**CALL FOR COMMENTS ON THE NATIONALQUALIFICATIONS FRAMEWORK AMENDMENT BILL**

**COMMENTATORS:**

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| **NAME** | **ORGANISATION** |
|  | Umalusi |

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| 2 | Purpose of the amendment Bill | QCs, as the custodians of the attained qualifications on the respective sub-frameworks, must be included to verify attained qualifications. | **To amend the National Qualifications Framework Act, 2008, so as to amend and****insert certain definitions; to provide for the verification of all attained qualifications or****part-qualifications by the SAQA and the QCs;** |
| 2 | Section 1 – line 8 | Only attained qualifications can be verified in terms of authenticity.  | in relation to a qualification or part-qualification, includes ~~a~~ an attainedqualification or part-qualification that is— |
| 3 | Section 2 - 2 | …. and related mattersIs this not very broad and open for different interpretations and the consequences thereof? | Remove**…. and related matters** |
| 3 | Section 1 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) – (g) – line 39 | QCs as the custodians of the qualifications on the respective sub-frameworks must verify attained qualifications.While QCs certify attained qualifications and part-qualifications and issue the certificates to qualifying candidates detailed verification functions can only be performed by the QCs.  | by the insertion after the definition of ‘‘Umalusi’’ of the following definition:‘‘ ‘verification’ means the process followed by the SAQA, as Qualifications Authority, and the QCs, as custodians of the qualifications on the respective sub-frameworks, to determinethe authenticity of ~~a~~ an attained qualification or part-qualification in terms of therelevant ~~SAQA policy~~ policies and procedures.’’. |
| 3 | 1 | It is recommended that the definition of an “education institution” be amended and extended to incorporate the definition of a “provider” that was in the original GENFETQA Act (No. 58 of 2001). This will then cover distance education and online providers as well.  This amendment will support the proposed amendment to Section 3(b)(3) | “Education institution” – means an organisation founded for an educational purpose that is established, declared or registered by law, which1. Delivers learning programmes which culminate in a specified National Qualifications Framework standard or qualification; and
2. Manages the assessment of such learning programmes”
 |
| 4 | Section 13 (a) of the principal Act(iv) | Insert the word “attained” after the word all. Reference here is to the achieved / obtained qualifications and part-qualifications and not the qualification in itself | (iv) verify all **attained** qualifications of part-qualifications … |
| 5 | **Amendment of section 27 of Act 67 of 2008, as amended by section 14 of Act 26 of****2010****5.** Section 27 of the principal Act is hereby amended—Line 34 | Insert the following paragraph as paragraph **(b)** to allow the QCs to verify qualifications registered on the relevant sub-framework. To be inserted after line 34 | 4. Section 27 of the principal Act is hereby amended—**(b)** by the addition in subsection (1)(h) of the following subparagraph:‘‘(v) verify all attained qualifications or part-qualifications registered on the sub-framework referred to it in termsof section 32A and make a decision on the status thereof;’’; |
| 5 | 27 5 (b) (iv)Line 35 | Language error: | . . .”accredit the education institution or skills development provider that complies . . (remove “s” from provider) |
| 5 | 5. Section 27 (f) | The act defines the Minister as the Minister of Higher Education and Training. This is problematic as most of the matters that Umalusi deals with have more to do with the Minister of Basic Education. The NQF Act is silent on the functions of the Minister of Basic Education. | Change the definition to: Minister - means the Minister of Basic Education or the Minister of Higher Education and Training;Add “relevant” in front of Minister when referring to Minister. |
| 6 | **Paragraph 32(A)** | If the attained qualification is not registered on the NLRD the relevant QC must ensure and verify that the said attained qualification was indeed issued in order to be submitted to the SAQA for registering on the NLRD. | 32A. (1) Except for those categories of employees who are specifically exempted from the provisions of this section by the Minister by notice in the Gazette, all employers, education institutions, skills development providers and QC’s must check if the qualification or part-qualification which is presented to them for purposes of study, employment, appointment or any other related purpose, is registered on the national learners’ records database and if not, refer such qualification or part-qualification to the SAQA or the relevant QC for verification or evaluation. |

Additional comments on the NQF Act

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| Chapter 1Section1 | Definition of a “qualification” “qualification” means a **registered national qualification** | The description given of a qualification in the NQF Act is not clear and seems to allow for education offerings of qualifications not registered on the NQF.The NQF was established to comprise of “qualifications” as defined, i.e. that are registered on the NQF, if they meet the relevant criteria (Section 13(i)(h)(ii). As such the legislative framework does not contemplate the regulation of education and learning programmes that are not registered on the NQF. | Define a qualification more clearly to include that all qualifications (both local and foreign) offered in South Africa must be registered on the NQF |
| Chapter 1Section1 | Define what is meant by “offering” | It is not clear what “offering a qualification” entails. Does it include all aspects such as administration of learners, facilitation of learning, assessment and certification or only one or more of them?  | A clear definition of “offering” is needed. A decision on whether an offering is a foreign or local qualification cannot be determined by the place where the learner does the learning, but by what body;Drew up the curriculum;Does the quality assurance;Does the assessment;Certificates the learners. |