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## **THE PRESIDENCY**

No. 167

17 February 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 67 of 2008: National Qualifications Framework Act, 2008.**



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# ACT

**To provide for the National Qualifications Framework; to provide for the responsibilities of the Minister of Education and the Minister of Labour; to provide for the South African Qualifications Authority; to provide for Quality Councils; to provide for transitional arrangements; to repeal the South African Qualifications Authority Act, 1995; and to provide for matters connected therewith.**

## PREAMBLE

**WHEREAS** the advancement and recognition of learning is an essential attribute of a free and democratic nation and a prerequisite for the development and well-being of its citizens;

**WHEREAS** the National Qualifications Framework has been developed and implemented in terms of the South African Qualifications Act, 1995;

**WHEREAS** the National Qualifications Framework has won wide acceptance as the principal instrument through which national education and training qualifications are recognised and quality-assured; and

**WHEREAS** a review of the implementation of the National Qualifications Framework has necessitated changes to the governance and organisation of the framework so that its objectives may be more effectively and efficiently realised,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## CHAPTER 1

### DEFINITIONS, OBJECT AND APPLICATION OF ACT

#### Definitions

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1. In this Act, unless the context indicates otherwise—

“**board**” means the board of the SAQA established by section 14;

“**Council on Higher Education**” means the Council established in terms of section 4 of the Higher Education Act, 1997 (Act No.101 of 1997);

“**education institution**” means an education institution that is established, declared or registered by law; 10

“*Gazette*” means *Government Gazette*;

“**GENFETQA Act**” means the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001);

“**Higher Education Act**” means the Higher Education Act, 1997 (Act No. 101 of 1997); 15

“**learning**” means the acquisition of knowledge, understanding, values, skill, competence or experience;

“ <b>level</b> ” means a level contemplated in Chapter 2;	
“ <b>Minister</b> ” means the Minister of Education;	
“ <b>NQF</b> ” means the national qualifications framework contemplated in Chapter 2;	
“ <b>part qualification</b> ” means an assessed unit of learning that is registered as part of a qualification;	5
“ <b>PFMA</b> ” means the Public Finance Management Act, 1999 (Act No.1 of 1999);	
“ <b>professional body</b> ” means any body of expert practitioners in an occupational field, and includes an occupational body;	
“ <b>professional designation</b> ” means a title or status conferred by a professional body in recognition of a person’s expertise and right to practise in an occupational field;	10
“ <b>qualification</b> ” means a registered national qualification;	
“ <b>quality council</b> ” means a Quality Council contemplated in Chapter 5;	
“ <b>QC</b> ” means a quality council;	
“ <b>registered</b> ” means registered on the NQF by SAQA in terms of Chapter 4;	15
“ <b>relevant Minister</b> ” means either the Minister or the Minister of Labour as indicated by the context;	
“ <b>SAQA</b> ” means the South African Qualifications Authority contemplated in Chapter 4;	
“ <b>SAQA Act</b> ” means the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);	20
“ <b>sector</b> ” means a sector of education or training, as the case may be, for whose sub-framework a QC is responsible;	
“ <b>Skills Development Act</b> ” means the Skills Development Act, 1998 (Act No. 97 of 1998);	25
“ <b>skills development provider</b> ” means a skills development provider contemplated in section 17 of the Skills Development Act;	
“ <b>sub-framework</b> ” means a sub-framework contemplated in Chapter 2;	
“ <b>this Act</b> ” includes the regulations;	
“ <b>Umalusi</b> ” means the council established by section 4 of the GENFETQA Act.	30

## Object of Act

2. The object of this Act is to provide for the further development, organisation and governance of the NQF.

## Application of Act

3. This Act applies to— 35
- (a) qualifications offered by—
    - (i) education institutions; and
    - (ii) skills development providers; and
  - (b) professional designations, 40
- subject to the limitations prescribed in this Act.

## CHAPTER 2

### NATIONAL QUALIFICATIONS FRAMEWORK

#### Framework

4. The NQF is a comprehensive system approved by the Minister for the classification, registration, publication and articulation of quality-assured national qualifications. 45

## Objectives of NQF

5. (1) The objectives of the NQF are to—
- (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.
- (2) The objectives of the NQF are designed to contribute to the full personal development of each learner and the social and economic development of the nation at large.
- (3) SAQA and the QCs must seek to achieve the objectives of the NQF by—
- (a) developing, fostering and maintaining an integrated and transparent national framework for the recognition of learning achievements;
  - (b) ensuring that South African qualifications meet appropriate criteria, determined by the Minister as contemplated in section 8, and are internationally comparable; and
  - (c) ensuring that South African qualifications are of an acceptable quality.

## Framework levels

6. (1) The NQF is organised as a series of levels of learning achievement, arranged in ascending order from one to ten.
- (2) Each level on the NQF is described by a statement of learning achievement known as a level descriptor.
- (3) A level descriptor, referred to in subsection (2), provides a broad indication of learning achievements or outcomes that are appropriate to a qualification at that level.
- (4) Level descriptors must be developed and determined, as provided for in section 13(1)(g).
- (5) There is one set of level descriptors for the NQF.

## Sub-frameworks

7. The NQF is a single integrated system which comprises of three co-ordinated qualifications sub-frameworks, for—
- (a) General and Further Education and Training, contemplated in the GENFETQA Act;
  - (b) Higher Education, contemplated in the Higher Education Act; and
  - (c) Trades and Occupations, contemplated in the Skills Development Act.

## CHAPTER 3

### RESPONSIBILITIES OF MINISTERS

#### Responsibilities of Minister

8. (1) The Minister has the overall executive responsibility for the—
- (a) NQF;
  - (b) SAQA; and
  - (c) QC for General and Further Education and Training and the QC for Higher Education contemplated in Chapter 5.
- (2) The Minister must—
- (a) consider advice from SAQA or a QC in terms of this Act;
  - (b) determine policy on NQF matters in terms of this Act, after consultation with the Minister of Labour, and publish the policy in the *Gazette*;
  - (c) after consultation with the Minister of Labour, publish guidelines which set out the government's strategy and priorities for the NQF, and which may be updated annually;

- (d) provide funds from money appropriated by Parliament for SAQA to enable it to fulfil its functions in terms of this Act;
  - (e) determine, after considering advice from the SAQA and after consultation with the Minister of Labour, the sub-frameworks contemplated in section 7(a) and (b), respectively, and publish them in the *Gazette*; and 5
  - (f) determine by regulation in the *Gazette*, after consultation with the Minister of Labour, the process by which a dispute involving the SAQA or a QC must be resolved, and any matter relating thereto.
- (3) The Minister, after consultation with the Minister of Labour, must—
- (a) advance the achievement of the objectives of the NQF contemplated in Chapter 2; 10
  - (b) uphold the coherence and public credibility of the NQF;
  - (c) encourage collaboration among the QCs and between the QCs and SAQA.
- (4) The Minister may perform any other function consistent with this Act.

#### **Responsibilities of Minister of Labour**

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9. The Minister of Labour—
- (a) has the executive responsibility for the QC for Trades and Occupations established by the Skills Development Act;
  - (b) must consider advice on NQF matters from the SAQA or a QC in terms of this Act; 20
  - (c) must, after considering advice from the SAQA and after consultation with the Minister, determine the sub-framework contemplated in section 7(c) and publish it in the *Gazette*; and
  - (d) may perform any other function consistent with this Act that advances the objectives of the NQF contemplated in Chapter 2. 25

### **CHAPTER 4**

#### **SOUTH AFRICAN QUALIFICATIONS AUTHORITY**

##### **Continued existence of SAQA**

10. The SAQA that existed immediately before the commencement of this Act, continues to exist as a juristic person under the name of the South African Qualifications Authority. 30

##### **Objects of SAQA**

11. The objects of the SAQA are to—
- (a) advance the objectives of the NQF contemplated in Chapter 2;
  - (b) oversee the further development and implementation of the NQF; and 35
  - (c) co-ordinate the sub-frameworks.

##### **Accountability of SAQA**

12. The SAQA is accountable to the Minister.

##### **Functions of SAQA**

13. (1) The SAQA must, in order to advance the objectives of the NQF— 40
- (a)
    - (i) perform its functions subject to this Act; and
    - (ii) oversee the implementation of the NQF and ensure the achievement of its objectives;
  - (b) advise the Minister and the Minister of Labour on NQF matters in terms of this Act; 45
  - (c) comply with policy determined by the Minister in terms of section 8(2)(b);
  - (d) consider the Minister's guidelines contemplated in section 8(2)(c);
  - (e) oversee the implementation of the NQF in accordance with an implementation framework prepared by the SAQA after consultation with the QCs; 50
  - (f)
    - (i) develop a system of collaboration to guide the mutual relations of the SAQA and the QCs, after consultation with the QCs and taking