

4 August 2008

Professor S M Mayatula, MP
Chairperson
Education Portfolio Committee
P.O. Box 15
Cape Town
8000

By fax to: 021 403 2286

Dear Professor Mayatula

Submission on the National Qualifications Framework Bill

1. On behalf of Higher Education South Africa (HESA), I thank you and your committee for allowing a HESA delegation of myself, Professor Yunus Ballim and Mr Hugh Amooore to appear before your committee on 30 July 2008.
2. This additional submission arises from the interactions we were privileged to have with you and members of the portfolio committee on the subject of the NQF, Higher Education Amendment and the GENFETQA Bills, on the relationship between the four groups of players we had identified (SAQA, Quality Councils, Educational Institutions and Professional Bodies), and the need for the legislation to define relationships between them. The question then that was put to us was how we would wish to see the NQF Bill amended to take care of our concerns.
3. Our first argument, in summary, was the need we see for the legislation to ensure:
 - (a) **role clarity** as between: SAQA; the Quality Councils; the education institutions; and the professional bodies whether these are voluntary associations or guilds or statutorily mandated councils; and
 - (b) **demarcation of domains** that ensures that there is clarity as to which Quality Council is responsible, and for what, in a given situation.
4. We believe that each of these four groups has an important role in the realisation of the objectives of the NQF. In this context we argue that it is important that the respective functions of Quality Councils and professional bodies must be made clear: the QC (and **not** the professional body) must have the functions of quality assurance and accreditation for qualifications on its sub-framework; the QC may and we believe will recognise the competence of professional bodies and use the professional bodies **to assist** it in the execution of these QA and accreditation functions. We argue that the domain of a QC must be the qualifications in its sub-framework.

5. The professional body is properly responsible for regulating professional status which is often the basis for licensing those who wish to practise the profession. Where this professional status or licensing is based on, or assumes an educational qualification, the proper role of the professional body is to define **the exit outcomes** of this qualification. This definition of exit outcomes is not a one-dimensional activity. It is the function of the QC (and **not** the professional body) to quality assure and accredit the academic qualification given the expertise in and experience of professional bodies, co-operation between QCs and professional bodies can only promote the public good and it should be possible for a QC to assign or delegate some of its functions to a professional body in terms of the principals of the NQF and its sub-framework.
6. Our recommendation therefore is to substitute the following for clauses 29 and 30 in the NQF Bill.

Recognition by SAQA

- 29(1) A statutory or non-statutory professional body must apply, in the manner prescribed by SAQA in terms of section 14(i)(1), to be recognised as a professional body in terms of this Act.
 - (2) Nothing in this Act may be construed as superseding any lawful requirement relating to public health and safety.

Relationships to and co-operation with QCs

- 30(1) Despite the provisions of any other Act, a professional body must co-operate with a QC exercising its functions as provided for in section 28 in respect of any qualification or part qualification
 - (a) on the sub-framework for which the QC is responsible; and
 - (b) in the occupational field of the professional body concerned.
 - (2) A QC may enter into an agreement with a professional body to assist that QC with regard to quality assurance within its sub-framework, provided that this takes place in terms of policy and criteria developed by the QC and SAQA.
 - (3) A QC may delegate its quality assurance functions as contemplated in section 28(l)(ii) to a professional body in terms of an agreement contemplated in section 30(2) but may not delegate any other function to a professional body.
 - (4) Where a professional body relates to a QC in respect of a professional designation for which a qualification registered on the NQF is a prerequisite, the QC must be the QC for the sub-framework on which that qualification is a prerequisite, and if more than one qualification is a prerequisite, then for the senior qualification required.
7. In order to ensure role clarity, we suggest that your committee consider amplifying the introductory clauses to Chapter 5 as follows:

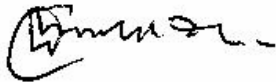
25 Umalusi is the QC for General and Further Education and Training as provided for in the GENFETQA Act, and is responsible to SAQA for all qualifications and part qualifications on its sub-framework of the NQF.

26 The Council on Higher Education and Training is the QC for Higher Education as provided for in the Higher Education Act, and is responsible for all qualifications and part qualifications on the Higher Education Qualifications sub-framework.

8. The above relate to our first argument. The second argument related to clause 35 where we proposed that the following words be added to the clause: *“unless amended in terms of this Act and the Higher Education Act.”*

Once again many thanks for the opportunity afforded to HESA to participate in the public deliberations of the proposed legislation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Duma E. Malaza', with a stylized flourish at the end.

Prof Duma E. Malaza
CHIEF EXECUTIVE OFFICER