Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette	*No. 11833*	*Regulasiekoerant*
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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

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NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (*GPW*).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as **@gpw.gov.za**

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at **www.gpwonline.co.za**
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: **Annamarie.DuToit@gpw.gov.za**

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: **Bonakele.Mbhele@gpw.gov.za**

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: **Daniel.Legoabe@gpw.gov.za**

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2025

*The closing time is **15:00** sharp on the following days:*

- **24 December,** Wednesday for the issue of Friday **03 January 2025**
- **03 January,** Friday for the issue of Friday **10 January 2025**
- **10 January,** Friday for the issue of Friday **17 January 2025**
- **17 January,** Friday for the issue of Friday **24 January 2025**
- **24 January,** Friday for the issue of Friday **31 January 2025**
- **31 January,** Friday for the issue of Friday **07 February 2025**
- **07 February,** Friday for the issue of Friday **14 February 2025**
- **14 February,** Friday for the issue of Friday **21 February 2025**
- **21 February,** Friday for the issue of Friday **28 February 2025**
- **28 February,** Friday for the issue of Friday **07 March 2025**
- **07 March,** Friday for the issue of Friday **14 March 2025**
- **13 March,** Thursday for the issue of Thursday **20 March 2025**
- **20 March,** Thursday for the issue of Friday **28 March 2025**
- **28 March,** Friday for the issue of Friday **04 April 2025**
- **04 April,** Friday for the issue of Friday **11 April 2025**
- **10 April,** Thursday for the issue of Thursday **17 April 2025**
- **16 April,** Wednesday for the issue of Friday **25 April 2025**
- **23 April,** Wednesday for the issue of Friday **02 May 2025**
- **02 May,** Friday for the issue of Friday **09 May 2025**
- **09 May,** Friday for the issue of Friday **16 May 2025**
- **16 May,** Friday for the issue of Friday **23 May 2025**
- **23 May,** Friday for the issue of Friday **30 May 2025**
- **30 May,** Friday for the issue of Friday **06 June 2025**
- **06 June,** Friday for the issue of Friday **13 June 2025**
- **12 June,** Thursday for the issue of Friday **20 June 2025**
- **20 June,** Friday for the issue of Friday **27 June 2025**
- **27 June,** Friday for the issue of Friday **04 July 2025**
- **04 July,** Friday for the issue of Friday **11 July 2025**
- **11 July,** Friday for the issue of Friday **18 July 2025**
- **18 July,** Friday for the issue of Friday **25 July 2025**
- **25 July,** Friday for the issue of Friday **01 August 2025**
- **01 August,** Friday for the issue of Friday **08 August 2025**
- **08 August,** Friday for the issue of Friday **15 August 2025**
- **15 August,** Friday for the issue of Friday **22 August 2025**
- **22 August,** Friday for the issue of Friday **29 August 2025**
- **29 August,** Friday for the issue of Friday **05 September 2025**
- **05 September,** Friday for the issue of Friday **12 September 2025**
- **12 September,** Friday for the issue of Friday **19 September 2025**
- **18 September,** Thursday for the issue of Friday **26 September 2025**
- **26 September,** Friday for the issue of Friday **03 October 2025**
- **03 October,** Friday for the issue of Friday **10 October 2025**
- **10 October,** Friday for the issue of Friday **17 October 2025**
- **17 October,** Friday for the issue of Friday **24 October 2025**
- **24 October,** Friday for the issue of Friday **31 October 2025**
- **31 October,** Friday for the issue of Friday **07 November 2025**
- **07 November,** Friday for the issue of Friday **14 November 2025**
- **14 November,** Friday for the issue of Friday **21 November 2025**
- **21 November,** Friday for the issue of Friday **28 November 2025**
- **28 November,** Friday for the issue of Friday **5 December 2025**
- **05 December,** Friday for the issue of Friday **12 December 2025**
- **11 December,** Thursday for the issue of Friday **19 December 2025**
- **17 December,** Wednesday for the issue of Wednesday **24 December 2025**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

Extraordinary Gazettes

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

Notice Submission Process

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 6186 **16 May 2025**

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)

DRAFT NATIONAL DUST CONTROL AMENDMENT REGULATIONS FOR PUBLIC COMMENT

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 32 and 53(o), read with sections 55(3), 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), publish the draft National Dust Control Amendment Regulations for public comment, as set out in the Schedule hereto.

The purpose of the proposed amendments is to address the regulatory gaps identified in the implementation of the existing National Dust Control Regulations, 2013. The proposed amendments are aimed at improving dust control measures by-

(i) identifying distinct activities to which the Regulations apply;
(ii) updating the standard test method for the collection and measurement of dustfall to a locally accessible method as adopted by the South African Bureau of Standards;
(iii) improving the administration requirements for the development, implementation, and procedural matters with respect to dust management plans; and
(iv) repealing the existing National Dust Control Regulations published in Government Notice No. 827, Government *Gazette* No. 36974 of 1 November 2013.

Members of the public are invited to submit written comments within 30 (thirty) days from the date of publication of this notice in the Government *Gazette* or newspapers, whichever date is the last date, to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Mapitso Nkoko
Private Bag X477
PRETORIA
0001
By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, 0083
By email: MNkoko@dffe.gov.za

Any inquiries in connection with this Notice can be directed to Mr Rishaal Krishnanund at Tel: 012 399 9398/ Cell: 082 359 5792 or by email: RKrishnanund@dffe.gov.za or Mr Mapitso Nkoko at Tel: (012) 399 9214 / Cell: 071 640 4613, or by e-mail: MNkoko@dffe.gov.za

Comments received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated

into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice



DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

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1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise—

"dust" means settleable particulate matter, including any material composed of particles small enough to pass through a 1 mm screen but large enough to settle by virtue of their weight into the sampling container from the ambient air;

"dustfall" means the deposition of dust;

"dust management plan" means a plan with control measures for preventing, minimizing, and managing dust, including fugitive dust;

"dustfall monitoring programme" means a programme for the monitoring of dustfall on a continuous basis;

"fugitive dust" means solid airborne particulate matter generated or emitted from any source other than a stack or chimney;

"historical mine dump" means debris, discard, residues, slimes, screening, slurry, tailings, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to prospecting, exploration, mining or production operations, which do not require any authorisation in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

"licensing authority" has the meaning assigned to it in the Act;

"listed activity" has the meaning assigned to it in the Act;

"non-residential area" means any area, of which the land is used for agricultural, industrial, transport, commercial, business or mining purposes as prescribed under schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

"nuisance" means an unreasonable interference or likely interference caused by dust to the use or enjoyment by an owner or occupier of his or her property or environment, or to the ordinary comfort, convenience and peace.

"person" has the meaning assigned to it in the National Environmental Management Act, 1998 (Act No.107 of 1998);

"premises" means any building or other structure together with the land on which it is situated, and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures from which dust may be generated;

"reclamation" means obtaining materials of value from a historical mine dump;

"residential area" means any area of which the land is used for the purposes listed in schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), excluding land used for agricultural, industrial, commercial, business, transport or mining purposes;

"SANAS" means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

"SANS 1137" means the last approved version of the South African National Standard 1137, which is the standard test method for the collection and measurement of dustfall (settleable particulate matter);

"sensitive receptors" means locations that may be adversely affected by dust emissions, which include but is not limited to hospitals, schools, daycare centres, surface water and sensitive ecological areas; and

"The Act" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

2 Purpose of the Regulations

The purpose of these Regulations is to prescribe—

(1) measures for the control of dust in all areas nationally; and
(2) steps that must be taken to prevent nuisance by dust.

3 Application of the Regulations

These Regulations shall apply nationally to—

(a) any holder of a right or permit related to a prospecting, exploration, mining, or production operation, as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
(b) any person conducting reclamation;
(c) any person conducting a listed activity and is required in terms of the provisional or atmospheric emission licence to develop a dust management plan;
(d) any person conducting a controlled emitter that has the potential to generate dust; and
(e) any person conducting an activity that an air quality officer reasonably suspects is causing or has the potential to cause nuisance by dust.

4 Dustfall Standard Test Method

The standard test method for the collection and measurement of dustfall shall be SANS 1137. The last approved version of this method shall apply.

5 Prescribed Dustfall Rates

Prescribed dustfall rates and permissible frequency of exceedances are set out in the table below:

Restriction Areas	Dustfall rate (D) (mg/m²/day, 30-day period)	Permitted frequency of exceeding dustfall rate
Residential area	D ≤ 600	Twice within a year, not occurring on sequential months.
Non-residential area	D ≤ 1200	Twice within a year, not occurring on sequential months.

6 Development of a Dust Management Plan

(1) An identified person in regulation 3(a) or (b) must within 60 days of the coming into operation of these Regulations, develop and submit for approval, a dust management plan to any of the air quality officers in the municipality where dust is generated.
(2) An identified person in regulation 3(c) must within 60 days of the coming into operation of these Regulations, develop and submit for approval, a dust management plan to the relevant licencing authority.
(3) An identified person referred to in regulation 3(a), (b) or (c) who has not yet commenced activities when these Regulations come into operation must develop and submit for approval

a dust management plan to the air quality officer or licencing authority contemplated in subregulation (1) or (2), prior to commencement of the activity.

(4) The licensing authority must upon approval of a dust management plan, incorporate an approved dust management plan into the atmospheric emission license for listed activities that are likely to generate dust emissions.

(5) An identified person in regulation 3(d) and (e) must, upon receipt of a written notice from an air quality officer, develop and submit a dust management plan for approval within the timeframe determined by an air quality officer.

(6) The timeframe determined by the air quality officer in regulation 6(5) may not exceed 60 days.

(7) An air quality officer or licensing authority must, within 60 days of receipt of a dust management plan, approve the plan for implementation if it meets the requirements of regulation 7.

(8) The identified person in regulation 3 must implement an approved dust management plan from the date of commencement of the activities or, where activities have already commenced, from the date of approval of the plan.

7 Contents of a Dust Management Plan

(1) A dust management plan contemplated in these Regulations must include—

(a) the person responsible for the implementation of the dust management plan;

(b) a description of the surrounding land use (within 5 km radius);

(c) a description of the premises and all possible sources of dust and activities with the potential to generate dust within the premises;

(d) detailed and time-bound control measures that must be taken to prevent, minimize and manage dust, including fugitive dust;

(e) measures to manage dust complaints and complaints register;

(f) measures that must be taken to prevent nuisance by dust;

(g) a dustfall monitoring programme if required by the air quality officer or licensing authority with the following:

i. Procedures for the collection and measurement of dustfall in terms of the standard test method; and

ii. Dust monitoring sampling sites sufficient in number to monitor identified or likely sensitive receptor locations in the vicinity of the premises; and

(h) any other relevant information as an air quality officer or licencing authority may deem necessary.

8 Reporting on the Implementation of a Dust Management Plan

(1) The identified person in regulation 3(a), (b), (d) and (e) must submit a report on the implementation of an approved dust management plan to the air quality officer at monthly intervals or as may be required by the air quality officer.

(2) The identified person in regulation 3(c) must submit a report on the implementation of an approved dust management plan to the licensing authority at monthly intervals or as may be required by the licensing authority.

(3) The implementation report contemplated in regulation 8(1) and (2) must include—

(a) measures undertaken to prevent, minimize and manage generation of dust;
(b) actions taken and responses to address the complaints of nuisance by dust; and
(c) a dustfall monitoring report, if required by the air quality officer or licensing authority, comprising of the following:
  (i) Information on the location of sampling sites, including latitudinal and longitudinal coordinates, and a position indicator on a topographic map;
  (ii) Information on classification of the area where samplers are located, in terms of residential and non-residential, and identification of sensitive receptors, if applicable;
  (iii) Dustfall monitoring results, including a tabular summary of dustfall rates for the monitoring period compared to the limit values set out in regulation 5, and a comparison with monthly historical results for at least the previous year for each site, where historical data is available;
  (iv) Meteorological information on wind speed, wind direction and rainfall for the sampling site;
  (v) Proof of SANAS accreditation on the use of SANS 1137; and
  (vi) Any other relevant information as might be required by the air quality officer or the licensing authority.

9 Monitoring and Reviewing of a Dust Management Plan

(1) An air quality officer or licensing authority may require a person contemplated in regulation 3 to review an approved dust management plan if—
  (a) the report contemplated in regulation 8(1) and (2) demonstrates non-compliance with the dustfall rates; or
  (b) there is reasonable suspicion that dust control measures in the approved dust management plans are not adequately preventing, minimizing or managing dust including fugitive dust and are not preventing nuisance by dust.
(2) The identified person in regulation 3(a), (b), (d) and (e) required to review an approved dust management plan contemplated in regulation 9(1), must submit the reviewed plan to the air quality officer within 60 days of the written notice.
(3) The identified person in regulation 3(c) required to review an approved dust management plan contemplated in regulation 9(1), must submit the reviewed plan to the licensing authority within 60 days of the written notice.
(4) An air quality officer or licensing authority must within 60 days of receipt of a reviewed dust management plan, approve the plan for the implementation, if it meets the requirements of regulation 7.
(5) The identified person in regulation 3 must implement an approved reviewed dust management plan from the date of approval of the plan.

10 Transitional Provisions

(1) An identified person in regulation 3(a), (b) and (d), in possession of an approved dust management plan prior to the promulgation of these Regulations must submit a reviewed plan in line with these Regulations to an air quality officer for approval, within 60 days of the coming into operation of these Regulations.
(2) An identified person in regulation 3(c) in possession of an approved dust management plan prior to the promulgation of these Regulations must submit a reviewed plan in line with these

Regulations to the relevant licensing authority for approval, within 60 days of the coming into operation of these Regulations.

(3) An identified person in regulations 10(1) and (2) must include in the reviewed plans, a transitioning period from using the ASTM D1739:1970 or equivalent method approved by any international recognized body to the method prescribed in regulation 4, which period must not exceed six (6) months from the date of coming into effect of these Regulations.

(4) An air quality officer or licensing authority must within 60 days of receipt of a reviewed dust management plan, approve the plan for the implementation if it meets the requirements of regulation 7.

(5) The identified person in regulation 3 must implement an approved reviewed dust management plan from the date of approval of the plan.

(6) Pending the approval of the reviewed dust management plan contemplated in regulation 10(1) and (2), the existing approved dust management plan shall remain valid with full legal force and effect.

11 Offences

A person is guilty of an offence if that person contravenes or fails to comply with a provision of regulation 6(1); 6(2); 6(3), 6(5); 6(8); 8(1); 8(2); 9(2); 9(3); 9(5); 10(1); 10(2); or 10(5).

12 Penalties

A person convicted of an offence referred to in regulation 11 is liable to a fine not exceeding R5 million rand, or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both such fine and imprisonment.

13 Repeal of the Regulations

The National Dust Control Regulations, 2013 promulgated by Government Notice No. R. 827, published in Government *Gazette* No. 36974 of 1 November 2013 are hereby repealed.

14 Short Title and Commencement

These Regulations are called the National Dust Control Regulations, 2025 and will come into operation on the date of publication in the Government *Gazette*.

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. R. 6187 **16 May 2025**

CALL FOR PUBLIC COMMENTS INTO THE AMENDMENT OF THE NATIONAL QUALIFICATIONS FRAMEWORK ACT, 67 OF 2008

I, the Minister of Higher Education and Training, **Dr Nobuhle Pamela Nkabane**, in performing a function consistent with the National Qualifications Framework Act, No 67 of 2008, invite in terms of section 8(4) of the Act, public comments into the draft National Qualifications Framework Further Amendment Bill, 2024.

The public comments are invited from all stakeholders on the proposed amendments. The draft National Qualifications Framework Bill, 2024 is available from the www.dhet.gov.za.

The public comments must be sent electronically to the Legal and Legislative Service to the attention of the Director: Mr Dumisani Makhaye at the following email address: Makhaye.d@dhet.gov.za , Letsoalo.c@dhet.gov.za, LegislativeComments@Dhet.gov.za and for other details contact his office at the number: 012 312 5795/6160

DR NP NKABANE, MP
MINISTER OF HIGHER EDUCATION AND TRAINING
DATE: 24/03/2025

NATIONAL QUALIFICATIONS FRAMEWORK FURTHER AMENDMENT BILL, 2024

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill published in Government Gazette No. of) (The English text is the official text of the Bill) ----------

(MINISTER OF HIGHER EDUCATION AND TRAINING, SCIENCE AND INNOVATION)

[B—2024]

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GENERAL EXPLANATORY NOTE:

- **[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

- (_____) Words underlined with a solid line indicate insertions in existing enactments.

BILL

To further amend the National Qualifications Framework Act, 2008 so as to provide for a uniform and aligned legislative framework for effective regulation and implementation of a single and comprehensive, efficient, integrated NQF system; to provide for the amendment and insertion of certain definitions so as to provide clarity of the meaning of terms; to provide for the formulation of criteria for evaluating foreign qualifications; to provide for the offering of foreign qualifications and online programmes within the Republic; to provide for further functions of the SAQA; to provide for the verification of qualifications and programmes by Umalusi; to provide further clarity of the functions and responsibilities of the Minister entrusted with the administration of this Act, Minister of Basic Education, SAQA, Quality Council and professional bodies; and to provide for matters connected therewith.

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BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:

Amendment of section 1 of Act 67 of 2008, as amended by section 1 of Act 26 of 2010 and section 1 of Act 12 of 2019

1. Section 1 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008) (herein referred to as the principal Act) is hereby amended—

(a) by the insertion before the definition of "authenticity" of the following definitions:

'articulation' means the process of forming connections between qualifications or part-qualifications at programme level to allow for mobility of learners and students through the formal education and training system and its linkages with the world of work;

'award' means the formal acknowledgement by the relevant authority of the achievement of the stated learning outcomes of a qualification and part-qualification;";

(b) by the substitution for the definition of "**authenticity**" of the following definition:

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"'**authentic qualification or part-qualification'**, in relation to a qualification or part-qualification means–

(a) a national qualification or part-qualification that is–

(i) registered on the NQF;

(ii) offered by a registered, established, declared, or merged and accredited education institution or skills development provider in terms of the applicable law; and

(iii) which has been lawfully obtained; and

(b) in relation to a foreign qualification means a qualification or part-qualification–

(i) that is lawfully offered by and obtained from a recognised foreign education institution; and

(ii) which has been verified and evaluated by the SAQA in terms of this Act;";

(c) by the insertion after the definition of "board" of the following definition:

"'**certification'** means formal recognition of a qualification or part-qualification awarded to a successful learner;";

(d) by the substitution for the definition of "e" of the following definition:

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"'**education institution'** means a South African education institution that is established, declared or registered by law;

(e) by the insertion after the definition of "education institution " of the following definition:

"'**education management information system'** means the method used by the Department of Basic Education to develop and maintain an integrated education information system for management of education through acquisition, processing, dissemination and reporting of quality education data;";

(f) by the substitution for the definition of "evaluate" of the following definition:

"'**evaluate'** means the assessment process conducted by the SAQA-

(a) to verify the authenticity of a foreign qualification, and

(b) compare it with a South African qualification on the NQF,

and 'evaluation' has a corresponding meaning;";

(g) by the substitution for the definition of "foreign institution" of the following definition:

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"**'foreign education institution'** means a foreign juristic person legally authorised in terms of the laws of a foreign country to offer a qualification or partial qualification and confer such a qualification;";

(h) by the insertion after the definition of "foreign institution" of the following definition:

"**'foreign qualification'** means a qualification that is legally offered by and obtained from a recognised foreign education institution or its subsidiary which is evaluated and certified by the SAQA in terms of this Act and its policies;";

(i) by the substitution for the definition of "**fraudulent qualification or part-qualification**" of the following definition:

"**'fraudulent qualification or part-qualification' [is]** means a **[verified]** national or foreign qualification or part-qualification **[registered on the NQF or an evaluated foreign qualification or part-qualification, which is found to be]** which after verification or evaluation by SAQA or a delegated body in terms of this Act is found to be forged, fraudulently obtained or awarded in contravention of this or any other relevant Act **[,]** or a law of a foreign country **[and has been declared as such by a court of law]**;";

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(j) by the insertion after the definition of "GENFETQA Act" of the following definition:

"'**guidelines'** means the directives determined and published by the Minister as contemplated in section 8(2)*(c)* of this Act to—

(i) assist the SAQA in carrying out its mandate;

(ii) guide education and training institutions, skills development providers and professional bodies in their operation regarding compliance with the Act;

(iv) guide Quality Councils in their operation and functions to execute their mandate in terms of this Act;

(v) regulate the management of conflict between various entities to which this Act applies; and

(vi) regulate any other matter necessary for the implementation of and compliance with this Act;";

(i) by the insertion after the definition of "Higher Education Act" of the following definition:

"'**Higher Education and Training Management Information System'** means the integrated unit level record system of the Department of Higher Education and Training, including all processes, rules, standards, and

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responsibilities for data collection and management in the PSET sector and **'HETMIS'** has a corresponding meaning;";

(j) by the insertion after the definition of "learning" of the following definition:

"**'learning programme'** means a purposeful and structured set of learning experiences in a specialised field, that leads to a qualification or part-qualification;";

(k) by the substitution for the definition of "**level**" of the following definition:

"**'level'** means **[a level contemplated in Chapter 2]** one of the series of levels of learning achievement contemplated in Chapter 2 of this Act, arranged in ascending order from 1 to 10 according to which the NQF is organised and to which qualification type are linked;";

(l) by the insertion after the definition of "level" of the following definition:

"**'merged'** means combined two or more post-school education and training institutions into one in terms of the relevant Act;";

(m) by the substitution for the definition of "**Minister**" of the following definition:

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"'**Minister'** means the Minister **[of]** responsible for higher education and training;";

(n) by the substitution for the definition of "**misrepresented qualification or part-qualification**" of the following definition:

"'**misrepresented qualification or part-qualification**' **[is a qualification or part-qualification]** includes any national or foreign qualification or part-qualification that is ostensibly authentic held by a holder genuinely believing it to be legitimate which–

(a) is erroneously issued to the holder by an education institution, skills development provider, a foreign education institution or its agent or authority without the holder having satisfied all the requirements to obtain such a qualification or part/partial qualification, and presented by the holder in good faith for purposes of enrolment to study, employment, appointment or any other legitimate purpose which can be revoked or withdrawn by the awarding institution or body; or

(b) is held by the holder genuinely believing it to be authentic, awarded by an education institution, skills development provider or a foreign institution that is not registered or accredited or both, to offer such qualification or part-qualification by the relevant body in terms of the law; or

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(c) not recognised by SAQA or the relevant foreign qualifications body as authentic or valid qualification; or

(d) after evaluation by SAQA it is reclassified to be on a different NQF level according to the level descriptor;";

(o) by the substitution for the definition of "**national learners' records database**" of the following definition:

"'**national [learners'] records database'** means the electronic management information system **[as contemplated in section 13(1)*(l)*]** of the NQF managed by SAQA contemplated in section 13(1)*(l)* of this Act consisting registers of–

(a) registered national qualifications or part-qualifications;

(b) qualifications and part-qualification requirements and related information;

(c) learner and student qualifications or part-qualification achievements;

(d) details of the education institution or QC that awarded the qualification or part-qualification;";

(p) by the substitution for the definition of "**NQF**" of the following definition:

"'**NQF'** means **[the national qualifications framework contemplated in Chapter 2;]** a single integrated system approved by the Minister

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consisting of three co-ordinated qualifications sub-frameworks contemplated in section 7 of this Act which provides for the–

(i) classification;

(ii) registration;

(iii) publication;

(iv) articulation of quality-assured national qualifications and part-qualifications;

(v) promotion of access to and progression within the broader national education and training system; and

(vi) facilitates local and international verification, evaluation and recognition of qualifications and part-qualifications;";

(q) by the insertion after the definition of "NQF" of the following definition:

"'**occupational qualification**' means a qualification linked with work-based learning that builds learners' competencies through applied knowledge, practical work and work experience associated with a trade, occupation or profession appropriate to particular levels on the NQF;";

(r) by the insertion after the definition of "occupational qualification" of the following definition:

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"'**part-qualification'** means an assessed unit of learning, with a clearly defined purpose that is registered as part of a qualification on the NQF;";

(s) by the insertion after the definition of "part-qualification" of the following definition:

"'**prescribed'** means prescribed by the Minister by regulations;";

(t) by the substitution for the definition of "**professional body**" of the following definition:

"'**professional body'** means **[anybody of expert practitioners in an occupational field and includes an occupational body]** a statutory or non-statutory body established to regulate and monitor the practice and conduct of industry professionals, and includes an occupational body;";

(u) by the substitution for the definition of "**qualification**" of the following definition:

"'**qualification'** means a national qualification registered on the NQF in terms of this Act consisting of a planned combination of learning outcomes with a defined purpose, intended to provide qualifying person with applied competence and a basis for further learning which has been

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assessed in terms of exit level outcomes and certified and awarded by a recognised body;";

(v) by the insertion after the definition of "qualification" of the following definitions:

"'**quality assurance'** means the processes of ensuring that specified standards, criteria or requirements for teaching, learning, education administration, assessment and the recording of achievements are met;";

"'**Quality Council'** means a statutory established Quality Councils contemplated in Chapter 5 of this Act;";

"'**QCTO'** means the Quality Council for Trades and Occupations established in terms of section 26G of the Skills Development Act;";

(w) by the insertion after the definition of "QCTO" of the following definition:

"'**Recognition of Prior Learning (RPL)'** means a process through which prior knowledge and skills of a person are made visible, mediated and assessed for the purposes of-

(i) alternative access and admission;

(ii) recognition and certification;

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(iii) further learning and development; or

(iv) employment;";

(x) by the deletion of the definition of '**SAQA Act'** after the definition of "**SAQA**";

(y) by the substitution for the definition of "SAQA Certificate of Evaluation" for the following definition:

"'**SAQA Certificate of Evaluation'** means an official document issued by the SAQA in respect of a foreign qualification indicating the authenticity and comparability of that qualification with a South African qualification registered on the NQF;";

(z) by the substitution for the definition of "**skills development provider**" of the following definition:

"'**skills development provider'** means **[a provider that is registered with the Department in terms of the Continuing Education and Training Act,]**

(i) a public skills provider established, deemed to have been established, declared or merged as such; or

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(ii) a private skills provider registered or deemed to have been registered by the QCTO or declared as such in terms of the Skills Development Act, and

(iii) which is accredited by the QCTO to offer occupational qualifications or part-qualifications;";

(aa) by the substitution for the definition of "sub-framework" of the following definition:

"'**sub-framework**' means one of three coordinated qualifications sub-frameworks contemplated in section 7 of the Act which constitute the NQF as a single integrated system;";

(bb) by the insertion after the definition of "sub-framework" of the following definition:

"'**system of collaboration**' means the agreed mechanism to guide the mutual relations of SAQA, the QCs, and relevant Departments in such a manner as to promote constructive cooperation contemplated in section 13(1)*(f)*(i);";

(cc) by the substitution for the definition of "**verification**" of the following definition:

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"'verification' [means the process followed by SAQA to determine the authenticity of a qualification or part-qualification in terms of the relevant SAQA policy and procedures.]

(a) in relation to SAQA means—

(i) the process undertaken by SAQA to ascertain the authenticity of a qualification or part-qualification in terms of section 13(1)*(h)*(iv) read with section 13(1)*(m)* and 13(1A) of this Act and SAQA policies and procedures; or

(ii) the process undertaken by SAQA to evaluate foreign qualifications as contemplated in section 13;

(b) in relation to the Quality Councils, except for the CHE, means the process undertaken by the relevant QCs to authenticate the attainment of a statement of results for the qualification under its sub-frameworks in terms of its policies and procedures as contemplated in section 27*(h)*(v) of this Act;

(c) in relation to qualifications and part-qualifications on the Higher Education Qualifications Sub-Framework means the process undertaken by higher education institutions to authenticate the statement of results for a qualification under the Higher Education Qualifications Sub-Framework;

(d) in relation to national and foreign qualifications providing alternative access to higher education, means the process undertaken by

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Umalusi to ensure alternative access to public and private higher education;";

Amendment of section 2 of Act 67 of 2008 as substituted by section 2 of Act 12 of 2019

2. The following section is hereby substituted for section 2 of the principal Act as substituted by section 2 of Act 12 of 2019:

"**2 Objects of Act**

The objects of this Act **[is]** are to provide for—

(a) the further development, organisation and governance of the NQF and related matters; and

(b) a uniform and aligned legislative framework for effective regulation and implementation of a comprehensive, efficient, single, integrated and simple NQF system to facilitate the realisation of its objectives.".

Amendment of section 3 of Act 67 of 2008, as amended by section 9 of Act 26 of 2010 and section 3*(a)* and *(b)* of Act 12 of 2019

3. Section 3 of the principal Act is hereby amended:

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(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to the limitation of any provision in this Act, **[T]** this Act applies to—

(a) education programmes or learning programmes that lead to qualifications or part-qualifications offered within the Republic by—

(i) education and training institutions; and

(ii) skills development providers; **[and]**

(b) recognised professional designations **[, subject to the limitations prescribed in this Act.]**;

(c) local and foreign education institutions and skills development providers offering foreign qualifications and programmes online or through any other mode of delivery within the Republic of South Africa

(d) foreign qualifications referred to SAQA for verification or evaluation in terms of this Act; and

(e) recognised professional bodies.".

(b) by the substitution for subsection (3) of the following subsection:

"(3) Every private education and training institution or skills development provider offering education and training programme or any

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component thereof towards a qualification or part-qualification**[,]** must be—

(a) registered by the **[relevant]** Department as a private education institution or the QCTO in case of a skills development provider; and

(b) accredited by the relevant QC to offer such qualification or part-qualification.".

Amendment of section 4 of Act 67 of 2008

3. The following section is substitute for section 4 of the principal Act:

"**4 Framework**

(a) The NQF is a comprehensive, integrated and formalised mechanism of national qualifications and part-qualifications approved by the Minister that regulates the-

(i) development;

(ii) classification;

(iii) registration;

(iv) publication; and

(v) articulation of quality-assured national qualifications and part qualifications.

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(b) It promotes access to and provides for mobility and progression within the broader national education and training system and facilitates local and international verification and recognition of national qualifications and part-qualifications.

(c) It consists of three coordinated qualifications sub-frameworks contemplated in section 7 determined by the Minister in terms of section 8(2)*(e)* of this Act.".

Amendment of section 5 of Act 67 of 2008

4. Section 5 of the principal Act is hereby amended:

(a) by the substitution for the heading of the following heading:

"**The objectives of the NQF**";

(b) by the substitution for paragraphs (a) and (b) respectively in subsection (1) of the following paragraphs:

"*(a)* create a single comprehensive, integrated and formalised national **[framework]** mechanism for learning achievements;

(b) facilitate access to, and mobility and progression through transparent and flexible entry requirements and articulation pathways within education, training and career paths;";

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(c) by the insertion in subsection (1) after paragraph *(d)* of the following paragraphs:

"*(e)* enhance and safeguard the credibility and integrity of South African national qualifications and part-qualifications; and

(f) promote the development and offering of qualifications and part-qualifications that are distinctly South African and/or African, while being internationally comparable.";

(d) by the substitution for subsection (2) of the following subsection:

"(2) The objectives of the NQF **[are designed to]** contribute to the full personal development of each learner and the social and economic development of the nation at large.";

(e) by the substitution for subsection (3) of the following subsection:

"(3) SAQA, **[and]** the QCs and the relevant departments must seek to achieve the objectives of the NQF by—

(a) developing, fostering and maintaining an integrated and transparent national **[framework]** mechanism for the recognition of learning achievements;

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(b) ensuring that South African qualifications and part-qualifications meet appropriate criteria, determined by the Minister as contemplated in section 8, and are internationally comparable; **[and]**

(c) ensuring that South African qualifications are of an acceptable quality**[.]**; and

(d) setting transparent national standards.".

Substitution of section 7 of Act 67 of 2008

5. The following section is hereby substituted for section 7 of the principal Act:

"**Sub-frameworks**

The NQF is a single comprehensive, integrated and formalised **[system]** mechanism which comprises of three co-ordinated qualifications sub-frameworks as determined by the Minister, for—

(a) General and Further Education and Training, contemplated in the GENFETQA Act;

(b) Higher Education, contemplated in the Higher Education Act; and

(c) Trades and Occupations, contemplated in the Skills Development Act.".

Amendment of section 8 of Act 67 of 2008

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6. Section 8 of the principal Act is hereby amended:

(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to any other applicable Act, **[T]** the Minister has the overall executive responsibility for the—

(a) NQF;

(b) SAQA; **[and]**

(c) QC for General and Further Education and Training insofar as the powers, functions and responsibilities conferred by this Act**[,]**;

(d) the QC for Higher Education; and

(e) the QC for Trades and Occupations contemplated in Chapter 5.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) The Minister after consultation with the Ministers responsible for Basic Education and Employment and Labour, must—

(a) advance the achievement of the objectives of the NQF contemplated in Chapter 2;

(b) uphold the coherence and public credibility of the NQF;

(c) encourage collaboration among the QCs and between the QCs and SAQA; and";

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(c) by the substitution for subsection (2) of the following subsection:

"(3) The Minister must consult on mutually related issues with the Ministers responsible for Basic Education and Employment and Labour to—";

(d) by the deletion in subsection (3) after paragraph *(e)* of the word "and"; and

(e) by the insertion in subsection (3) after paragraph *(f)* of the following paragraphs:

"*(g)* publish regulations on NQF matters, including the verification of qualifications and part-qualifications after considering the advice from SAQA and the QCs;

(h) determine the system of collaboration to guide the mutual relations of the departments, SAQA and the QCs, after consultation with SAQA and the QCs and taking into account the objects of the SAQA contemplated in section 11, the functions of QCs contemplated in section 27 and the regulations contemplated in section 33; and

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(i) attempt to resolve any disputes concerning the NQF between SAQA and the QCs.";

(f) by the addition after subsection (4) of the following subsection:

"(5) The Minister may issue written instructions or directives to the SAQA, QCs or any other body that is subject to this Act regarding the performance of its functions in terms thereof.".

Insertion of section 9A in Act 67 of 2008

7. The following heading and section is inserted after section 9 of the principal Act:

"9A. Foreign qualifications offered within the Republic and programmes offered online

(1) Any foreign qualification or programme offered by a local or foreign institution or skills development provider in its own right or on behalf of a parent institution either online or through any other mode of delivery within the Republic of South Africa must–

(a) be registered under the relevant sub-framework contemplated in section 7 read with section 13 (1) *(h)* of this Act; or

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(b) be recognised by SAQA in terms of this Act and relevant policies or the foreign qualifications body in terms of the foreign laws.

(2) Any local, foreign institution or skills development provider which offers or purports to offer a foreign qualification or programme online or through any other mode of delivery within the Republic either in its own right or on behalf of a parent institution must ensure that such qualification or part-qualification is offered in compliance with this Act and any relevant policy.".

Substitution of section 10 of Act 67 of 2008

8. The following section is hereby substituted for section 10 of the principal Act:

"**Continued existence of SAQA**

The SAQA **[that existed immediately before the commencement of this Act]** as established in terms of the South African Qualifications Authority Act No. 58 of 1995, continues to exist as a juristic person under **[the name of the South African Qualifications Authority before continues to exist as a juristic person under]** its original name as if it is established in terms of this Act.".

Amendment of section 11 of Act 67 of 2008

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9. Section 11 of the principal Act is hereby amended by the substitution for paragraphs *(b)* and *(c)* thereof of the following paragraphs:

"*(b)* oversee the further development, **[and]** implementation and management of the NQF; and

(c) co-ordinate, monitor and evaluate the sub-frameworks.".

Amendment of section 13 of Act 67 of 2008 as amended by section 12 of Act 26 of 2010, section 12 of Act 23 of 2012 and section 4 of Act 12 of 2019

10. Section 13 of the principal Act is hereby amended:

(a) by the substitution in subsection (1) in paragraph *(a)* for subparagraph (ii) of the following subparagraph:

"(ii) **[oversee]** manage the implementation of the NQF and ensure the achievement of its objectives;";

(b) by the substitution subsection (1) for paragraphs *(b)* and *(d)* respectively of the following paragraphs:

"*(b)* advise **[the]** Ministers and departments on NQF matters in terms of this Act;

(c) ...;

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(d) consider and implement the Minister's guidelines contemplated in section 8(2)*(c)*;";

(c) by the substitution in subsection (1) for paragraph *(e)* of the following paragraph:

"*(e)* **[oversee the implementation of the NQF in accordance with an implementation framework prepared by the SAQA after consultation with the QCs.]** after consultation with the Departments of Higher Education, Basic Education and QCs–

(i) make recommendations to SAQA and the relevant Ministers;

(ii) develop and manage the implementation of its sub-framework;

(iii) oversee the implementation of the NQF in accordance with its developed implementation framework

(iv) monitor the implementation thereof; and

(v) report to the relevant Minister on the implementation of its sub-framework;";

(d) by the substitution in subsection (1) for subparagraph (iii) of paragraph *(g)* of the following subparagraph:

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"(iii) ensure that they remain current and appropriate**[;]** taking into consideration the unique nature of each QC;"; and

(e) by the substitution in subsection (1) for subparagraph (i) in paragraph *(h)* of the following subparagraph:

"*(h)* with respect to qualifications and part-qualifications—

(i) after consultation with the QCs and departments, develop and implement policy and criteria for the development, registration and publication of qualifications and part-qualifications, for the Minister to publish which must include the following requirements—

(aa) The relevant sub-framework must be identified on any document relating to the registration and publication of a qualification or part-qualification; and

(bb) each sub-framework must have a distinct nomenclature for its qualification types which is appropriate to the relevant sub-framework and consistent with international practice; **[and]**

(cc) it must adhere to national nomenclature for qualification types and minimum credits per NQF level;

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11. each qualification must have defined articulation pathways into and to other qualifications and specialisations; and

12. each part-qualification must form part of a registered national qualification;";

(f) by the substitution in paragraph *(j)* for subparagraphs (i) and (ii) respectively of the following subparagraphs:

"(i) collaborate with relevant international counterparts on **[all]** matters of mutual interest concerning qualifications frameworks; and

(ii) share with the Departments, the QCs and other interested parties **[about]** relevant international practice in the development and management of qualifications frameworks and related matters;";

(g) by the substitution in paragraph *(k)* for subparagraphs (i) and (ii) respectively of the following subparagraphs:

"(i) conduct or commission practical research on issues of importance to the development and implementation of the NQF, including periodic studies of the impact of the NQF on South African education, training and employment; and

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(ii) share with the Departments, the QCs and other interested parties the findings of the investigations referred to in subparagraph (i);";

(h) by the substitution in subsection (1) of paragraph *(l)* of the following paragraph:

"*(l)* with respect to records of education and training, integrate and maintain a National NQF Records Database (NNRD) with the Higher Education and Training Management Information System (HETMIS), the Education Management Information System (EMIS) and other related databases of SETAs and Quality Councils comprising registers of—

(i) qualifications and part-qualifications;

(ii) national qualifications and part-qualification requirements and related information;

(iii) learner and student achievements;

(iv) **[learner achievements]** details of the education institution or QC that awarded the qualification or part-qualification;

(v) **[details of the education institution or QC that awarded the qualification or part-qualification]** recognised professional bodies **[;]** and

[(vi) associated] other related information **[relating to]** concerning registration, accreditation and verification;";

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(j) by the substitution in subsection (1) of paragraph *(m)* of the following paragraph:

"*(m)* with respect to foreign qualifications—

(i) verify all foreign qualifications referred to it in terms of this Act;

(ii) evaluate all foreign qualifications referred to it in terms of this Act against the South African NQF in accordance with policy and procedures and, where appropriate, issue a SAQA Certificate of Evaluation;

(iii) formulate and publish criteria for evaluating foreign qualifications; and

(iv) provide advice on the verification and evaluation of foreign qualifications consistent with this Act and the relevant SAQA policies;";

(k) by the insertion in subsection (1) after paragraph *(n)* of the following paragraph:

"*(o)* with respect to recognising learning beyond the structured NQF—

(i) develop and implement a conceptual framework for recognition, validation and portability of short or non-formal

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or informal learning experiences; industry qualifications; and professional designations; and

(ii) provide clear guidance and advocate the recognition of learning in the form of short/non-formal/informal learning experiences; industry qualifications; and professional designations.".

(l) by the insertion in subsection (1) after paragraph *(o)* of the following paragraph:

"*(p)* with respect to verifying individuals' qualifications—

(i) provide the Minister with a conceptual framework for the verification of qualifications and the roles of institutions, quality councils, professional bodies, and public and private verification agencies and other role-players;

(ii) advise the Minister about implementation and possible amendments to legislation or the publication of regulations.

(iii) manage the process to ascertain the authenticity of an individual's qualification or part-qualification as recorded on the NNRD; and

(iv) provide relevant services accordance to the published regulations on verification of qualifications.".

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(m) by the insertion in subsection (1) after paragraph *(p)* of the following paragraph:

"*(q)* with respect to Recognition of Prior Learning (RPL)—

(i) align the National Policy and Criteria for the Implementation of RPL with the policies of QCs and to other education and training policies;

(ii) provide leadership to the implementation of RPL policies;

(iii) coordinate RPL in the country so that there is no differentiation on the basis of how the learning was achieved;

(iv) provide advice, guidance and support to the implementation of RPL;

(v) advise the Minister about implementation and possible amendments to legislation or the publication of regulations; and

(vi) link relevant data on RPL, including learning achievements through RPL, in the NNRD;";

(n) by the insertion in subsection (1) after paragraph *(q)* of the following paragraph:

"*(r)* with respect to articulation—

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(i) develop a well-articulated NQF system in and between the three sub-frameworks;

(ii) resolve systemic challenges and incongruities, and address deficiencies that brings about linkages in and between its different parts in terms of section 13(1)*(a)*, *(b)*, *(e)* and (f);

(iii) provide leadership to the implementation of articulation processes and practices to ensure that an integrated and articulated education and training system is in place;

(iv) monitor and evaluate the implementation of articulation in consultation with the QCs; and

(v) advise the Minister about implementation and possible amendments to legislation or the publication of regulations;";

(o) by the insertion in subsection (1) after paragraph (q) of the following paragraph:

"*(s)* with respect to cooperation with other stakeholders—

(i) liaise with the Departments of Basic Education and Higher Education and Training, the Quality Councils and any other relevant body regulating education and training in terms of any other law in the Republic to coordinate, improve implementation; and

(ii) provide information about—

(aa) NQF and its sub-frameworks;

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(bb) RPL and Articulation;

(cc) verification of qualifications and part-qualifications; and

(dd) other NQF related matters.".

(p) by the substitution for subsection (1B) of the following subsection:

"(1B) If after verification **[or evaluation,]** by the SAQA, a QC or an institution, in the case of higher education institutions, or an employer, a qualification or part-qualification is found to be unauthentic or **[is found to be]** a misrepresented or **[is declared by a court of law to be]** fraudulent, the SAQA must refer such a finding or information to the relevant professional body, where applicable, as may be prescribed, and subject to subsection (1C)—

(a) must inform the requester and the holder of the qualification or part-qualification of the finding;

(b) must record such finding in the register of misrepresented or fraudulent qualifications and part-qualifications **[or fraudulent qualifications and part-qualifications]**, as the case may be; and";

(q) by the substitution for subsection (1C) of the following subsection:

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"(1C) The verification and evaluation processes referred to in subsection (1) *(h)* and *(m)* must conform to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).";

(r) by the addition after subsection (1C) of the following subsection:

"(1D) The SAQA must perform its functions in terms of subsection (1) *(h)* and *(m)* read with subsection (1B) within 30 days of the referral of the qualification contemplated in section 32A.";

Amendment of section 14 of Act 67 of 2008 as amended by section 13 of Act 26 of 2010

13. Section 14 of the principal Act is hereby amended:

(a) by the substitution for subsection (2) of the following subsection:

"(2) The board consists of 15 members appointed by the Minister as follows–

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(a) the chief executive officer of the SAQA contemplated in section 19, who is a member by virtue of his or her office;

(b) the chief executive officer of each QC contemplated in Chapter 5, who are members by virtue of their offices;

(c) the executive officer of the National Skills Authority.

(d) two members nominated by NEDLAC representing organised labour;

(e) two members nominated by the Departments of Higher Education and Training and Basic Education respectively to represent the interest of public education and training providers;

(f) one member nominated by the SETA CEO Committee representing SETAs;

(g) two member nominated by and representing private providers of education and training to represent the interests of private education and training providers;

(h) two member nominated by and representing public higher education and training institutions; and

(i) one member nominated by and representing public colleges.";

(b) by the substitution in subsection (3) for paragraph *(a)* of the following paragraph:

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"*(a)* The Minister must appoint members, from the nomination process contemplated in subsection (4), in such a manner as to ensure, insofar as is practically possible, that the functions of the SAQA are performed according to the highest professional standards **[provided that at least two members must be appointed from the nominations made by organised labour]**.";

(c) by the substitution for subsection (5) of the following subsection:

"(5) Except for members contemplated in subsection (2) *(a)*, *(b)*, *(c)* and *(d)*, **[A]**any member of the board —

(a) holds office for a period not exceeding five years; and

(b) may be reappointed at the expiry of his or her term of office, but may not serve for more than two consecutive terms of office.";

(d) by the deletion of subsection (6).;

(e) by the substitution for section (7) of the following section:

"(7) The members of the board must elect a chairperson and deputy chairperson from amongst **[their number]** themselves.".

Insertion of sections 23A and 23B in Act 67 of 2008

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14. The following section is inserted in the principal Act after section 23:

"**23A Institution of an investigation by the Minister at SAQA and appointment of independent assessor**

(1) Notwithstanding any other provision of this Act, the Minister may, after consultation with the Minister responsible for Basic Education and Quality Councils and notifying the board, appoint an independent assessor to conduct an investigation at the SAQA if—

(a) circumstances arise at the SAQA that—

(i) involve financial or other maladministration of a serious nature; or

(ii) seriously undermine the effective functioning of the SAQA; and

(b) the board has failed to resolve such circumstances; and

(c) the appointment is in the interests of education and training in general.

(2) The Minister must publish a notice on the appointment of the independent assessor contemplated in subsection (1) in the *Gazette* as soon as possible.

(3) The independent assessor contemplated in subsection (1) must, in terms of the terms of reference specified by the Minister—

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(a) within 30 days of appointment, conduct an investigation at the SAQA; and

(b) within 60 days after appointment—

(i) report in writing to the Minister the findings of the investigation; and

(ii) suggest appropriate measures to resolve the circumstances.

(3) The Minister may, depending on the circumstances and on good cause shown at the request of the independent assessor, extend the period stipulated in subsection (2)*(b)* above.

(4) The board members, employees of the SAQA and any person who has an interest or affected by the investigation must, subject to relevant legal provisions and practice, assist and co-operate with the independent assessor in the performance of his, her or its functions.

(5) Subject to any other applicable, the independent powers has all the powers necessary to assist in the conduct an investigation including the power or authority enter premises, search and seize or copy any relevant documents pertaining the investigation.

(6) The Minister must within 30 days of receiving the report from the independent assessor, provide a copy of the report to the board or any interested party and publish such report in the *Gazette*.

23B Appointment of administrator

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(1) Notwithstanding any other provision of this Act, the Minister may, after consultation with the Minister responsible for Basic Education and the QCs, dissolve the board and appoint a person as an administrator for a period not exceeding twelve months to take over the governance of the SAQA and to perform any of the functions and exercise any powers conferred to the board if—

(a) the report by an independent assessor, any other report or information or an audit of the financial records of the SAQA reveals financial or other maladministration of a serious nature or serious undermining of the effective functioning of the SAQA;

(b) If 75 per cent or more of the board members resign; or

(c) notwithstanding having been given a reasonable opportunity, the SAQA fails to comply with an instruction or directive issued by the Minister in terms of section 8(5) of this Act.

(2) The Minister may, depending on the circumstances and on good cause shown at the request of the administrator, extend the period stipulated in subsection (1) for a period not exceeding six months.

(3) The Minister must, before making an appointment under subsection (1)—

(a) give a written notice to the board of his or her intention to make such an appointment;

(b) provide the board with the reasons for the appointment;

(c) give the board a reasonable opportunity to make written representations; and

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(d) consider the representations contemplated in paragraph (c).".

Amendment of section 27 of Act 67 of 2008 as amended by section 14 of Act 26 of 2010 and section 5 of Act 12 of 2019

15. Section 27 of the principal Act is hereby amended:

(a) by the substitution for paragraph (e) of the following paragraph:

"(e) develop, **[and]** manage and monitor the implementation of its sub-framework, and make recommendations thereon to the SAQA and the relevant Minister;";

(b) by the substitution for paragraph (f) of the following paragraph:

"(f) after consultation with the SAQA, advise the Minister on matters relating to its sub-framework;";

(c) by the deletion at the end of subparagraph (iii) of paragraph (h) of the word "and", and insertion of the word "and" at the end of subparagraph:

"(iii) ...; **[and]**

(iv) ...; and"; and

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(d) by the insertion after subparagraph (iv) of paragraph *(h)* of the following subparagraph:

"(v) except for the CHE, on request, verify all attained qualifications registered on its sub-framework referred to it in terms of section 32A and determine the status thereof;";

(e) by the insertion after subparagraph (iii) of paragraph *(i)* of the following subparagraph:

"(iv) accredit education institutions or skills development providers that comply with all the requirements to offer a qualification or part-qualification registered on the NQF;";

(f) by the substitution in paragraph *(j)* for subparagraphs (i) and (2) respectively of the following subparagraphs:

"(i) maintain a database of learner achievements, accredited education institutions or skills development providers and related matters for the purposes of this Act; and

(iii) integrate their databases with the NNRD **[submit such data]** in a format determined in consultation with the SAQA **[for recording on the national learners' records database]** at no charge to the

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SAQA and within 30 days after complying with all the requirements applicable to quality assurance relating to the qualification or part-qualification contemplated in section 13 (1)*(l)*;";

(g) by the substitution in paragraph *(k)* for subparagraph (i) of the following subparagraph:

"(i) conduct or commission and **[publish]** share research on issues of importance to the development and implementation of the sub-framework;";

(h) by the addition after paragraph *(k)* of the following paragraph:

"*(l)* with regard to national and foreign qualifications providing alternative access to higher education—

(i) Umalusi must facilitate alternative entry into higher education for public and private higher education institutions, for Higher Certificate, Diploma and Degree studies by—

(aa) implementing the ministerial determination in terms of section 74 of the Higher Education Act, 1997 (Act No.101 of 1997) for alternative access to public and private higher education;

(bb) developing endorsement and exemption regulations and annual fees for endorsement and exemption for the Minister's consideration;

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(cc) developing and maintaining an endorsement and exemption application and recording system integrated with the NNRD;

(dd) issuing exemption certificates to alternative access to higher education;

(ee) engaging SAQA in a bi-lateral partnership to allow SAQA to perform its statutory function related to the evaluation of foreign qualifications in support of the endorsement for alternate access for foreign qualification holders; and

(ff) confirming historical Joint Matriculation Board results.".

Amendment of section 32 of Act 67 of 2008

16. The following section is hereby substituted for section 32 of the principal Act.

"32 **Delegation of powers and assignment of functions**

(1) The SAQA or QC as the case may be, may delegate any of its powers or assign any of its functions to—

(a) any of its committees;

(b) the executive committee;

(c) the executive officer or an employee of SAQA or the QC; or

(d) any other body capable of performing the function.

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(2) A delegation or assignment in terms of subsection (1)–

(a) is subject to any conditions and directions that SAQA or QC may impose; and

(b) does not divest the SAQA or QC of the responsibility for the exercise of the power or the performance of the duty or function conferred on it by this Act.

(3) A delegation of power must–

(a) be in writing and available for inspection on request by a member of the public;

(b) clearly specify the terms and conditions of the delegation;

(c) be consistent with this Act and the Act by which the relevant QC is established; and

(d) where appropriate, be accompanied by sufficient funds to perform the function or assignment.

(4) The SAQA or QC may confirm, vary or revoke any decision taken in consequence of a delegation or assignment, but no variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(5) The Minister may, on such conditions as the Minister may determine, delegate any of powers, except the power to make regulations, and assign any of the functions and duties conferred to him or her in terms of this Act to–

(a) the other internal structures of the Department;

(b) an employee of the Department; or

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(c) any other body capable of performing the function.

(6) The provisions of subsections (2), (3) and (4) *mutatis mutandis* apply to the delegation of power or assignment of functions by the Minister."

Amendment of section 32A of Act 67 of 2008 as inserted by section 7of Act 12 of 2019

17. Section 32A of the principal Act is hereby amended:

(a) by the substitution for heading of the following heading:

"Referral of a qualification or part-qualification to the SAQA for verification [and evaluation]";

(b) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* Before appointing or registering a person for purposes of employment or study, **[A]**all organs of state, employers, education institutions, professional bodies, skills development providers and QCs must **[authenticate]** verify, prior to appointment or registration, if the individual's qualification or part-qualification of the prospective employee or prospective student as the case may be which is presented to them for the purposes of appointment,

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registration, study or for any other related purpose, is **[registered on the national learners' records database]**—

(i) registered on the NQF in terms of this Act;

(ii) registered on the NNRD;

(iii) offered by a registered, established, declared, merged or registered and accredited education and/or training institution or skills development provider in terms of this Act or any other the applicable law;

(iv) has been lawfully obtained; and

(v) in respect of which documents are not tampered with.

(c) by the substitution in subsection (1) of paragraph *(b)* for the following paragraph:

"If the qualification or part-qualification is not registered on the NNRD, such qualification or part-qualification must be referred to the SAQA for verification and evaluation in terms of section 13.".

(d) by the deletion of subsections (2) and (3) respectively.

Amendment of section 32B of Act 67 of 2008

18. Section 32B of the principal Act is hereby amended by substitution in subsection (1) for paragraph *(a)* of the following paragraph:

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"*(a)* makes or causes to be made a false entry in the NNRD or the misrepresented or fraudulent register;".

Amendment of section 34 of Act 67 of 2008

19. The following section is hereby substituted for section 34 of the principal Act.

"**34 Application of Act when in [conflicting interpretation] conflict with other laws**

(1) This section applies to conflict in interpretation and application between this Act and any other law concerning the NQF and any other matters connected therewith as provided in this Act.

(2) In the event of a conflict in interpretation between this Act, the Higher Education Act, the Skills Development Act, **[and]** the GENFETQA Act, the Continuing Education and Training Act, or any other law dealing with any matter concerning the NQF within the Republic, this Act **[must be given preference]** shall prevail.".

Substitution of the Long Title of Act 67 of 2008

20. The following Long Title is hereby substituted for the Long Title of the principal Act:

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"To further amend the National Qualifications Framework Act, 2008 so as to provide for a uniform and aligned legislative framework for effective regulation and implementation of a comprehensive, efficient, integrated NQF system; to provide for the amendment and insertion of certain definitions so as to provide further clarity; to provide further clarity of the functions and responsibilities of the Minister entrusted with the administration of this Act, Minister of Basic Education, SAQA, Quality Council and professional bodies; and to provide for transitional arrangements and for matters connected therewith."

Short title and commencement:

21. This Act is called the National Qualifications Framework Further Amendment Act, 2021 and comes into operation on the date it is published by Notice in the *Gazette*.

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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 258 OF 2025

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL: STATE INFORMATION TECHNOLOGY AGENCY (SOC) LIMITED

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the State Information Technology Agency (SOC) Limited (hereinafter referred to as "the Agency");

AND WHEREAS the Agency or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Agency, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

(a) serious maladministration in connection with the affairs of the Agency;
(b) improper or unlawful conduct by employees of the Agency;
(c) unlawful appropriation or expenditure of public money or property;
(d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
(e) intentional or negligent loss of public money or damage to public property;
(f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Agency; or
(g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 13 July 2017 and the date of publication of this Proclamation or which took place prior to 13 July 2017 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Agency or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 17th day of April Two thousand and twenty-five.

M C RAMAPHOSA
President

By Order of the President-in-Cabinet:

M T KUBAYI
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for the Establishment of a Turnkey Software Asset Management Solution to the Agency, as well as Integrated Logistics Support and Advisory Services for a period of 36 months (in terms of RFB 1661/2017), by or on behalf of the Agency, and payments made in relation thereto in a manner that was—
   (a) not fair, competitive, transparent, equitable or cost-effective; or
   (b) contrary to applicable—
      (i) legislation;
      (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
      (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Agency,

   and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency or the State.

2. Any irregular, unlawful or improper conduct, including serious maladministration and the causes thereof, by—
   (a) officials or employees of the Agency;
   (b) the applicable supplier or service provider of the Agency; or
   (c) any other person or entity,

   in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 258 VAN 2025

Van die

PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID: STAATSINLIGTINGSTEGNOLOGIE-AGENTSKAP (SOC) BEPERK

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Staatsinligtingstegnologie-agentskap (SOC) Beperk (hierna na verwys as "die Agentskap");

EN AANGESIEN die Agentskap of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Agentskap, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Agentskap;
(b) onbehoorlike of onregmatige optrede deur werknemers van die Agentskap;
(c) onregmatige bewilliging of besteding van publieke geld of eiendom;
(d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
(e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
(f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Agentskap; of
(g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 13 Julie 2017 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 13 Julie 2017 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, insluitend die verhaal van enige verliese wat deur die Agentskap of die Staat gely is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 17de dag van April Twee duisend vyf-en-twintig.

M C RAMAPHOSA
President

Op las van die President-in-Kabinet:

M T KUBAYI
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir die "Establishment of a Turnkey Software Asset Management Solution to the Agency as well as Integrated Logistics Support and Advisory Services for a period of 36 months" (ingevolge RFB 1661/2017), deur of namens die Agentskap en betalings in verband daarmee gemaak op 'n wyse wat—
   (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
   (b) strydig was met toepaslike—
      (i) wetgewing;
      (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Agentskap van toepassing is;

   en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Agentskap of die Staat aangegaan is.

2. Enige onreëlmatige, onwettige of onbehoorlike optrede deur—
   (a) werknemers of beamptes van die Agentskap;
   (b) die betrokke verskaffer of diensverskaffer van die Agentskap; of
   (c) enige ander persoon of entiteit,

   ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

PROCLAMATION NOTICE 259 OF 2025

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Bushbuckridge Local Municipality, situated in the Mpumalanga Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

(a) serious maladministration in connection with the affairs of the Municipality;
(b) improper or unlawful conduct by employees of the Municipality;
(c) unlawful appropriation or expenditure of public money or property;

(d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

(e) intentional or negligent loss of public money or damage to public property;

(f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or

(g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 01 January 2018 and the date of publication of this Proclamation or which took place prior to 01 January 2018 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 17th day of April Two thousand and twenty five.

MC Ramaphosa
President
By Order of the President-in-Cabinet:
MT Kubayi
Minister of the Cabinet

Schedule

1. The procurement of, or contracting for goods, works or services in relation to the Lillydale Phase 1 project (Contract/Project No. BLM R119, MIG/MP/1710/RST/18/19 - paving of internal streets within the municipal area), by or on behalf of the Municipality and payments made in relation thereto in a manner that was–

    (a) not fair, competitive, transparent, equitable or cost-effective; or

    (b) contrary to applicable –

        (i) legislation;

        (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;

        (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality,

    and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or the State in relation to such tender;

2. Any irregular, unlawful or improper conduct by–

    (a) officials or employees of the Municipality; or

    (b) the applicable suppliers or service providers of the Municipality; or

    (c) any other person or entity,

    in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 259 VAN 2025

deur die

PRESIDENT van die REPUBLIEK VAN SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die Bosbokrand Plaaslike Munisipaliteit (hierna "die Munisipaliteit" genoem), geleë in die Mpumalanga Provinsie;

EN AANGESIEN die Munisipaliteit moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

verwys ek nou, DERHALWE, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, dit die opdrag van die Spesiale Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

(a) ernstige wanadministrasie in verband met die sake van die Munisipaliteit;
(b) onbehoorlike of onregmatige optrede deur werknemers van die Munisipaliteit;
(c) onregmatige bewilliging of besteding van publieke geld of eiendom;

(d) onwettige, onreëlmatige of nie goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(e) opsetlike of nalatige verlies van of skade aan publieke eiendom;

(f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Munisipaliteit gepleeg is; of

(g) onregmatige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat tussen 1 Januarie 2018 en die datum van publikasie van hierdie Proklamasie plaasgevind het of wat voor 1 Januare 2018 of na die datum van publikasie van hierdie Proklamasie plaasgevind het, maar betrekking het op, verband hou met, insidenteel of aanvullend is tot die aangeleenthede in die Bylae vermeld of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die Munisipaliteit of die Staat met betrekking tot die in die Bylae vermelde sake, gely het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 17 dag van April Tweeduisend vyf-en-twintig.

MC Ramaphosa
President
Op las van die President in die Kabinet:
MT Kubayi
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir goedere, werke of dienste in verband met die Lillydale Fase 1 projek (Kontrak/Projek No. BLM R119, MIG/MP/1710/RST/18/19 – die plavei van interne strate binne die munisipale gebied) deur of namens die Munisipaliteit en betalings wat ten opsigte daarvan gemaak is op 'n wyse—

   (a) wat nie billik, mededingend, deursigtig, gelykmatig of koste-effektief was nie;

   (b) wat strydig was met toepaslike—

      (i) wetgewing;

      (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte deur die Nasionale Tesourie of tersaaklike Provinsiale Tesourie uitgereik,

      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die Munisipaliteit,

   en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Munisipaliteit of die Staat in verband met sodanige tender aangegaan is.

2. Enige onreëlmatige, onwettige of onbehoorlike gedrag deur—

   (a) beamptes of werknemers van die Munispaliteit;

   (b) die toepaslike verskaffers of diensverskaffers van die Munisipaliteit; of

   (c) enige ander persoon of entiteit,

   met betrekking tot die bewerings in paragraaf 1 van hierdie Bylae uiteengesit.

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