
GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. R

Date:

TRADE TEST REGULATIONS, 2013

SKILLS DEVELOPMENT ACT, 1998

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in terms of Section 26D (5) read with Section 36 of the Skills Development Act 1998, after consultation with the National Skills Authority and the Quality Council for Trades and Occupations hereby publish the Trade Test Regulations in the schedule hereto.

Dr BE NZIMANDE, MP
MINISTER OF HIGHER EDUCATION AND TRAINING

Schedule

ARRANGEMENT OF REGULATIONS

Preamble

The intent behind these regulations is to:

- remove prevailing practices in artisan development as applied to trade testing under the previous Manpower Training Act;
- implement a single national artisan trade testing and certification system across all economic sectors quality assured by the Quality Council for Trade and Occupations;
- eliminate the prevailing industry and sector based artisan trade testing system and all inconsistencies and imbalances in the prevailing system;
- improve access to and the quality of trade testing to provide industry and the broader economy with suitably qualified artisans;
- allow for the development of a national, single, standardised approach to recognition of prior learning for all artisan trade occupations; and
- allow for single standardised efficient and effective trade testing monitoring and reporting system.

BE IT THEREFORE ENACTED by Regulations as follows:

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Applications to undergo a trade test
3. Pre-Trade Test Evaluations
4. Trade Testing Fees and Related Rules
5. Review of Pre-Trade Test Evaluations and Trade Test
6. Exemptions
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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 unless the context indicates otherwise:

“accredited trade test centre” means a test centre accredited by the QCTO to conduct a trade test for any trade listed in terms of Section 26B of the Act and includes a workplace that is an accredited test centre;

“credit accumulation” means retaining recognition for a competence in a task successfully completed during a trade test under specified conditions;

“curriculum” means the contents to be covered in the three curriculum components to achieve an artisan qualification as contemplated in section 26D of the Act;

“curriculum components of an artisan qualification” means the knowledge, practical and structured work experience components;

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

“exemption” means a credit that is given for a component or all components of an occupational curriculum that has been achieved through a recognition of prior learning process as determined by NAMB in consultation with QCTO;

“GENFETQA Act” means the General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001);

“listed trade” means an occupation that is listed as a trade in the Gazette as is required in terms of section 26B of the Act;

“NAMB” means the National Artisan Moderation Body established in terms of section 26A of the Act;

“NQF” means the national qualification framework contemplated in Chapter 2 of the National Qualifications Act 2009 (Act 67 of 2009);

"pre-trade test evaluation" means a predetermined verbal and/or written evaluation and an integrated practical assessment approved by the NAMB to determine whether the learner should be allowed to proceed to take a trade test for a listed trade;

"QCTO" means the Quality Council for Trades and Occupations established in terms of Section 26G of the Act;

"the Act" means the Skills Development Act, 1998 (Act 97 of 1998);

"SETA" means a Sector Education Training Authority established in terms of Section 9 of the Act;

"trade test" means a final external summative assessment included in the occupational qualification for a listed trade that is conducted by an assessor registered with NAMB at a trade test centre accredited by QCTO; and

"trade test task" means a component of an assessment module that may consist of a practical and / or a knowledge activity.

2. Application to undergo a trade test

(1) Any person may apply to a trade test centre accredited by the QCTO to undergo a trade test in any listed trade, subject to the person submitting an application form to the trade test centre in the format determined by the NAMB that must be obtainable from a trade test centre accredited by the QCTO, together with evidence of :

- (a) the successful achievement by the person of the entrance requirements as specified by QCTO in the occupational curriculum for the relevant learning programme for a listed trade qualification;
- (b) the successful completion by the person of all the curriculum components of an artisan qualification registered on the NQF; and
- (c) compliance to any medical or legal requirement applicable to the relevant trade as may be required by any other legislation or a registered Professional Body for the specific listed trade.

(2) Notwithstanding Sub Regulation 2.1, any person may apply to a trade test centre accredited by QCTO to undergo a trade test in any listed trade subject to the person submitting an application form in the format determined by NAMB together with a portfolio of evidence approved by NAMB for a listed trade in the case of a person who underwent a recognition of prior learning process.

(3) Upon the receipt and verification of an application for a trade test, a trade test centre accredited by the QCTO must within 5 working days **apply to the NAMB or an entity appointed by NAMB, in the format determined by NAMB, for a trade test serial number as an approval to proceed with the trade test.**

(4) Upon receipt of trade test serial number as the approval to proceed with the trade test from the **NAMB or an entity appointed by NAMB, the trade test centre accredited by QCTO must within 5 working** days issue to the person applying for the trade test a written and signed notice indicating:-ō

- (a) **The trade test serial number issued by NAMB or the entity appointed by NAMB;**
- (b) The date which the trade test will be conducted;
- (b) The **listed** trade which will be tested; and
- (c) The venue, time **and duration** of the trade test.

3. Pre -Trade Test Evaluations

Notwithstanding Regulation 2 a pre-trade test evaluation developed by the NAMB must be conducted by a trade test centre accredited by the QCTO on a person who is applying for a trade test and his or her curriculum irrespective of learning pathway followed or whether a portfolio of evidence was completed more than three years before applying to undergo a trade test.

4. Trade Testing Fees and Related Rules

Trade testing fees and related rules for all listed trades will be determined by the Director-General through a circular that is in line with the QCTO Fee Structure Policy and is issued annually to all trade test centres accredited by the QCTO and SETAs before 31 March each year.

5. Review of Pre-Trade Test Evaluation and Trade Test

- (1) Pre-trade test evaluations and trade test instruments for all listed trades will be reviewed by NAMB every five years in consultation with QCTO and relevant industries if a need for such a review is considered necessary.
- (2) A review may also occur if:
 - (a) a SETA and relevant industry stakeholders request a review; or.

(b) indicated through an analysis of moderation results.

6. Exemptions

The QCTO must ensure that the criteria for exemption relating to the completion of any curriculum prior to undertaking the trade test for a listed trade is included in that curriculum.

7. Credit Accumulation

- (1) Subject to Regulation 2 all learners will be allowed three trade test attempts that must occur during the learning programme agreement period.
- (2) A learner who is found not yet competent after three attempts at a trade test must be referred for recognition of prior learning as contemplated in Sub Regulation 2.2.
- (3) A learner who attempted a trade test will be given credit for those trade test tasks in which he/she has been found competent provided that:

(a) the credits accumulated will be retained by a candidate for a maximum of 5 years from the date of successful completion of the trade test task;

(b) the learner is competent in at least 50% of the trade test tasks given during the trade test; and

(c) the trade test tasks for which credit have been accumulated will not be tested again.

8. Trade Testing Scheduling, Monitoring, Reporting and Certification of Learners

- (1) Accredited trade test centres must submit a schedule of pre-approved trade tests to the NAMB and relevant SETAs in a format to be determined by the NAMB.
- (2) Accredited trade test centres must submit all trade test results to the NAMB and relevant SETAs in a format to be determined by the NAMB in consultation with the QCTO.
- (3) The NAMB must submit reports on all trade test results to the Department, the QCTO and Artisan Stakeholders Forums.

- (4) The NAMB shall verify all trade test results in accordance with the NAMB Moderation Criteria and Guidelines aligned to the relevant QCTO Policies.
- (5) The NAMB shall recommend certification of qualifying learners to the QCTO within twenty one working days after verification of results from the accredited trade test centres.
- (6) The NAMB shall not recommend certification of a learner if the learner was not pre-approved for the trade test by NAMB or an entity appointed by NAMB, and that learner does not appear on a monthly trade test schedule contemplated in Regulation 8(1).
- (7) The QCTO shall issue and distribute national trade certificates within 21 working days from the recommendation from the NAMB.

9. Complaints and Appeals

- (1) A learner may lodge a complaint with the relevant trade test centre upon receipt of his trade test results.
- (2) A learner may appeal a trade test result within 21 working days of the receipt of the trade test results.
- (3) The appeal must be lodged with the NAMB in the format determined by the NAMB.
- (4) All appeals received by the NAMB related to trade test results will be processed within 21 working days in terms of the NAMB Appeals Policy.

10. Irregularities and Offences

The NAMB shall establish a Disciplinary Code and Procedures for irregularities and offences.

11. Transitional Arrangements

- (1) All trade test centres currently accredited by SETAs will be deemed to be accredited by the QCTO subject to a recommendation from the NAMB for a maximum period of three years from the date these Regulations come into operation or until the current trade test centre accreditation date expires.
- (2) All trade test centres currently accredited by SETAs will continue to be monitored and audited by the SETAs but in collaboration with the NAMB.
- (3) The NAMB will recommended to the QCTO the accreditation of all trade test centres subject to carrying out an accreditation audit itself or receiving and approving

accreditation recommendations from the SETAs.

- (4) Until such time the entrance requirements as specified by the QCTO in the occupational curriculum for the relevant listed trade is implemented as contemplated in Regulation 2.1, the minimum level of education for non recognition of prior learning learners for all listed trades will be the successful achievement by a learner before commencing or during or after an artisan learning programme of:
 - (a) a minimum of 40% pass in mathematics (excluding mathematical literacy) at
 - (i) Grade 9 level or higher, or
 - (ii) National Certificate (Vocational) Level 2 or higher
 - (b) and in the case of civil, mechanical and electrical categories of trades as determined by the NAMB, a minimum of 40% pass in
 - (i) the relevant N2 Trade Theory Subject or
 - (ii) the relevant vocational subjects of the National Certificate (Vocational) Level 2 or higher.
- (5) The minimum level of education for recognition of prior learning learners for all listed trades will be a minimum of 40% pass in a written knowledge questionnaire that is an integral part of recognition of prior learning toolkit approved by NAMB.
- (6) All listed trade learning programmes currently approved by Department or SETAs that are submitted by the date these regulations comes into operation for provisional registration with the NAMB, will be deemed to be approved by the QCTO until the learning programme has been replaced by the relevant occupational qualification and related curriculum registered with the QCTO or the learning programme is de-registered by the NAMB.
- (7) All apprentices under a contract of apprenticeship, registered by a SETA in terms of Section 13 of the Manpower Training Act,1981 (Act no. 56 of 1981) before the commencement of these Regulations are deemed to be apprenticeships in terms of Chapter 4 of the Act.

- (8) Any person that has been issued with a trade test date for a trade test in terms of Section 28 of the Manpower Training Act prior to the publication of this notice will continue to be managed as a person contemplated in Regulation 2(2).
- (9) No person may apply for or be trade tested under Section 28 of the Manpower Training Act but any person may apply to the accredited trade test centre for recognition of prior learning.
- (10) The NAMB, in consultation with SETAs, will determine exemptions for access to trade testing until the QCTO determines these exemptions in the relevant curriculum.
- (11) Listed trade learner achievements will continue to be processed as per current arrangements until such time that such achievements are uploaded onto the NLRD by QCTO.

12. Short title and commencement.

These Regulations are to be known as the Trade Test Regulations and will come into operation on 1st July 2013.