



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

NEDLAC REPORT ON THE CENTRAL APPLICATION SERVICE (CAS) BILL, 2021

1. BACKGROUND

1.1. On 18 April 2019, the Department of Higher Education and Training (DHET), published the Central Applications Service (CAS) Bill for public comment. Interested persons or organizations were given thirty-one calendar days to submit comments.

1.2. On 23 July 2019, the Department of Higher Education and Training (DHET) was invited to Nedlac Development Chamber to present the Bill for engagement. Arising from the above Development Chamber meeting, Chamber agreed to establish a four-a-side task team to engage on the content of the Bill prior to it being tabled to Parliament for further processing. It was further agreed that the work of the task team will commence once all public comments have been incorporated and that a revised CAS Bill was submitted by Government.

1.3. On 29 January 2021, DHET submitted the revised CAS Bill to Nedlac and requested social partners to submit inputs. DHET was reminded of its commitment made at the Chamber meeting of 23 July 2019 to resubmit the Bill to the Nedlac Development Chamber task team for engagement. The Department agreed to incorporate the final inputs received before undertaking the Nedlac process of engagement.

1.4. The Bill seeks to provide for the establishment of a Central Application Service for the Post-School Education and Training (PSET) system that will provide for a central application access point to all Post-School Education and Training

Institutions, Sector Education and Training Authorities, Student Accommodation providers, Student Financial Aid providers and Service Partners, Provide for the objects and functions of the Central Application Service; and provide for the manner in which it is to be managed and governed.

2. PROCESS AT NEDLAC

2.1. The Department of Higher Education and Training (DHET) tabled the Central Application Service (CAS) Bill at the Task Team on 01 June 2021 for engagement.

2.2. The Central Application Service Bill Task Team met on the following dates:

2.2.1. 01 June 2021;

2.2.2. 13 July 2021;

2.2.3. 20 July 2021

2.3. This report provides a summary of the engagement process at Nedlac and also outlines areas of agreement and disagreement.

2.4. A list of task team members is attached as **Annexure 1**.

2.5. The following documents were submitted:

Consolidated Matrix reflecting outcomes of discussions	Annexure 2
Presentation from Government on the Central Application Bill, 2021	Annexure 3
Revised Central Application Service Bill incorporating public input as submitted to the task team at the meeting of 01 June 2021	Annexure 4
Government written submission on the scope of the CAS Bill	Annexure 5

3. AREAS OF AGREEMENTS

3.1. The following definitions were agreed to as outlined in the Bill:

3.1.1. Section 1 – Definition

a) “applicant” b) "board" c) "CAS" d) “conflict of Interest” e) “disadvantaged communities” f) "financial year" g) "Minister" h) "NQF" i) “organised labour” j) "PFMA" k) "programme" l) “PSET sub-sector” m) “service partners” n) "SETA" o) “student accommodation provider” p) “student financial aid provider” q) “user group” r) “workplace-based learning”

3.1.2. The definition “student” was amended to read: “student” means a person registered at a PSET institution for a programme of study or who is engaged in a [learnership] workplace-based learning programme.

3.2. Section 2 - Objects of Act

3.2.1. Clause 2 (a) (i)(ii)(iii) (b) (i)(ii)(iii)(iv) (c) was agreed to as outlined in the Bill.

3.3. Section 3 - Application of Act

3.3.1. Clause 3 (1) (a) (d) (e) was agreed to as outlined in the Bill.

3.3.2. Clause 3 (1) (c) was amended to read: applicants and applications for workplace-based learning in terms of the Skills Development Act, 1998;

3.3.3. Clause 3 (2) was amended to read: “This Act takes precedence over any inconsistent provision of any other law concerning the applications for tuition, [learnership] workplace-based learning, student accommodation and student financial aid”.

3.4. Section 4 - Establishment of Central Application Service

3.4.1. Section 4 was agreed to in its entirety.

3.5. **Section 5 - Accountability of Central Application Service**

3.5.1. Section 5 was agreed to in its entirety.

3.6. **Section 6 - Functions of Central Application Service**

3.6.1. Clause 6 (a) (b) (c) (d) (i) (ii) (iii) (v) (iv) (vi) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (i) (ii) (o) (q) (i) (ii) (r) (s) (t) (u) (v) was agreed to as outlined in the Bill.

3.6.2. It was noted that the CAS system might end up with higher application fees under Clause 6 (h).

3.6.3. For Clause 6 (u) it was agreed that students would be included in the list of impact assessments.

3.7. **Section 7 - Responsibilities of Minister**

3.7.1. Clause 7 (1) (2) (a) (b) (c) (d) (e) (f) (3) was agreed to in its entirety.

3.8. **Section 8 - Obligations of post-school education and training institutions, Sector Education and Training Authorities, student accommodation providers and student financial aid providers**

3.8.1. Clause 8 (1) (a) (b) (c) (d) (2) (b) (c) (3) (a) (b) (c) (d) (4) (a) (b) (c) (d) was agreed to as outlined in the Bill.

3.8.2. Clause 8 (2) (a) was amended to read: provide the CAS with all updated information relating to the [**learnership**] workplace-based learning, minimum admission and selection requirements, skills development provider offering such [**learnership**] workplace-based learning and any other relevant information to facilitate applications processes for a programme of study, accommodation and financial aid;

3.9. **Section 9 - Composition, procedure for nomination and appointment of members of the CAS Board**

3.9.1. Clause 9 (1) (2) (a) (b) (i) (ii) (iii) (v) (vi) (vii) (ix) (x) (xii) (3) (a) (b) (i) (ii) (c) (4) (a) (b) (5) (a) (b) (c) (d) (e) (f) (6) (a) (b) (c) (d) (e) (f) (g) (7) (8) was agreed to as outlined in the Bill.

3.9.2. Clause 9 (2) (b) (x) was amended to read: one member [two members] nominated by and representing [**organised labour**] business.

3.10. **Section 10 - Term of office and termination of membership of Board**

3.10.1. Clause 10 (1) (2) (a) (b) (c) (3) (a) (b) (c) (d) (e) (i) (ii) (f) (g) was agreed in its entirety.

3.11. **Section 11 - Vacation of office by a member and filling of a vacancy**

3.11.1. Clause 11 (1) (2) (3) (4) was agreed to in its entirety.

3.12. **Section 12 - Powers and Functions of Board**

3.12.1. Clause 12 (1) (2) (3) (a) (b) (c) (i) (ii) (iii) (d) (e) (f) (g) (h) (i) was agreed to in its entirety.

3.13. **Section 13 - Action on failure by Board to comply with the Act**

3.13.1. Clause 13 (1) (2) (3) (a) (b) (c) (4) was agreed to in its entirety.

3.14. **Section 14 - Directives by Minister**

3.14.1. Clause 14 (1) (a) (b) (c) (2) (3) (a) (4) (5) (6) (7) (8) was agreed to in its entirety.

4. AREAS OF DISAGREEMENT

4.1. **Section 3 - Application of Act**

6.1.1 Clause 3 (1) (b) Business, Labour and Community indicated that postgraduate applicants are part of the sector and would require the

same support as undergraduate applicants. Constituencies stated that the postgraduate applicants must be included in the process.

6.1.2 Government maintained its position as provided in the CAS Bill to exclude applicants for post-graduate tuition except for honours degrees. All Masters programmes (by course work or research) including Master of Business Administration (MBA) degrees should be excluded from the CAS process. However, it supported the notion that the scope for the CAS process must be increased gradually through the regulations and that it can assist students up to honours degree level.

5. CONCLUSION

5.1. This report, therefore, concludes the considerations at Nedlac on the report on the Central Application Service Bill, 2021. The Report is submitted to the Minister of Higher Education, Science and Innovation as well as the Minister of Employment and Labour in terms of Section 8 of the NEDLAC Act No 35 of 1994.

5.2. It is acknowledged that the Nedlac parties may continue to advocate their views in the public consultation and other structured processes with due regard to the Report.

Annexure 1

MEMBERS OF THE CENTRAL APPLICATION SERVICE BILL, 2021

Business	Community	Labour	Government

Cheryl James Sino Moabalobelo Pamela Ramagaga Sanelisiwe Jantjies Tsakane Muavha Kgauhelo Qwabe	Laura Kganyago Lerato Mphahlele Thembinkosi Josopu	Matthew Parks Sipho Ndhlovu Boitumelo Molete Tengo Tengela	Renay Pillay Joel Ramatlhape Dumisani Makhaye Siphokazi Duma
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