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GOVERNMENT NOTICE

SOUTH AFRICAN QUALIFICATIONS AUTHORITY

NO. R 452 | 28 March 1998

REGULATIONS UNDER THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY ACT, 1995

(ACT NO. 58 OF 1995)

The South African Qualifications Authority has, under section 14 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), with the approval of the Minister of Education in consultation with the Minister of Labour, made the regulations in the Schedule.

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CHAPTER 1

GENERAL PROVISIONS

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"Act" means the South African Qualifications Authority Act, No 58 of 1995;

"applied competence" means the ability to put into practice in the relevant context the learning outcomes acquired in obtaining a qualification;

"assessor" means the person who is registered by the relevant Education and Training Quality Assurance body in accordance with criteria established for this purpose by a Standards Generating Body, to measure the achievement of specified National Qualifications Framework standards and qualifications; and "constituent assessor" has a corresponding meaning;

"chairperson" means the chairperson of the Authority;

"committee" means any committee of the Authority contemplated in section 7(1) of the Act;

"core learning" means that compulsory learning required in situations contextually relevant to the particular qualification, and "core" has a corresponding meaning;

"credit" means that value assigned by the Authority to ten (10) notional hours of learning;

"Critical Interest Group" means a national organisation whose presence is essential to the success of the activities of the National Standards Body under consideration;

"critical outcomes" means those generic outcomes which inform all teaching and learning, and "critical cross-field education and training outcomes" has a corresponding meaning;

"Education and Training Quality Assurance body" means a body accredited in terms of section 5(1)(a)(ii) of the Act, responsible for monitoring and auditing achievements in terms of national standards and qualifications, and to which specific functions relating to the monitoring and auditing of national standards and qualifications have been assigned in terms of section 5(1)(b)(i) of the Act;

"elective learning" means a selection of additional credits at the level of the National Qualifications Framework specified, from which a choice may be made to ensure that the purpose of the qualification is achieved, and "elective" has a corresponding meaning;

"Executive Committee" means a committee established in terms of section 7(1) of the Act to carry out certain designated functions on behalf of the Authority;

"executive officer" means the person appointed in terms of section 4(8) of the Act;

"exit level outcomes" means the outcomes to be achieved by a qualifying learner at the point at which he or she leaves the programme leading to a qualification;

"field" means a particular area of learning used as an organising mechanism for the National Qualifications Framework;

"fundamental learning" means that learning which forms the grounding or basis needed to undertake the education, training or further learning required in the obtaining of a qualification and "fundamental" has a corresponding meaning;

"integrated assessment" means that form of assessment which permits the learner to demonstrate applied competence and which uses a range of formative and summative assessment methods;

"level descriptor" means that statement describing a particular level of the eight levels of the National Qualifications Framework;

"member" means a member of the Authority appointed by the Minister in terms of section 4 of the Act;

"moderation" means the process which ensures that assessment of the outcomes described in National Qualifications Framework standards and qualifications is fair, reliable and valid;

"moderating body" means a body specifically appointed by the Authority for the purpose of moderation;

"National Standards Body" means a body registered in terms of section 5(1)(a)(ii) of the Act, responsible for establishing education and training standards or qualifications, and to which specific functions relating to the registration of national standards and qualifications have been assigned in terms of section 5(1)(b)(i) of the Act;

"notional hours of learning" means the learning time that it is conceived it would take an average learner to meet the outcomes defined, and includes concepts such as contact time, time spent in structured learning in the workplace and individual learning;

"outcomes" means the contextually demonstrated end-products of the learning process;

"qualifying learner" means a learner who has obtained a qualification;

"recognition of prior learning" means the comparison of the previous learning and experience of a learner howsoever obtained against the learning outcomes required for a specified qualification, and the acceptance for purposes of qualification of that which meets the requirements;

"resolution" means a decision of the Authority;

"specific outcomes" means contextually demonstrated knowledge, skills and values which support one or more critical outcomes;

"specialised learning" means that specialised theoretical knowledge which underpins application in the area of specialisation and "specialisation" has a corresponding meaning;

"Standards Generating Body" means a body registered in terms of section 5(1)(a)(ii) of the Act, responsible for establishing education and training standards or qualifications, and to which specific functions relating to the establishing of national standards and qualifications have been assigned in terms of section 5(1)(b)(i) of the Act; and

"unit standard" means registered statements of desired education and training outcomes and their associated assessment criteria together with administrative and other information as specified in these regulations.

CHAPTER 2

THE NATIONAL QUALIFICATIONS FRAMEWORK

Establishment

2. A National Qualifications Framework is hereby established to provide for the registration of national standards and qualifications.

Structure of the National Qualifications Framework

3. (1)The National Qualifications Framework shall consist of eight-levels, which shall be entitled Levels 1 to 8, and each level shall be described by a unique level descriptor.

(2) Level 1 of the National Qualifications Framework shall be open-ended and shall accommodate three sub-levels for Adult Basic Education and Training for which certificates of achievement may be awarded, and level 8 shall be open-ended.

(3) The eight levels of the National Qualifications Framework shall be grouped into three bands which shall be defined as follows:

a. Level 1 and below: General Education and Training band
b. Levels 2 to 4: Further Education and Training band
c. Levels 5 to 8: Higher Education and Training band

(4) The National Qualifications Framework shall be divided into twelve organising fields, which shall be:

a. Field 01: Agriculture and Nature Conservation
b. Field 02 :Culture and Arts
c. Field 03 :Business, Commerce and Management Studies
d. Field 04: Communication Studies and Language
e. Field 05: Education, Training and Development
f. Field 06: Manufacturing, Engineering and Technology
g. Field 07: Human and Social Studies
h. Field 08: Law, Military Science and Security
i. Field 09: Health Sciences and Social Services
j. Field 10: Physical, Mathematical, Computer and Life Sciences
k. Field 11: Services
l. Field 12: Physical Planning and Construction

(5) The Authority shall allocate a unique field description to each organising field and shall divide each organising field into sub-fields to each of which the Authority shall allocate a unique sub-field description.

Level descriptors

4. (1) Each National Standards Body contemplated in regulation 12, shall engage with the Standards Generating Bodies contemplated in regulation 20, in the field for which the National Standards Body was established, to produce the guidelines for level descriptors contemplated in regulation 3(1) with exemplars, which will explain their process of assigning levels to standards, other components of qualifications and qualifications.

(2) The Authority shall prescribe level descriptors in consultation with the National Standards Bodies in order to ensure coherence across fields and to facilitate the assessment of the international comparability of standards and qualifications.

Assignment of levels to standards and qualifications

5. (1) The assignment of levels to standards, other components of qualifications and qualifications shall occur as follows:
   a. Each National Standards Body contemplated in regulation 12 together with each Standards Generating body contemplated in regulation 20 shall reach agreement on the level of each unit standard and standard submitted, on a scale of eight levels as envisaged in regulation 3, taking into account the way in which both the breadth and the depth of knowledge, skills and values in a specific sub-field have been advanced by learning, and the way in which one or more of the critical outcomes is seen to be a distinctive although contextual part of the prescribed outcome of the unit standard concerned.
   b. The proposers of unit standards-based qualifications shall construct, through appropriate rules of combination of selected unit standards registered at different levels, qualifications which have exit level outcomes that are a function both of the particular component standards used, and of a process of integrating the overall outcome, again considered as reflecting the extent (on a scale of 1 to 8 as contemplated in regulation 3) to which knowledge, skills and values in a sub-field have been acquired and the critical outcomes incorporated, into the assessable performance.
   c. The proposers of qualifications not based on unit standards shall construct combinations of learning outcomes which have exit level outcomes that are a function of the most advanced outcomes included and of a process of integrating the overall outcome, considered as reflecting the extent (on a scale of 1 to 8 as contemplated in regulation 3), to which knowledge, skills and values in a sub-field have been acquired and the critical sub-field outcomes incorporated into the assessable performance as a whole.

Registration of standards and qualifications on the National Qualifications Framework

6. Each standard and qualification which meets the requirements in regulations 7 and 8 shall be registered on the National Qualifications Framework by the Authority and each shall be identified by a unique description.

Requirements for the registration of unit standards and standards .

7. (1) A unit standard shall be formulated so as to be used as an assessor document, a learner's guide and an educator's guide for the preparation of learning material and shall consist of -
   a. a unit standard title;
   b. a logo indicating approval by the Authority;
   c. a unit standard number;
   d. a unit standard level on the National Qualifications Framework;
   e. the credit attached to the unit standard;
   f. the field and sub-field of the unit standard;
   g. the issue date;
   h. the review date;
   i. the purpose of the unit standard;
   j. the learning assumed to be in place before this unit standard is commenced;
   k. the specific outcomes to be assessed;
   l. the assessment criteria, including essential embedded knowledge;
   m. the accreditation process (including moderation) for the unit standard;
   n. the range statements as a general guide for the scope, context, and level being used for this unit standard; and
   o. a "notes" category which must include the critical outcomes contemplated in regulation 7(4) supported by the unit standard; should include references to essential embedded knowledge if not addressed under assessment criteria and may include other supplementary information on the unit standard.

(2) Critical outcomes contemplated in regulation 7(4) shall be embedded within a standard as specified in regulations 7(1): Provided that where such standard forms part of a qualification, those critical outcomes not included in the standard shall be embedded in the qualification.

(3) Critical outcomes include but are not limited to-

a. identifying and solving problems in which responses display that responsible decisions using critical and creative thinking have been made.
b. working effectively with others as a member of a team, group, organisation, community.
c. organising and managing oneself and one's activities responsibly and effectively.
d. collecting, analysing, organising and critically evaluating information.
e. communicating effectively using visual, mathematical and/or language skills in the modes of oral and/or written persuasion.
f. using science and technology effectively and critically, showing responsibility towards the environment and health of others.
g. demonstrating an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation.
h. contributing to the full personal development of each learner and the social and economic development of the society at large, by making it the underlying intention of any programme of learning to make an individual aware of the importance of:
   i. reflecting on and exploring a variety of strategies to learn more effectively;
   ii. participating as responsible citizens in the life of local, national and global communities;
   iii. being culturally and aesthetically sensitive across a range of social contexts;
   iv. exploring education and career opportunities; and
   v. developing entrepreneurial opportunities.

Requirements for the registration of qualifications

8. (1) A qualification shall-
   a. represent a planned combination of learning outcomes which has a defined purpose or purposes, and which is intended to provide qualifying learners with applied competence and a basis for further learning;
   b. add value to the qualifying learner in terms of enrichment of the person through the: provision of status, recognition, credentials and licensing; enhancement of marketability and employability; and opening-up of access routes to additional education and training;
   c. provide benefits to society and the economy through enhancing citizenship, increasing social and economic productivity, providing specifically skilled/professional people and transforming and redressing legacies of inequity;
   d. comply with the objectives of the National Qualifications Framework contained in section 2 of the Act;
   e. have both specific and critical cross-field outcomes which promote life-long learning;
   f. where applicable, be internationally comparable;
   g. incorporate integrated assessment appropriately to ensure that the purpose of the qualification is achieved, and such assessment shall use a range of formative and summative assessment methods such as portfolios, simulations, work-place assessments, written and oral examinations; and
   h. indicate in the rules governing the award of the qualification that the qualification may be achieved in whole or in part through the recognition of prior learning, which concept includes but is not limited to learning outcomes achieved through formal, informal and non-formal learning and work experience.

(2) A total of 120 (one hundred and twenty) or more credits shall be required for registration of a qualification at levels 1 to 8, with a minimum of 72 (seventy-two) credits being obtained at or above the level at which the qualification is registered, and the number and levels of credits constituting the balance (of forty-eight) shall be specified: Provided that a qualification consisting of less than 120 credits may be considered if it meets the requirements in regulation 8(1) and complies with the objectives of the National Qualifications Framework contained in section 2 of the Act.

(3) The Authority shall register a qualification according to the type and level which shall be determined on the basis of the total number and levels of credits required in accordance with the following criteria:

a. The Authority shall register a qualification as a National Certificate at levels 1 to 8 where it has 120 (one hundred and twenty) or more credits with 72 (seventy-two) credits at or above the level at which the certificate is registered: Provided that where the Authority has considered and found that a qualification consisting of less than the minimum number of credits has met the requirements in regulation 8(1), the foregoing requirement is waived and the qualification registered as a National Certificate.
b. The Authority shall register a qualification as a National Diploma where it has a minimum of 240 (two hundred and forty) credits, of which at least 72 (seventy-two) credits shall be at level 5 or above.
c. The Authority shall register a qualification as a National First Degree where it has a minimum of 360 (three hundred and sixty) credits of which at least 72 (seventy-two) credits shall be at level 6 or above.

(4) The Authority shall also register whole qualifications (not constructed from unit standards) which meet the minimum requirements specified in regulation 11(1)(c) in addition to the requirements of regulations 8(1), 8(2), 8(3) and regulation

(5) The Authority shall upon registration describe each qualification by type, level, number of credits and a title specifying its primary purpose.

Additional requirements for the registration of qualifications at levels 1 to 4 and levels 5 to 8

9. (1) For registration at levels 1 to 4 the following additional requirements shall apply:
   a. (a) A minimum of 72 (seventy-two) credits is required at or above the level at which the certificate is awarded, which shall consist of fundamental learning, of which at least 20 (twenty) credits shall be from the field of Communication Studies and Language, and in addition at least 16 (sixteen) credits shall be from the sub-field of Mathematics including numeracy in the case of certificates at level 1.
   b. A minimum of 36 (thirty-six) credits at level 1 and 52 (fifty-two) at levels 2 to 4 which shall be divided between the Core and Elective categories, with each qualification specifying the distribution of credits required in these categories: Provided that the range of additional credits shall be broad enough to enable learners to pursue some of their own learning interests.
   c. By the year 2002, at least 16 (sixteen) of the 52 (fifty-two) credits for certificates at levels 2 to 4 shall be from the subfields focussing on Mathematics literacy.

(2) In addition, for registration at levels 5 to 8 the number of credits required for Fundamental, Core and Elective learning shall be specified, which number of credits shall be appropriate to the qualification for which registration is sought: Provided that the Authority may require that the reasons for the number and distribution of credits be provided.

Procedure for the registration of standards and qualifications

10. (1) A unit standard, standard or qualification which meets the requirements for registration may be submitted for registration to the Authority by organisations generating such a unit standard, standard or qualification through the National Standards Bodies contemplated in regulation 12.

(2) The Authority may register each unit standard, standard or qualification which meets the requirements for registration for a period of three years, which registration shall be renewable.

(3) In the first calendar month of the third year of registration of a unit standard, standard or qualification the Authority shall require each National Standards Body contemplated in regulation 12 to review each such unit standard, standard or qualification submitted to it for registration and to determine its suitability for renewal of registration: Provided that such review and determination of suitability shall be accompanied by the reasons for such renewal or otherwise and shall indicate the manner in which the criteria contained in these regulations are met.

(4) A unit standard, standard or qualification which is registered on the National Qualifications Framework shall be public domain property.

Interim registration of qualifications

11. (1) The Authority may, with effect from 1 July 1998 to 30 June 2003, grant interim registration to each existing qualification which has previously been approved by an agency recognised by the Authority: Provided that-
   a. each qualification is submitted to the Authority in a format approved by SAQA, before 1 July 1998, for recording;
   b. such qualification, so recorded is submitted between 1 July 1998 and 30 June 2000, in the format contemplated in regulation 11(1)(c) to one or more National Standards Body for processing;
   c. such qualification contains-
      i. a statement of the purpose of the qualification;
      ii. assumptions of learning already in place before the programme leading to the qualification is commenced;
      iii. exit level outcomes as contemplated in regulation 5(1)(b) and (c) and the associated assessment criteria;
      iv. total credits required;
      v. minimum credits required at specific levels or maximum credits when these exceed the minima specified in regulation 8 or 9;
      vi. integrated assessment appropriately incorporated to ensure that the purpose of the qualification is achieved;
      vii. articulation possibilities with related qualifications (either generic or specific arrangements for articulation);
      viii. criteria for the registration of assessors;
      ix. moderation options including the recommendation of a moderating body or bodies; and
      x. such qualification complies with the requirements contemplated in regulations 8 and 9;
   d. no qualification may be submitted for interim registration after 30 June 2003, and the registration of qualifications in terms of this regulation shall expire on that date.

CHAPTER 3

NATIONAL STANDARDS BODIES

Establishment

12. (1) A National Standards Body shall form an integral part of the Authority, reporting to the Authority with one National Standards Body being established per field in terms of section 5 of the Act, and registered by the Authority.

(2) In a field where no National Standards Body has been established or registered, or a National Standards Body has been de-registered or the Authority deems it necessary, the Authority shall undertake the functions and responsibilities which would normally be allocated to such a National Standards Body.

(3) A National Standards Body shall be established for each of the fields contemplated in regulation 3(4).

Registration of National Standards Bodies

13. (1) Each National Standards Body shall, upon its establishment and appointment of its members, be issued with a certificate of registration by the Authority which certificate shall be valid for a period of three years from the date of establishment of such National Standards Body.

(2) Each National Standards Body shall, in the first calendar month of the third year of its registration, apply for re-registration stating the reasons why such re-registration should be granted, and indicating the results achieved by the National Standards Body during the previous two years.

De-registration of National Standards Bodies

14. A National Standards Body may be de-registered if, in the opinion of the Authority, it fails to perform its functions satisfactorily.

Membership of National Standards Bodies

- (1)Organisations, which shall be national stakeholder bodies with a key interest in the field and which shall fall into one or more of the six categories of organisations referred to in regulation 16(2)(a), shall be invited to nominate members to serve on National Standards Bodies.

(2) Such members shall be appointed by the Authority after consultation and in co-operation with the bodies concerned, and with due regard for Parliamentary and provincial powers, the need for representativeness and equity, redress and relevant expertise in terms of the work of National Standards Bodies.

(3) The names of those persons nominated to serve as members of National Standards Bodies and of their national stakeholder bodies shall be published in the Government Gazette and comment invited with respect to the acceptability of the nominees and the representativeness of the national stakeholder bodies with key interests in the field.

(4) On acceptance, the Authority shall issue formal certificates of appointment to each of the successful nominees.

(5) The Authority shall have the right to appoint additional members to National Standards Bodies to ensure that National Standards .Bodies meet the requirements of regulation 16(1).

Nomination of members to National Standards Bodies

16. (1) Organisations proposing to nominate persons to National Standards Bodies should be sensitive to the need for equity and redress, and shall nominate persons who-
   a. will be able to consider issues of productivity, fairness, public interest and international comparability as related to education and training;
   b. enjoy credibility in the various parts of the constituency in question which includes but is not limited to those who enjoy respect, have the necessary expertise and experience in the field, are well-versed in the strategies and policies of the organisation nominating, and have the support or backing of the organisation;
   c. are able to advocate and mediate the needs and interests of all levels within the field covered by the National Standards Body;
   d. are able to exercise critical judgement at a high level; and
   e. are committed to a two-way communication process between the National Standards Body and the constituency.

(2) Organisations wishing to be represented on National Standards Bodies shall be guided in their submissions for representations by the following:

a. Each National Standards Body shall be composed of six categories of organisations which are: State Departments, organised Business, organised Labour, Providers of Education and Training, Critical Interest Groups and Community/Learner organisations.
b. Each category of organisations shall normally be entitled to a maximum of six representatives and the maximum number of representatives forming an National Standards Body shall be thirty-six (36) unless the Authority deems otherwise.
c. In addition to the guidelines referred to in regulation 16(a) and (b)-
   i. state representatives shall include the Departments of Education and Labour and, where desirable, other state departments, representatives of the provinces and of schools;
   ii. organised Business and Labour shall each have six representatives, with two representatives each being versed in policy and evaluation, and the others being actively involved in the field of the National Standards Body;
   iii. providers of education and training should be representative of the General Education and Training Band, the Further Education and Training Band and the Higher Education and Training Band;
   iv. the Chairperson of the Authority or a nominated member of the Authority shall be ex-officio a member of each National Standards Body;
   v. the executive officer of the Authority or a nominee shall also be a member of each National Standards Body; and
   vi. other members of the Authority may attend meetings of an National Standards Body by prior arrangement with the Chairperson of the relevant National Standards Body.

Reference Grouping

17. (1) A Reference Grouping of organisations affected by the activities of a National Standards Body shall be created in terms of section 5 of the Act.

(2) The Reference Grouping shall -

a. comprise organisations contemplated in regulation 17(1) which have applied for listing as such;
b. indicate the National Standards Bodies, the standards and qualifications of which affect or could affect such organisations, and to which standards and qualifications such organisations shall be entitled to access via the Reference Grouping;
c. be accessed by mail using the addresses of the organisations contemplated in regulation 17(1) which have applied for listing as such;
d. be entitled to make submissions as indicated by their membership status established in terms of regulation 17(3), to Standards Generating Bodies and National Standards Bodies concerning standards and qualifications and the applicability of these to their particular needs: Provided that such submissions shall have been made within 30 days of the date of despatch of notices requesting submissions ;
e. be entitled to request the withholding of registration of standards unless submissions made have been considered and replied to formally: Provided that no standard shall be registered unless the relevant Reference Grouping has been consulted by mail; and
f. not normally receive financial support from the Authority.

(3) The status of members of the Reference Grouping shall be as follows:

a. A member of the Reference Grouping with this status shall be permitted access to the standards and qualifications of each National Standards Body: Provided that members granted full access shall not also be members of any National Standards Body, and provided also that in the case of organisations with affiliated organisations, no affiliated organisation shall be a member of any National Standards Body.
b. A member of the Reference Grouping with this status shall be permitted access only to the standards and qualifications of each National Standards Body of which it is not a member: Provided that in the case of organisations which have affiliated organisations or affiliates, one or more of which are members of National Standards Bodies, the relevant affiliate shall either:
   i. relinquish membership of the relevant National Standards Body so that the organisation may be permitted access to the standards and qualifications of that National Standards Body, or
   ii. make submissions on behalf of the organisation concerned, as part of carrying out the designated functions of the relevant National Standards Body.

(4) The Authority shall maintain a register of members of the Reference Grouping which shall contain the name and addresses of each member.

Relinquishing of appointment by members of National Standards Bodies and the filling of vacancies

18. (1) The Chairperson or any member of a National Standards Body referred to in regulation 16 shall relinquish his or her post if-
   a. his or her estate is sequestrated or he or she enters into a compromise with his or her creditors;
   b. he or she is detained as a mentally disordered person in terms of any law;
   c. he or she is absent from three consecutive meetings of the National Standards Body without leave from the National Standards Body;
   d. he or she resigns by giving notice in writing to the Authority; or
   e. he or she, during the course of his or her term of office, is found guilty of an offence and sentenced to imprisonment without the option of a fine.

(2) Vacancies caused by the relinquishing of appointment by any member of a National Standards Body shall be filled in accordance with regulations 15 and 16.

Functions of National Standards Bodies

19. (1) A National Standards Body shall-
   a. define and recommend to the Authority the boundaries of the discrete field for which it is constituted, by the value added by the field including but not limited to process, product or service, related to other fields;
   b. define and recommend to the Authority a framework of sub-fields to be used as a guide for the recognition and/or establishment of Standards Generating Bodies;
   c. recognise and/or establish Standards Generating Bodies within the framework of sub-fields, or withdraw or rescind such recognition or establishment;
   d. ensure that the work of Standards Generating Bodies meets the requirements for the registration of standards and qualifications as determined by the Authority;
   e. recommend the registration of standards on the National Qualifications Framework to the Authority;
   f. recommend the registration of qualifications to the Authority;
   g. update and review qualifications;
   h. liaise with Education and Training Quality Assurance bodies regarding the procedures for recommending new standards and qualifications, or amending registered standards and qualifications;
   i. define requirements and mechanisms of moderation to be applied across Education and Training Quality Assurance bodies;
   j. appoint office-bearers, such committees and members of committees as required to carry out the functions designated, in consultation with the Authority; and
   k. perform such other functions as may from time-to-time be delegated by the Authority.

(2) In performing the functions referred to in regulation 19(1), a National Standards Body shall-

a. abide by the decisions of the Authority relating to the development and implementation of the National Qualifications Framework;
b. consult with experts in the defined field concerning the accuracy and acceptability of the results of such activities and subject such results to their scrutiny;
c. publish the results of such activities in the Government Gazette for comment by interested parties; and
d. ensure that the results of such activities are subjected to the scrutiny of the Reference Grouping contemplated in regulation 17, prior to submission to the Authority.

CHAPTER 4

STANDARDS GENERATING BODIES

Recognition and establishment of Standards Generating Bodies

20. (1) Each National Standards Body may recognise or establish such Standards Generating Bodies in its own defined field as are required by the framework of sub-fields recommended to and accepted by the Authority.

(2) In recognising or establishing Standards Generating Bodies the National Standards Body concerned shall first apply to its own structure and functioning the steps contemplated in this regulation and in regulation 20(3) or a similar process acceptable to the Authority, and then apply the same process shall then apply to bodies desirous of recognition or considered necessary to be established: Provided that it shall -

a. determine the purpose of the definition of the field and analyse its content ;
b. define the boundaries of discrete fields by the value added by the field including but not restricted to process, product or service related to other fields;
c. identify traditional and non-traditional areas of study, occupational categories, technology and environment associated with the field;
d. project or forecast the linkage between the field and the national economy 3, 5 and 10 years hence, including but not limited to predicting whether the field is likely to grow, shrink or become obsolete, what its importance to the economy is likely to be and in what way it is likely to change;
e. attempt to ensure by independent assessment, that the field as defined is complete;
f. identify discrete sub-fields by analysing the value-added component;
g. identify the impact of existing and proposed legislation on fields, sub-fields and levels, and plan accordingly; and
h. prepare a business plan for developing the National Standards Body or Standards Generating Body which includes outcomes, communication and marketing strategy, budget and time-line.

(3) In making an application for registration as a Standards Generating Body the applicant shall -

a. describe the consultation or negotiation process used in making the application and in ensuring that other potential applicants in the sub-field have been involved and support the submission or are willing to become co-applicants for recognition;
b. provide supporting documentation supporting the application and the definition of the sub-field for which application is made; and
c. indicate the acceptance of a decision of the Authority as final and binding, after an appeal has formally been heard by the Authority.

(4) Each Standards Generating Body shall, upon recognition or establishment, be issued with a certificate of registration by the National Standards Body, which certificate shall be valid for a period not exceeding three years from the date of recognition or establishment and which shall define its brief in terms of the standards and qualifications which it will generate.

(5) A Standards Generating Body shall normally dissolve on completion of its brief.

(6) A Standards Generating Body may request an extension, of the period for which its certificate of registration has been issued, from its National Standards Body. Such a request for extension shall be submitted in writing at least 30 days before the expiry date of the certificate of recognition.

Withdrawal of registration on dissolution of Standards Generating Bodies

21. (1) A Standards Generating Body may have its registration withdrawn if, in the opinion of the National Standards Body as confirmed by the Authority it fails to perform its functions satisfactorily.

(2) A Standards Generating Body shall dissolve when its certificate of registration expires or when it has completed its brief as defined in its certificate of registration.

Membership of Standards Generating Bodies

22. (1) Organisations, which shall be key education and training stakeholder interest groups in the sub-field, shall be invited to nominate members drawn from these interest groups and specialists to serve on Standards Generating Bodies, which members shall be appointed by the National Standards Body representing the field after consultation and in co-operation with the bodies concerned, and with due regard for Parliamentary and provincial powers, the need for representativeness and equity, redress and relevant expertise in terms of the work of Standards Generating Bodies.

(2) The names of those persons nominated to serve as members of Standards Generating Bodies and of their key education and training stakeholder interest groups shall be published in the Government Gazette and comment invited with respect to the acceptability of the nominees and the representativeness of the key education and training stakeholder interest groups.

(3) On acceptance, formal certificates of appointment shall be issued by the National Standards Body to each of the successful nominees.

(4) Organisations wishing to be represented on Standards Generating Bodies shall be guided in their submissions for representation by the following:

a. Each Standards Generating Body shall be composed of key education and training stakeholders in the sub-field, drawn from interest groups and specialists who have been identified in accordance with the requirements of the Authority.
b. The maximum number of representatives forming an Standards Generating Body shall be defined in consultation with the National Standards Body but shall not ordinarily exceed twenty-five (25) unless the Authority deems otherwise.
c. The Chairperson or a nominated representative of the Authority shall be a member of the Standards Generating Body.

(5) An organisation or group of organisations wishing to be recognised as a Standards Generating Body shall ensure in its application for recognition that it has established a discrete group who would function as the Standards Generating Body and whose members shall reflect the intentions of regulation 22(4) and 23. Such an application for recognition as a Standards Generating Body shall be subject to public scrutiny as contemplated in regulation 22(2).

Nomination of members to Standards Generating Bodies

23. (1) Organisations proposing to nominate persons to Standards Generating Bodies should be sensitive to the need for equity and redress, and shall nominate persons who-
   a. will be able to consider issues of productivity, fairness, public interest and international comparability as related to education and training in the sub-field;
   b. enjoy credibility in the sub-field in question, who enjoy respect; have the necessary expertise and experience in the sub-field and have the support or backing of the nominating body;
   c. are able to advocate and mediate the needs and interests of all levels within the sub-field covered by the Standards Generating Body;
   d. are able to exercise critical judgement at a high level; and
   e. are committed to a communication process between the Standards Generating Body, the National Standards Body and the constituency.

Functions of Standards Generating Bodies

24. (1) A Standards Generating Body shall-

a. generate standards and qualifications in accordance with the Authority requirements in identified sub-fields and levels;
b. update and review standards;
c. recommend standards and qualifications to National Standards Bodies;
d. recommend criteria for the registration of assessors and moderators or moderating bodies; and
e. perform such other functions as may from time-to-time be delegated by its National Standards Body.

(2) In performing the functions referred to in regulation 24(1) a Standards Generating Body shall -

a. abide by the decisions of the Authority relating to the development and implementation of the National Qualifications framework;
b. consult with experts in the defined field concerning the accuracy and acceptibility of the results of such activities and subject such results to their scrutiny;
c. publish the results of such activities in the Government Gazette for comment by interested parties;
d. ensure that the results of such activities are subjected to the scrutiny of the reference grouping contemplated in regulation 17, prior to submission to the Authority.

CHAPTER 5

RULES OF PROCEDURE AND FINANCING ACTIVITIES OF NATIONAL STANDARDS BODIES AND STANDARDS GENERATING BODIES

Rules of procedure

25. The activities and functioning of a National Standards Body shall be governed by the Rules of Procedure in the Annexure to these Regulations.

Financing the activities of National Standards Bodies and Standards Generating Bodies

26. (1)Each National Standards Body shall, upon establishment and annually thereafter to coincide with the financial planning cycle of the Authority, produce a business plan indicating the objectives to be achieved in the period under review which shall normally be three years, and which shall include a financial budget.

(2) The financial budget shall be formulated in a manner agreed to by the Authority and shall be submitted to the Authority for authorisation.

(3) Members of National Standards Bodies receive compensation for their activities related to the functioning of National Standards Bodies in accordance with the regulations pertaining to the Public Service as amended by Authority, which compensation shall normally consist of but not be restricted to an allowance for attendance of meetings, subsistence and transport allowance and related costs.

(4) Members of committees of National Standards Bodies who are not members of National Standards Bodies appointed by the Authority, may receive the same compensation as members of National Standards Bodies for their activities related to the functioning of National Standards Bodies: Provided that their membership of such committees has received the prior approval of the Authority.

(5) The Authority shall fund the agreed activities of specified Standards Generating Bodies where such requirement exists, subject to the availability of funds and a method of financing developed in conjunction with the relevant Standards Generating Body.

CHAPTER 6

SHORT TITLE

Short title

27. These regulations shall be called the National Standards Bodies Regulations, 1998.

ANNEXURE

RULES OF PROCEDURE FOR NATIONAL STANDARDS BODIES

DEFINITIONS

1. In these Rules, unless the context otherwise indicates-

"Chairperson" means the Chairperson of a National Standards Body;

"Committee" means a committee of a National Standards Body;

"Executive Committee" means a committee established to carry out certain designated functions on behalf of the National Standards Body;

"Member" means a member of the National Standards Body;

"NSB" means National Standards Body;

"Resolution" means a decision of the National Standards Body;.

"Secretary" means a member designated for this purpose by the National Standards Body;

MEMBERS OF THE NSB

2. The NSB shall, subject to the provisions of the Act, consist of a Chairperson, a Deputy Chairperson, a Secretary and the other members appointed by SAQA in terms of the Regulations for National Standards Bodies (the Regulations), subject to the requirement that the Chairperson shall first be elected by the members of the NSB either from among their members or from other sources.

PRESIDING OFFICERS

PRESIDING OFFICERS

3. The Chairperson of the NSB or of a committee shall preside at meetings of the NSB or the Committee as the case may be. If the Chairperson is absent from any meeting the Deputy Chairperson shall preside. In the absence of both, the members present may elect from among themselves a chairperson to act at the meeting.

MEETINGS OF THE NSB

MEETINGS OF THE NSB

4. The NSB shall meet at such places and at such times as may be decided by resolution from time to time.
5. Special meetings may be called at the discretion of the Chairperson, or at the substantiated request of not less than one-third of the members in which event the meeting shall be held at a time and place determined by the Secretary, as soon as practicable after the receipt of such a request.
6. The Chairperson after having consulted with the Executive Committee shall have the right to postpone any meeting of the NSB if the business on the agenda appears not to warrant calling such a meeting, with the proviso that members shall be advised of such postponement at least one week before the date on which the NSB is due to meet, and with the further proviso that meetings may not to be cancelled or postponed due to accountable events or considerations beyond the control of the NSB unless two-thirds of the members agree to this.
7. Any person whose presence is required for the purpose of a meeting may be invited by the NSB to attend any meeting of the NSB.
8. All documentation dispatched to members shall be labelled in a manner appropriate to the nature and status of the contents, with the understanding that it is incumbent upon members to ensure that such documentation is dealt with in accordance with that labelling.

NOTICE OF MEETINGS

NOTICE OF MEETINGS

9. Notice of any meeting of the NSB which shall include an agenda of the matters to be considered there, shall be forwarded by the Secretary to each member and such other persons required to attend at least 14 days before the scheduled date of the meeting to the address registered with the Secretary: Provided that in the case of special meetings such shorter written notice as may be decided by the Chairperson, but not less than three working days, may be given.
10. The non-receipt of any notice, duly sent to the registered address of any member, shall not affect or invalidate the proceedings of any meeting.

ATTENDANCE REGISTER

ATTENDANCE REGISTER

11. Every member present at a meeting of the NSB shall sign the attendance register which shall be available for that purpose.

QUORUM

QUORUM

12. One half of the members, excluding the Chairperson, shall form a quorum at all ordinary meetings of the NSB. At special meetings one third of the members of the NSB, excluding the Chairperson, shall constitute a quorum.
13. When the number of members present at the time and place fixed for a meeting is insufficient to form a quorum, the meeting shall continue, with the proviso that any decisions reached shall be considered to be draft decisions and shall be circulated to the NSB for further discussion and comment prior to ratification.

PRESS STATEMENTS

PRESS STATEMENTS

14. Where it is deemed necessary to issue press statements concerning aspects relevant to the activities and meetings of the NSB, they shall be issued by the Chairperson of the NSB with the concurrence of the Chairperson of the Authority.

MINUTES

MINUTES

15. Minutes of each meeting shall be compiled and submitted for confirmation at the following meeting. The Secretary shall circulate the minutes to members at the same time as the notice convening the next meeting.
16. Minutes shall not reflect verbatim the proceedings of meetings, but shall be a summarised recording of the proceedings, resolutions and actions required, with the provision that any member shall have the right to request that his or her particular view be reflected in the minutes.

DEBATES OF THE NSB AND VOTING

DEBATES OF THE NSB AND VOTING

17. In the conduct of any meeting of the NSB the ordinary rules of debate shall apply.
18. Decision-making shall be by consensus with the proviso that where consensus cannot be reached a vote may be taken. Where voting is deemed necessary it shall be by show of hands unless a ballot be requested by any member, when a secret ballot shall be held.
19. The Chairperson, when presiding shall not have a deliberative vote, but a casting vote.
20. In the absence of the Chairperson the acting Chairperson (be it the Deputy Chairperson or another) shall not have a casting vote, but a deliberative vote.
21. It is incumbent upon a member of the NSB to declare any pecuniary interest in a matter being debated by the NSB and to offer to recuse himself or herself from the debate: Provided that such member shall be recuse him or herself when a decision on such matter is being made by the NSB.
22. Save as otherwise provided in these rules the decision of the majority of the members present at a meeting of the NSB shall be the decision of the NSB. Minority viewpoints may be recorded at the request of such members.
23. Notwithstanding the provisions of any of these rules, if any matter arises between ordinary meetings which requires a decision of the NSB and which in the opinion of the Chairperson should not be delayed until the next ordinary meeting of the NSB, the Chairperson may authorise the Secretary to prepare and dispatch by registered post or courier to each member a notice reflecting the matter in question and seeking a postal vote upon which a decision may be made. The notice shall specify the period in which a postal vote may be lodged, which shall not be less than 10 (ten) days from the date of dispatch of the notice. The decision of the majority of the NSB shall be deemed to be the NSBs decision. The result of each such ballot shall be made known at the next meeting of the NSB.

ESTABLISHMENT OF COMMITTEES

ESTABLISHMENT OF COMMITTEES

24. The NSB may establish committees, including an Executive Committee in terms of the Regulations for NSBs.

EXECUTIVE COMMITTEE

25. An Executive Committee established in terms of the Regulations shall consist wholly of members of the NSB and be appointed by it. It shall consist of the Chairperson and such other number of members as determined and nominated by the NSB: Provided that:

25.1 such Executive Committee shall, subject to the directions of the NSB, conduct the affairs of the NSB between meetings, provided that all decisions relating to matters of principle shall be the prerogative of the NSB;

25.2 the Chairperson, or in absence of the Chairperson, the Deputy-Chairperson or in the absence of the Deputy-Chairperson, the acting Chairperson elected by the members shall preside at all meetings of the executive committee;

25.3 the Chairperson shall report on the work of the Executive Committee at each ordinary meeting of the NSB, and

25.4 a quorum of the Executive Committee shall consist of the Chairperson plus one half of the members of that Committee.

OTHER COMMITTEES

26. A committee shall consist of such number of members of the NSB or of persons other than members of the NSB or of members of the NSB as well as other persons, as the NSB may determine, appointed for such period of time as determined by the NSB .

26.1 The NSB shall designate any member of any such committee as Chairperson of the committee.

26.2 A committee may, with the approval of the NSB, establish one or more working groups to perform under the directions of the committee such functions of the committee as the NSB may determine or to inquire into such matters falling within the functions and powers of the committee.

26.3 Any committee, other than the Executive Committee, may, with the consent of the Executive Committee, co-opt one or more persons as members of the committee for a specific period or a particular purpose.

26.4 The NSB may, subject to such conditions as it may deem fit, either generally or in relation to any particular matter, assign to any committee any power conferred or duty imposed upon it in terms of the Regulations.

26.5 The NSB may at any time withdraw, extend or modify any terms of reference to a committee, but any proposal to do so shall first be referred to that committee for consideration and comment.

26.6 A member of a committee who without prior apology fails to attend three consecutive meetings of such committee shall cease to be a member thereof.

26.7 A member of a committee may resign from such committee by notice in writing

26.8 Where a vacancy occurs on a committee the Chairperson of such a committee shall inform the NSB in writing at the first subsequent meeting of the NSB, which shall undertake to fill the vacancy.

REPORTING BY COMMITTEES

27. The Chairperson of each committee shall submit a report on the activities of the committee at each ordinary meeting of the NSB.

MEETINGS OF COMMITTEES

28. The provisions of paragraphs 7 to 20 shall apply to any committee of the NSB read with the changes required by the context: Provided that for the purposes of this clause, reference to the "NSB", "Chairperson" or "Secretary" shall be construed as a reference to the Committee", "Chairperson of the Committee" or "Secretary of the Committee", respectively.

ADDITIONAL MEMBERS

29. Additional members appointed to committees in terms of the Regulations shall have all the powers of a member at any meeting, including the right to vote.

ROLE OF SECRETARY

ROLE OF SECRETARY

30. The secretarial work incidental to the performance by the NSB of its functions, shall be performed, subject to the directions of the Chairperson of the NSB , shall be performed by the Secretary.
31. The role of the secretary is to assist the NSB through:

31.1 providing a secretarial function

31.2 advising on administrative matters

31.3 effective administration service

31.4 assistance in managing projects

31.5 executing such other tasks as the NSB may from time to time require.

AMENDMENT OF THE RULES

32. These rules may be added to or amended at any meeting of the NSB with the concurrence of the Authority, by a simple majority of the members present: Provided that such amendment forms a specific item on the agenda, the text whereof was circulated to members with the agenda and provided that no fewer than half of its members are present at the meeting.

REVIEWING DECISIONS OF THE NSB

33. Each decision taken at a meeting of the NSB is to be allocated a unique NSB Decision number and is seen as an NSB decision. A member wishing to have a decision reviewed is required to submit written notice of such a requirement with full reasons for the desired review to the Secretary at least 14 days prior to a meeting of the NSB. Should the NSB amend the decision, such amendment will be recorded in the minutes of the meeting, the necessary amendments to documentation made and revised versions of documentation issued.