Thank you for the opportunity to briefly comment on the proposed amendments of the NQF Act (Act 67 of 2008). Due to the limited time available to formulate a deeply considered response, these comments will simply point to a few key issues.

General:

1. There is no doubt that the SAQA and the QCs need mechanisms with which to deal with fraudulent practices in the education and training system, so the provisions in respect of fraudulent qualifications/part-qualifications are supported, as are the proposed remedies and penalties associated with such fraudulent activities. I am focusing on for this submission these issues.
2. I see there has been an extended public comment period, but I would be somewhat concerned if there is the claim that a thorough public comment process has been undertaken. With only 45 submissions, I am not sure that the Department of Higher Education and Training (DHET) is satisfied that all ‘voices’ were heard. When I was still involved in collecting and collating comments on policy proposals, there often were hundreds of submissions…

Specific comments:

1. 1 (e) - p. 3, line 15 onwards, dealing with ‘a qualification that purports to be authentic….’: -

As the Da Vinci Institute, we have first-hand experience of the lag time between the processes of the CHE and those of the SAQA. For example, the naming conventions of our postgraduate qualifications have been changed, but these changes have not yet been effected by the SAQA, due to the CHE’s delays. The implications are that should a student/employer/parent/general member of the public, seek to verify whether the qualifications we offer are registered on the NQF, the difference between our registration certificate (issued by the DHET) and the information on the NLRD will raise a red flag. In this case, we could be seen to be ‘fraudulent’, through no fault of our own.

1. The same as above applies to section 1 (e), (b). A lag time between the CHE (or any other QC for that matter) could also impact a reclassification.
2. In the same vein – the waiting periods/lag time between the CHE and SAQA may incorrectly paint institutions with the same brush as fraudulent providers – see for example section 4 (c) (ii) and (iii).
3. I am puzzled why section 4 (e) (e) only refers to professional qualifications? Or am I misreading this section? Surely this will apply to all qualifications/part-qualifications? I would feel more comfortable if, added to 4 (e) (f), we could add: ‘as appropriate’. Not all qualifications/part-qualifications are associated with professional bodies. The same goes for the section on page 5, e.g. ‘’….such a finding or information [will be sent] to the relevant professional body’.
4. The section on p. 5 – (c) concerns me, as this doesn’t seem to be a fraudulent action – the status of reclassification could easily be delayed as indicated above, through no fault of the institution and/or the individual – I am not sure that this point should be placed under ‘fraudulent’ actions.
5. My final comment relates to (1C), p. 5: ‘the verification and evaluation processes referred to in subsection (1)(h) must conform to the provisions of the Promotion of Administrative Justice  Act (Act 3 of 2000) . In my view, unless the CHE, the DHET and the SAQA has all their ducks in a row, they might find themselves transgressing the very Act – if for example, a qualification, or education and training practices, is reported to be fraudulent, as a result of the lag times between the institutions, these institutions are opening themselves for litigation. Too often in the last few years, the policies and regulations have made it extremely difficult for institutions/providers, etc. to remain within the legal framework – even if they wanted/intended to (I am happy to give more examples of these at a later stage, including where private institutions were unfairly prosecuted…)

Anyway, I hope this helps and that you can take it forward. As indicated, I am happy to engage more, but time is not on our side.

Regards

Ronel Blom

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