



**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

## **STAATSKOERANT**

### **VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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#### **OFFICE OF THE PRESIDENT**

No. 1521.

4 October 1995

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

No. 58 of 1995: South African Qualifications Authority Act, 1995.

#### **KANTOOR VAN DIE PRESIDENT**

No. 1521.

4 Oktober 1995

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 58 van 1995: Wet op die Suid-Afrikaanse Kwalifikasieowerheid, 1995.

# ACT

**To provide for the development and implementation of a National Qualifications Framework and for this purpose to establish the South African Qualifications Authority; and to provide for matters connected therewith.**

*(English text signed by the President.)  
(Assented to 28 September 1995.)*

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

**Definitions**

1. In this Act, unless the context indicates otherwise—
  - (i) “Authority” means the South African Qualifications Authority established by section 3; (viii) 5
  - (ii) “company” means a company or close corporation registered under any law, which provides education or training for its employees or clients; (v)
  - (iii) “Director-General” means the Director-General of Education; (i)
  - (iv) “Minister” means the Minister of Education and, for the purposes of sections 4(2), 4(3), 4(4), 4(5), 4(6), 5(1)(c), 11, 13(2), 14 and 15(2), the Minister of Education in consultation with the Minister of Labour; (vi)
  - (v) “National Qualifications Framework” means the National Qualifications Framework approved by the Minister for the registration of national standards and qualifications; (vii)
  - (vi) “organised teaching profession” means an organisation or union which is a member of the Education Labour Relations Council established in terms of the Education Labour Relations Act, 1993 (Act No. 146 of 1993), and is recognised by the Minister for the purposes of this Act; (ii) 10
  - (vii) “prescribe” means prescribe by regulation; (x)
  - (viii) “qualification” means the formal recognition of the achievement of the required number and range of credits and such other requirements at specific levels of the National Qualifications Framework as may be determined by the relevant bodies registered for such purpose by the South African Qualifications Authority; (iv) 15
  - (ix) “registered” means registered in terms of the National Qualifications Framework; (iii)
  - (x) “standard” means registered statements of desired education and training outcomes and their associated assessment criteria. (ix) 20

**Objectives of National Qualifications Framework** 30

2. The objectives of the National Qualifications Framework are to—
  - (a) create an 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; and thereby 35
  - (e) contribute to the full personal development of each learner and the social and economic development of the nation at large.

# WET

**Om voorsiening te maak vir die ontwikkeling en implementering van 'n Nasionale Kwalifikasieraamwerk en om vir dié doel die Suid-Afrikaanse Kwalifikasie-owerheid in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 28 September 1995.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika,  
soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - 5 (i) "Direkteur-generaal" die Directeur-generaal van Onderwys;
  - (ii) "georganiseerde onderwysprofessie" 'n organisasie of unie wat 'n lid is van die Raad op Arbeidsverhoudinge in die Onderwys wat ingevolge die Wet op Arbeidsverhoudinge in die Onderwys, 1993 (Wet No. 146 van 1993), ingestel is en deur die Minister vir die doeleindes van hierdie Wet erken is;
  - 10 (vi) "geregistreerde" ingevolge die Nasionale Kwalifikasieraamwerk geregistreer;
  - (ix) "kwalifikasie" die formele erkenning van die verwerwing van die vereiste aantal en reeks krediete en die voldoening aan die ander vereistes op bepaalde vlakke van die Nasionale Kwalifikasieraamwerk wat bepaal word deur die tersaaklike liggeme wat vir dié doeleindes deur die Suid-Afrikaanse Kwalifikasie-owerheid geregistreer is;
  - 15 (viii) "Maatskappy" 'n maatskappy of beslote korporasie ingevolge enige wet geregistreer en wat onderwys en opleiding vir sy werknelers of kliënte verskaf;
  - (ii) "Minister" die Minister van Onderwys en, by die toepassing van artikels 4(2), 4(3), 4(4), 4(5), 4(6), 5(1)(c), 11, 13(2), 14 en 15(2), die Minister van Onderwys in oorleg met die Minister van Arbeid;
  - 20 (iv) "Nasjonale Kwalifikasieraamwerk" die Nasionale Kwalifikasieraamwerk deur die Minister goedgekeur vir die registrasie van nasionale standarde en kwalifikasies;
  - (v) "Owerheid" die Suid-Afrikaanse Kwalifikasie-owerheid ingestel by artikel 3; (j)
  - 25 (ix) "standaard" geregistreerde verklarings van verlangde onderwys- en opleidingsresultate en hul verwante beoordelingskriteria;
  - (x) "voorgeskryf" by regulasie voorgeskryf.

## Oogmerke van Nasionale Kwalifikasieraamwerk

2. Die oogmerke van die Nasionale Kwalifikasieraamwerk is om—
  - (a) 'n geïntegreerde nasionale raamwerk vir studieprestasies te skep;
  - (b) toegang tot, en mobiliteit en progressie binne, onderwys, opleiding en loopbaanrigtings te faciliteer;
  - (c) die gehalte van onderwys en opleiding te verbeter;
  - (d) die regstelling van onbillike diskriminasie in die verlede in die onderwys, opleiding en werkgeleenthede; en daardeur
  - (e) by te dra tot die volle persoonlike ontwikkeling van elke leerling en die sosiale en ekonomiese ontwikkeling van die hele volk.

### **Establishment of South African Qualifications Authority**

3. There is hereby established a juristic person called the South African Qualifications Authority.

#### **Constitution of Authority**

4. (1) The Authority shall consist of a chairperson who shall be appointed in terms of subsection (2), such members as shall be appointed in terms of subsections (3) and (4), and an executive officer who shall be appointed in terms of subsection (7). 5

(2) The Minister shall appoint a person of experience and expertise in matters relating to the functions of the Authority, to be the chairperson of the Authority. 10

(3) The Minister shall appoint the following persons as members of the Authority, in the manner provided for in subsection (4)— 10

- (a) one member nominated by the Director-General;
- (b) one member nominated by the heads of provincial education departments;
- (c) one member nominated by the Director-General: Labour;
- (d) one member nominated by the National Training Board; 15
- (e) two members nominated by the national organisations representing organised labour;
- (f) two members nominated by national organisations representing organised business;
- (g) one member nominated by the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955); 20
- (h) one member nominated by the Committee of Technikon Principals established by section 2 of the Technikons Act, 1993 (Act No. 125 of 1993);
- (i) one member nominated by the national body representing teachers' college rectors and recognised by the Minister for this purpose; 25
- (j) one member nominated by the national body representing technical college rectors and recognised by the Minister for this purpose;
- (k) one member nominated by national organisations representing colleges other than teachers' colleges and technical colleges and recognised by the Minister for this purpose; 30
- (l) one member nominated by national organisations representing the adult basic education and training sector and recognised by the Minister for this purpose;
- (m) one member nominated by national organisations representing the early childhood development sector and recognised by the Minister for this purpose; 35
- (n) two members nominated by the organised teaching profession;
- (o) two members nominated by national organisations representing lecturers and trainers and recognised by the Minister for this purpose;
- (p) one member nominated by national organisations representing the special education needs sector and recognised by the Minister for this purpose; 40
- (q) not more than six members appointed by the Minister at his or her discretion;
- (r) not more than two members co-opted by the Authority at its discretion and recommended to the Minister for appointment.

(4) For the purpose of seeking nominations as contemplated in subsection (3), the Minister shall give notice in the *Gazette* of his or her intention to appoint members of the Authority, and shall request any body or organisation in the fields referred to in subsection (3) to submit the names of persons who, on account of their experience and expertise in matters relating to the functions of the Authority may be suitable candidates for appointment as members of the Authority and in submitting the names of candidates due recognition shall be given to the principle of representivity. 45

(5) For the purpose of the nominations contemplated in paragraph (n) of subsection (3), not more than one nomination shall be made by any one organisation or union.

(6) A member of the Authority excluding the executive officer, shall hold office for such period which shall not exceed three years, as the Minister may determine at the time of his or her appointment, and a member may be re-appointed for one further term of office when his or her initial term of office expires. 55

## Instelling van Suid-Afrikaanse Kwalifikasie-owerheid

3. Hierby word 'n regspersoon ingestel wat die Suid-Afrikaanse Kwalifikasie-owerheid heet.

### Samestelling van Owerheid

5 4. (1) Die Owerheid bestaan uit 'n voorsitter wat ingevolge subartikel (2) aangestel is, die lede wat ingevolge subartikels (3) en (4) aangestel is, en 'n uitvoerende beampete wat ingevolge subartikel (7) aangestel is.

(2) Die Minister stel 'n persoon wat bekwaam is en oor ervaring beskik in aangeleenthede rakende die werksaamhede van die Owerheid, aan as voorsitter van die 10 Owerheid.

(3) Die Minister stel die volgende persone as lede van die Owerheid op die wyse in subartikel (4) bepaal aan—

- (a) een lid deur die Direkteur-Generaal genomineer;
- (b) een lid deur die hoofde van provinsiale onderwysdepartemente genomineer;
- 15 (c) een lid deur die Direkteur-Generaal: Arbeid genomineer;
- (d) een lid deur die Nasionale Opleidingsraad genomineer;
- (e) twee lede genomineer deur nasionale organisasies wat die georganiseerde arbeid verteenwoordig;
- 20 (f) twee lede genomineer deur nasionale organisasies wat die georganiseerde sakesektor verteenwoordig;
- (g) een lid genomineer deur die Komitee van Universiteitshoofde by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), ingestel;
- (h) een lid genomineer deur die Komitee van Technikonhoofde by artikel 2 van die Wet op Technikons, 1993 (Wet No. 125 van 1993), ingestel;
- 25 (i) een lid genomineer deur die nasionale liggaam wat rektore van onderwyskolleges verteenwoordig en deur die Minister vir hierdie doel erken word;
- (j) een lid genomineer deur nasionale liggaam wat rektore van tegniese kolleges verteenwoordig en deur die Minister vir hierdie doel erken word;
- (k) een lid genomineer deur nasionale organisasies wat ander kolleges as onderwyskolleges en tegniese kolleges verteenwoordig en deur die Minister vir hierdie doel erken word;
- 30 (l) een lid genomineer deur nasionale organisasies wat die volwassene-basisse onderwys- en opleidingsektor verteenwoordig en deur die Minister vir hierdie doel erken word;
- (m) een lid genomineer deur nasionale organisasies wat die vroeë kinderontwikkelingsektor verteenwoordig en deur die Minister vir hierdie doel erken word;
- (n) twee lede deur die georganiseerde onderwysprofessie genomineer;
- (o) 40 twee lede genomineer deur nasionale organisasies wat lektore en opleiers verteenwoordig en deur die Minister vir hierdie doel erken word;
- (p) een lid genomineer deur nasionale organisasies wat die spesiale onderwys-behoeftesektor verteenwoordig en deur die Minister vir hierdie doel erken word;
- (q) hoogstens ses lede deur die Minister aangestel na sy of haar goeddunke;
- 45 (r) hoogstens twee lede wat deur die Owerheid na sy goeddunke gekoöpte is en by die Minister vir aanstelling aanbeveel is.

(4) Vir die doeleindes van die werwing van nominasies soos in subartikel (3) beoog, gee die Minister in die *Staatskoerant* kennis van sy of haar voorname om lede van die Owerheid aan te stel, en versoek enige liggaam of organisasie op die terreine in 50 subartikel (3) bedoel om die name van persone voor te lê wat uit hoofde van hul ervaring en kundigheid oor aangeleenthede wat verband hou met die werksaamhede van die Owerheid, geskikte kandidate vir aanstelling as lede van die Owerheid kan wees, en by die voorlegging van die name van kandidate moet behoorlike erkenning aan die beginsel van verteenwoordiging gegee word.

55 (5) Vir die doeleindes van die nominasies in paragraaf (n) van subartikel (3) beoog, word hoogstens een nominasie deur elke organisasie of unie gedoen.

(6) 'n Lid van die Owerheid, uitgesonderd die uitvoerende beampete, beklee sy of haar amp vir die tydperk, wat nie drie jaar oorskry nie, en wat die Minister ten tyde van sy of haar aanstelling bepaal, en 'n lid kan vir een verdere ampstermyne aangestel word 60 wanneer sy of haar oorspronklike ampstermyne verstryk.

(7) The Minister shall, in filling any vacancy, take the provisions of subsection (3) into account.

(8) The members contemplated in subsections (2) and (3), shall, with the approval of the Minister, appoint a competent person to be executive officer on such conditions of service as may be determined by the Authority with the approval of the Minister, granted with the concurrence of the Minister of Finance. 5

### **Functions of Authority**

**5. (1)** Subject to the provisions of subsection (2), the Authority shall—

(a) (i) oversee the development of the National Qualifications Framework; and

(ii) formulate and publish policies and criteria for—

(aa) the registration of bodies responsible for establishing education and training standards or qualifications; and

(bb) the accreditation of bodies responsible for monitoring and auditing achievements in terms of such standards or qualifications;

(b) oversee the implementation of the National Qualifications Framework, 15 including—

(i) the registration or accreditation of bodies referred to in paragraph (a) and the assignment of functions to them;

(ii) the registration of national standards and qualifications;

(iii) steps to ensure compliance with provisions for accreditation; and

(iv) steps to ensure that standards and registered qualifications are internationally comparable;

(c) advise the Minister on matters affecting the registration of standards and qualifications; and

(d) be responsible for the control of the finances of the Authority. 25

(2) The Authority shall pursue the objectives of the National Qualifications Framework as provided in section 2 and execute the functions of the Authority as provided in subsection (1)—

(a) after consultation and in co-operation with the departments of state, statutory bodies, companies, bodies and institutions responsible for education, training and the certification of standards which will be affected by the National Qualifications Framework; 30

(b) with due regard for the respective competence of Parliament and the provincial legislatures in terms of section 126 of the Constitution, and the rights, powers and functions of the governing bodies of a university or universities and a technikon or technikons as provided in any Act of Parliament. 35

### **Functions of executive officer**

**6. (1)** The executive officer shall—

(a) be responsible to the Authority for the execution of its functions in terms of this Act; 40

(b) supervise the officers and employees of the Authority; and

(c) be the accounting officer of the Authority charged with accounting for moneys received, payments made and movable property purchased by the Authority.

(2) The executive officer shall be assisted in the performance of his or her duties in terms of subsection (1) by such officers and employees of the Authority as the executive officer may designate for this purpose. 45

### **Powers of Authority**

**7. (1) (a)** The Authority may establish committees and appoint persons who are not members of the Authority to the committees. 50

(b) The Authority shall appoint the chairperson of every committee.

(c) The Authority may dissolve or reconstitute a committee.

(d) The Authority may delegate any of its powers, excluding the powers referred to in

(7) Die Minister moet, by die vul van 'n vakature, die bepalings van subartikel (3) in ag neem.

(8) Die lede in subartikels (2) en (3) beoog, stel met die goedkeuring van die Minister 'n bevoegde persoon as uitvoerende beampete aan op die diensvoorraad wat die Owerheid met die goedkeuring van die Minister bepaal, wat met die instemming van die Minister van Finansies verleen word.

### **Werksaamhede van Owerheid**

**5. (1)** Behoudens die bepalings van subartikel (2), moet die Owerheid—

- (a) (i) toesig hou oor die ontwikkeling van die Nasionale Kwalifikasieraamwerk; en
  - 10 (ii) beleid en kriteria formuleer en publiseer oor—
    - (aa) die registrasie van liggeme wat verantwoordelik is vir die vasstelling van onderwys- en opleidingstandaarde of -kwalifikasies; en
    - (bb) die akkreditering van liggeme wat verantwoordelik is vir die monitering en ouditering van prestasies ooreenkomstig sodanige standaarde of kwalifikasies;
  - (b) toesig hou oor die implementering van die Nasionale Kwalifikasieraamwerk, wat insluit—
    - 20 (i) die registrasie of akkreditering van die liggeme in paragraaf (a) bedoel en die opdra van werksaamhede aan hulle;
    - (ii) die registrasie van nasionale standaarde en kwalifikasies;
    - (iii) stappe om die nakoming van bepalings vir akkreditering te verseker; en
    - (iv) stappe om te verseker dat standaarde en geregistreerde kwalifikasies internasionaal vergelykbaar is;
  - 25 (c) die Minister adviseer oor aangeleenthede wat die registrasie van standaarde en kwalifikasies raak; en
  - (d) verantwoordelik wees vir die beheer oor die finansies van die Owerheid.
- (2) Die Owerheid moet die oogmerke van die Nasionale Kwalifikasieraamwerk soos in artikel 2 bepaal, nastreef en die werksaamhede van die Owerheid soos in subartikel 30 (1) bepaal, uitvoer—
- (a) na oorleg en in samewerking met staatsdepartemente, statutêre liggeme, maatskappye, liggeme en instellings wat vir onderwys, opleiding en die sertifisering van standaarde wat deur die Nasionale Kwalifikasieraamwerk geraak sal word, verantwoordelik is;
  - 35 (b) met behoorlike inagneming van die onderskeie bevoegdhede van die Parlement en die provinsiale wetgewers ingevolge artikel 126 van die Grondwet, sowel as die regte, bevoegdhede en werksaamhede van die beheerliggume van 'n universiteit of universiteite en 'n technikon of technikons soos in 'n Wet van die Parlement bepaal.

### **40 Werksaamhede van uitvoerende beampete**

**6. (1)** Die uitvoerende beampete—

- (a) is verantwoordelik teenoor die Owerheid vir die uitvoering van sy werksaamhede ingevolge hierdie Wet;
  - 45 (b) hou toesig oor die beampetes en werknekmers van die Owerheid; en
  - (c) is die rekenpligtige beampete van die Owerheid belas met verantwoording van geld ontvang, betalings gedoen en roerende eiendom aangekoop deur die Owerheid.
- (2) Die uitvoerende beampete word in die uitvoering van sy of haar pligte ingevolge subartikel (1) bygestaan deur die beampetes en werknekmers van die Owerheid wat die 50 uitvoerende beampete vir hierdie doel aanwys.

### **Bevoegdhede van Owerheid**

**7. (1)(a)** Die Owerheid kan komitees instel en persone wat nie lede van die Owerheid is nie, in die komitees aanstel.

- (b) Die Owerheid stel die voorsitter van elke komitee aan.
- 55 (c) Die Owerheid kan 'n komitee ontbind of hersaamstel.
- (d) Die Owerheid kan enige van sy bevoegdhede, uitgesonderd die bevoegdhede in hierdie artikel bedoel, aan enige van sy komitees deleger, maar word nie ontdoen

this section, to any of its committees, but shall not be divested of a power so delegated and may at any time withdraw such a delegation.

(e) The Authority may amend or set aside any decision of such a committee.

(2) The Authority may resolve disputes relating to the performance of its functions referred to in section 5. 5

(3) The Authority may acquire and dispose of assets.

(4) The Authority may cause research to be done which it considers relevant to the performance of its functions.

(5) The Authority may perform any other function which the Minister may designate which is relevant to the National Qualifications Framework. 10

### **Meetings of Authority and committees**

**8.** (1) The meetings of the Authority or of a committee shall be held at such times and places as the chairperson of the Authority or the committee, as the case may be, may determine.

(2) The proceedings of the Authority or of a committee shall not be invalid by reason of a vacancy on the Authority or the committee, as the case may be. 15

(3) If the chairperson of the Authority or of a committee is absent from any meeting of the Authority or a committee, as the case may be, the members present shall elect from among themselves a person to preside at that meeting.

(4) The Authority may prescribe rules relating to the procedures at its meetings or at the meetings of a committee, including the quorum for such meetings. 20

### **Vacation of office by members of Authority**

**9.** The chairperson or any member of the Authority referred to in section 4(3) shall vacate his or her office if—

- (a) his or her estate is sequestrated or he or she enters into a compromise with his or her creditors; 25
- (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 Authority without leave from the Authority;
- (d) he or she resigns by giving notice in writing to the Minister; or 30
- (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.

### **Funds of Authority**

**10.** (1) The funds of the Authority shall consist of—

- (a) moneys appropriated by Parliament for the achievement of the objectives of the Authority; 35
- (b) moneys received by the Authority by virtue of the regulations made in terms of section 14;
- (c) moneys obtained by means of loans raised by the Authority with the approval of the Minister, granted with the concurrence of the Minister of Finance; 40
- (d) donations, contributions or royalties received by the Authority; and
- (e) interest on investments.

(2) The Authority shall employ its funds to defray expenses in connection with the performance of its functions.

(3)(a) The Authority shall in each financial year, at such time and in such form as the Minister may determine, submit a statement of its estimated income and expenditure for the ensuing financial year to the Minister for approval. 45

(b) The moneys contemplated in subsection (1)(a) shall be employed by the Authority in accordance with the approved statement referred to in paragraph (a), and any unexpended balance shall be carried forward as a credit to the following financial year. 50

(4) Subject to the provisions of subsection (3)(b), the Authority may invest any portion of its funds in such manner as the Minister, with the concurrence of the Minister of Finance, may approve.

(5) The Authority may charge or waive fees—

van 'n bevoegdheid aldus gedelegeer nie, en kan te eniger tyd so 'n delegasie terugtrek.

- (e) Die Owerheid kan enige besluit van so 'n komitee wysig of tersyde stel.
- (2) Die Owerheid kan geskille met betrekking tot die verrigting van sy werksaamhede in artikel 5 genoem, besleg.
- (3) Die Owerheid kan bates verkry en daarvan afstand doen.
- (4) Die Owerheid kan navorsing laat doen wat hy vir die verrigting van sy werksaamhede tersaaklik ag.
- (5) Die Owerheid kan enige ander werksaamheid verrig wat die Minister aanwys en wat op die Nasionale Kwalifikasieraamwerk betrekking het.

### Vergaderings van Owerheid en komitees

- 8. (1) Die vergaderings van die Owerheid of 'n komitee word gehou op die tye en plekke wat die voorsitter van die Owerheid of die komitee, na gelang van die geval, bepaal.
- 15 (2) Die verrigtinge van die Owerheid of 'n komitee is nie ongeldig op grond van 'n vakature in die Owerheid of die komitee, na gelang van die geval, nie.
- (3) Indien die voorsitter van die Owerheid of 'n komitee afwesig is van 'n vergadering van die Owerheid of 'n komitee, na gelang van die geval, kies die lede wat teenwoordig is uit hul gelede 'n persoon om by dié vergadering voor te sit.
- 20 (4) Die Owerheid kan reëls voorskryf met betrekking tot die prosedure by sy vergaderings of die vergaderings van 'n komitee, met inbegrip van die kworum vir sodanige vergaderings.

### Ontruiming van amp deur lede van Owerheid

- 9. Die voorsitter of enige lid van die Owerheid in artikel 4(3) bedoel, ontruim sy of haar amp indien—
  - (a) sy of haar boedel gesekwestreer word of hy of sy 'n skikking met sy of haar skuldeisers aangaan;
  - (b) hy of sy ingevolge die een of ander wet as 'n geestesongestelde persoon aangehou word;
  - (c) hy of sy sonder die verlof van die Owerheid afwesig is van drie agtereenvolgende vergaderings van die Owerheid;
  - (d) hy of sy by skriftelike kennisgewing aan die Minister bedank; of
  - (e) hy of sy, in die loop van sy of haar ampstermy, skuldig bevind word aan 'n misdryf en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word.

### 35 Fondse van Owerheid

- 10. (1) Die fondse van die Owerheid bestaan uit—
  - (a) geld deur die Parlement bewillig vir die bereiking van die oogmerke van die Owerheid;
  - (b) geld deur die Owerheid ontvang uit hoofde van die regulasies uitgevaardig kragtens artikel 14;
  - (c) geld verkry deur middel van lenings deur die Owerheid aangegaan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies;
  - (d) skenkings, bydraes of tantièmes deur die Owerheid ontvang; en
  - (e) rente op beleggings.
- (2) Die Owerheid wend sy fondse aan om uitgawes in verband met die verrigting van sy werksaamhede te bestry.
- (3)(a) Die Owerheid lê in elke boekjaar, op die tyd en in die vorm wat die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes vir die daaropvolgende boekjaar vir goedkeuring aan die Minister voor.
- (b) Die geld in subartikel (1)(a) beoog, word deur die Owerheid aangewend ooreenkomstig die goedgekeurde staat in paragraaf (a) bedoel, en enige onbestede balans word as 'n krediet na die volgende boekjaar oorgedra.
- (4) Behoudens die bepalings van subartikel (3)(b) kan die Owerheid enige gedeelte van sy fondse op die wyse belê wat die Minister, met die instemming van die Minister van Finansies, goedkeur.
- (5) Die Owerheid kan geldde vra of kwytskeld—

- (a) for the granting of any registration or accreditation; and
- (b) for any services provided by the Authority.

### **Officers and employees of Authority**

**11.** The Authority may, subject to the conditions of service determined by the Authority with the approval of the Minister and the concurrence of the Minister of Finance, appoint such officers and employees as the Authority may deem necessary for the performance of its functions in terms of this Act. 5

### **Allowances and remuneration of members of Authority and committees**

**12.** The chairperson, every other member of the Authority and any person appointed as a member of a committee under section 7(1) who is not in the full-time service of the State may, in respect of services rendered by him or her in connection with the affairs of the Authority or a committee, be paid by the Authority— 10

- (a) such travelling, subsistence and other allowances; and
- (b) in the case of the chairperson of the Authority, such additional remuneration, as the Minister with the concurrence of the Minister of Finance may determine. 15

### **Auditing and annual report**

**13.** (1) The books of account and financial statements of the Authority shall be audited at the end of each financial year by the Auditor-General. 20

(2) The Authority shall not later than six months after the end of each financial year submit to the Minister a report in such form as the Minister may determine on its functions during that financial year, including an audited balance sheet and a statement of income and expenditure. 25

(3) The Minister shall table copies of the report, including the balance sheet and statement of income and expenditure referred to in subsection (2), in Parliament within 14 days after the receipt thereof if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of its next ensuing ordinary session. 25

### **Regulations**

**14.** The Authority may, with the approval of the Minister, make regulations relating to— 30

- (a) any matter which by this Act is required or permitted to be prescribed;
- (b) the moneys payable to the Authority in respect of matters referred to in section 10(5)(a) and (b); and
- (c) any other matter the regulation of which is necessary or expedient to give effect to the provisions of this Act. 35

### **Transitional provision relating to existing bodies**

**15.** (1) Any body established by law which performs functions similar to those of the Authority as provided in section 5 shall continue to perform such functions until the body is abolished or its functions are changed by law. 40

(2) No body contemplated in subsection (1) shall be abolished nor shall the functions of any such body be changed until the Authority and the body have jointly examined the implications of such abolition or change and the implementation of the National Qualifications Framework and made recommendations to the Minister.

(3) This section shall not apply to any body established by a private law of a university. 45

### **Short title**

**16.** This Act shall be called the South African Qualifications Authority Act, 1995.

- (a) vir die verlening van enige registrasie of akkreditering; en
- (b) vir enige dienste deur die Owerheid gelewer.

### **Beamptes en werknemers van Owerheid**

- 11.** Die Owerheid kan, behoudens die diensvooraardes met die goedkeuring van die Minister en die instemming van die Minister van Finansies deur die Owerheid bepaal, die beamptes en werknemers aanstel wat die Owerheid nodig ag vir die verrigting van sy werksaamhede ingevolge hierdie Wet.

### **Toelaes en besoldiging van lede van Owerheid en komitees**

- 12.** Die voorsitter, elke ander lid van die Owerheid en enige persoon wat kragtens artikel 7(1) as 'n lid van 'n komitee aangestel is en, wat nie in die heeltydse diens van die Staat is nie, kan, ten opsigte van dienste deur hom of haar in verband met die sake van die Owerheid of 'n komitee gelewer, deur die Owerheid—
- (a) die reis-, verblyf- en ander toelaes; en
  - (b) in die geval van die voorsitter van die Owerheid, die bykomende vergoeding, betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.

### **Ouditering en jaarverslag**

- 13.** (1) Die rekeningboeke en finansiële state van die Owerheid word aan die einde van elke boekjaar deur die Ouditeur-generaal geouditeer.
- (2) Die Owerheid lê nie later nie as ses maande na die einde van elke boekjaar 'n verslag aan die Minister voor oor sy werksaamhede gedurende daardie boekjaar in die vorm wat die Minister bepaal, met inbegrip van 'n geouditeerde balansstaat en 'n staat van inkomste en uitgawes.
- (3) Die Minister lê afskrifte van die verslag, met inbegrip van die balansstaat en staat van inkomste en uitgawes in subartikel (2) bedoel, binne 14 dae na ontvang daarvan in die Parlement ter Tafel indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van sy daaropvolgende gewone sessie.

### **Regulasies**

- 14.** Die Owerheid kan met die goedkeuring van die Minister regulasies uitvaardig oor—
- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
  - (b) die geld aan die Owerheid betaalbaar ten opsigte van aangeleenthede in artikel 10(5)(a) en (b) bedoel; en
  - (c) enige ander aangeleentheid ten opsigte waarvan regulasies nodig of dienstig is om uitvoering aan die bepalings van hierdie Wet te gee.

### **Oorgangsbeperking met betrekking tot bestaande liggame**

- 15.** (1) Enige liggaam by wet ingestel wat werksaamhede verrig wat soortgelyk is aan dié van die Owerheid soos bepaal in artikel 5, gaan voort om daardie werksaamhede te verrig totdat die liggaam by wet afgeskaf of sy werksaamhede by wet verander is.
- (2) Geen liggaam in subartikel (1) beoog, word afgeskaf nie, en die werksaamhede van geen sodanige liggaam word verander nie, alvorens die Owerheid en die liggaam gesamentlik die implikasies van sodanige afskaffing of verandering en die implementering van die Nasionale Kwalifikasieraamwerk ondersoek het en 'n aanbeveling aan die Minister gedoen het.
- (3) Hierdie artikel is nie van toepassing op 'n liggaam wat by 'n private Wet van 'n universiteit ingestel is nie.

### **50 Kort titel**

- 16.** Hierdie Wet heet die Wet op die Suid-Afrikaanse Kwalifikasie-owerheid, 1995.

