person authorised by the Minister in performing a function in terms of this Act.

(2) A directive contemplated in subsection (1) must state—

- (a) the nature of the deficiency;
- (b) the steps which must be taken to remedy the situation; and

(c) a reasonable period within which the steps contemplated in paragraph (b) must be taken.

(3) Before making a decision under subsection (1), the Minister must—

- (a) give written notice to the Board of the intention to issue a directive;
- (b) give the Board a reasonable opportunity to make representations; and
- (c) consider the representations contemplated in paragraph (b).

(4) (a) If the Board fails to comply with the directive within the period referred to in subsection (2)(c), the Minister must dissolve the Board and appoint an administrator to take over the functions of the Board.

(b) For the purposes of paragraph (a), section 15 applies with the changes required by the context.

(5) If the Minister appoints an administrator in terms of subsection (4), the administrator must perform all the functions of the Board and the employees of the CAS must comply with the directives given by the administrator.

(6) The costs associated with the appointment of an administrator are for the account of the CAS.

Appointment of administrator

15. (1) Notwithstanding any other provision of this Act, the Minister may, after consultation with the Board and the CHE, if practicable, appoint a person as administrator to take over the management, governance and administration of the CAS and to perform the functions of the CAS, if any of the following circumstances occur:

- (a) An audit of the financial records of the CAS reveals financial or other maladministration of a serious nature which undermines the effective functioning of the CAS;
- (b) any other circumstances arising that reveal financial or other maladministration of a serious nature which undermine the effective functioning of the CAS; or
- (c) the Board requests such appointment.

(2) The Minister may only act in terms of subsection (1) (a) or (b) if the appointment of an administrator is in the interest of the CAS and of post-school education and training in an open and democratic society.

(3) (a) The Minister appoints an administrator for such period as may be determined by the Minister, but such period may not exceed two years.

(b) The Minister may extend the period contemplated in paragraph (a) once for a period not exceeding six months.

(4) An administrator appointed in terms of subsection (1) may, with the approval of the Minister, appoint any other person with suitable knowledge and experience to assist him or her in the performance of his or her functions.

(5) The Minister, in consultation with the Minister of Finance, may determine the remuneration and allowances to be paid to the administrator and to any other person appointed in terms of subsection (4).

Dissolution of Board

16. The Board is dissolved from the date the Minister appoints the administrator in terms of section 14.

Functions of Chief Executive Officer

17. (1) The CAS is under the direction and control of the CEO appointed by the Board.

(2) The CEO—

- (a) must perform such duties and exercise any powers delegated to him or her by the Board;
- (b) must manage the affairs of the CAS and report on those affairs to the Board as often as the Board requires;
- (c) has a fiduciary duty to act in good faith and in a manner that is in the best interest of the CAS; and
- (d) may do everything which is necessary to perform his or her duties in terms of this Act.

(3) On such conditions as the Board determines, the CEO may appoint such employees as are necessary to enable the CAS to perform its duties and exercise its powers and such employees are accountable to the CEO and must enter into performance agreements with the CEO.

(4) The CEO must appoint other staff of the CAS on the ground of their qualifications, expertise or experience relevant to the operations of the CAS.

(5) The CEO must ensure that a person is not be appointed or continue in the office as a member of staff, if he or she becomes unfit to hold the office or becomes incapacitated.

Functions of Chief Operating Officer, Chief Financial Officer and Chief Risk and Audit Officer

18. (1) Clause 17(2)(a),(c),(d) and (e) apply mutatis mutandis to the COO, CFO and Chief Risk and Audit Officer.

(2) The COO, CFO and Chief Risk and Audit Officer are subject to the direction and oversight of the CEO in the performance of all financial and administrative functions as well as other work which may arise from the performance of any function under this Act;

(3) The COO, CFO and Chief Risk and Audit Officer may from time to time amend their performance agreements in writing subject to approval by the CEO and ratification by the Board.

Meetings of Board

19. (1) The Board must meet at least four times a year at such times and places as the Board determines.

(2) The chairperson, or in the absence of the chairperson, the deputy chairperson—

(a) may convene a special meeting of the Board; and

(b) must convene such meeting within 14 days of the receipt of a written request signed by at least five members of the Board to convene such meeting.

(3) The quorum for a meeting of the Board is at least nine members of the Board.

(4) The Board determines the procedure for its meetings.

(5) A decision of the Board must be taken by resolution of the majority of members present at any meeting of the Board and, in the event of equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote.

(6) A member of the Board must act impartially, in good faith and without fear, favour or prejudice and subject only to the Constitution and other applicable law.

(7) If a member of the Board has, in relation to any matter to be considered at a meeting of the Board, any interest which precludes that member from acting in a fair, unbiased and proper manner in respect of his or her membership of the Board, the member must not—

- (a) vote or in any other manner participate in that meeting of the Board; or
- (b) be present at the venue where the meeting is held.

(8) In the event that a member of the Board fails to comply with sub-clause (7), any resolution taken by the Board at such a meeting shall be revised to the extent of the exclusion of the said member's participation and vote in the meeting and the Board shall take the necessary action against the member in terms of the Law.

Committees of Board

20. (1) The Board must establish the following committees:

- (a) Executive management committee;
- (b) ethics, human resource and remuneration committee;

- (c) audit and risk committee, in accordance with Treasury guidelines regarding the formation of audit committees as provided for in section 77 of the PFMA; and
- (d) information, communication and technology committee to assist the Board in the performance of its functions.

(2) The Board must determine the composition, rules and procedures of the committees established in terms of this section.

(3) The Board may invite persons who are not members of the Board to serve on any of its committees, but such persons may not be appointed as chairpersons of such committees.

(4) The Board may dissolve or reconstitute a committee as is necessary.

(5) Any decision taken by a committee established under this section must be ratified by the Board.

Advisory committees and user groups

21. (1) The Executive Committee of the Board may establish advisory committees to assist it.

(2) Each advisory committee should represent a different sub-sector within the PSET sector.

(3) An advisory committee should be made up of the following persons—

- (a) the CEO;
- (b) the Chief Operating Officer of the CAS; and
- (c) between five and eight representatives, who are not members of the Board, nominated by the respective sub-sectors of the PSET sector who each have a thorough understanding of the requirements and objectives of the respective sub-sectors they represent.

(4) User groups may be established at the discretion of the advisory committees to deal with the functional aspects of the interface and integration between the CAS and the various service partners.

(5) The user group should comprise of at least the following—

- (a) the Chief Operating Officer of the CAS;
- (b) at least two additional senior officials of CAS nominated by the CEO; and
- (c) between five and eight users of the CAS services nominated by the PSET sector.

Delegation and assignment

22. (1) The Board may delegate any of its powers or assign any of its duties to the CEO or any employee of the CAS.

(2) Subject to obtaining consent from the Board, the CEO may delegate any power or assign any duty conferred upon him or her in terms of this Act to—

- (a) any other employee of the CAS with appropriate knowledge and experience;
- or

(b) any other person.

(3) A delegation or assignment under subsections (1) and (2) must be in writing and—

- (a) may be subject to any conditions determined by the Board or the CEO;
- (b) does not prevent the exercise of that power or the performance of that duty by the Board or the CEO; and
- (c) may be withdrawn or amended by the Board or the CEO at any time.

(4) A delegation by the Board of any of the powers entrusted or delegated to it in terms of the PFMA must be in accordance with section 56 of that Act.

Funds of Central Application Service

23. (1) The funds of the CAS consist of—

- (a) application fees paid to the CAS;
- (b) interest on investments;
- (c) money appropriated by Parliament;
- (d) money borrowed by the CAS; and
- (e) income lawfully derived from any other source.

(2) The CAS may invest any of its funds not immediately required—

- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the PFMA; and
- (b) in such manner as may be approved by the Minister of Finance.

(3) The application fees referred to in subsection (1)(a) must be determined by the Board, in consultation with the Minister.

Audit and annual report

24. (1) The financial statements of the CAS must be audited annually and must be submitted within two months after the end of the financial year to the auditors of the CAS for auditing.

(2) The annual report must—

- (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;
- (b) state the extent to which the CAS has achieved or advanced the measurable objectives as set out in its performance and strategic plans during the financial year concerned; and
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in that performance and strategic plans.

(3) The CAS must submit, within five months of the end of the financial year, an annual report, financial statements and the report of the auditors to National Treasury, the Minister and the Auditor-General.

(4) The CAS must submit the reports and statements in subsection (3) for tabling in Parliament.

General provisions

25. (1) The CAS must consult with the various sub-sectors of the PSET sector to determine standard application cycles and cut-off dates, including standards for conditional offers, acceptance of offers and offer expiry dates.

(2) The application cycles and cut-off dates referred to in subsection (1) must be published in a manner determined by the Board.

(3) Participation by all public PSET institutions is compulsory.

Liability

26. The CAS and any of its employees cannot be held liable for decisions made by public PSET institutions regarding the acceptance or rejection of an application for enrolment.

Conflicting interpretations

27. In the event of a conflict in interpretation between this Act, section 37 of the Higher Education Act, 1997 (Act No. 101 of 1997), or section 17 of the Continuing Education and Training Act, 2006 (Act No. 16 of 2006), the provisions of this Act prevail.

Regulations

28. The Minister may make regulations consistent with this Act on—

(a) any matter which may or must be prescribed; and

- (b) any ancillary or incidental administrative procedural matter that it is necessary to prescribe for the proper implementation and administration of this Act.

Short title and commencement

29. This Act is called the Central Application Service Act, 2018, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.