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Date: 2008-09-17

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

NEGOTIATING MANDATE GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE AMENDMENT BILL [B35B- 2008]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Education, Hon P Williams tables the Committee's negotiating mandate as adopted by the Portfolio Committee on the 17TH September 2008, on the *General and Further Education and Training Quality Assurance Amendment Bill [B 35B- 2008]*.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the NCPL, has upon receipt of the Bill referred the *General and Further Education and Training Quality Assurance Amendment Bill [B 35B -2008]* to the Portfolio Committee on Education on the 29TH May 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the NCOP and Proceedings Manager Mr. C Haas at its meeting on the 26th August 2008.
- 2.3 The Portfolio Committee resolved at its meeting held on the 4th September 2008 to hold public hearings on the referred Bill in the districts of Francis Baard, Pixley-ka-Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficial communities and stakeholders with regard to the *General and Further Education and Training Quality Assurance Amendment Bill*.

Five (5) public hearings were facilitated as per Committee resolution in Kimberley Upington, De Aar, Kathu and Okiep. Both written and oral submissions were called for and the public extensively engaged with the Committee on their views.

On the 17th September 2008 the Portfolio Committee deliberated and considered the principle of *General and Further Education and Training Quality Assurance Amendment Bill* [B 35B -2008], as well as the report on the analysis of the views of the public.

2.4 VIEWS OF THE PUBLIC ON THE BILL

- The present curriculum needs to focus more on skill attainment.
- The Bill needs to protect learners from colleges that are not accredited by SAQA.
- The Bill is not clear on who determines the curriculum offered in institutions.

2.5 KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The public in general support the Bill.


3. COMMITTEE POSITION AT THE NEGOTIATING STAGE

THE PORTFOLIO COMMITTEE ON EDUCATION,

- In principle support the Bill.

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommended to the House to mandate the permanent delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the public.


HON C. SEOPOSENGWE
SPEAKER



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Date: 2008-09-17

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

NEGOTIATING MANDATE NATIONAL QUALIFICATIONS FRAMEWORK BILL [B33B- 2008]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Education, Hon P Williams tables the Committee's negotiating mandate as adopted by the Portfolio Committee on the 17th September 2008, on the *National Qualifications Framework Bill* [B 33B- 2008].

2. PROCESS FOLLOWED

- 2.1 The Speaker of the NCPL, has upon receipt of the Bill referred the *National Qualifications Framework Bill* [B33B -2008] to the Portfolio Committee on Education on the 4th September 2008
- 2.2 The Portfolio Committee received a briefing on the Bill from the NCOP and Proceedings Mr. C. Haas at its meeting on the 26th August 2008.
- 2.3 The Portfolio Committee resolved at its meeting held on the 4th September 2008 to hold public hearings on the referred Bill in the districts of Francis Baard, Pixley-ka-Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficial communities and stakeholders with regard to the *National Qualifications Framework Bill*.

Five (5) public hearings were facilitated as per Committee resolution in Kimberley, Upington, De Aar, Kathu and Okiep. Both written and oral submissions were called for and the public extensively engaged with the Committee on their views.

On 17th September 2008 the Portfolio Committee deliberated and considered the principle of *National Qualifications Framework Bill* [B 33B -2008], as well as the report on the analysis of the views of the public.

2.4 VIEWS OF THE PUBLIC ON THE BILL

- The standard of qualifications and monitoring of private institutions need to be addressed in the Bill.
- There is bias within the Bill as it depicts the Minister of Education as superior to the Minister of Labour by referring to the Education Minister as "The Minister" and to the Minister of Labour as "The Minister of Labour".
- The Bill should be clear on its role with regards to the Formal and Informal Development of Human Resources.
- The Bill should give SAQA more legislative authority to dictate in terms of Accreditations and be held accountable by the Ministers.
- The Bill is not clear as to whether "*after consultation with statutory and non-statutory bodies...*" mean these bodies will consult SAQA and implement whatever programmes or they will consult SAQA who will then give its blessings to the programmes.(pg. 6 clause i)
- The relationship between SAQA and the Quality Councils is not clear.
- The Legislation must address the issue of languages because the Department of Education uses all official languages whilst the Department of Labour only uses English as a medium of instruction.
- The Legislation must make provision for people trained by the Department of Labour to be accredited by the Department of Education.
- The Bill should indicate to what extent UMALUSI would facilitate the advancement of Abet Educators especially those with previous experience.
- The Bill should make provision for young students aged 15-16 with level three qualifications but without a matriculation certificate to venture into the Labour market.
- The Bill should allow for a certificate to be issued for accumulated credits for different though related courses completed.
- The process of how Recognition of Prior Learning would unfold should be adequately addressed.
- The implementation of the Act and the operations of the Quality Councils should take place as a matter of urgency.
- Concern was expressed at the suggestion that 'N' qualification is in the process of being phased out since the proposed "level" qualifications are more difficult.
- The Bill should address the issue of "experience" as a prerequisite when newly qualified students apply for employment.
- The problem of one University not recognising qualifications from another University should be addressed and the process thereof uniformly be applied.
- The Bill should increase NQF Level 4 to NQF Level 5 in FET Colleges.

2.5 KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The public in general support the Bill.

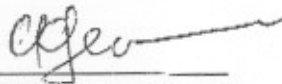
3. COMMITTEE POSITION AT THE NEGOTIATING STAGE

THE PORTFOLIO COMMITTEE ON EDUCATION,

u In principle **support** the Bill.

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommended to the House to mandate the permanent delegates to participate in deliberations at the negotiating stage and to **support** the Bill, taking note of the concerns raised by the public.



HON C SEOPOSENGWE
SPEAKER



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Date: 16 Sept. 2008

PORTFOLIO COMMITTEE ON EDUCATION

Negotiating mandate on the General and Further Education and Training Quality Assurance Amendment Bill (B35B-2008)

1. *Terms of reference*

The General and Further Education and Training Quality Assurance Amendment Bill (B35B-2008), hereinafter referred to as the Bill, was referred to the Portfolio Committee on Education by the NCOP Business Committee for consideration.

2. *Consideration of the Bill*

The Portfolio Committee was briefed on the content and effect of the Bill by the officials from Department of Education, the special delegate, Hon B Tunyiswa and the permanent delegate, Hon Qikani. The Committee also conducted public hearings on the Bill on 11th of September 2008.

3. *Negotiating mandate of the Committee*

3.1 The Committee noted that the amendments embodied in this Bill are of a consequential nature that are mainly aimed at aligning the principal Act with the National Qualifications Framework Bill, which is also under consideration.

3.2 The Committee supports the spirit and purpose of the Bill and resolved that the permanent delegate of the Eastern Cape Province be mandated to represent the Province in a meeting to consider the negotiating mandates.



N. RIVIETS
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE





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Date: 16 Sept, 2008

PORTFOLIO COMMITTEE ON EDUCATION

Negotiating mandate on the National Qualifications Framework Bill (B33B-2008)

1. Terms of reference

The National Qualifications Framework Bill (B33B-2008) (B33B-2008), hereinafter referred to as the Bill, was referred to the Portfolio Committee on Education by the NCOP Business Committee for consideration.

2. Consideration of the Bill

The Portfolio Committee was briefed on the content and effect of the Bill by the officials from Department of Education, the permanent delegate, Hon Qikani and the special delegate, Hon B Tunyiswa. The Committee also conducted public hearings on the Bill on 11th of September 2008.


3. Negotiating mandate of the Committee

3.1 The Committee supports the Bill and wish to raise the following mandate:

(a) With regard to the function of SAQA as it relates to the upkeep of the comprehensive database of all the national qualifications, a concern was raised on the deadline within which the already existing national qualifications will be collated into one database and also how the Department of Education and Labour will collect, collate and make the information available.

(b) The Committee has noted that the Bill has various cross referencing errors and this must be corrected before the Bill is adopted.

3.2 The Committee further resolved that the permanent delegate for the Province of the Eastern Cape be mandated to represent the Province in a meeting to consider the negotiating mandates.


N. KIVIET

SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE





RECEIVED
2008-09-17

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15 September 2008

REPORT ON NEGOTIATING MANDATE ON THE NATIONAL QUALIFICATIONS FRAMEWORK BILL [B33B – 2008] AND GENERAL FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE BILL [B35B – 2008].

1. TERMS OF REFERENCE

The above mentioned Bills were referred to the Portfolio Committee of Education for consideration as a matter of priority.

2. BRIEFING

On the 04th September 2008 the National Department of Education, Legal Unit and the NCOP permanent delegate Hon. KA. Kgarebe briefed the Committee on the National Qualifications Framework Bill and the General and Further Education and Training Quality Assurance Amendment Bill.

3. CONSIDERATION

The Committee decided to conduct public hearings in Bophirima (Vryburg) and Bojanala Districts (Rustenburg) on the 11th and 12th September 2008 respectively. All relevant stakeholders: educators, organised labour, the Department of Education, FFT Colleges, councillors and interested parties were invited to give their opinion on the Bills. Stakeholders were given until the 16th September 2008 to forward written inputs to the Committee.

4. RESOLUTION

A. National Qualifications Framework Bill

The Committee, having considered the inputs and resolved that:

- a. The Bill should be published in other official languages for the interest of communities to have a clear understanding of its aims, preferably for School Governing bodies and elderly people.

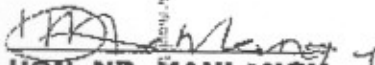
b) Comments
Professional Bodies

- Chapter 6 (30) The Bill should make sure that all other professions have the professional memberships (professional membership for teachers, administrators) based on SAQA in terms of Section 13(i) and (ii), to register a professional designation on the NQF.
- Chapter 5 (h) (i) and (iii) with regard to prior learning – The Bill must ensure that development of such qualification or part qualifications which may include measure for the assessment of learning achievements.

B. The General and Further Education and Training and Quality Assurance Amendment Bill

- The Committee support all consequential amendment to be made.

Regards,


HON. ND. MAHLANGU

CHAIRPERSON: EDUCATION PORTFOLIO COMMITTEE

**Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni**



**NEGOTIATING MANDATE OF THE GENERAL AND FURTHER EDUCATION
AND TRAINING QUALITY ASSURANCE AMENDMENT BILL [B35B-2008]
(NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *General and Further Education and Training Quality Assurance Amendment Bill [B35B-2008]* (NCOP), as resolved by the Standing Committee on Education, Cultural Affairs and Sport on 10 September 2008.

The Western Cape Provincial Parliament having considered the subject of the *General and Further Education and Training Quality Assurance Amendment Bill [B35B-2008]* (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill.

**SE BYNEVELDT
SPEAKER
12 SEPTEMBER 2008**



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni



**NEGOTIATING MANDATE OF THE NATIONAL QUALIFICATIONS
FRAMEWORK BILL [B33B-2008] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *National Qualifications Framework Bill [B33B-2008]* (NCOP), as resolved by the Standing Committee on Education, Cultural Affairs and Sport on 10 September 2008.

The Western Cape Provincial Parliament having considered the subject of the *National Qualifications Framework Bill [B33B-2008]* (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following recommendations and concerns:

- Concern was raised regarding the number of times the SAQA Board is required to meet per annum. The Committee recommends that the Board must meet at least four times a year and further, that it should endeavor to meet more than the minimum required meetings in light of all the disparities within educational institutions and the alignment of the available courses that are being offered.
- In the Bill, the quorum specification for the Board is not clearly spelt out and it is left to the discretion of the Board. The Committee therefore recommends that the quorum rule 50% + 1 should be stipulated in the Bill in order to ensure maximum participation and input.
- The Committee recommends that in Clause 15, on page 7, in line 39, to omit "three" and to substitute "two". The motivation for this is that in light of the minimum requirements stipulated, where currently at least four meetings per annum are stated, it needs to

ensure maximum input and participation from its members, also to have sufficient time to replace members with others that could fulfill that role.

A handwritten signature in black ink, appearing to be 'SE BYNEVELDT', written in a cursive style.

**SE BYNEVELDT
SPEAKER
12 SEPTEMBER 2008**



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
SELECT COMMITTEE ON EDUCATION &
RECREATION**

NEGOTIATING MANDATE

PROVINCE : KWAZULU-NATAL

**BILL : NATIONAL QUALIFICATIONS
FRAMEWORK BILL [B33B – 2008]**

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Education Portfolio Committee
Portfolio Committee
meeting date/s : Tuesday, the 16th of SEPTEMBER 2008
Provincial NCOP meeting date/s : Friday, the 19th of SEPTEMBER 2008
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 19th of SEPTEMBER 2008, to consider the National Qualifications Framework Bill [B33B-2008].

In supporting the Bill, the Committee proposed the following amendments:

Proposed Amendments

1. Clause 14(2) "The board comprises—
(a) 12 members appointed [**in their personal capacities**] by the Minister after consultation with the Minister of Labour;"

(Members should be representing and reporting to recognized structures).

2. Explanatory Memorandum, page 21

Financial Implications

"In principle, reducing the SAQA's functions should result in savings which will offset the cost of adding functions to Umalusi and the CHE, *but the extent of the offset is not yet known*".

There is a concern if this is not going to be one of the factors that would hinder the implementation of this legislation.

PROVINCIAL ENDORSMENT



Mrs L F Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Friday, the 19th September 2008

DATE



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
SELECT COMMITTEE ON EDUCATION &
RECREATION**

NEGOTIATING MANDATE

PROVINCE : KWAZULU-NATAL

**BILL : GENERAL AND FURTHER EDUCATION
AND TRAINING QUALITY ASSURANCE
AMENDMENT BILL [B35B – 2008]**

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Education Portfolio Committee
Portfolio Committee
meeting date/s : Tuesday, the 16th of SEPTEMBER 2008
Provincial NCOP meeting date/s : Friday, the 19th of SEPTEMBER 2008
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 19th of SEPTEMBER 2008, and agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to ***support*** the **General and Further Education and Training Quality Assurance Amendment Bill [B35B-2008]**.

PROVINCIAL ENDORSMENT



Mrs L F Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Friday, the 19th September 2008

DATE



**NEGOTIATING MANDATE ON THE NATIONAL QUALIFICATIONS
FRAMEWORK BILL [B33B-2008]**

(Section 76)

1. INTRODUCTION

The Chairperson of the Education Committee, Mr. A Msane, tables the Committee's Negotiating Mandate on the National Qualifications Framework Bill [B33B-2008], a Section 76 Bill, as follows

2. PROCESS FOLLOWED

The Speaker formally referred the National Qualifications Framework [B33B-2008], Section 76 Bill to the Portfolio Committee on Education, in terms of Rule 232 (1) read with 235 (4), 6 and 7 for consideration and report on Wednesday, 20 August 2008.

On Friday, 29 August 2008, the Portfolio Committee on Education was briefed by the Honourable Permanent Delegate, Ms Maggie Madlala – Magubane and Ms F Mazibuko from the National Council of Provinces on the intentions of the Bill. The Committee further received a briefing on the Bill from Advocate Nawa from the National Department of Education. The Committee had an opportunity to deliberate on the National Qualifications Framework Bill [B33B-2008].

The Committee held a public hearing on Wednesday, 10 September 2008 at the Johannesburg City Hall, Johannesburg CBD and received a briefing from the Gauteng Department of Education as well as submissions from stakeholders and members of the Public.

On Monday, 15 September 2008, the Committee deliberated on the technical and substantive amendments and subsequently adopted the National Qualifications Framework Bill [B33B-2008].

3. PRINCIPAL AND DETAIL OF THE BILL

The National Qualifications Framework (B33B-2008), seeks to

- Provide for the National Qualifications Framework,
- Provide for the responsibilities of the Minister of Education and the Minister of Labour,
- Provide for the South African Qualifications Authority,
- Provide for Quality Councils,
- Provide for transitional arrangements,
- And to repeal the South African Qualifications Authority Act, 1995

The following are the detailed aims that the Bill seeks to consider

- (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

3. OVERVIEW OF PUBLIC HEARING AND SUBMISSIONS

As part of its functions and obligation, the Committee held a public hearing on the National Qualifications Framework Bill (B33B-2008) on Wednesday, 10 September 2008. The Committee had received both verbal and written submissions from the various individuals and organisations that are listed hereunder -

1. Umalusi
2. SAQA
3. Gauteng Department of Education

The following are concerns and questions that were raised during the hearing:

- The portability and recognition of qualifications at different levels on the NQF between the different councils: e.g. will the Council of Higher Education recognize a qualification awarded by the Trades and Occupation Council at NQF level 5? Will the incumbent be able to continue with a qualification at NQF level 6 at an HEI?
- What implications does the Trade and Occupation Council have on the current institution offerings on FET and HEI qualifications? Will these institutions be in a position to offer occupational specific qualifications? If so how will this be formalized?
- Is there a synergy management system in place for all stakeholders, the National Department of Education, Provincial Departments of Education and educational institutions?
- The word 'standards' should be included under definitions in order to provide articulation between the Education as well as the Training Sector

- There is no specific role for SAQA in terms of Quality Assurance and a sub-clause should be included in clause 13 that allows SAQA to express their views in terms of quality assurance in consultation with the Quality Councils.
- The words 'reach agreement' be substituted with 'after consultation' in clause 13 (g) (i) in order to allow for progress once broad agreements have been reached. It was felt that level descriptors are important for the functioning of the NQF and waiting to reach final agreements with the three Quality Councils will delay the development of level descriptors
- In terms of their advocacy role, SAQA should develop a set of NQF navigational NQF tools that will enable learners to understand and make informed choices so that they can clearly understand what kind of learning pathways they need to follow in order to reach their career objectives.
- With regards to clause 13(f), SAQA should be allowed to determine the format of the database as there is already an established database with a specific format and renegotiating the format would be problematic
- The role of SAQA as set out in clause 13 (n) (i) should be done jointly with the quality councils and the words 'by a coordinated communication strategy' should be included after 'inform the public about the NQF'

4 FINANCIAL IMPLICATIONS AND SOCIO ECONOMIC IMPACT ASSESSMENT OF THE BILL FOR THE PROVINCE

4.1 FINANCIAL IMPLICATIONS OF THE BILL

The Bill has no financial implications for the province

4.2 SOCIAL IMPACT ASSESSMENT

The National Qualifications Framework Bill [B33B-2008] will extensively contribute towards creating an integrated national framework for learning achievement thereby contributing to the full personal development of each learner and the social and economic development of the country at large

5. COMMITTEE RECOMMENDATIONS

The Committee proposes that the following recommendations be considered

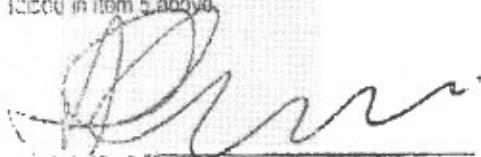
- The Committee recommends that the Bill makes provision for the portability and recognition of qualifications at different levels on the NQF between the different councils
- The Bill should mandate the different councils to set up the policy frameworks to ensure alignment between the Quality Councils in order to ensure that high standards are maintained
- The Committee recommends that the word 'standards' should be included under definitions in order to provide articulation between the Education as well as the Training Sector
- The Committee recommends that the Bill should clarify the role of SAQA in terms of quality assurance and allow SAQA to give input in terms of quality assurance in consultation with the Quality Councils
- The Committee recommends that, in terms of their advocacy role, the Bill should provide for SAQA to develop a set of NQF navigational tools that will enable learners to

understand and make informed choices so that they can clearly understand what kind of learning pathways they need to follow in order to reach their career objectives

- The Committee recommends that the role of SAQA as set out in clause 13 (n) (i) should be done jointly with the quality councils and the words 'by a coordinated communication strategy' should be included after 'inform the public about the NQF' in order to ensure that there is a streamlined communication strategy
- The Committee notes that in Clause 9 5 (3) (c) 'cooperate in discharging their respective responsibilities under this Act, and' is not captured in the Bill and recommends that it be rectified
- The Committee recommends that the numbering as captured in Page 2 Amendments Agreed To be corrected to reflect the line numbering in the Bill
 - Clause 4. line 45 should read line 44
 - Clause 5. line 50 should read line 49.
 - Clause 9 1. line 40 should read line 33
 - Clause 9 2. line 41 should read line 34
 - Clause 9 3. line 43 should read line 36
 - Clause 9 4. line 43 should read line 36
 - Clause 9 5. page 5 should read page 4.
 - Clause 9 5. line 7 should read line 53

6 NEGOTIATING POSITION ADOPTED BY COMMITTEE

The Education Portfolio Committee on Education supports the principle and details on the National Qualifications Framework Bill (B33B -2007)- Section 76 subject to consideration of the issues raised in item 5 above.



Mr A Maseko
Chairperson: Education Portfolio Committee

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COMMITTEES

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NEGOTIATING MANDATE

NATIONAL QUALIFICATIONS FRAMEWORK BILL (B33B-2008)

The Portfolio Committee on Education, Culture, Sports, Recreation, met on the 28 August 2008 for the briefing by the permanent delegate of the National Council of Provinces on the National Qualifications Framework Bill (the Bill)(B33B-2008).

After consideration of the Bill, the Committee supports the Bill as it stands.

The permanent delegates representing the Province of Mpumalanga in the National Council of provinces are conferred with authority and mandated to vote in favour of the Bill.

HON S N SIKHOSANA
CHAIRPERSON: PORTFOLIO COMMITTEE ON
EDUCATION, CULTURE, SPORT AND RECREATION

22/09/2008
DATE