

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. R. 6187

16 May 2025

CALL FOR PUBLIC COMMENTS INTO THE AMENDMENT OF THE NATIONAL QUALIFICATIONS  
FRAMEWORK ACT, 67 OF 2008

I, the Minister of Higher Education and Training, **Dr Nobuhle Pamela Nkabane**, in performing a function consistent with the National Qualifications Framework Act, No 67 of 2008, invite in terms of section 8(4) of the Act, public comments into the draft National Qualifications Framework Further Amendment Bill, 2024.

The public comments are invited from all stakeholders on the proposed amendments. The draft National Qualifications Framework Bill, 2024 is available from the [www.dhet.gov.za](http://www.dhet.gov.za).

The public comments must be sent electronically to the Legal and Legislative Service to the attention of the Director: Mr Dumisani Makhaye at the following email address: [Makhaye.d@dhet.gov.za](mailto:Makhaye.d@dhet.gov.za), [Letsoalo.c@dhet.gov.za](mailto:Letsoalo.c@dhet.gov.za), [LegislativeComments@Dhet.gov.za](mailto:LegislativeComments@Dhet.gov.za) and for other details contact his office at the number: 012 312 5795/6160



DR NP NKABANE, MP  
MINISTER OF HIGHER EDUCATION AND TRAINING  
DATE: 24/03/2025

## **NATIONAL QUALIFICATIONS FRAMEWORK FURTHER AMENDMENT BILL, 2024**

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

**(MINISTER OF HIGHER EDUCATION AND TRAINING,  
SCIENCE AND INNOVATION)**

**[B—2024]**

**GENERAL EXPLANATORY NOTE:**

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

**To further amend the National Qualifications Framework Act, 2008 so as to provide for a uniform and aligned legislative framework for effective regulation and implementation of a single and comprehensive, efficient, integrated NQF system; to provide for the amendment and insertion of certain definitions so as to provide clarity of the meaning of terms; to provide for the formulation of criteria for evaluating foreign qualifications; to provide for the offering of foreign qualifications and online programmes within the Republic; to provide for further functions of the SAQA; to provide for the verification of qualifications and programmes by Umalusi; to provide further clarity of the functions and responsibilities of the Minister entrusted with the administration of this Act, Minister of Basic Education, SAQA, Quality Council and professional bodies; and to provide for matters connected therewith.**

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

**Amendment of section 1 of Act 67 of 2008, as amended by section 1 of Act 26 of 2010 and section 1 of Act 12 of 2019**

1. Section 1 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) (herein referred to as the principal Act) is hereby amended—

- (a) by the insertion before the definition of “authenticity” of the following definitions:

‘articulation’ means the process of forming connections between qualifications or part-qualifications at programme level to allow for mobility of learners and students through the formal education and training system and its linkages with the world of work;

‘award’ means the formal acknowledgement by the relevant authority of the achievement of the stated learning outcomes of a qualification and part-qualification;”;

- (b) by the substitution for the definition of “authenticity” of the following definition:

“**authentic qualification or part-qualification**”, in relation to a qualification or part-qualification means—

- (a) a national qualification or part-qualification that is—
  - (i) registered on the NQF;
  - (ii) offered by a registered, established, declared, or merged and accredited education institution or skills development provider in terms of the applicable law; and
  - (iii) which has been lawfully obtained; and
- (b) in relation to a foreign qualification means a qualification or part-qualification—
  - (i) that is lawfully offered by and obtained from a recognised foreign education institution; and
  - (ii) which has been verified and evaluated by the SAQA in terms of this Act;”;

(c) by the insertion after the definition of “board” of the following definition:

“**certification**” means formal recognition of a qualification or part-qualification awarded to a successful learner;”;

(d) by the substitution for the definition of “e” of the following definition:

**“education institution”** means a South African education institution that is established, declared or registered by law;

- (e) by the insertion after the definition of “education institution ” of the following definition:

**“education management information system”** means the method used by the Department of Basic Education to develop and maintain an integrated education information system for management of education through acquisition, processing, dissemination and reporting of quality education data;”;

- (f) by the substitution for the definition of “evaluate” of the following definition:

**“evaluate”** means the assessment process conducted by the SAQA-

(a) to verify the authenticity of a foreign qualification, and

(b) compare it with a South African qualification on the NQF,

and ‘evaluation’ has a corresponding meaning;”;

- (g) by the substitution for the definition of “foreign institution” of the following definition:

“**foreign education institution**’ means a foreign juristic person legally authorised in terms of the laws of a foreign country to offer a qualification or partial qualification and confer such a qualification;”;

- (h) by the insertion after the definition of “foreign institution” of the following definition:

“**foreign qualification**’ means a qualification that is legally offered by and obtained from a recognised foreign education institution or its subsidiary which is evaluated and certified by the SAQA in terms of this Act and its policies;”;

- (i) by the substitution for the definition of “**fraudulent qualification or part-qualification**” of the following definition:

“**fraudulent qualification or part-qualification**’ [is] means a [verified] national or foreign qualification or part-qualification [registered on the NQF or an evaluated foreign qualification or part-qualification, which is found to be] which after verification or evaluation by SAQA or a delegated body in terms of this Act is found to be forged, fraudulently obtained or awarded in contravention of this or any other relevant Act [.] or a law of a foreign country [and has been declared as such by a court of law];”;

- (j) by the insertion after the definition of "GENFETQA Act" of the following definition:

"**guidelines**" means the directives determined and published by the Minister as contemplated in section 8(2)(c) of this Act to—

- (i) assist the SAQA in carrying out its mandate;
- (ii) guide education and training institutions, skills development providers and professional bodies in their operation regarding compliance with the Act;
- (iv) guide Quality Councils in their operation and functions to execute their mandate in terms of this Act;
- (v) regulate the management of conflict between various entities to which this Act applies; and
- (vi) regulate any other matter necessary for the implementation of and compliance with this Act;"

- (i) by the insertion after the definition of "Higher Education Act" of the following definition:

"**Higher Education and Training Management Information System**" means the integrated unit level record system of the Department of Higher Education and Training, including all processes, rules, standards, and

responsibilities for data collection and management in the PSET sector and 'HETMIS' has a corresponding meaning;";

- (j) by the insertion after the definition of "learning" of the following definition:

"**'learning programme'** means a purposeful and structured set of learning experiences in a specialised field, that leads to a qualification or part-qualification;";

- (k) by the substitution for the definition of "**level**" of the following definition:

"**'level'** means [a level contemplated in Chapter 2] one of the series of levels of learning achievement contemplated in Chapter 2 of this Act, arranged in ascending order from 1 to 10 according to which the NQF is organised and to which qualification type are linked;";

- (l) by the insertion after the definition of "level" of the following definition:

"**'merged'** means combined two or more post-school education and training institutions into one in terms of the relevant Act;";

- (m) by the substitution for the definition of "**Minister**" of the following definition:

“**Minister**’ means the Minister **[of]** responsible for higher education and training;”;

- (n) by the substitution for the definition of “**misrepresented qualification or part-qualification**” of the following definition:

“**‘misrepresented qualification or part-qualification’** **[is a qualification or part-qualification]** includes any national or foreign qualification or part-qualification that is ostensibly authentic held by a holder genuinely believing it to be legitimate which—

- (a) is erroneously issued to the holder by an education institution, skills development provider, a foreign education institution or its agent or authority without the holder having satisfied all the requirements to obtain such a qualification or part/partial qualification, and presented by the holder in good faith for purposes of enrolment to study, employment, appointment or any other legitimate purpose which can be revoked or withdrawn by the awarding institution or body; or
- (b) is held by the holder genuinely believing it to be authentic, awarded by an education institution, skills development provider or a foreign institution that is not registered or accredited or both, to offer such qualification or part-qualification by the relevant body in terms of the law; or

- (c) not recognised by SAQA or the relevant foreign qualifications body as authentic or valid qualification; or
- (d) after evaluation by SAQA it is reclassified to be on a different NQF level according to the level descriptor;";
- (o) by the substitution for the definition of **"national learners' records database"** of the following definition:

**"national [learners'] records database"** means the electronic management information system **[as contemplated in section 13(1)(l)]** of the NQF managed by SAQA contemplated in section 13(1)(l) of this Act consisting registers of—

- (a) registered national qualifications or part-qualifications;
- (b) qualifications and part-qualification requirements and related information;
- (c) learner and student qualifications or part-qualification achievements;
- (d) details of the education institution or QC that awarded the qualification or part-qualification;";
- (p) by the substitution for the definition of **"NQF"** of the following definition:

**"NQF"** means **[the national qualifications framework contemplated in Chapter 2;]** a single integrated system approved by the Minister

consisting of three co-ordinated qualifications sub-frameworks contemplated in section 7 of this Act which provides for the—

- (i) classification;
- (ii) registration;
- (iii) publication;
- (iv) articulation of quality-assured national qualifications and part-qualifications;
- (v) promotion of access to and progression within the broader national education and training system; and
- (vi) facilitates local and international verification, evaluation and recognition of qualifications and part-qualifications.”;

(q) by the insertion after the definition of “NQF” of the following definition:

“‘occupational qualification’ means a qualification linked with work-based learning that builds learners’ competencies through applied knowledge, practical work and work experience associated with a trade, occupation or profession appropriate to particular levels on the NQF.”;

(r) by the insertion after the definition of “occupational qualification” of the following definition:

“**part-qualification**’ means an assessed unit of learning, with a clearly defined purpose that is registered as part of a qualification on the NQF;”;

- (s) by the insertion after the definition of “**part-qualification**” of the following definition:

“**prescribed**’ means prescribed by the Minister by regulations;”;

- (t) by the substitution for the definition of “**professional body**” of the following definition:

“**professional body**’ means [anybody of expert practitioners in an occupational field and includes an occupational body] a statutory or non-statutory body established to regulate and monitor the practice and conduct of industry professionals, and includes an occupational body;”;

- (u) by the substitution for the definition of “**qualification**” of the following definition:

“**qualification**’ means a national qualification registered on the NQF in terms of this Act consisting of a planned combination of learning outcomes with a defined purpose, intended to provide qualifying person with applied competence and a basis for further learning which has been

assessed in terms of exit level outcomes and certified and awarded by a recognised body.”;

- (v) by the insertion after the definition of “qualification” of the following definitions:

“‘quality assurance’ means the processes of ensuring that specified standards, criteria or requirements for teaching, learning, education administration, assessment and the recording of achievements are met.”;

“‘Quality Council’ means a statutory established Quality Councils contemplated in Chapter 5 of this Act.”;

“‘QCTO’ means the Quality Council for Trades and Occupations established in terms of section 26G of the Skills Development Act.”;

- (w) by the insertion after the definition of “QCTO” of the following definition:

“‘Recognition of Prior Learning (RPL)’ means a process through which prior knowledge and skills of a person are made visible, mediated and assessed for the purposes of-

- (i) alternative access and admission;
- (ii) recognition and certification;

- (iii) further learning and development; or
- (iv) employment;;
- (x) by the deletion of the definition of **'SAQA Act'** after the definition of **"SAQA"**;
- (y) by the substitution for the definition of "SAQA Certificate of Evaluation" for the following definition:

**"SAQA Certificate of Evaluation"** means an official document issued by the SAQA in respect of a foreign qualification indicating the authenticity and comparability of that qualification with a South African qualification registered on the NQF;

- (z) by the substitution for the definition of **"skills development provider"** of the following definition:

**"skills development provider" means [a provider that is registered with the Department in terms of the Continuing Education and Training Act,]**

- (i) a public skills provider established, deemed to have been established, declared or merged as such; or

- (ii) a private skills provider registered or deemed to have been registered by the QCTO or declared as such in terms of the Skills Development Act, and
- (iii) which is accredited by the QCTO to offer occupational qualifications or part-qualifications;

(aa) by the substitution for the definition of “sub-framework” of the following definition:

“**sub-framework**’ means one of three coordinated qualifications sub-frameworks contemplated in section 7 of the Act which constitute the NQF as a single integrated system;”

(bb) by the insertion after the definition of “sub-framework” of the following definition:

“**system of collaboration**’ means the agreed mechanism to guide the mutual relations of SAQA, the QCs, and relevant Departments in such a manner as to promote constructive cooperation contemplated in section 13(1)(f)(i);”

(cc) by the substitution for the definition of “**verification**” of the following definition:

**“‘verification’ [means the process followed by SAQA to determine the authenticity of a qualification or part-qualification in terms of the relevant SAQA policy and procedures.]**

- (a) in relation to SAQA means—
  - (i) the process undertaken by SAQA to ascertain the authenticity of a qualification or part-qualification in terms of section 13(1)(h)(iv) read with section 13(1)(m) and 13(1A) of this Act and SAQA policies and procedures; or
  - (ii) the process undertaken by SAQA to evaluate foreign qualifications as contemplated in section 13;
- (b) in relation to the Quality Councils, except for the CHE, means the process undertaken by the relevant QCs to authenticate the attainment of a statement of results for the qualification under its sub-frameworks in terms of its policies and procedures as contemplated in section 27(h)(v) of this Act;
- (c) in relation to qualifications and part-qualifications on the Higher Education Qualifications Sub-Framework means the process undertaken by higher education institutions to authenticate the statement of results for a qualification under the Higher Education Qualifications Sub-Framework;
- (d) in relation to national and foreign qualifications providing alternative access to higher education, means the process undertaken by

Umalusi to ensure alternative access to public and private higher education.”;

**Amendment of section 2 of Act 67 of 2008 as substituted by section 2 of Act 12 of 2019**

2. The following section is hereby substituted for section 2 of the principal Act as substituted by section 2 of Act 12 of 2019:

**“2 Objects of Act**

The objects of this Act **[is]** are to provide for—

- (a) the further development, organisation and governance of the NQF and related matters; and
- (b) a uniform and aligned legislative framework for effective regulation and implementation of a comprehensive, efficient, single, integrated and simple NQF system to facilitate the realisation of its objectives.”.

**Amendment of section 3 of Act 67 of 2008, as amended by section 9 of Act 26 of 2010 and section 3(a) and (b) of Act 12 of 2019**

3. Section 3 of the principal Act is hereby amended:

(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to the limitation of any provision in this Act, [T] this Act applies to—

(a) education programmes or learning programmes that lead to qualifications or part-qualifications offered within the Republic by—

(i) education and training institutions; and

(ii) skills development providers; **[and]**

(b) recognised professional designations **[, subject to the limitations prescribed in this Act.];**

(c) local and foreign education institutions and skills development providers offering foreign qualifications and programmes online or through any other mode of delivery within the Republic of South Africa

(d) foreign qualifications referred to SAQA for verification or evaluation in terms of this Act; and

(e) recognised professional bodies."

(b) by the substitution for subsection (3) of the following subsection:

"(3) Every private education and training institution or skills development provider offering education and training programme or any

component thereof towards a qualification or part-qualification[,]  
must be—

- (a) registered by the **[relevant]** Department as a private education institution or the QCTO in case of a skills development provider; and
- (b) accredited by the relevant QC to offer such qualification or part-qualification."

#### **Amendment of section 4 of Act 67 of 2008**

3. The following section is substitute for section 4 of the principal Act:

#### **"4 Framework**

- (a) The NQF is a comprehensive, integrated and formalised mechanism of national qualifications and part-qualifications approved by the Minister that regulates the-
  - (i) development;
  - (ii) classification;
  - (iii) registration;
  - (iv) publication; and
  - (v) articulation of quality-assured national qualifications and part qualifications.

- (b) It promotes access to and provides for mobility and progression within the broader national education and training system and facilitates local and international verification and recognition of national qualifications and part-qualifications.
- (c) It consists of three coordinated qualifications sub-frameworks contemplated in section 7 determined by the Minister in terms of section 8(2)(e) of this Act."

#### **Amendment of section 5 of Act 67 of 2008**

4. Section 5 of the principal Act is hereby amended:

- (a) by the substitution for the heading of the following heading:

**"The objectives of the NQF";**

- (b) by the substitution for paragraphs (a) and (b) respectively in subsection (1) of the following paragraphs:

- "(a) create a single comprehensive, integrated and formalised national **[framework]** mechanism for learning achievements;
- (b) facilitate access to, and mobility and progression through transparent and flexible entry requirements and articulation pathways within education, training and career paths;"

- (c) by the insertion in subsection (1) after paragraph (d) of the following paragraphs:

“(e) enhance and safeguard the credibility and integrity of South African national qualifications and part-qualifications; and  
(f) promote the development and offering of qualifications and part-qualifications that are distinctly South African and/or African, while being internationally comparable.”;

- (d) by the substitution for subsection (2) of the following subsection:

**“(2) The objectives of the NQF [are designed to] contribute to the full personal development of each learner and the social and economic development of the nation at large.”;**

- (e) by the substitution for subsection (3) of the following subsection:

**“(3) SAQA, [and] the QCs and the relevant departments must seek to achieve the objectives of the NQF by—**

(a) developing, fostering and maintaining an integrated and transparent national **[framework] mechanism** for the recognition of learning achievements;

- (b) ensuring that South African qualifications and part-qualifications meet appropriate criteria, determined by the Minister as contemplated in section 8, and are internationally comparable; **[and]**
- (c) ensuring that South African qualifications are of an acceptable quality~~[.]~~; and
- (d) setting transparent national standards.".

#### **Substitution of section 7 of Act 67 of 2008**

5. The following section is hereby substituted for section 7 of the principal Act:

##### **"Sub-frameworks**

The NQF is a single comprehensive, integrated and formalised **[system]** mechanism which comprises of three co-ordinated qualifications sub-frameworks as determined by the Minister, for—

- (a) General and Further Education and Training, contemplated in the GENFETQA Act;
- (b) Higher Education, contemplated in the Higher Education Act; and
- (c) Trades and Occupations, contemplated in the Skills Development Act."

#### **Amendment of section 8 of Act 67 of 2008**

6. Section 8 of the principal Act is hereby amended:

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to any other applicable Act, [T] the Minister has the overall executive responsibility for the—

(a) NQF;

(b) SAQA; **[and]**

(c) QC for General and Further Education and Training insofar as the powers, functions and responsibilities conferred by this Act[,];

(d) the QC for Higher Education; and

(e) the QC for Trades and Occupations contemplated in Chapter 5.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The Minister after consultation with the Ministers responsible for Basic Education and Employment and Labour, must—

(a) advance the achievement of the objectives of the NQF contemplated in Chapter 2;

(b) uphold the coherence and public credibility of the NQF;

(c) encourage collaboration among the QCs and between the QCs and SAQA; and”;

(c) by the substitution for subsection (2) of the following subsection:

“(3) The Minister must consult on mutually related issues with the Ministers responsible for Basic Education and Employment and Labour to—”;

(d) by the deletion in subsection (3) after paragraph (e) of the word “and”;  
and

(e) by the insertion in subsection (3) after paragraph (f) of the following paragraphs:

“(g) publish regulations on NQF matters, including the verification of qualifications and part-qualifications after considering the advice from SAQA and the QCs;

(h) determine the system of collaboration to guide the mutual relations of the departments, SAQA and the QCs, after consultation with SAQA and the QCs and taking into account the objects of the SAQA contemplated in section 11, the functions of QCs contemplated in section 27 and the regulations contemplated in section 33; and

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(i) attempt to resolve any disputes concerning the NQF between SAQA and the QCs.”;

(f) by the addition after subsection (4) of the following subsection:

“(5) The Minister may issue written instructions or directives to the SAQA, QCs or any other body that is subject to this Act regarding the performance of its functions in terms thereof.”.

#### **Insertion of section 9A in Act 67 of 2008**

7. The following heading and section is inserted after section 9 of the principal Act:

**“9A. Foreign qualifications offered within the Republic and programmes offered online**

(1) Any foreign qualification or programme offered by a local or foreign institution or skills development provider in its own right or on behalf of a parent institution either online or through any other mode of delivery within the Republic of South Africa must—

(a) be registered under the relevant sub-framework contemplated in section 7 read with section 13 (1) (h) of this Act; or

(b) be recognised by SAQA in terms of this Act and relevant policies or the foreign qualifications body in terms of the foreign laws.

(2) Any local, foreign institution or skills development provider which offers or purports to offer a foreign qualification or programme online or through any other mode of delivery within the Republic either in its own right or on behalf of a parent institution must ensure that such qualification or part-qualification is offered in compliance with this Act and any relevant policy.”.

#### **Substitution of section 10 of Act 67 of 2008**

8. The following section is hereby substituted for section 10 of the principal Act:

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

The SAQA **[that existed immediately before the commencement of this Act]** as established in terms of the South African Qualifications Authority Act No. 58 of 1995, continues to exist as a juristic person under **[the name of the South African Qualifications Authority before continues to exist as a juristic person under]** its original name as if it is established in terms of this Act.”.

#### **Amendment of section 11 of Act 67 of 2008**

9. Section 11 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) thereof of the following paragraphs:

- “(b) oversee the further development, **[and]** implementation and management of the NQF; and
- (c) co-ordinate, monitor and evaluate the sub-frameworks.”.

**Amendment of section 13 of Act 67 of 2008 as amended by section 12 of Act 26 of 2010, section 12 of Act 23 of 2012 and section 4 of Act 12 of 2019**

10. Section 13 of the principal Act is hereby amended:

- (a) by the substitution in subsection (1) in paragraph (a) for subparagraph (ii) of the following subparagraph:

“(ii) **[oversee]** manage the implementation of the NQF and ensure the achievement of its objectives;”;

- (b) by the substitution subsection (1) for paragraphs (b) and (d) respectively of the following paragraphs:

“(b) advise **[the]** Ministers and departments on NQF matters in terms of this Act;

(c) ...;

(d) consider and implement the Minister's guidelines contemplated in section 8(2)(c);”;

(c) by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) **[oversee the implementation of the NQF in accordance with an implementation framework prepared by the SAQA after consultation with the QCs.]** after consultation with the Departments of Higher Education, Basic Education and QCs—

- (i) make recommendations to SAQA and the relevant Ministers;
- (ii) develop and manage the implementation of its sub-framework;
- (iii) oversee the implementation of the NQF in accordance with its developed implementation framework
- (iv) monitor the implementation thereof; and
- (v) report to the relevant Minister on the implementation of its sub-framework;”;

(d) by the substitution in subsection (1) for subparagraph (iii) of paragraph (g) of the following subparagraph:

“(iii) ensure that they remain current and appropriate[;] taking into consideration the unique nature of each QC;” and

(e) by the substitution in subsection (1) for subparagraph (i) in paragraph (h) of the following subparagraph:

“(h) with respect to qualifications and part-qualifications—

(i) after consultation with the QCs and departments, develop and implement policy and criteria for the development, registration and publication of qualifications and part-qualifications, for the Minister to publish which must include the following requirements—

(aa) The relevant sub-framework must be identified on any document relating to the registration and publication of a qualification or part-qualification; and

(bb) each sub-framework must have a distinct nomenclature for its qualification types which is appropriate to the relevant sub-framework and consistent with international practice; **[and]**

(cc) it must adhere to national nomenclature for qualification types and minimum credits per NQF level;

11. each qualification must have defined articulation pathways into and to other qualifications and specialisations; and
12. each part-qualification must form part of a registered national qualification;";

(f) by the substitution in paragraph (j) for subparagraphs (i) and (ii) respectively of the following subparagraphs:

- "(i) collaborate with relevant international counterparts on **[all]** matters of mutual interest concerning qualifications frameworks; and
- (ii) share with the Departments, the QCs and other interested parties **[about]** relevant international practice in the development and management of qualifications frameworks and related matters;"

(g) by the substitution in paragraph (k) for subparagraphs (i) and (ii) respectively of the following subparagraphs:

- "(i) conduct or commission practical research on issues of importance to the development and implementation of the NQF, including periodic studies of the impact of the NQF on South African education, training and employment; and

- (ii) share with the Departments, the QCs and other interested parties the findings of the investigations referred to in subparagraph (i);"

- (h) by the substitution in subsection (1) of paragraph (l) of the following paragraph:

"(l) with respect to records of education and training, integrate and maintain a National NQF Records Database (NNRD) with the Higher Education and Training Management Information System (HETMIS), the Education Management Information System (EMIS) and other related databases of SETAs and Quality Councils comprising registers of—

- (i) qualifications and part-qualifications;
- (ii) national qualifications and part-qualification requirements and related information;
- (iii) learner and student achievements;
- (iv) [learner achievements] details of the education institution or QC that awarded the qualification or part-qualification;
- (v) [details of the education institution or QC that awarded the qualification or part-qualification] recognised professional bodies [;] and
- [(vi) associated] other related information [relating to] concerning registration, accreditation and verification;"

- (j) by the substitution in subsection (1) of paragraph (m) of the following paragraph:

“(m) with respect to foreign qualifications—

- (i) verify all foreign qualifications referred to it in terms of this Act;
- (ii) evaluate all foreign qualifications referred to it in terms of this Act against the South African NQF in accordance with policy and procedures and, where appropriate, issue a SAQA Certificate of Evaluation;
- (iii) formulate and publish criteria for evaluating foreign qualifications; and
- (iv) provide advice on the verification and evaluation of foreign qualifications consistent with this Act and the relevant SAQA policies;”;

- (k) by the insertion in subsection (1) after paragraph (n) of the following paragraph:

“(o) with respect to recognising learning beyond the structured NQF—

- (i) develop and implement a conceptual framework for recognition, validation and portability of short or non-formal

or informal learning experiences; industry qualifications; and professional designations; and

- (ii) provide clear guidance and advocate the recognition of learning in the form of short/non-formal/informal learning experiences; industry qualifications; and professional designations."

- (l) by the insertion in subsection (1) after paragraph (o) of the following paragraph:

"(p) with respect to verifying individuals' qualifications—

- (i) provide the Minister with a conceptual framework for the verification of qualifications and the roles of institutions, quality councils, professional bodies, and public and private verification agencies and other role-players;
- (ii) advise the Minister about implementation and possible amendments to legislation or the publication of regulations.
- (iii) manage the process to ascertain the authenticity of an individual's qualification or part-qualification as recorded on the NNRD; and
- (iv) provide relevant services accordance to the published regulations on verification of qualifications."

- (m) by the insertion in subsection (1) after paragraph (p) of the following paragraph:

“(q) with respect to Recognition of Prior Learning (RPL)—

- (i) align the National Policy and Criteria for the Implementation of RPL with the policies of QCs and to other education and training policies;
- (ii) provide leadership to the implementation of RPL policies;
- (iii) coordinate RPL in the country so that there is no differentiation on the basis of how the learning was achieved;
- (iv) provide advice, guidance and support to the implementation of RPL;
- (v) advise the Minister about implementation and possible amendments to legislation or the publication of regulations;  
and
- (vi) link relevant data on RPL, including learning achievements through RPL, in the NNRD.”;

- (n) by the insertion in subsection (1) after paragraph (q) of the following paragraph:

“(r) with respect to articulation—

- (i) develop a well-articulated NQF system in and between the three sub-frameworks;
  - (ii) resolve systemic challenges and incongruities, and address deficiencies that brings about linkages in and between its different parts in terms of section 13(1)(a), (b), (e) and (f);
  - (iii) provide leadership to the implementation of articulation processes and practices to ensure that an integrated and articulated education and training system is in place;
  - (iv) monitor and evaluate the implementation of articulation in consultation with the QCs; and
  - (v) advise the Minister about implementation and possible amendments to legislation or the publication of regulations;”;
- (o) by the insertion in subsection (1) after paragraph (q) of the following paragraph:
- “(s) with respect to cooperation with other stakeholders—
- (i) liaise with the Departments of Basic Education and Higher Education and Training, the Quality Councils and any other relevant body regulating education and training in terms of any other law in the Republic to coordinate, improve implementation; and
  - (ii) provide information about—
    - (aa) NQF and its sub-frameworks;

(bb) RPL and Articulation;

(cc) verification of qualifications and part-qualifications; and

(dd) other NQF related matters.”.

(p) by the substitution for subsection (1B) of the following subsection:

“(1B) If after verification **[or evaluation,]** by the SAQA, a QC or an institution, in the case of higher education institutions, or an employer, a qualification or part-qualification is found to be unauthentic or **[is found to be]** a misrepresented or **[is declared by a court of law to be]** fraudulent, the SAQA must refer such a finding or information to the relevant professional body, where applicable, as may be prescribed, and subject to subsection (1C)=

(a) must inform the requester and the holder of the qualification or part-qualification of the finding;

(b) must record such finding in the register of misrepresented or fraudulent qualifications and part-qualifications **[or fraudulent qualifications and part-qualifications], as the case may be; and”;**

(q) by the substitution for subsection (1C) of the following subsection:

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“(1C) The verification and evaluation processes referred to in subsection (1) *(h)* and *(m)* must conform to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).”;

(r) by the addition after subsection (1C) of the following subsection:

“(1D) The SAQA must perform its functions in terms of subsection (1) *(h)* and *(m)* read with subsection (1B) within 30 days of the referral of the qualification contemplated in section 32A.”;

# **Amendment of section 14 of Act 67 of 2008 as amended by section 13 of Act 26 of 2010**

13. Section 14 of the principal Act is hereby amended:

(a) by the substitution for subsection (2) of the following subsection:

“(2) The board consists of 15 members appointed by the Minister as follows—

- (a) the chief executive officer of the SAQA contemplated in section 19, who is a member by virtue of his or her office;
- (b) the chief executive officer of each QC contemplated in Chapter 5, who are members by virtue of their offices;
- (c) the executive officer of the National Skills Authority.
- (d) two members nominated by NEDLAC representing organised labour;
- (e) two members nominated by the Departments of Higher Education and Training and Basic Education respectively to represent the interest of public education and training providers;
- (f) one member nominated by the SETA CEO Committee representing SETAs;
- (g) two member nominated by and representing private providers of education and training to represent the interests of private education and training providers;
- (h) two member nominated by and representing public higher education and training institutions; and
- (i) one member nominated by and representing public colleges.”;

- (b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

"(a) The Minister must appoint members, from the nomination process contemplated in subsection (4), in such a manner as to ensure, insofar as is practically possible, that the functions of the SAQA are performed according to the highest professional standards **[provided that at least two members must be appointed from the nominations made by organised labour].**";

(c) by the substitution for subsection (5) of the following subsection:

"(5) Except for members contemplated in subsection (2) (a), (b), (c) and (d), [A]any member of the board —

(a) holds office for a period not exceeding five years; and

(b) may be reappointed at the expiry of his or her term of office, but may not serve for more than two consecutive terms of office.";

(d) by the deletion of subsection (6).;

(e) by the substitution for section (7) of the following section:

"(7) The members of the board must elect a chairperson and deputy chairperson from amongst **[their number]** themselves."

### Insertion of sections 23A and 23B in Act 67 of 2008

14. The following section is inserted in the principal Act after section 23:

**“23A Institution of an investigation by the Minister at SAQA and appointment of independent assessor**

(1) Notwithstanding any other provision of this Act, the Minister may, after consultation with the Minister responsible for Basic Education and Quality Councils and notifying the board, appoint an independent assessor to conduct an investigation at the SAQA if—

(a) circumstances arise at the SAQA that—

(i) involve financial or other maladministration of a serious nature;

or

(ii) seriously undermine the effective functioning of the SAQA; and

(b) the board has failed to resolve such circumstances; and

(c) the appointment is in the interests of education and training in general.

(2) The Minister must publish a notice on the appointment of the independent assessor contemplated in subsection (1) in the *Gazette* as soon as possible.

(3) The independent assessor contemplated in subsection (1) must, in terms of the terms of reference specified by the Minister—

- (a) within 30 days of appointment, conduct an investigation at the SAQA; and
- (b) within 60 days after appointment—
- (i) report in writing to the Minister the findings of the investigation;
- and
- (ii) suggest appropriate measures to resolve the circumstances.
- (3) The Minister may, depending on the circumstances and on good cause shown at the request of the independent assessor, extend the period stipulated in subsection (2)(b) above.
- (4) The board members, employees of the SAQA and any person who has an interest or affected by the investigation must, subject to relevant legal provisions and practice, assist and co-operate with the independent assessor in the performance of his, her or its functions.
- (5) Subject to any other applicable, the independent powers has all the powers necessary to assist in the conduct an investigation including the power or authority enter premises, search and seize or copy any relevant documents pertaining the investigation.
- (6) The Minister must within 30 days of receiving the report from the independent assessor, provide a copy of the report to the board or any interested party and publish such report in the *Gazette*.

### **23B Appointment of administrator**

- (1) Notwithstanding any other provision of this Act, the Minister may, after consultation with the Minister responsible for Basic Education and the QCs, dissolve the board and appoint a person as an administrator for a period not exceeding twelve months to take over the governance of the SAQA and to perform any of the functions and exercise any powers conferred to the board if—
- (a) the report by an independent assessor, any other report or information or an audit of the financial records of the SAQA reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of the SAQA;
  - (b) If 75 per cent or more of the board members resign; or
  - (c) notwithstanding having been given a reasonable opportunity, the SAQA fails to comply with an instruction or directive issued by the Minister in terms of section 8(5) of this Act.
- (2) The Minister may, depending on the circumstances and on good cause shown at the request of the administrator, extend the period stipulated in subsection (1) for a period not exceeding six months.
- (3) The Minister must, before making an appointment under subsection (1)—
- (a) give a written notice to the board of his or her intention to make such an appointment;
  - (b) provide the board with the reasons for the appointment;
  - (c) give the board a reasonable opportunity to make written representations; and

(d) consider the representations contemplated in paragraph (c)."

**Amendment of section 27 of Act 67 of 2008 as amended by section 14 of Act 26 of 2010 and section 5 of Act 12 of 2019**

15. Section 27 of the principal Act is hereby amended:

(a) by the substitution for paragraph (e) of the following paragraph:

"(e) develop, **[and]** manage and monitor the implementation of its sub-framework, and make recommendations thereon to the SAQA and the relevant Minister;"

(b) by the substitution for paragraph (f) of the following paragraph:

"(f) after consultation with the SAQA, advise the Minister on matters relating to its sub-framework;"

(c) by the deletion at the end of subparagraph (iii) of paragraph (h) of the word "and", and insertion of the word "and" at the end of subparagraph:

"(iii) ...; **[and]**

(iv) ...; and"; and

- (d) by the insertion after subparagraph (iv) of paragraph (h) of the following subparagraph:

"(v) except for the CHE, on request, verify all attained qualifications registered on its sub-framework referred to it in terms of section 32A and determine the status thereof;"

- (e) by the insertion after subparagraph (iii) of paragraph (i) of the following subparagraph:

"(iv) accredit education institutions or skills development providers that comply with all the requirements to offer a qualification or part-qualification registered on the NQF;"

- (f) by the substitution in paragraph (j) for subparagraphs (i) and (2) respectively of the following subparagraphs:

"(i) maintain a database of learner achievements, accredited education institutions or skills development providers and related matters for the purposes of this Act; and

(iii) integrate their databases with the NNRD [submit such data] in a format determined in consultation with the SAQA [for recording on the national learners' records database] at no charge to the

SAQA and within 30 days after complying with all the requirements applicable to quality assurance relating to the qualification or part-qualification contemplated in section 13 (1)(l);”;

- (g) by the substitution in paragraph (k) for subparagraph (i) of the following subparagraph:

“(i) conduct or commission and **[publish]** share research on issues of importance to the development and implementation of the sub-framework;”;

- (h) by the addition after paragraph (k) of the following paragraph:

“(l) with regard to national and foreign qualifications providing alternative access to higher education—

- (i) Umalusi must facilitate alternative entry into higher education for public and private higher education institutions, for Higher Certificate, Diploma and Degree studies by—

(aa) implementing the ministerial determination in terms of section 74 of the Higher Education Act, 1997 (Act No.101 of 1997) for alternative access to public and private higher education;

(bb) developing endorsement and exemption regulations and annual fees for endorsement and exemption for the Minister’s consideration;

- (cc) developing and maintaining an endorsement and exemption application and recording system integrated with the NNRD;
- (dd) issuing exemption certificates to alternative access to higher education;
- (ee) engaging SAQA in a bi-lateral partnership to allow SAQA to perform its statutory function related to the evaluation of foreign qualifications in support of the endorsement for alternate access for foreign qualification holders; and
- (ff) confirming historical Joint Matriculation Board results.”.

#### **Amendment of section 32 of Act 67 of 2008**

16. The following section is hereby substituted for section 32 of the principal Act.

#### **“32      Delegation of powers and assignment of functions**

(1) The SAQA or QC as the case may be, may delegate any of its powers or assign any of its functions to—

- (a) any of its committees;
- (b) the executive committee;
- (c) the executive officer or an employee of SAQA or the QC; or
- (d) any other body capable of performing the function.

- (2) A delegation or assignment in terms of subsection (1)–
- (a) is subject to any conditions and directions that SAQA or QC may impose; and
  - (b) does not divest the SAQA or QC of the responsibility for the exercise of the power or the performance of the duty or function conferred on it by this Act.
- (3) A delegation of power must–
- (a) be in writing and available for inspection on request by a member of the public;
  - (b) clearly specify the terms and conditions of the delegation;
  - (c) be consistent with this Act and the Act by which the relevant QC is established; and
  - (d) where appropriate, be accompanied by sufficient funds to perform the function or assignment.
- (4) The SAQA or QC may confirm, vary or revoke any decision taken in consequence of a delegation or assignment, but no variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (5) The Minister may, on such conditions as the Minister may determine, delegate any of powers, except the power to make regulations, and assign any of the functions and duties conferred to him or her in terms of this Act to–
- (a) the other internal structures of the Department;
  - (b) an employee of the Department; or

- (c) any other body capable of performing the function.
- (6) The provisions of subsections (2), (3) and (4) *mutatis mutandis* apply to the delegation of power or assignment of functions by the Minister."

**Amendment of section 32A of Act 67 of 2008 as inserted by section 7 of Act 12 of 2019**

17. Section 32A of the principal Act is hereby amended:

- (a) by the substitution for heading of the following heading:

**"Referral of a qualification or part-qualification to the SAQA for verification [and evaluation]";**

- (b) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

"(a) Before appointing or registering a person for purposes of employment or study, [A] all organs of state, employers, education institutions, professional bodies, skills development providers and QCs must [authenticate] verify, prior to appointment or registration, if the individual's qualification or part-qualification of the prospective employee or prospective student as the case may be which is presented to them for the purposes of appointment,

registration, study or for any other related purpose, is **[registered on the national learners' records database]**—

- (i) registered on the NQF in terms of this Act;
- (ii) registered on the NNRD;
- (iii) offered by a registered, established, declared, merged or registered and accredited education and/or training institution or skills development provider in terms of this Act or any other the applicable law;
- (iv) has been lawfully obtained; and
- (v) in respect of which documents are not tampered with.

- (c) by the substitution in subsection (1) of paragraph (b) for the following paragraph:

"If the qualification or part-qualification is not registered on the NNRD, such qualification or part-qualification must be referred to the SAQA for verification and evaluation in terms of section 13."

- (d) by the deletion of subsections (2) and (3) respectively.

### **Amendment of section 32B of Act 67 of 2008**

18. Section 32B of the principal Act is hereby amended by substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) makes or causes to be made a false entry in the NNRD or the misrepresented or fraudulent register;”.

#### **Amendment of section 34 of Act 67 of 2008**

19. The following section is hereby substituted for section 34 of the principal Act.

**“34 Application of Act when in [conflicting interpretation] conflict with other laws**

- (1) This section applies to conflict in interpretation and application between this Act and any other law concerning the NQF and any other matters connected therewith as provided in this Act.
- (2) In the event of a conflict in interpretation between this Act, the Higher Education Act, the Skills Development Act, **[and]** the GENFETQA Act, the Continuing Education and Training Act, or any other law dealing with any matter concerning the NQF within the Republic, this Act **[must be given preference]** shall prevail.”.

#### **Substitution of the Long Title of Act 67 of 2008**

20. The following Long Title is hereby substituted for the Long Title of the principal Act:

**“To further amend the National Qualifications Framework Act, 2008 so as to provide for a uniform and aligned legislative framework for effective regulation and implementation of a comprehensive, efficient, integrated NQF system; to provide for the amendment and insertion of certain definitions so as to provide further clarity; to provide further clarity of the functions and responsibilities of the Minister entrusted with the administration of this Act, Minister of Basic Education, SAQA, Quality Council and professional bodies; and to provide for transitional arrangements and for matters connected therewith.”**

**Short title and commencement:**

21. This Act is called the National Qualifications Framework Further Amendment Act, 2021 and comes into operation on the date it is published by Notice in the *Gazette*.