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# GENERAL NOTICE

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## NOTICE 1040 OF 2012

### DEPARTMENT OF HIGHER EDUCATION AND TRAINING

#### NATIONAL QUALIFICATIONS FRAMEWORK ACT, 2008 (ACT 67 OF 2008)

#### GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY ASSURANCE ACT, 2001 (ACT 58 OF 2001)

#### HIGHER EDUCATION ACT, 1997 (ACT 101 OF 1997)

#### SKILLS DEVELOPMENT ACT, 1998 (ACT 98 OF 1998)

### DETERMINATION OF THE SUB-FRAMEWORKS THAT COMPRISE THE NATIONAL QUALIFICATIONS FRAMEWORK

1. I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education and Training, having considered the advice of the South African Qualifications Authority (SAQA) in accordance with s. 8(2) (e) of the National Qualifications Framework Act, 2008 (Act 67 of 2008) (“the NQF Act” or “the Act”) hereby determine the three sub-frameworks that comprise the National Qualifications Framework as shown diagrammatically in the Schedule. This Notice comprises policy in terms of s. 8(2) (b) of the Act.

#### **Introduction**

2. The Act provides for an integrated NQF comprising three sub-frameworks, each developed and managed by a Quality Council (QC) (ss. 7 and 24-27). The three sub-frameworks and their QCs are:
  - a) *General and Further Education and Training Qualifications Sub-framework (GFETQSF)*, contemplated in the General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001), which is developed and managed by Umalusi;
  - b) *Higher Education Qualifications Sub-framework (HEQSF)*, contemplated in the Higher Education Act, 1997 (Act 101 of 1997), which is developed and managed by the Council on Higher Education (CHE);

- c) *Trades and Occupations Qualifications Sub-framework*, commonly known as the Occupational Qualifications Sub-framework (*OQSF*), contemplated in the Skills Development Act, 1998 (Act 97 of 1998), which is developed and managed by the Quality Council for Trades and Occupations (QCTO).
3. The Act requires the QCs to recommend their sub-frameworks to the Minister, and requires the Minister to determine the sub-frameworks after considering SAQA's advice (ss. 8(2) (e) and 27(e)). The development of the sub-frameworks is a vital component of the work of SAQA and the QCs as laid out in the *NQF Implementation Framework 2011-2015* which was published by SAQA in accordance with s. 13(1)(e) of the Act. Sub-framework development is also emphasised in the Minister's *Guidelines on Strategy and Priorities for the National Qualifications Framework (NQF), 2011-2012* and the *Guidelines on Strategy and Priorities for the National Qualifications Framework (NQF), 2012-2013* (see Government Notice No. 972, *Government Gazette*, 27 November 2012).
  4. The proposed sub-frameworks were duly published for public comment in Notice 913 of 2011 (*Government Gazette* No. 34883 of 23 December 2011). The publication of the *Green Paper on Post School Education and Training (2011)* encouraged considerable reflection on NQF matters both in and out of government and many members of the public commented helpfully on the sub-framework proposals in the light of the *Green Paper's* analysis of the NQF. I express appreciation to everyone who responded.
  5. I have taken into account that the publication by the South African Qualifications Authority (SAQA) of the *Level Descriptors for the South African National Qualifications Framework [2011]* has speeded development of the new ten-level NQF, and that much work has been done by qualification developers, providers and other role-players in anticipation of the new sub-frameworks. Given the long lead times involved and the intensive engagement on the new proposals that has taken place with providers and stakeholders, it would be destabilising and counter-productive to make radical departures from what the QCs and SAQA have recommended to me.
  6. SAQA recommended to me that the sub-frameworks be determined for a three year period, during which time intensive work will continue on a number of outstanding matters. This suggestion has much to commend it. However, policy and its implementation are subject to continuous monitoring and periodic review. It is therefore unwise in principle to determine a policy for a particular period of time. Nevertheless I fully appreciate that a generally stable and predictable policy environment is required in order to promote the necessary investments of time and resources in qualification and programme development.
  7. With all these considerations in mind I have weighed the merits of the respective sub-framework proposals submitted by the QCs. I have carefully considered the public response to the proposals. I have given particular weight to SAQA's advice. Before delivering its advice SAQA was given access to the public's comments on the sub-frameworks and NQF proposals in the *Green Paper*. SAQA also engaged in intensive consultation with the QCs. Accordingly the QCs made a number of changes to their documents before submitting the revised proposals to me via SAQA.

8. Parliament has vested SAQA and each QC with considerable authority in its respective sphere of responsibility. I express my appreciation to the boards and councils concerned as well as their executives for the intensive work they have undertaken. SAQA's leadership in co-ordinating the sub-frameworks are particularly valued. I also thank professional bodies, educational institutions, skills providers, stakeholders and members of the public who have contributed so much to the development of the sub-frameworks over many years.
9. The sub-frameworks have been determined in accordance with current legislative provisions. In the following paragraphs I explain the legislative basis of my determination. I also express views and issue directives to SAQA and the QCs respectively in order to advance the objectives of the NQF, as contemplated in ss. 8(3) and (4), 13(1)(n)(iii) and 27(k)(iv) of the Act.

#### **The NQF and its sub-frameworks**

10. In making my determination I have given particular weight to the objectives and nature of the NQF as provided in the Act and to the solemn responsibilities imposed by the Act on the Minister of Higher Education and Training.
11. The Act provides that the Minister has overall executive responsibility for the NQF (s. 8(1) (a)). Among other duties the Minister must:
  - a) consider advice from SAQA or a QC in terms of this Act (s. 8(2) (a));
  - b) determine policy on NQF matters in terms of this Act and publish it in the *Gazette* (s. 8(b));
  - c) after considering advice from SAQA, determine the sub-frameworks and publish them in the *Gazette* (s. 8(e));
  - d) advance the achievement of the objectives of the NQF (s.8 (3) (a));
  - e) uphold the coherence and public credibility of the NQF (s. 8(3) (b)); and
  - f) advance collaboration among the QCs and between the QCs and SAQA (s. 8(3) (c)).
12. The NQF serves vital educational and social purposes. The Act states that:
  - (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 s. 8, and are internationally comparable; and
    - (c) ensuring that South African qualifications are of an acceptable quality.”  
(s. 4)
13. In the service of these objectives, the NQF is a single, integrated ten-level system for classifying quality assured national qualifications. It is organised in three co-ordinated sub-frameworks each of which must have a distinct nomenclature for its qualification types which is appropriate and consistent with international practice. These features are provided at ss. 4, 6(1), 7 and 13(1)(h)(i)(bb) of the Act. The NQF diagram in the Schedule conforms to the Act’s requirements.

#### ***QC sub-framework policies***

14. In their submissions to me, which were published in the *Government Gazette* on 23 December 2011, the QCs provided the conceptual basis for their respective sub-frameworks and considerable detail about their qualification levels, types, descriptors, variants, qualifiers and credit value. Such information is extremely important for qualification developers, providers, assessors and quality assurers, among others.
15. In terms of s. 27(k)(iv) of the Act, I **hereby direct each QC** to amend its draft sub-framework document without delay in the light of this notice and to publish it as a QC policy document in the *Government Gazette*. **SAQA** will continue to co-ordinate this process as contemplated in s. 11 of the Act. As I requested in the *Guidelines 2012* the policy documents must include the:
  - a) essential character of each sub-framework;
  - b) demarcation between each sub-framework; and
  - c) basis on which sub-frameworks articulate with one another.

#### ***Professional designations***

16. SAQA is required by s. 30 of the Act to register professional designations of recognised professional bodies on the NQF. The Act is at present silent on the relationship between professional designations and the NQF sub-frameworks. In its *Policy and Criteria for the Recognition of Professional Bodies and Registration of Professional Designations*, SAQA requires that a professional designation must include, “as an initial requirement, an underlying qualification(s), which may include an occupational qualification(s)” (see Government Notice No. 585 published in

*Government Gazette* No. 35547 of 24 July 2012, para. 42(vi)). Since professional designations are not “qualification types” within the meaning of the NQF Act they are not reflected in the sub-frameworks determined in the Schedule. In terms of s. 13(n)(iii) of the Act I **hereby direct SAQA, after consulting the QCs and recognised professional bodies concerned**, to advise me on how the relationship between professional designations and the sub-frameworks should be clarified.

### *Notable changes*

17. The sub-frameworks depicted in the diagram in the Schedule differ in certain respects from what SAQA and the QCs recommended to me. The main differences are as follows:

17.1 ***General and Further Education and Training Qualifications Sub-framework (GFETQSF)***. Umalusi proposes to introduce a “Further Certificate” at level 5 on its sub-framework. This would not be possible unless and until s. 2 of the General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001) is amended to extend Umalusi’s scope beyond level 4. Considerable research evidence confirms the need for vocational qualifications at level 5 on the NQF. The Higher Certificate, which is a qualification type at level 5 on the HEQSF, is already available in several public Further Education and Training colleges by arrangement with the CHE and with sponsoring higher education institutions. Provision is made on the OQSF for an Occupational Certificate at level 5. It is not clear what advantage would be gained by adding a third qualification type at level 5 on the GFETQSF. In terms of s. 13(n)(iii) of the Act I **hereby direct SAQA, in collaboration with the QCs**, to advise me on this matter within six months of the publication of this notice.

17.2 ***Higher Education Qualifications Sub-framework (HEQSF)***. The CHE proposed two qualification types, “General” and “Professional” at levels 9 and 10 respectively. The introduction of “Professional” Master’s and Doctoral qualification types does not require the addition of the term “General” to the familiar academic Master’s and Doctorate. The term “General” is a misnomer and should not be used. By definition such degrees are highly specialised

17.3 ***Occupational Qualifications Sub-framework (OQSF)***.

17.3.1 The names of the qualification types proposed by the QCTO on the OQSF have been changed. The QCTO proposed the terms “National Occupational Qualification” for a qualification with 120 credits or more, and “National Occupational Award” for a qualification with 25-119 credits. The use of the term “qualification” for a particular qualification type on a sub-framework is misleading in law since the term “qualification” is defined generically in the NQF Act as “a registered national qualification” (s. 1). In addition, the term “award” is not appropriate for an occupational qualification type. The title “Occupational Certificate: Level ...” is simple and appropriate for an occupational qualification type and resolves both problems. The credit value of each qualification on the OQSF can be explained as part of the qualification descriptor.

17.3.2 Neither the NQF Act nor the SDA prescribes how many levels the OQSF will cover. For the time being, therefore, the scope of the OQSF is a matter of policy not law. The QCTO has proceeded on the basis that its sub-framework will range from levels 1-10, as envisaged in the joint policy statement of the Ministers of Education and Labour on *Enhancing the Efficacy and Efficiency of the National Qualifications Framework* (2007) (para. 63). SAQA has registered occupational qualifications on the OQSF accordingly.

In determining the matter I have taken two considerations into account. The first is the definition of an occupational qualification in s. 1 of the SDA:

“**occupational qualification**’ means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards”.

The second is that, thus far, the greatest demand has been for occupational qualifications (and part qualifications) between levels 1-6. Very few qualifications or part-qualifications have been registered by SAQA on the OQSF beyond level 6.

The justification for occupational (that is workplace-based) qualifications as defined in the SDA beyond level 6 needs to be revisited. It goes without saying that the QCTO is vitally interested in this matter and its views must be accorded full weight. However, we have an integrated NQF and the implications of the issues for other QCs and professional bodies must be thoroughly considered. In terms of s. 13(n)(iii) of the Act, therefore, ***I hereby direct SAQA, in collaboration with the QCs and recognised professional bodies*** to undertake a study of the issue and report to me within six months of the publication of this notice.

The qualifications and part-qualifications registered by SAQA above level 6 on the OQSF will remain registered until their registration expires. Meanwhile, the OQSF qualification types are determined at levels 1-6 in terms of s. 13(n)(iii) of the Act and I will reconsider this determination when SAQA’s report has been received.

### ***Articulation***

18. Articulation within and between the sub-frameworks is essential in order to advance the objectives of the NQF. The Act requires an integrated NQF. The sub-frameworks must work with and not against one another in order to enable learners to progress along their chosen learning pathways. Dead-ends, roadblocks and circuitous deviations are to be minimised if not eliminated. An NQF that obstructs learning progression is a contradiction in terms of the Act.
19. Although the sub-frameworks I have determined meet the demanding requirements set out in the Act, there is one important proviso. I am not yet satisfied that the optimum degree of integration has been achieved. At a meeting with the SAQA board



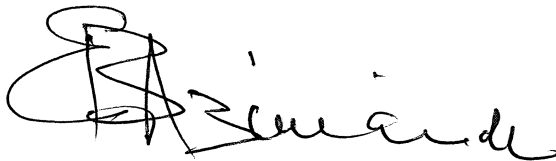
on 19 April 2012 I requested SAQA in collaboration with the QCs to advise on articulation pathways for the NQF. This work includes the prioritisation of Recognition of Prior Learning (RPL) and Credit Accumulation and Transfer (CAT) policies, both of which are requirements of the Act (ss. 13(1)(h)(iii) and 27(h)(ii)). Substantial work has been done and in terms of s. 13(n)(iii) of the Act I **hereby direct SAQA** to provide me with a draft policy on the principles that should direct the articulation pathways in the NQF within six months of the publication of this notice.

***Existing qualifications***

20. In the *Guidelines 2012* I requested SAQA to undertake the alignment of existing qualifications with the sub-frameworks in accordance with s. 36(b) of the NQF Act. SAQA advises that this major task is almost complete. SAQA also advises that an existing qualification registered on the NQF remains valid until its registration expires. It may then be replaced by another qualification developed specifically for one of the sub-frameworks in terms of this determination.

**Coming into effect**

21. This policy comes into effect on the date of publication in the *Gazette* and remains in effect until it is repealed or amended by notice in the *Gazette*.



**DR BE NZIMANDE, MP**

**MINISTER OF HIGHER EDUCATION AND TRAINING**

**DATE:** 07/12/12

**SCHEDULE**

NATIONAL QUALIFICATIONS FRAMEWORK		
LEVEL	SUB-FRAMEWORK AND QUALIFICATION TYPES	
10	DOCTORAL DEGREE DOCTORAL DEGREE (PROFESSIONAL)	*
9	MASTER'S DEGREE MASTER'S DEGREE (PROFESSIONAL)	*
8	BACHELOR HONOURS DEGREE POSTGRADUATE DIPLOMA BACHELOR'S DEGREE	*
7	BACHELOR'S DEGREE ADVANCED DIPLOMA	*
6	DIPLOMA ADVANCED CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 6)
5	HIGHER CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 5)
4	NATIONAL CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 4)
3	INTERMEDIATE CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 3)
2	ELEMENTARY CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 2)
1	GENERAL CERTIFICATE	OCCUPATIONAL CERTIFICATE (LEVEL 1)

\*Qualification types beyond level 6 on the OQSF have not been determined pending further advice.

#### Key to sub-frameworks

Higher Education Qualifications Sub-Framework	General and Further Education and Training Qualifications Sub-Framework	Occupational Qualifications Sub-Framework
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