



The NQF Amendment Act of 2019 and its implications

Dr Makhapa Makhafola & Mr. Navin Vasudev

1. The Amendment Act of 2019 in Summary

To amend the National Qualifications Framework Act, 2008, so as to revise and insert certain definitions; to provide for the formulation of criteria for declaring national qualifications authentic and for evaluating foreign qualifications; to provide for the establishment and maintenance of separate registers of misrepresented or fraudulent qualifications or part-qualifications; to provide for a separate register for professional designations; to provide for offences and penalties which have a bearing on fraudulent qualifications; and to provide for matters connected therewith.

2. The delay in the implementation of the Amendment Act of 2019

The Amendment Act was assented to and signed into law by the President on 13 August 2019 and published for general information in Government Notice No. 1078 of Government Gazette No. 42646 of 19 August 2019. Section 9(1) thereof provides that it would only come into operation on a date to be determined by the President by Proclamation in the Gazette. Further, section 9(2), provides that different dates of commencement may be so determined for different sections of the Act.

In terms of the former section, the Act could only come into operation once the President had determined the date or dates of the commencement of various section thereof by Proclamation in the Gazette. To obtain a Presidential Proclamation is a process on its own.

There were several reasons that caused the delay in the implementation of the Act most of which were not in the control of the Department or SAQA. Some of these reasons were:

- The COVID-19 lockdown;
- Engagements that had to take place in preparation of the implementation of the Act and implementation challenges that were presented by certain sections;
- The process involved in getting the President to sign the Proclamation;
- The process involved in the publication of the Notice/Proclamation by the Government Printing Works.

3. Highlighting the key amendments

The NQF Amendment Act of 2019 introduces significant changes to the education system, enhancing clarity and accountability. In summary, the NQF Amendment Act of 2019 is designed to clarify roles and strengthen the verification process for qualifications, establish guidelines for assessing foreign qualifications, and impose legal consequences for fraudulent activities. These changes are vital to upholding the integrity of the South African educational system. The following are the key amendments:





- **Updated Definitions:** The Act clarifies and expands upon the definitions outlined in the original 2008 Act.
- **Evaluation of Foreign Qualifications:** The Act establishes a structured framework for evaluating qualifications obtained from foreign educational institutions.
- **Register for Misrepresented Qualifications:** A dedicated register will be maintained to document misrepresented or fraudulent qualifications, thereby promoting transparency and accountability.
- **Professional Designations Register:** Another register will be created specifically for professional titles or designations, ensuring accurate recognition.
- **Referral to SAQA:** Qualifications or part-qualifications must be submitted to SAQA for verification and evaluation in order for SAQA to proclaim on authenticity, ensuring a consistent national standard.
- **Legal Consequences:** The Act outlines specific offenses and penalties for individuals convicted of qualification fraud, serving as a deterrent against malpractice.

4. Way forward

Now that the Act has been proclaimed, regulatory alignment review is necessary. This means that DHET SAQA and the Quality Councils (QCs) will commence the process of consulting widely to clarify and operationalize the provisions of the amendment Act. This regulatory review process will aim to identify provisions that may need to be further unpacked or regulated and may result in policy review or the issuing of regulations.

All provisions, excluding *Clauses 1(h), 3(3) and 32A (1)* of the Amendment Act came into force on 13 October 2023.

MS NADIA STARR
CHIEF EXECUTIVE OFFICER

