

**Proposed amendments to the Skills Development Amendment Bill
as introduced in the National Assembly
[B49-2008]**

1 Amend clause 1 of the Skills Development Amendment Bill by:

- 1.1 in paragraph (c), substituting the definition of "National Qualifications Framework" with the following definition:

"National Qualifications Framework" means the National Qualifications Framework contemplated by the **[National Qualifications Framework Act, 2008]** South African Qualifications Authority Act:"

- 1.2 in paragraph (d), deleting the definition of "Occupational Qualifications Framework";

- 1.3 in paragraph (e), substituting the definition of "placement" with the following definition:

"**placement**" means placing an individual in a placement opportunity, **[considering with due regard to the Code of Good Practice on the Integration of Employment Equity into Human Resources Policies and Practices [as contemplated] in terms of the Employment Equity Act, 1998 (Act No. 55 of 1998);**"

2 Amend clause 4 of the Skills Development Amendment Bill by:

- 2.1 Inserting a new paragraph (a) as follows:

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

"(b) 24 voting and **[five]** ~~six~~ non-voting members appointed by the Minister;"

- 2.2 inserting a new paragraph (b) as follows:

"(b) the substitution in subsection (2) for paragraph (e) of the following paragraph:

"(e) four voting members appointed by the Minister to represent the interests of education and **[training]** skills development providers;"

- 2.3 substituting paragraph (e) with the following:

"(e) the substitution for subsection (7) of the following subsection:

"(7) If the chairperson or a member of the Authority vacates office before the expiry of the period of office, the Minister must, in terms of subsection (1)(a) or (2), respectively, appoint a new chairperson or

member, as the case may be, for the unexpired portion of that period within 90 days."

3 Amend clause 7 of the Skills Development Amendment Bill by:

substituting subparagraph (d) with the following:

"(d) by the addition to subsection (7) of the following paragraphs:

"(c) prescribing the requirements for registering an agency contemplated in paragraph (a); and

(d) making it an offence to operate an agency contemplated in paragraph (a) except in accordance with such regulations and prescribing penalties for such an offence."

4 Amend clause 11 of the Skills Development Amendment Bill by:

4.1 substituting the proposed new section 26E(1) with the following:

"(1) The Minister may, by notice in the *Gazette*, establish skills development institutes **[as prescribed]** in accordance with any prescribed requirements and may contribute the resources that are necessary for the effective performance of their functions."

4.2 substituting the proposed new section 26F(1)(a) with the following:

"(a) **[the Occupational Qualifications Framework]** an occupational qualifications framework as an integral part of the National Qualifications Framework;"

4.3 substituting the proposed new section 26G(6) with the following:

"(6) **[the Director-General must provide the QCTO with the financial resources necessary for the performance of its functions].** The QCTO is financed from:

(a) money voted by Parliament for this purpose;

(b) income earned from services rendered by it;

(c) grants or donations made to it; and

(d) money received from any other source."

4.4 substituting the proposed new section 26H(2) with the following:

"(2) The QCTO must perform its functions in terms of this Act and **[the National Qualifications Framework Act, 2008]** and any other applicable law."

5 **Amend clause 13 of the Skills Development Amendment Bill by:**

5.1 substituting paragraph (c) of the proposed new section 29(1) with the following:

"(c) prepare annual financial statements for the Fund **[in the prescribed form]** as prescribed by the Public Finance Management Act; and"

5.2 substituting the proposed new section 29(2) with the following:

"(2) Any money in the Fund not required for immediate use may be invested in accordance with [the Public Investment Commissioner or with a financial institution approved by the Minister] an investment policy approved by the Director-General that complies with the requirements of the Public Finance Management Act and may be withdrawn when required."

6 **Amend clause 14 of the Skills Development Amendment Bill by:**

substituting the clause with the following:

"14 Section 36 of the principal Act is hereby amended by:

(a) the insertion after paragraph (r) of the following paragraphs:

"(rA) any matter concerning the administration of apprenticeships of other qualifications in terms of any repealed Act, including, but not limited to, issuing duplicate certificates;

"(rB) providing for the establishment of skills development forums in respect of each provincial office and specifying the operation, composition and functions of the forums;"

(b) substituting paragraph (s) with the following paragraph:

"(s) any other matter which it is necessary or expedient to prescribe in order to achieve the purposes of this Act, including any matter

concerning the implementation of any amendment to this Act or any legislation referred to in this Act."

7 Amend clause 16 of the Skills Development Amendment Bill by:

7.1 substituting item 4 of the proposed new Schedule 2A as follows:

"4 Any trade which immediately prior to the commencement of this Act was designated, or deemed to have been designated, in terms of section 13(1) of the Manpower Training Act, is deemed to have been listed in terms of section 26B(a) of the Act."

7.2 substituting item 6 of the proposed new Schedule 2A as follows:

"6(1) Until such time as the QCTO delegates powers and functions to a SETA in terms of Chapter 6B of the Act, a SETA ETQA will:

(a) remain accredited by SAQA;

(b) continue to perform all ETQA functions prescribed by the South African Qualifications Authority Act; and

(c) have any matter concerning the performance of ETQA functions by a SETA dealt with in terms of the South African Qualifications Authority Act.

(2) The accreditation of any education and skills development provider by a SETA ETQA remains in effect until the accreditation:

(a) lapses;

(b) is withdrawn by the SETA ETQA; or

(c) is withdrawn in terms of regulations made under section 26J of the Act."