



Financial Planning  
Institute of Southern Africa

**THE PROFESSIONAL STANDARD**

## FPI COMMENTARY TO THE NQF ACT AMENDMENT BILL [B20-2018]



# Vision

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Professional financial planning for all.

# Our Mission

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The FPI's mission is to advance and promote the pre-eminence and status of financial planning professionals, while at all times acting in the interests of the society (community, constituency) whom the profession serves, by:

1. Improving the quality and accessibility of professional financial planning for all in Southern Africa.
2. Acting as advocate for professional financial planning, building a recognition of the importance and need for such planning by the general public.
3. Providing a framework within which members can achieve qualifications and maintain competence to create greater value for their clients, practices and employers.
4. Ensuring that members maintain the highest ethical standards in the pursuance of their profession.
5. Providing a leadership role within financial services by providing balanced, credible input and commentary to government and the public.
6. Facilitating transformation within the profession.

## Introduction

The Financial Planning Institute of Southern Africa NPC (the FPI), a SAQA recognised professional body in terms of the National Qualifications Framework Act, is pleased to provide comments on the Portfolio Committee on Higher Education and Trainings' call for public comment on the National Qualifications Framework (NQF) Amendment Bill [B20-2018].

## FPI as a SAQA Recognised Professional Body

The FPI is a non-statutory Professional Body as recognised by the South African Qualifications Authority (SAQA) in terms of chapter 6, section 29 of the National Qualifications Act 67 of 2008 (NQF Act).

From the said chapter of the NQF Act, it is evident that a professional body must:

- co-operate with the relevant Quality Councils in respect of qualifications and quality assurance in its occupational field
- apply to SAQA in the manner determined by SAQA in terms of section 13(1)(i)(ii) to register a professional designation on the NQF
- in consultation with SAQA maintain a database for the purposes of the NQF act and submit such data in a format determined in consultation with SAQA for recording on the national learners' records database (NLRD) contemplated in section 13 (1)(l) of the NQF act.

A professional body, statutory and non-statutory, must further more comply with the provisions of the Policy & Criteria for Recognizing a Professional Body and Registering a Professional Designation for the Purposes of the NQF Act as developed by SAQA in terms of section 13 (1) (i) of the act.

Taking all of the above into consideration, it is clear that a professional body advances the objectives<sup>1</sup> of the National Qualifications Framework being:

- a) Create a single integrated national framework for learning achievements;
- b) Facilitate access to, and mobility and progression within, education, training and career paths;
- c) Enhance the quality of education and training;
- d) Accelerate the redress of past unfair discrimination in education, training and employment opportunities.

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<sup>1</sup> Chapter 2, section 5 of the NQF Act

# FPI's commentary to the NQF Act Amendment Bill

## Executive summary:

At the onset - a clear differentiation between “misrepresented” and “fraudulent” qualifications need to be made. Perhaps consider adding definitions, in plain language, to section 1 that explains the clear meaning and differences between the two.

With reference to section 13 of the act (Functions of SAQA) - it is mentioned in the amendments to the act, that misrepresented and/or fraudulent qualifications must be recorded by SAQA on separate lists and that information regarding such obtained qualifications must be referred to the relevant professional body. The amendments to the act are not clear on what the relevant professional body should do with the said information. It is tacitly assumed that the relevant professional body must take the appropriate action in terms of its regulations. It is suggested that the wording given below (*under the heading Specific Feedback*) is considered by the portfolio committee as an addition to the act in order to create certainty as to why the information is forwarded to the relevant professional body.

It is also furthermore suggested that the SAQA forwards the lists (especially the list of misrepresented qualifications) to the DHET as well in order for DHET to consider the relevant information in terms of the its applicable legislation, regulations and processes.

## Specific feedback

### Definitions:

#### Section 1 (a)

**Authenticity:** as this definition relates to the verifier of qualifications and the person whose qualification is being verified - the definition merely refers to “in relation to...” but it does not, especially for the layperson and in the interest of plain language, explain what Authenticity or authentic actually mean. It is suggested that the legal drafter continuously keep the principle of plain language in mind.

Perhaps the following can be added: (underlined wording)

‘Authenticity’ (the quality of being authentic) means

(a) in relation to a qualification or part-qualification, includes a qualification or part-qualification that is–

(i) registered on the NQF;

(ii) offered by a registered and accredited education institution or skills development provider in terms of this Act or any other applicable law; and

(iii) legally obtained; and

(b) in relation to a foreign qualification, means a qualification or part-qualification that is obtained from a foreign country and is evaluated by the SAQA in terms of this Act,

and authentic (of undisputed origin, true and genuine) has a corresponding meaning;”

“Evaluate” for instance described *what is meant* by evaluate.

### Section 1 (c) - consider adding (underlined words)

‘fraudulent qualification or part-qualification’ includes but is not limited to a degree, diploma or certification obtained through either Umalusi, Council for Higher Education (CHE), Quality Council for Trades and Occupations (QCTO) or any foreign institution, that is forged, fraudulently obtained or awarded on contravention of this act and has been declared as such by a competent court of law:”

### Section 1 (g)

Just like the word ‘verification’ is defined, the words Authenticity and Authentic (above) needs to be defined.

### Page 5 (1B)

Consider adding the following wording:

(1B) If after verification or evaluation, a qualification or part-qualification is found to be a misrepresented qualification or is declared by a court of law to be a fraudulent qualification, the SAQA must

(i) refer such a finding or information to the relevant professional body, as may be prescribed, in order for the relevant professional body to take appropriate action in terms of its regulations; and

- (ii) refer such findings to the DHET in order for the DHET to consider the implications for the QC and/or training provider in terms of the DHETs applicable legislation, regulations and process; and
- (iii) the SAQA must record in the register of misrepresented qualifications or part-qualifications or fraudulent qualifications or part-qualifications,  
the following information...”

### **In closing:**

The FPI supports the amendments to the NQF act as circulated for public comment via B20 - 2018 taking the above into consideration and are available for any further assistance that the portfolio committee may require.

Yours sincerely,

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