



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 695

5

May
Mei

2023

No. 48524

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3383

5 May 2023

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998)**THE REGULATIONS FOR THE ESTABLISHMENT OF THE NATIONAL
APPRENTICESHIP AND ARTISAN DEVELOPMENT ADVISORY BODY AS A LEGAL
BODY FOR APPRENTICESHIP AND ARTISAN DEVELOPMENT CONSULTATION**

I, Dr Bonginkosi Emmanuel Nzimande MP, Minister of Higher Education, Science and Innovation, in terms of section 15 of the Interpretation Act, 1957 (Act No. 33 of 1957) read with section 5(1)(a)(ii), (iii) and S26E of the Skills Development Act, 1998 (Act No.97 of 1998) hereby publish - The Regulations for the Establishment of the National Apprenticeship and Artisan Development Advisory Body, in the attached schedule for implementation.

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>.



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 28/03/2023

**THE REGULATIONS FOR THE ESTABLISHMENT OF THE NATIONAL APPRENTICESHIP
AND ARTISAN DEVELOPMENT ADVISORY BODY AS A LEGAL BODY FOR
APPRENTICESHIP AND ARTISAN DEVELOPMENT CONSULTATION**

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 Apprenticeship and Artisan Development Advisory Body hereinafter referred to as NAADAB is a statutory advisory forum between government, organised business and organised labour that deliberates on national apprenticeship and artisan development legislation, policy, advocacy programmes, curricula, research and knowledge management amongst other matters in order to advise the Minister on suitable solutions for the apprenticeship and 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 quality 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 the Department of Higher Education and Training;

“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

Acronym	Description
ARPL	Artisan Recognition of Prior Learning
ATD TTT	Artisan and Technician Development Technical Task Team
BBC	Black Business Council
BLSA	Business Leadership South Africa
BUSA	Business Leadership South Africa
CEO	Chief Executive Officer
COSATU	Congress of South African Trade Unions
ECA	Electrical Contractors Association
FEDUSA	Federation of Unions of South Africa
INDLELA	Institution for National Development Learnership, Employment and Labour Assessment
IOPSA	Institute of Plumbing South Africa
MBA	Master Builders Association
NAADAB	National Apprenticeship and Artisan Development Advisory Body
NAADAB	National Apprenticeship and Artisan Development Advisory Body
NACTU	National Council of Trade Unions
NAD	National Artisan Development
NBI	National Business Initiative
NQF	National Qualification Framework
NSDP	National Skills Development Plan 2030
QCTO	Quality Council for Trades and Occupations
RMI	Retail Motor Industry
SAFTU	South African Federation of Trade Unions
SAIW	South African Institute of Welding
SAPCO	South African Public Colleges Organisation
SETA	Sector Education and Training Authority
TVET	Technical and Vocational Education and Training

CHAPTER 2

ESTABLISHMENT AND SCOPE OF APPLICATION

3. Establishment of NAADAB

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

4. Purpose

- 1) This Regulation seeks to:
 - a) develop a consultation platform for apprenticeship and artisan development.
 - b) influence policy on apprenticeship and artisan development.
 - c) advice on national apprenticeship and 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 occupational (trade and non-trade) qualifications within the NQF;
 - ii) develop intervention mechanisms for apprenticeship and artisan development programmes as directed by the National Apprenticeship and Artisan Development Strategy 2030;
 - iii) increase the quantity and quality of apprenticeship 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 potential apprentices to gain work experience;
 - iv) provide opportunities for the development of employees to be mentors for the apprenticeship system;
 - v) proactively and timeously provide input into current and future skills demands; and
 - vi) avail relevant experience and expertise in research and curriculum design.
 - g) Encourage organised labour to:
 - i) ensure that workplace training takes place as required;
 - ii) apprentice workplace conditions are realised as per relevant legislation;
 - iii) opportunities are made available within workplaces for apprenticeship training;
 - iv) ensure the development of mentors in the workplace; and

- v) avail relevant experience and expertise in research and curriculum design.
- h) encourage Skills Development Providers (including public TVET colleges) to:
 - i) provide quality training in the 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 NAADAB 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) Artisan Professional Bodies with 7 ex-officio representatives
 - i) IOPSA
 - ii) MBA
 - iii) ECA
 - iv) Production Technologies Association of South Africa
 - v) SAIW
 - vi) RMI
 - vii) Association for Skills Development in South Africa
 - d) Government with 10 ex-officio representatives
 - e) NSA as an ex-officio member
 - f) CEO of SETA Forum as an ex-officio member
 - g) CEO of QCTO as an ex-officio member
 - h) SAPCO President as an ex-officio member
 - i) Association of Private Providers of Education, Training and Development as an ex-officio member
 - j) South African Youth Council as an ex-officio member
- 2) All the members of the NAADAB must have alternate representatives to attend on their behalf in case of absence.

- 3) The NAADAB consists of Co-Chairpersons and not more than 12 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 NAADAB 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 NAADAB will be taken on a consensus basis between organised business and organised labour.
- 2) A timeframe of 1,5 (One and a half) 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 NAADAB 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 NAADAB -
 - 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 NAADAB.

8. Nomination and Appointment Process of NAADAB members

- 1) The nomination of Co-Chairpersons, NAADAB 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 NAADAB 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 NAADAB code of conduct;
 - iv) appreciates the role of NAADAB 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 NAADAB, the Director-General must-
 - a) invite nominations for the appointment of NAADAB members for the forthcoming term of office from:
 - i) Organised Business;
 - ii) Organised Labour;
 - iii) Deputy Director-General: Skills Branch in the DHET (3 Nominations);

- iv) Deputy Director-General: TVET Branch in the DHET (2 Nominations);
 - v) Director-General: Department of Public Enterprises (1 Nomination);
 - vi) Director-General: Department of Small Business Development (1 Nomination);
 - vii) Secretary for Defence: Department of Defence (1 Nomination);
 - viii) SETA CEO Forum;
 - ix) SACPO;
 - x) QCTO
 - xi) Association of Private Providers of Education, Training and Development;
 - xii) South African Youth Council;
 - xiii) IOPSA;
 - xiv) MBA;
 - xv) ECA;
 - xvi) Production Technologies Association of South Africa
 - xvii) SAIW;
 - xviii) RMI;
 - xix) Association for Skills Development in South Africa;
- 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 NAADAB.
- 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) NAADAB members as contemplated in sub regulation 5(1) ; and
 - b) the Co-Chairpersons of the NAADAB 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 and Deputy Director-General: TVET Branch in the DHET.

9. Vacation of office

- 1) A person ceases to be a member of NAADAB if he or she-
- a) resigns by giving written notice to the Minister;
 - b) is absent for three consecutive meetings of NAADAB unless there are exceptional circumstances which may be submitted in writing to NAADAB and accepted by NAADAB 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 NAADAB will be funded by the Artisan Development Directorate within DHET in relation to the following cost categories:
 - a) Meeting Venue
 - b) Meeting Catering
- 3) The participation in the NAADAB is voluntary with each organisation funding the participation of their NAADAB member(s).

CHAPTER 4

FUNCTIONS

12. Sub-Committees

- 1) The NAADAB must establish the following standing sub-committees:
 - a) State Owned Companies Skills Development Committee;
 - b) Quality Assurance Committee;
 - c) Apprenticeship Moderation Forum;
 - d) Artisan Recognition of Prior Learning Committee;
 - e) SETA Apprenticeship and Artisan Development Committee;
 - f) Provincial Apprenticeship and Artisan Development Committees;
 - g) Government Apprenticeship and Artisan Development Committee;
 - h) Workplace Approval Committee.
 - i) WorldSkills South Africa Steering Committee;
 - j) Apprenticeship and Artisan 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 NAADAB to perform its functions as contemplated in Chapter 4 of these regulations.

CHAPTER 5

OPERATIONS

13. Chairing of Meetings

- 1) NAADAB 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 NAADAB will meet once every quarter of a calendar year.
- 3) Special NAADAB 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 NAADAB meetings as well as any relevant workshops for the NAADAB 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 NAADAB is the DHET, INDLELA, cnr of Old Pretoria and Olifantsfontein Roads, Olifantfontein, Gauteng South Africa, Private Bag X174 Pretoria 0001.

16. Transitional arrangements

- 1) The advisory body will be fully constituted once all members of NAADAB have been appointed and the first meeting taking place.
- 2) The Deputy Director-General Skills Branch is responsible for the constitution of the first NAADAB and must perform the functions of NAADAB until NAADAB is constituted.
- 3) The Chief Director INDLELA is responsible for the functions of the Chairperson until the Chairperson is appointed by NAADAB 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 Apprenticeship and Artisan Development Advisory Body and come into effect on the date of publication.