

Postnet Suite 248  
Private Bag x 06  
Waterkloof, 0145  
SAQA House  
1067 Arcadia Street  
Hatfield, 0028  
Tel (+ 27 12) 431-5106  
Fax (+27 12) 431 5039  
E-mail: [Samuel\\_Isaacs@saqa.org.za](mailto:Samuel_Isaacs@saqa.org.za)  
Website: [www.saqa.org.za](http://www.saqa.org.za)  
Helpdesk: 086 010 3188



18 July 2008

The Chairperson  
Parliamentary Portfolio Committee on Labour

Attention: Pat Jayiya  
E-mail: [pjayiya@parliament.gov.za](mailto:pjayiya@parliament.gov.za)

Dear Sir

SAQA is pleased to submit the following written submission that it made on the draft Skills Development Act Amendment Bill to the Department of Labour on 28 March 2008. Most of the track changes have been effected. However, we believe that a number of our concerns and recommendations need to be brought to the attention of the Portfolio Committee.


In particular, it will assist the establishment of the Quality Council for Trades and Occupations (QCTO) if the proposed amendment states unambiguously, under the Establishment of QCTO:

**26G.(1)The Quality Council for Trades and Occupations is hereby established as a jurist person in the form of a Schedule 3A national Public entity under the Public Finance Management Act.**

This will ensure that the status and accountability of the QCTO under the Minister of Labour is similar to that of the other two QCs under the Minister of Education.

In order to elaborate on SAQA's concerns and recommendations our Chairperson, Prof Shirley Walters, has requested that SAQA make an oral presentation at the Public Hearings on 29 to 31 July 2008.

Yours faithfully

  
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**SAMUEL BA ISAACS**  
**EXECUTIVE OFFICER**

C.c Prof Shirley Walters: SAQA Chairperson

**SAQA'S MISSION**

*"To ensure the development and implementation of a National Qualifications Framework which contributes to the full development of each learner and to the social and economic development of the nation at large"*

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Waterkloof, 0145  
SAQA House  
1067 Arcadia Street  
Hatfield, 0028  
Tel (+ 27 12) 431-5000  
Fax (+27 12) 431 5039  
E-mail: saqainfo@saqa.org.za  
Website: www.saqa.org.za  
Helpdesk: 086 010 3188



28 March 2008

Acting Director General  
Department of Labour  
Attention: Mr. S Morotoba  
Private Bag X117  
**PRETORIA**  
0001

**Fax number: (012) 320-0792**

Dear Mr. Kettleidas

## **INPUTS TO THE SKILLS DEVELOPMENT ACT AMENDMENT BILL 2008**

SAQA appreciates the opportunity to make inputs to the Skills Development Act Amendment Bill 2008. We also need to thank Dr. Florus Prinsloo, who took time from his busy schedule to address SAQA staff in this regard.

This letter is accompanied by the sections of the draft Bill where we have made inputs in the form of 'track changes', in addition to the general comments listed below.

### **RECOGNITION AND COMMENDATIONS**

SAQA wishes to recognise and commend all involved in bringing the NQF Review to an end.

We also wish to commend the recognition of the original, unchanged NQF Objectives, in the new legislation.

SAQA acknowledges the complexities of creating an integrated framework.

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## **ISSUES OF CONCERN AND RECOMMENDATIONS**

### **Relationship between the various pieces of legislation**

1. The alignment of the legislation and the overall coordination of the system is important and it is crucial that legislation gives SAQA the mandate to ensure proper coordination.
2. The alignment of the Skills Development Act Amendment Bill with the NQF Bill is of vital importance to ensure that there are no inconsistencies between the legislation.

### **Relationship between SAQA and the QCs and clarity of roles and responsibilities**

3. The synergy of implementation will be of crucial importance as the uneven development and implementation of different pieces of legislation and the different QCs will pose a risk to the success of implementation. There needs to be clear 'boundaries of operation' to prevent contestation.
4. The relationship between the various QCs needs to be spelt out and it is proposed that it is clarified which QC will be responsible for the quality assurance of which qualifications, with due consideration to the registration requirements of the DoE.
5. The NQF Bill stipulates that SAQA will be responsible to consider policy frameworks and recommend these to the Minister of Education and Labour. The SDA Amendment Bill does not mention this and it is recommended that it be stipulated in the SDA Amendment Bill as well, in terms of the QCTO's functions. This is also indicated in the 'track changes' version of the Bill, which is attached.
6. The relationship between the NQF and the proposed occupational qualifications framework is not addressed in the Bill. It is recommended that it be clearly stipulated that the occupational qualifications framework forms an integral part of the NQF. This is also indicated in the 'track changes' version of the Bill, which is attached.
7. Relationship between the various databases/registers:
  - The relationship between the proposed register of artisans, list of designated trades (OFO) and their interface with the NLRD is not clear. It is proposed that this should be clarified.

### **Artisans**

8. The SD Amendment Bill differentiates between a lead artisan and an entrepreneur artisan. SAQA feels that this differentiation may be premature and strongly recommends that this differentiation not be introduced at this time, in view of the need for resolution of the debate on the concept of 'Master Artisan' in the South African context.
9. The SD Amendment Bill indicates that the proposed ISOEs (which is not defined in the draft Bill, as pointed out in paragraph 22, and which, according to our understanding include public FET colleges) may be used to assist the DoL. The interface between the DoE and DoL, in terms of offering the National Certificate: Vocational must be stipulated. It is also recommended that the Amendment Bill should state, in the case where a FET College is declared an ISOE, that this will be done in collaboration with UMALUSI and the DoE.

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10. The change from learnerships to learning programmes and making apprenticeships part of learning programmes is accepted as both routes to artisanship leads to qualifying via a trade test. It is however proposed that it should be clarified whether the trade test is going to be a qualification or a designation. (The implications of calling it a learning programmes is that it leads to a qualification)

### **Professional Bodies**

11. The NQF Bill clearly creates a link between SAQA and professional bodies. Although the SD Amendment Act also refers to professional bodies, it does not mirror the same link between SAQA and professional bodies as stated in the NQF Bill. It is proposed that this be aligned with the NQF Bill to ensure a common understanding.

### **Role and functioning of the QCTO**

12. There is a lack of clarity about authority and responsibility between the Board of the QCTO and the actual QCTO organisation.
13. Community of expert practitioners: is it appropriate for the CEPs to develop quality assurance criteria for standards, qualifications and curricula? This seems to be a QCTO function which may be informed by the work of the CEPs?

### **Relationship between the QCTO and other bodies**

14. The notion of cohesive coordination between the DoL, QCTO and other semi-autonomous bodies and the responsibility to ensure that 'implementation' of policy is coherent across these different bodies, must be stipulated. These are not clear from the legislation.
15. It is necessary to spell out the allocation of functions to, provincial and local spheres of government and how coherence will be maintained.
16. Section 5(1)(b): SETAs are required to 'liaise' with the QCTO. This needs to be tightened up to ensure accountability from both the QCTO and SETAs.
17. Proposal for a Skills Development Planning Unit: the notion of collaboration with other research bodies needs to be included.

### **Definitions/Terminology**

18. The definition of an occupational qualification is not clear. A lack of common understanding in this regard may be problematic and it is therefore proposed that the term be clarified.
19. Reference is also made to occupational standards and curricula. These are not defined and it is proposed that suitable definitions for these terms be included in the Bill.
20. 'Knowledge', 'Practical' and 'Work experience' unit standards do not exist at present it is proposed that they be clearly defined in the Bill.
21. The term foundational learning should also be clearly explained, either in the Bill or in its Regulations.

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22. The term 'Institutes of Sectoral Occupational Excellence' is not clearly defined, nor is the relationship between these proposed institutes and other providers, clarified. It is proposed that these be set out in more detail.

Yours faithfully

*Shirley Walters*

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**PROF S WALTERS**  
**SAQA CHAIRPERSON**

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## Page 3 of the SDA Amendment Bill

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**"internship"** means a learning; programme that is undertaken at a workplace by a person for the purposes of gaining workplace experience to complete or to complement a qualification;

**"lead artisan"** means an artisan, whether employed or self-employed, who is qualified above level 5 on the National Qualifications Framework to transfer artisan skills to artisan learners and advise on business processes related to their trade;

**"learning"** includes education and training

**"learning programme"** means a programme of occupationally directed learning and includes a learnership, an apprenticeship, an internship, a skills programme, - a programme of foundational learning and any other prescribed learning programme which includes a structured work experience component;

**"National Qualifications Framework"** means the National Qualifications Framework approved by the Minister of Education in terms of the NQF Act 2008<sup>[C1]</sup>;

**"occupational qualification"** means a qualification associated with a trade or occupation resulting; from work based learning and consisting; of knowledge unit standards, practical unit standards and work experience unit standards;

**"Occupational Qualifications Framework"** means the sub-framework<sup>[C2]</sup> of occupational qualifications which forms an integral part of the National Qualifications Framework;

**"Organising Framework for Occupations"** means a skill-based coding classification system used to classify occupations for the purposes of supporting skills development in South Africa;

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(b) apply to the Minister for establishment in the prescribed manner;

### CHAPTER 6B

#### QUALITY COUNCIL FOR TRADES AND OCCUPATIONS

##### 26F Policy on occupational standards and qualifications

1) The Minister, after consulting the QCTO, and upon recommendation of SAQA,<sup>[c3]</sup> may by notice in the *Gazette* determine policy on -

(a) the Occupational Qualifications Framework as an integral part of the National Qualifications Framework;

(b) the framework for quality assurance for occupational qualifications; and

(c) any other matter concerning occupational standards or occupational qualifications.

##### 26G Establishment of QCTO

1 The Quality Council for Trades and Occupations is hereby established as a juristic person.

f2) The QCTO must be managed in accordance with the provisions of the Public Finance Management Act.

3 The QCTO consists of 16 members appointed by the Minister in accordance with Schedule 3.

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J4) The Minister must approve a constitution for the QCTO, which subject to this Act, complies with the requirements set out in Schedule 3.

(5) The Minister appoint the executive officer of the QCTO

/5) The Director General must-

(a) provide the QCTO with the personnel and financial resources necessary for the performance of its functions.

### **26H Functions of QCTO**

(1) The QCTO must advise the Minister on all matters of policy concerning occupational standards and qualifications.

(2) Subject to and policy issued by the Minister in terms of Section 26E, the QCTO is responsible for -

(a) establishing and maintaining occupational standards and qualifications;

(b) the quality assurance of occupational standards and qualifications and learning in and for the workplace<sup>[C4]</sup>;

(c) designing - and developing occupational standards and qualifications and submitting them to the South African Qualifications Authority for registration on the National Qualifications Framework;

(e) promoting - the objectives of the National Qualifications Framework;

(f) fulfil all its functions in terms of the National Qualifications Framework Act 2008<sup>[C5]</sup>

### **Or alternatively:**

(f) with respect to levels on its sub-framework –

(i) prepare level descriptors in consultation with SAQA, and propose level descriptors to SAQA for consideration and recommendation to the Minister; and

(ii) keep level descriptors under review in order to ensure that they remain current and appropriate;

(g) with respect to qualifications for its sub-framework -

(i) propose a policy framework to SAQA for the development, registration and publication of qualifications, after consultations within the sector;

(ii) propose a policy framework to SAQA for assessment, recognition of prior learning and credit accumulation and transfer, after consultations within the sector;

(iii) ensure the development of such qualifications as are necessary for the sector, which may include appropriate measures for the assessment of learning achievement; and



(h) with respect to quality assurance within its sub-framework –

- (i) propose a policy framework to SAQA for quality assurance, after consultations within the sector;
- (ii) ensure the integrity and credibility of quality assurance;
- (iii) make provision for the delegation of powers to undertake quality assurance;
- (iv) ensure that such quality assurance as is necessary for the sector is undertaken; and
- (v) publish reports on the outcomes of quality assurance processes.

(i) with respect to information matters –

- (i) maintain a database of learner achievements and related matters for purposes of this Act; and
- (ii) submit such data in a format determined in consultation with SAQA for recording on the national learners' records database.

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### **5. Coming into operation of QCTO**

The QCTO shall come into operation on a date determined by the Minister in the *Gazette*.

### **6. SAOA accreditation of SETA ETQAs**

Until such time as the QCTO delegates powers and functions to a SETA in terms of Chapter 6B of the Act-

(b) a SETA/ETOA will-

(i) remain accredited by SAQA;

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

(iii) any matter concerning - the performance of ETQA functions by a SETA must be dealt with in terms of South African Qualifications Authority Act;

(b) subject to sub-item (a), any accreditation of any education and training provider remains in effect."

### **Insertion of Schedule 3 to Act 97 of 1998**

16. The following Schedule is inserted as Schedule 2 to the principal Act-

#### **"SCHEDULE 3**

#### **COMPOSITION AND CONSTITUTION OF QCTO**

##### **1. Composition of QCTO**

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(1) The QCTO consists of 16 members appointed by the Minister as follows:

(a) the chairperson ;

(b) the executive officer of the South African Qualifications Authority;

(c) the executive officer of the National Skills Authority;

(d) the executive officer of the QCTO;

(e) the CEO of the Council for Higher Education [C6]

established in terms of section 7 of the Higher Education Act 101 of 1997;

(f) the chief executive officer of Umalusi established in terms of section 4 of the General and Further Education and Training Quality Assurance Act 58 of 2001;

two members nominated by NEDLAC to represent organised labour;

(h) two members nominated by NEDLAC to represent organised business;

(i) two members nominated by NEDLAC to represent organisations - of community and development interests;

(j) one members nominated by the Minister of Education to represent the interests of public education and training - providers; -

one member nominated by the private providers of education and training (k) to represent the interests of private education and training providers; and

(l) two additional members to represent the interests of the State.