

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 861

10 September 2021

SKILLS DEVELOPMENT ACT, 97 (ACT NO. 97 OF 1998)

THE DRAFT REGULATIONS FOR THE ESTABLISHMENT OF THE NATIONAL ARTISAN
DEVELOPMENT ADVISORY BODY

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education, Science and Innovation, hereby publishes the draft Regulations for the Establishment of the National Artisan Development Advisory Body as contained in the schedule in terms of Section 26E of the Skills Development Act (Act No.97 of 1998) after consultation with the National Skills Authority. The draft regulation is published for a thirty (30) day public comment period from the date of publication of this notice.

The full document is available on the Department of Higher Education and Training website: www.dhet.gov.za and National Artisan Development website: <http://nadsc.dhet.gov.za>. All interested institutions, persons and organisations are invited to comment on the Draft Regulations for the Establishment of the National Artisan Development Advisory Body.

Submissions and inputs should be submitted to the Directorate: Artisan Development via email on NADComment1@dhet.gov.za not later than thirty one (31) days after publication of this notice.

All enquiries can be directed to the following officials:

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Dr BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 20/08/2021

SCHEDULE

PREAMBLE

The National Skills Development Plan 2030 published by the Minister of Higher Education and Training on 7 March 2019 recognises that “South Africa’s skills base is too low to support the country’s socio economic goals. The workforce is also not keeping pace with the skills required to remain competitive in an increasingly knowledge-based economy”. This supports the call to action stated in the White Paper for Post-school Education and Training: Building an Expanded, Effective and Integrated Post-school System approved by Cabinet on 20 November 2013 and released by the Minister of Higher Education and Training on 15 January 2014 which notes in the Executive Summary that “Re-establishing a good artisan training system is an urgent priority; the current target is for the country to produce 30 000 artisans a year by 2030”. The National Artisan Development Advisory Body hereinafter referred to as NADAB is a statutory advisory forum between government, organised business and organised labour that deliberates on national artisan development legislation, policy, advocacy programmes, curricula, research and knowledge management amongst other matters in order to advise the Minister of suitable solutions for the artisan development system. The reason is to meet the policy provisions of the National Skills Development Plan which aims to achieve the National Development plan of producing 30 000 artisans by 2030 and produce highly skilled artisans who will contribute meaningfully to the economy of South Africa.

CHAPTER 1

DEFINITIONS, ACRONYMS AND PURPOSE

1. Definitions

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

“Minister” means Minister of Higher Education, Science and Innovation;

“Director-General” means Director-General of the Department of Higher Education and Training;

“DHET” means the Department of Higher Education and Training;

“INDLELA” means the Chief Directorate National Artisan Development located at Olifantsfontein, Gauteng;

“SETA” means Sector Education Training Authority established in terms of section 9 of this Act;

“TVET College” means a public Technical and Vocational Education and Training College established in terms of Further Education and Training Colleges Act, Act 16 of 2006.

“Artisan” means a person that has been certified as competent to perform a listed trade in accordance with the Skills Development Act No.97 of 1998;

“Apprenticeship” means a learnership in respect of a listed trade, and includes a trade-test in respect of that trade;

“Learner” means an apprentice;

“Prescribed” means prescribed by regulation;

“Employee” means –

(a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; or

(b) any other person who in any manner assists in carrying on or conducting the business of an employer, and "employed" and "employment" have corresponding meanings;

"Employer" A person who is contractually bound to a worker - the employee - to give that worker money as a salary or wages, in exchange for ongoing work and for which the employer directs the work and exercises fundamental control over the work.

"Learning programme" includes a learnership, an apprenticeship, a skills programme and any other prescribed learning programme which includes a structured work experience component;

"National Skills Fund" means the National Skills Fund established by section 27 of skills development act;

"Occupational qualification" means a qualification associated with a trade, occupation or profession resulting from work-based learning and consisting of knowledge unit standards, practical unit standards and work experience unit standards;

"Government Department" means any department or organisational component referred to in Schedule 1 or 2 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"Organised Business" means any number of employers associated together for the purpose, whether by itself or with other purposes, of regulating relations between employers and employees or trade unions;

"Organised Labour" means an association of workers united as a single, representative entity for the purpose of improving the workers' economic status and working conditions through collective bargaining with employers;

"National Skills Authority" means the National Skills Authority established by section 4 OF THE Skills Development Act 97 of 1998;

"National Qualifications Framework" means the National Qualifications Framework contemplated by the National Qualifications Framework Act, 2008;

"NAD" means National Artisan Development

"QCTO" means the Quality Council for Trades and Occupations

“Professional or Occupational bodies” means a statutory structure formed on the basis of organising its members with similar interest on a specific profession or occupation or trade.

2. Acronyms

ARPL - Artisan Recognition of Prior Learning

ATD TTT - Artisan Development Technical Task Team

BBC - Black Business Council

BLSA - Business Leadership South Africa

BUSA - Business Leadership South Africa

NBI - National Business Initiative

COSATU - Congress of South African Trade Unions

FEDUSA - Federation of Unions of South Africa

NACTU - National Council of Trade Unions

SAFTU - South African Federation of Trade Unions

QCTO – Quality Council for Trades and Occupations

SACPO – South African College Principals Organisation

CEO – Chief Executive Officer

TVET – Technical and Vocational Education and Training

INDLELA – Institution for National Development Learnership, Employment and Labour Assessment

NAD – National Artisan Development

NADAB – National Artisan Development Advisory Body

SETA – Sector Education and Training Authority

NSDP - National Skills Development Plan 2030

NQF – National Qualification Framework

CHAPTER 2

ESTABLISHMENT AND SCOPE OF APPLICATION

3. Establishment of NADAB

- 1) NADAB is hereby established as a statutory artisan development advisory body, in accordance with the scope or application as contemplated in Regulation 4.

4. Purpose

- 1) The Regulations seek to:
 - a) develop a consultation platform for artisan development.
 - b) influence policy on artisan development.
 - c) advice on national artisan development legislation, policy, advocacy programmes, curricula, research and knowledge management amongst other matters.
 - d) promote the availability, free flow and accessing of detailed, accurate, past and current data for artisan trade prioritization, workplace learning development, learner placement, scientific target setting, monitoring & evaluation and alignment of artisan development to economic development priorities of the country.
 - e) bring together knowledgeable artisan development stakeholders in order to:
 - i) ensure complete articulation for artisan occupational qualifications within the NQF;
 - ii) Develop intervention mechanisms for artisan development programmes as directed by the National Artisan Development Strategy;
 - iii) increase the quantity and quality of artisan training; and
 - iv) devise and continuously review a feasible Artisan Recognition of Prior Learning (ARPL) model, which sets out ARPL processes and systems focused on supporting persons who are working as support workers in the engineering field to become certificated artisans.
 - f) encourage employers to:
 - i) avail their workplaces as active learning environments;
 - ii) provide employees with the opportunities to acquire new skills;
 - iii) provide opportunities for new entrants to the labour market to gain work experience;
 - iv) proactively and timeously provide input into current and future skills demands; and
 - v) avail relevant experience and expertise in research and curriculum design.
 - g) Encourage organised labour to:
 - i) provide input for the content of curriculums where possible;
 - ii) ensure that workplace training takes place as required;

- iii) apprentice workplace conditions are realised as per relevant legislation; and
- iv) opportunities are made available within workplaces for apprenticeship training.
- h) encourage Skills Development Providers and TVET Colleges to:
 - i) provide quality training in theory and practical learning components;
 - ii) develop closer ties with employers and professional, occupational and trades bodies;
 - iii) provide training that is relevant to industries within their geographical footprints; and
 - iv) provide training that is demand driven.

CHAPTER 3

GOVERNANCE AND FUNDING

5. Governance

- 1) The composition of the NADAB is as follows:
 - a) Organised Business with six representatives
 - i) BUSA with 3 representatives
 - ii) BBC with 2 representatives
 - iii) NBI with 1 representative
 - b) Organised Labour with six representatives
 - i) COSATU with 2 representatives
 - ii) FEDUSA with 1 representative
 - iii) SOLIDARITY with 1 representative
 - iv) NACTU with 1 representative
 - v) SAFTU with 1 representative
 - c) Government with 7 ex-officio representatives
 - d) NSA with 1 ex-officio representative
 - e) Chairperson of the SETA Chairpersons Forum as an ex-officio member
 - f) SETA CEO Forum member as an ex-officio member
 - g) CEO of QCTO as an ex-officio member
 - h) SACPO President as an ex-officio member
 - i) South African Association of Private Providers of Education, Training and Development as an ex-officio member
 - j) South African Youth Council as an ex-officio member
 - k) Any other person who may be appointed directly by the Minister as an ex-officio member

- 2) All the members of the NADAB must have alternate representatives to attend on their behalf in case of absence.
- 3) The NADAB consists of Co-Chairpersons and not more than ten ordinary members from organised business and organised labour.
- 4) The Co-Chairpersons are elected from organised business and organised labour respectively.
- 5) Notwithstanding the provisions of sub regulation 5(1), the NADAB may from time to time, for a period not exceeding the term of office of the body, co-opt experts in relevant skills categories,.

6. Decision Making

- 1) The recommendations of NADAB will be taken on a consensus basis between organised business and organised labour.
- 2) A timeframe of 3 (three) months will be allowed where organised business and organised labour do not agree on a recommendation in order for them to reach consensus.
- 3) Where no consensus is reached on a recommendation, a NADAB report will be used as the basis for decision making by the DHET.

7. Terms of office of Chairperson and members

- 1) The chairperson and appointed members of the NADAB -
 - a) hold office for a renewable period of five years; and
 - b) may only serve a maximum of two consecutive terms.
- 2) The term of office of co-opted members is determined by the NADAB.

8. Nomination and Appointment Process of NADAB members

- 1) The nomination of Co-Chairpersons, NADAB members and co-opted members must be undertaken in such a manner as to ensure, insofar as is practically possible, that-
 - a) the functions of NADAB in terms of this Regulation are performed according to the highest professional standards;
 - b) the membership taken as a whole:
 - i) is broadly representative of artisan development stakeholders across the country;
 - ii) has knowledge and understanding of, and is committed to artisan development;
 - iii) adhere to the NADAB code of conduct;
 - iv) appreciates the role of NADAB in contributing to the social and economic development in the country; and

- v) due attention is given to representation on such relevant grounds as race, gender and disability.
- 2) At least six months before the expiry of the term of office of the members of NADAB, the Director-General must-
 - a) invite nominations for the appointment of NADAB members for the forthcoming term of office from:
 - i) Organised Business;
 - ii) Organised Labour;
 - iii) Deputy Director-General: Skills Branch in the DHET;
 - iv) Deputy Director-General: TVET Branch in the DHET;
 - v) Deputy Director-General: Human Resource Development, Planning and Monitoring Coordination in the DHET;
 - vi) National Skills Authority;
 - vii) SETA Chairpersons Forum;
 - viii) SETA CEO Forum;
 - ix) SACPO;
 - x) South African Association of Private Providers of Education, Training and Development;
 - xi) South African Youth Council; and
 - xii) QCTO.
 - b) Within two days of the closing date for nominations, the Secretariat will screen the candidates and prepare for their presentation to the Minister for their appointment onto the NADAB.
- 3) The Minister must consider the nominations contemplated in sub regulation 9(2)(a), and from the persons so nominated, the Minister must appoint-
 - a) NADAB members as contemplated in sub regulation 5(1) ; and
 - b) the Co-Chairpersons of the NADAB as contemplated in sub regulation 5(4) and sub regulation 5(5).
- 4) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the nomination invitation from the Secretariat, the Minister may appoint the required number of persons who qualify to be appointed in terms of this Regulation on the advice of the Deputy Director-General: Skills Branch in the DHET, Deputy Director-General: TVET Branch in the DHET and Deputy Director-General: Human Resource Development, Planning and Monitoring Coordination in the DHET.

9. Vacation of office

- 1) A person ceases to be a member of NADAB if he or she-
 - a) resigns by giving written notice to the Minister;
 - b) is absent for three consecutive meetings of NADAB unless there are exceptional circumstances which may be submitted in writing to NADAB and accepted by NADAB as a valid reason for the non-attendance;

10. Filling of vacancies

- 1) If a member vacates his or her office, the resultant vacancy for the unexpired term of office, must be filled by nomination and appointment in accordance with regulation 9(2)(3).

11. Funding

- 2) The activities of the NADAB will be funded by the Artisan Development Directorate within DHET for the following cost categories:
 - a) Meeting Venue
 - b) Meeting Catering
- 3) The participation in the NADAB is voluntary with each organisation funding the participation of their NADAB member(s).

CHAPTER 4

FUNCTIONS

12. Sub Committees

- 1) The NADAB must establish the following standing sub-committees:
 - a) State Owned Companies Skills Development Committee;
 - b) Quality Assurance Committee;
 - c) Artisan Moderation Forum;
 - d) Artisan Recognition of Prior Learning Committee;
 - e) SETA Artisan Development Committee;
 - f) Provincial Artisan Development Committees;
 - g) Government Artisan Development Committee; and
 - h) Workplace Approval Committee.
 - i) World Skills South Africa Committee;

- j) Research and Development Committee;
 - k) Artisan Data Committee;
 - l) Learning, Teaching and Support Materials Committee; and
 - m) Funding and Apprenticeship Stipends Committee.
- 2) The advisory body may establish any other sub-committee as may be required for NADAB to perform its functions as contemplated in Chapter 4 of these regulations.

CHAPTER 5

OPERATIONS

13. Chairing of Meetings

- 1) NADAB meetings will be chaired by the co-chairpersons on a meeting alternating basis for the duration of their terms of office.

14. Frequency of Meetings

- 2) The NADAB will meet once every quarter of a calendar year.
- 3) Special NADAB meetings may be called where deemed necessary at the advice of all the constituencies represented.

15. Secretariat

- 1) Coordination, scheduling and secretariat services for all NADAB meetings as well as any relevant workshops for the NADAB and/ or work groups will be provided and managed by the Chief Directorate: National Artisan Development (INDLELA).
- 2) The physical location and official address of NADAB is the DHET, INDLELA, cnr of Old Pretoria and Olifantsfontein Roads, Olifanstfontein, Gauteng South Africa, Private Bag X174 Pretoria 0001.

16. Transitional arrangements

- 1) The advisory body will be fully constituted once all members of NADAB have been appointed.
- 2) The Deputy Director-General Skills Branch is responsible for the constitution of the first NADAB and must perform the functions of NADAB until NADAB is constituted.
- 3) The Chief Director INDLELA is responsible for the functions of the Chairperson until the Chairperson is appointed by NADAB in terms of regulation 9(2)(3).

17. Short title and commencement

- 1) These Regulations are called the Regulations for the Establishment of the National Artisan Development Advisory Body and come into operation on date of publication.

Annexure A



**higher education
& training**
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Dr. BE Nzimande

The Minister: Higher Education, Science and Technology

123 Francis Baard Street

PRETORIA

0001

Dear Honourable Minister

**NATIONAL SKILLS AUTHORITY ADVICE ON NATIONAL ARTISAN
DEVELOPMENT ADVISORY BODY REGULATIONS.**

1. Purpose

- 1.1 To provide the NSA advice to the Minister on the National artisan development advisory regulations.

2. Background

2.1. The NSA was consulted by the Department of Higher Education and Training on the National artisan development advisory regulations on 09 July 2020.

2.2. The National Artisan Development Advisory Body (NADAB) regulations and strategy is aimed at highlighting the priority activities that will have a direct influence in the training of quality artisans. The strategy has the following key focus areas:

- 2.2.1. Formally establish a national artisan advisory body which on advisory basis to DHET will map the national artisan agenda,

- 2.2.2. Establish and maintain an Artisan Research and Development mechanism at INDLELA,
- 2.2.3. Establish and support a user friendly artisan training quality assurance system and processes in line with the National Artisan Moderation Body (NAMB) and the Quality Council for Trades and Occupations (QCTO),
- 2.2.4. Sustain a ring fenced artisan learner (apprentice) grant and disbursement system and processes,
- 2.2.5. Establish and support a national artisan training system based on the simultaneous delivery of the three learning components (theory, practical and workplace learning) based on a block release system between a TVET college or a Training Centre and Industry,
- 2.2.6. Promote a strong base of artisan training in state owned entities through negotiated artisan training quotas.
- 2.3. The strategy is clearly linked to the outcomes of National Skills Development Plan on identifying and increasing production of occupations in high demand.
- 2.4. The strategy is pivotal towards the attainment of the intentions of the White Paper for Post-School Education and Training, and achieving the 30000 target of artisans produced per year by 2030 as envisaged in the National Development Plan. It will help as an instrument that guide the country in meeting its needs of producing artisans required by various economic industries.

3. Discussions

- 3.1. National Skills Authority considered the strategy and its associated regulations on artisan development as it covers all important policy support areas that National Artisan Development Advisory Body (NADAB) will need.
- 3.2 The NSA further acknowledged the paradigm shift needed in accelerating artisan development and views this strategy and related regulations as necessary especially in light of NSDP outcomes on supporting occupations in high demand,
- 3.3. The NSA considered the structure of NADAB and how it is constituted with labour, business, and skills development providers playing a vital role.

industry and trade unions and that NSA should have an Ex-officio appointed onto the body in order to create synergy and policy coordination.

- 3.5. The NSA acknowledged that the strategy and its associated regulations should be supported by all stakeholders and a comprehensive implementation plan be developed.

4. Recommendations

- 4.1. In light of the above the NSA recommends that the Minister considers approval of the regulations on NADAB structure.
- 4.2. NSA further advises that an implementation plan should be developed with clear roles and timelines of all stakeholders and the State be given an active role in the NADAB structure in order to facilitate implementation.
- 4.4. NSA also recommends that the Minister considers nomination of NSA members to serve as an EX-Officio member in the NADAB structure in order to create clear coordination between the two structures.

5. Conclusion

- 5.1. The NSA requests the Minister to consider the advice and it further commits itself to continue building a capable and skilled workforce.


Dr Charles Nwaila

Chairperson: NSA

Date: 10/08/2020

Dr Thabo Mashongoane

Executive Officer: NSA

Date: 24 Aug 2020