IHOVISI LIKAMONGAMELI

No. 1521. 4 OKHTHOBA 1995

NO. 58 OF 1995: SOUTH AFRICAN QUALIFICATIONS AUTHORITY ACT, 1995.

Niyaziswa ukuthi uMongameli usewuvumile/uyavumelana nalomthetho olandelayo osakazwa lapha ukuze waziwe yibo bonke abantu jikelele:

UMTHETHO

Ukuzwe kuthuthukiswe futhi kweqhutshwe umsebenzi we National Qualifications Framework nokuthi ngalenhloso kusungulwe I-South African Qualifications Authority; nokuhlinzekela izindaba esihambisana nalokhu.

(uShicilelo Lwesilungi lisayidwe nguMongameli) (uwuvumile ngomhlaka 28 September 1995)

KUKHISHWE yiPhalamende lase Rephublikhi yase Ningizimu Afrika ngokulandelayo:

Izincazelo

1. KuloMthetho ngaphandle kokuba indikimba yomusho iqonde okunye:

    i. "Isigungu seziPhathimandla" I- South African Qualifications Authority esungulwe ngokwesigaba 3; (viii)
    ii. "inkampani " isho inkampani noma ukopelentsheni obhalisiwe ngaphansi komthetho ehlinzekela imfundo kanye noqeqesho labasebenzi kanye nalabo bantu ababassizayo; (v)
    iii. "uMqondisi Jikelele" usho uMqondisi-Jikelele wezeMfundo; (i)
    iv. "uNqgongqoshe" usho uNqgongqoshe wezeMfundo, kanti futhi ngenhloso yesigaba 4(2), 4(3), 4(4), 4(5), 4(6), 5(1)(c), 11, 13(2), 14 kanye nesigaba 15(2), kushiwo Ungqongqoshe wezeMfundo emva kokubonisana noNgqongqoshe wezeMisebenzi; (vi)
    v. "National Qualifications Framework" kusho isigungu esibizwa nge National Qualifications Framework esivunywe nguNgqongqoshe ukuba ibhalise amazinga kaZwelonke kanye neziqu; (vii)
    vi. "Ubumbano kwabafundisi (lothisha)" kusho inhlangano noma inyunyane eyilunga loMkhandlu I-Education Labour Relations Council esungulwe ngaphansi koMthetho I -Education Labour Relations Act, 1993 (uMthetho ongunombolo 146 ka 1993), futhi eyaziwa nguNgqongqoshe ngenhloso yaloMthetho; (ii)
    vii. "vunyiwe/ nqunyweyo" kusho okuvunywe/ okunqunywe ngumthethonkambiso; (x)
    viii. "Iziqu/isitifiketi esikuvumela ukuba wenze umsebenzi " kusho ukwamukelwa ngokomthetho impumelelo yokuthola inani elidingekayo lamaphuzu nezinye izidingo emazingeni athile e-National Qualifications Framework engamiswa yiMigwamanda ethintekayo ebhalisilwe lenhloso yi-the South African Qualifications Authority; (iv)
    ix. "okubhalisiwe" kusho okubhalisiwe ngaphansi kwe National Qualifications Framework; (iii)
    x. "amazinga" kusho isitatimende esibhalisiwe sempumelelo efhlosiwe yezeMfundo noqeqesho kanye nenqubo yokuvivinya ehambisana nakho;(ix)

Izimpokophelo ze National Qualifications Framework

2. Okuphokophelwe yi National Qualifications Framework nguku-

    a. ukwakha umhlahlandlela kazwelonke ohlanganyelwe wemiphumelelo yokufunda;
    b. ukwenza lula ukutholakala, ubuhambanendlawana kanye nenqubekela-phambili kwezemfundo, uqeqesho kanye nokuziphendlela umsebenzi;
    c. ukuqhubela phambili izinga/iqophelo lemfundo noqeqesho;
    d. ukuphuthuma ukulungisa lokho okonakaliswa wubandlululo kwezemfundo, uqeqesho kanye namathuba okuthola umsebenzi/okuqashwa; ngalokho
    e. kufakwa isandla ekuthuthukiseni lowo nalowo mfundi ngokupheleleyo kanye nokuthuthukisa inhlalakanhle kanye nomnotho wesizwe sonkana.

Ukusungulwa kwe South African Qualification Authority

3. Lapha kusungulwa isigungu seziPhathimandla esinikwe isikhundla sobuntu ngokomthetho esiyakubizwa nge South African Qualifications Authority.

Umthethosisekelo walesi sigungu sezi Phathimandla

4. (1) Lesi sigungu seziPhathimandla siyakuba nosihlalo oyokhethwa ngokuyalela kwesigaba (2), namanye amalunga angaqokwa ngokwesigatshana (3) no (4), kanye nesiphathimandla esikhulu esiyakuqokwa ngaphansi kwesigatshana (7).

    (2) uNgqongqoshe uyoqoka umuntu onolwazi lomsebenzi nongungoti ezindabeni ezihambisana nezalesisigungu seziPhathimandla, ukuze abe ngusihlalo wesigungu seziPhathimandla.

    (3) uNgqongqoshe uyakuqoka laba abalandelayo ukuba babe ngamalunga esigungu seziPhathimandla ngokulandisa kwesigatshana sesi-4-

    a. ilunga elilodwa eliyophakanyiswa ngu Mqondisi Jikelele;
    b. ilunga elilodwa eliyophakanyiswa yilabo abayizinhloko zemiNyango yezeMfundo yeziFundazwe;
    c. ilunga elilodwa eliphakanyiswe nguMqondisi Jikelele: KwezeMisebenzi
    d. ilunga elilodwa eliphakanyiswe iBhodi loqeqesho likaZwelonke (National Training Board);
    e. amalunaga amabili aphakanyiswe izinhlangano zikazwelonke ezimele ubumbano lwabasebenzi;
    f. amalunga amabili aphakanyiswe iiznhlangano zikazwelonke ezimele ubumbano losomabhizimisi;
    g. ilunga elilodwa eliphakanyiswe ikomiti loThishanhloko bamaNyuvesi elisungulwe ngokwesigaba 6 soMthetho wamaNyuvesi ka 1955 (uMthetho ongunombolo 61 ka 1955);
    h. ilunga elilodwa eliphakanyiswe ikomiti yoThishanhloko bazikole zobuchwephehse (technikon) elisungulwe ngokwesigaba 2 soMthetho wama Thekhnikhoni ka 1993 (uMthetho ongunombolo 125 ka 1993);
    i. ilunga elilodwa eliphakanyiswe umgwamanda kazwelonke omele Abaphathi bamaKolishi othisha aziwayo nguNgqongqoshe;
    j. ilunga elilodwa eliphakanyiswe ngumgwamanda kaZwelonke omele abaphathi bamakolishi obuchwepheshe (technical colleges) abaziwayo uNgqongqoshe ngokwalenhloso;
    k. ilunga elilodwa eliphakanyiswe izinhlangano zikazwelonke ezimele amakolishi okungesiwona amakolishi othisha noma amakolishi obuchwepheshe naziwayo nguNgqongqoshe ngokwalenhloso;
    l. ilunga elolidwa eliphakanyiswe izinhlangano zikazwelonke ezimele umkhakha wezemfundo noqeqesho kwabadala nezaziwayo nguNqgqongqoshe ngokwalenhloso;
    m. ilunga elilodwa eliphaknyiswe izinhlangano ezimele umkhakha wezokuthuthukisa abantwana abasebancane ezaziwayo nguNgqongqoshe ngokwalenhloso;
    n. amalunga amabili aphakanyiswe ubumbano lwabafundisi;
    o. amalunga mabili aphakanyiswe izinhlangano zikazwelonke ezimele abaqeqeshi kanye nabafundisi bezikole zemfundo ephakeme ezaziwayo nguNgqongqoshe ngakwalenhloso;
    p. ilunga elilodwa eliphakanyiswe yizinhlangano zikazwelonke ezimele umkhakha wezidingo zeMfundo ezithile ezaziwayo nguNgqongqoshe ngokwalenhloso;
    q. amalunga angekho ngaphezu kwayisithupha aqokwe nguNgqongqoshe ngokwegunya lakhe;
    r. amalunga angekho ngaphezu kamabili enyulwe yisigungu seziPhathimandla ngokwegunya laso kwaso kwenziwa izincomo kuNgqongqoshe zokuba aqokwe.

    (4) Ngokwenhloso ukuqokwa kwamalunga okukhulunywa ngakho esigabeni 3 ngenhla uNgqongqoshe uyokhipha isaziso ePhephabhukwini likaHulumeni ngenhloso yakhe yokuqoka amalunga esigungu seziPhathimandla bese ecela noma ngubani noma iyiphi inhlangano kulendima okukhulunywa ngayo esigaben 3 ukuba ilethe/balethe amagama abababona bekulungile ukuqokelwa ukuba ngamalunga esigungu seziPhathimandla, ngokolwazi lwabo nobungoti ezindabeni ezihambisana nemisebenzi yesigungu seziPhathimandla kanti ekuletheni lamagama okuzoqokwa kuwo amalunga esigungu seziPhathimandla kuyonakekelwa kakhulu umgomo wokumelelwa (representativity).

    (5) Ngokwenhloso yokuphakanyiswa kwamagama okukhulunywa ngawo esigabeni (n) ngaphansi kwesigaba (3), inhlangano noma inyunyana eyodwa ngeke iphakamise ngaphezu kwegama elilodwa.

    (6) Ilunga lesigungu seziPhathimmandla ngaphandle kwelunga elikhulu liyohlala esikhundleni isikhathi esingeke sibe ngaphezu kweminyaka emithathu okuyoya ngokusho kukaNgqongqoshe ngesikhathi sokuqokwa kwalelo lunga futhi ilunga lingabuye liqokwe futhi lisebenze esinye isikhathi uma isikhathi salo sesiphelile.

    (7) Uma egcwalisa izikhundla esithile uNgqongqoshe uyonakekela lokho okushiwo isigaba (3).

    (8) Amalunga okukhulunywa ngawo ezigabeni (2) and (3), ayoqoka umuntu ofanele ukuba abe yilunga elikhulu ngemibandela yokusebenza eyobonwa yisigungu seziphathimandla ngokuvunyelwa nguNgqongqoshe naye oyovuma emva ngokuvumelana noNgqongqoshe wezezimali.

uMsebenzi weSigungu seziPhathamandla

5. (1) ngaphandle kwalokho okushiwo esigabeni (2), Isigungu seziPhathimandla siyo-

    a. (i) ngamela intuthuko ye -National Qualifications Framework; noku

    (ii) kwakha nokusabalalisa izinqubomgomo kanye nenqubo yoku-

    aa. ukubhaliswa kwemigwamanda enesibopho sokusungula amazinga kanye neziqu nezitifiketi eziyimvume yokwenza umsebenzi kwezemfundo noqeqesho; noku
    bb. nikezwa igunya kwemigwamanda enesibopho sokuqapha kanye nokucubungula imiphumela ngokwamazinga nemvume yokwenza umsebenzi;

    b. ukwengamela ukusentshenziswa kwe National Qualifications Framework, kubalwa noku-

    i. nokubhalisa noma ukugunyaza imigwamanda okukhulunywa ngayo esigabeni (a) kanye nokuyabela imisebenzi;
    ii. Ukubhaliswa kwamazinga kanye nezimvume zokwenza imisebenzi kukazwelonke ;
    iii. Thatha izinyathela zokuqiniseka ngokulandela/ ukugcinwa kwemibandela yokubhaliswa; noku
    iv. Thatha izinyathelo zokuqiniseka ukuthi amazinga kanye nezimvume zokwenza msebenzi ezibhlaisiwe kuyaqathaniseka nokomhlaba wonke jikelele.

    c. ukwaluleka uNgqongqoshe mayela nezindaba ezithinta amazinga kanye nezimvume zokwenza umsebenzi.
    d. babe nesibopho sokuphatha izimali zesigungu seziPhathimandla

    (2) Isigungu seziPhathimandla siyakuqhuba lokho okuphokophelwe ze National Qualifications Framework njengoba kushiwo esigabeni 2 benze nemisebenzi yeSigungu seziPhathimandla ngokuyalela kwesigaba (1)-

    a. Ngemva kokubonisana nangokubambisana neminye iminyango kahulumeni, imigwamanda emiswe ngokomthetho, izinkampani, imigwamanda, izigungu ezinesibopho kwezemfundo, uqeqesho kanye nezitifiketi zamazinga azothinteka yi National Qualifications Framework;
    b. Ngokulandela/ngokungalibali amandla/amagunya ePhalamende kanye nesiShayamthetho seziFundazwe ngokwesigaba 126 soMthethosisekelo kanye namalungelo, amandla kanye nemisebenzi yemigwamanda ephethe amanyuvesi namathekhnikhoni njengoba kumuswe uMthetho wePhalamende.

Imisebenzi yeSikhulu esiphakeme (executive officer)

6. (1) Ilunga elikhulu liyo-

    a. ba nesibopho esigungwini seziphathimandla sokwenza umsebenzi waso ngokulandela okushiwo uMthetho;
    b. Ukuphatha / ukuhlola izikhulu kanye nezisebenzi zesiGungu seziPhathimandla ; nokuthi
    c. abe yisikhulu sesiGungu seziPhathimandla esibhekene nokuphathwa kwezimali ezingenile kanye nezikhokhiwe/ezikhishiwe nezimpahla ezithathekayo ezithengwe yisigungu seziPhathimandla.

    (2) Lesi sikhulu siyosizwa ekwenzeni umsebenzi waso ngezinye izikhulu kanye nabasebenzi besigungu seziPhathimandla ngokubabela kwakhe umsebenzi ngokwesigaba (1).

Amandla esiGungu seziPhathimandla

7. (1)

    a. Isigungu seziPhathimandla singasungula amakomiti futhi ziqashe abantu abangesiwona amalunga esiGungu seziphathimandla ukuba babe ngamalunga ekomiti.
    b. IsiGungu seziPhathimandla ziyoqoka uSihlalo walelo nalelokomiti.
    c. isigungu seziPhathimandla singachitha noma sakhe kabusha ikomiti.
    d. Isigungu seziPhathimandla singadlulisa noma imaphi amandla aso kunoma iliphi ikomiti ngaphandle kwamandla okukhulunywa ngawo kulesisigaba, kodwa lawo mandla awayikususa kusona futhi singakuhoxisa lokho kudluliswa kwamandla noma inini.
    e. Isigungu seziphathimandla singachibiyela noma sichithe inoma isiphi isinqumo sekomiti salelo komiti.

    (2) Isigungu seziPhathimandla singaxazulula izinkinga eziphathelene nokwenza umsebenzi waso okukhulunywa ngazo esigabeni (5)

    (3) Isigungu seziPhathimandla singathola sigcine noma sikhiphe noma iyiphi impahla

    (4) Isigungu seziPhathimandla singanquma ukuba kwenziwe ucwaningo uma sibona lokhu kudingekile ekwenzeni umsebenzi waso.

    (5) Isigungu seziPhathimandla singenza noma imuphi umsebenzi esingawabelwa nguNgqongqoshe ohambisana ne National Qualifications Framework.

Imihlangano ye siGungu seziphathimandla namaKomiti

8. (1) Imihlangano yeSigungu seziPhathimandla noma yamakomiti iyobanjelwa endaweni kanye nesikhathi esiyonqunywa nguSihlalo we siGungu noma wekomiti kuya ngokuthi umhlangano owobani.

    (2) Inqubo yesiGungu seziPhathimandla noma yekomiti ngeke ingasebenzi ngesizathu nje sokuthi bekunesikhala esiGungwini seziphathimandla noma ekomitini.

    (3) Uma ngabe usihlalo weSigungu seziPhathimandla noma wekomiti engekho emhlanganweni amalunga akhona emhlanganweni ayokhetha oyedwa phakathi kawo ukuba engamele lowo mhlangano.

    (4) Isigungu seziPhathimanda singamisa inqubo ezolandelwa emihlanganweni yayo noma imihlangano yekomiti, kubandakanywa nokuthi mangaki amalunga okumele abe khona emhlanweni ukuze kuthathwe izinqumo (quorum)

Ukushiya isikhundla kwamalunga esigungu seziPhathimandla

9. uSihlalo noma iliphi ilunga lesigungu sesiPhathimandla okukhulunywa ngaso esigabeni 4 (3) liyoshiya isikhundla salo uma:

    a. Liphucwa amandla okuphatha ifa lalo yinkatolo ngokomthetho noma evumelana abakweletayo;
    b. Eboshiwe ngaphansi kwanoma imuphi umthetho ngoba egula ngokwengqondo;
    c. Engaveli emhlanganweni yesigungu seziPhathimnalda kuze kube imihlangano emithathu ilandelana engazange anikwe imvume yisigungu seziPhathimandla;
    d. Eshiya umsebenzi ngokwazisa uNgqongqoshe ngokumbhalela isaziso; nokuthi
    e. Uma ngesikhathi esaphethe isikhundla sakhe elahlwa inkantolo ngecala futhi egwetshwa isikhathi esithile ejele ngaphandle kokunikwa imvume yokukhokha inhlawulo.

Izimali zeSigungu seziPhathimandla

10. (1) Izimali zeSigungu seziPhathaimaandla ziyoba -

    a. Izimali ezinikelwe iPhalamende ukuze kufezwe izimpokophelo zesigungu seziPhathimandla;
    b. Izimali ezitholwe yisiGungu ngokulandela umthethonkambiso 14;
    c. izimali ezitholakale ngokuboleka izimali okwenziwe yisiGungu sezoPhathimandla ngokuvumelana nongqongqoshe, ngemvume kaNgqongqoshe wezimali; kanye
    d. Nenzalo etholakale ezimalini esitshaliwe.

    (2) IsiGungu seziphathimandla siyakusebenzisa izimali ukukhokha izindleko zokwenza umsebenzi waso.

    (3)

    (a) Isigungu seziPhathimandla siyothi njalo ekupheleni konyaka wezimali ngesikhathi kanye nangendlela eyomiswa nguNgqongqoshe, sinikeze uNgqongqoshe isitatimende esikhombisa imali esizitholole/ezingenile kanye nezimali ezisetshenzisiwe ngalowo nyaka ngokuvumelana noNgqongqoshe,

    (b) Izimali okukhulunywa ngazo esigabeni (1)(a) ziyosentshenziswa isiGungu seziPhathimandla ngokwesitatimende okukhulunywa ngaso esigabeni (a) , izimali ezingasentshenziswangwa ziyodluliselwa onyakeni olandelayo.

    (4) Ngaphandle kwemibamndela yesigaba (3)(b), IziPhathimandla zingatshala noma engakanani ingxenye yezimali zayo ngendlela emiswe nguNgqongqoshe emva kokuvumelana noNgqongqoshe wezimali.

    (5) Isigungu seziPhathimandla singakhokhisa noma singakhokhisi mali (singabiza imali noma singabizi mali)uma-

    a. Sibhalisa noma sinika igunya; nokuthi
    b. Uma sinika inoma iluphi usizo olunikezwa yisona isigungu seziPhathimandla.

Izikhulu kanye nabasebenzi beSigungu seziPhathimandla

11. Isigungu seziPhathimandla singaqasha izikhulu kanye nabasebenzi esibona ukuthi siyabadinga ukuze siqhube umsebenzi waso ngokoMthetho, ngaphansi kwemibandela yokusebenza esingayimisa nangokuvumelana nongqongqoshe nangokuvunyelwa nongqongqoshe wezimali.

Amaholo kanye nezinye izimali ezingatholwa ngamalunga esigungu seziPhathimandla kanye namalunga

12. uSihlalo kanye namanye amalunga esigungu sesiPhathimandla noma imuphi umuntu oqashwe ukuba abe yilunga lekomiti ngaphansi kwesigaba 7(1) ongesiye umsebenzi kahulumeni ngokugcwele , ngokomsebenzi awenzela izigungu seziPhathimandla noma ophathelene nezindaba zesigungu seziPhathimandla noma sekomiti , angakhokhelwa yisigungu seziPhathimandla -

    a. Izindleko zokugibela/zokuza , ukudla, kanye nezinye imali ezihambisana nalokhu; kanye
    b. Uma ngabe kungusihlalo, angakhokhelwa umholo ongamiswa uNgqongqohse emva kokuvumelana noNgqongqoshe wezimali.

Ukucubungula amabhuku ezimali kanye nombiko wonyaka

13. (1) Izincwadi zokusentshenziswa kwezimali kanye nezitatimende zemali zesigungu seziPhathimandla ziyocutshungulwa ngumcubungulu mabhuku jikelele ekupheleni konyaka wezimali.

    (2) isiGungu seziPhathimandla siyothi njalo zingakapheli izinyanga eziyisithupha emva kokuphela konyaka wezimali sinike uNgqongqoshe umbiko ngendlela eyomiswa nguyena uNgqongqoshe ophathelene nemisebenzi yaso yalowo nyaka kubalwa nomdweshe wezimali ocutshunguliwe kanye nesitatimende ngezimali ezingenile kanye nezisentshenzisiwe.

    (3) Ungqongqoshe uyakwethula lombiko kumbandakanywa nalowo mdweshu wezimali ezikhona ocutshunguliwe kanye nesitatimende sezimali ezingenile kanye nezisentshenzisiwe okukhulunywa ngaso esigabeni (2) ngenhla, zingakapheli izinsuku eziyi- 14 kusukela ngosuku athole ngawo lowombiko uma ngabe iphalamende isebenza, noma zingakapheli izinsuku eziyi-14 kusukela ngosuku eliqale ngalo ukusebenza iphalamende uma ngabe kade livalile ePhalamende.

Imithethonkambiso

14. Isigungu seziPhathimandla singamisa imithethonkambiso ehambisana nalokhu ngokuvunyelwa nguNgqongqoshe -

    a. Yinoma ngaluphi undaba okudingeka noma esivunyelwe nguMthetho ukuba silunqume ;
    b. Ngezimali ezikhokhelwa isigungu seziphathimandla mayelana nezindaba okukhulunywa ngazo esigabeni 10(5)(a) no (b); kanye
    c. Noma iluphi undaba okufanele lulawulwe ukuze kuqhutshwe lokho okumiswe umthetho.

Imibandela yesikhashana mayelana nemigwamanda ekhona

15. (1) Noma imuphi umgwamanda okhona njengamanje owenza umsebenzi ofanayo nalowo wesiGungu seziPhathimandla omiswe esigabeni 5 uyoqhubeka nokwenza lowo msebenzi uze uchithwe noma umsebenzi wawo ushintshwe ngokomthetho.

    (2) Akukho mgwamanda okukhulunywa ngawo esigabeni (1) ngenhla oyochithwa noma imisebenzi yawo ishintshwe kuze kube iSigungu seziPhathimandla kanye nawo lowomgwamanda ngokubambisana babheke imiphumela yalokho kuchitha noma ukushitshwa kanye nokusentshenziswa kwe National Qualifications Framework kwenziwe izincomo kuNgqongqoshe.

    (3) Lesisigaba asiyikusebenza kunoma imuphi umgwamanda osungulwe umthetho wangasese wamaNyuvesi.

Igama ngokufingqiwe

16. LoMthetho uyakubizwa ngoMthetho we-South African Qualifications Authority Act ka 1995.