



**REPORT OF THE**

**SELECT COMMITTEE ON EDUCATION,  
TRAINING AND ICT**

**ON THE**

**NATIONAL ACCREDITATION AND  
QUALITY**

**ASSURANCE AUTHORITY BILL, 2020**

MARCH 2021

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## INTRODUCTION

This report presents the outcome of the consideration of the National Accreditation and Quality Assurance Authority Bill, 2020 by the Select Committee on Education, Training and ICT.

It may be recalled that during the Fourth Ordinary Session of the National Assembly in the 2020 Legislative Year, the plenary committed the National Accreditation and Quality Assurance Authority Bill, 2020 to the Select Committee on Education, Training and ICT with the mandate to review and scrutinize the said Bill and report back to the Assembly. While exercising such mandate, the Committee relied on Section 101(5) of the 1997 Constitution, as well as clause 68 (2) of the Standing Orders of the National Assembly, for guidance.

The Committee first convened on the 14<sup>th</sup> day of January, 2021 to identify the various stakeholders for consultation on the Bill. During this time, reference was made to the existing Act 2013, the Interpretation Act and the 1997 Constitution with a view to facilitating a guided process and outcome. This was followed by series of engagements and consultations with witnesses from concerned stakeholder institutions for exhaustive scrutiny.

The Committee noted the submissions of these witnesses and proffer along its opinions and recommendations as contained herein. The main objective of the Bill, the Committee wishes to note, is to strengthen tertiary, higher and TVET educational systems.

## METHODOLOGY

Since Clause 66(1)(b) requires a Committee, at the Committee Stage of the process, to engage in “detailed investigation” when considering a Bill committed to it, the Select Committee called witnesses from the identified institutions and organisations. The methodology employed during the review of the Bill include: -

1. Review of the Parent Act 2013.
2. Gather evidence through analysis of the Bill itself.
3. Make external consultations with the relevant stakeholders.

## KEY ISSUE

The Bill seeks to repeal the **existing** parent Act 2013.

## MANDATE

Relying on Standing Order 69 (4), the Committed is mandated to do as follows:

- a) List out witnesses.
- b) Hold proceedings and take evidence from witnesses.
- c) Present Amendments in the order in which they stand in the Bill.
- d) Present a report incorporating the summary of the evidence of the witnesses, the opinion of the Committee on the clauses and attach relevant records of minutes of its proceedings.

## ACKNOWLEDGMENT

The Members of the Select Committee on Education, Training and ICT wishes to acknowledge the positive response and contributions of all the stakeholder institutions, from government to non-governmental institutions, who were invited to participate in the consultations. Their position papers and presentations reflecting their views and recommendations had really enriched the exercise and its outcome.

The Committee wishes to make special mention of the Permanent Secretary and team from MOHERST, Director General and team from NAQAA, Director General and team from MDI,

the team from GTTI, the Principal and team from Gambia College, and Representatives from the TVET Institutions among others, who have all been very instrumental and have shown passionate interest during the consultations.

Also, the Committee wishes to express its undiluted appreciation to the Office of the Clerk for providing the efficient support staff and logistics which enabled it to carry out this important function with ease as assigned to it by the National Assembly.

#### **HON. MEMBERS OF THE COMMITTEE**

1. Hon. Yaya Gassama
2. Hon. Alhagie Mbow
3. Hon. Saikouba Jarju
4. Hon. Ousman Touray
5. Hon. Fakebba N.L Colley
6. Hon. Alhagie Darboe
7. Hon. Sidia S. Jatta
8. Hon. Sainey Touray
9. Hon. Alfusainey Ceesay
10. Hon. Alhaji Sankung Jammeh
11. Hon. Abdoulie Ceesay
12. Hon. Bakary Njie
13. Hon. Muhammed Mahanera
14. Hon. Ndey Yassin Secka
15. Hon. Alhagie S. Darbo
16. Hon. Muhammed Magassy
17. Hon. Mahtar Jeng

#### **SUBJECT MATTER SPECIALISTS**

1. Mr. Saikou O.M Dibba
2. Mr. Momar Samba

## **SUPPORT STAFF**

- |                    |                                  |
|--------------------|----------------------------------|
| 1. Isatou Sonko    | Committee Clerk                  |
| 2. Mamadou A.M Bah | Senior Assistant Committee Clerk |
| 3. Modika Bah      | Research Officer                 |

## **WITNESSES**

- |                          |   |
|--------------------------|---|
| 1. Dr. Gibril Jaw        | CEO, NAQAA                                  |
| 2. Musa D. Kora          | DAF, NAQAA                                  |
| 3. Lamin B. Manneh       | DQA, NAQAA                                  |
| 4. Sambujang Marreh      | DRD, NAQAA                                  |
| 5. Hussein Thomasi       | Solicitor General and Legal Secretary       |
| 6. Fatou Sulay Penn      | Senior State Counsel                        |
| 7. Fatou A. Barry        | Deputy Director General MDI                 |
| 8. Sheikh Omar Fye       | Principal Management Trainer MDI            |
| 9. Aboubacarr Jallow     | Principal Gambia College                    |
| 10. Edward Ceasar Mansal | Director General GTTI                       |
| 11. Mod Secka            | PS MoHERST                                  |
| 12. Yusupha Touray       | DPS MoHERST                                 |
| 13. Samba Sowe           | PSTO MoHERST                                |
| 14. Mohamed H Fofana     | Secretary General - NAVSTI                  |
| 15. Bubacarr Barry       | Member- NAVSTI                              |
| 16. Sang Mendy           | Executive Member - NAVSTI                   |
| 17. Abdoulie Sowe        | Chairman - NAVSTI                           |
| 18. Wasiu O Adebayo      | Immediate Past Chairman - NAVSTI            |
| 19. Demba Sallah         | P.R.O - NAVSTI                              |
| 20. Victoria J Tamba     | Vice Chairman - NAVSTI                      |
| 21. Abubacarr Kabbah     | Principal Legal Officer Ministry of Justice |
| 22. Fatou Sulay Penn     | Ministry of Justice                         |

**ACRONYMS** *(used in relation to the names of the stakeholder institutions that were consulted)*

1. **NAVSTI** – National Association of Vocational and Skills Training Institutions
2. **GTTI** – Gambia Technical Training Institute
3. **MDI** – Management Development Institute
4. **NAQAA** – National Accreditation and Quality Assurance Authority
5. **MOBSE** – Ministry of Basic and Secondary Education
6. **GCCI** – Gambia Chamber of Commerce and Industry
7. **GRA** – Gambia Revenue Authority
8. **TVET**- Technical and Vocational Education and Training

## **PART I – INTERPRETATION**

The Committee, after thorough consultations with stakeholders, strongly recommends that the following words and or phrases as defined, be added to the interpretation section of the bill:

**“Chartered Status”** means a status attained by an institution to confer degrees through an Act of Parliament or by a Presidential Charter given by the President of the Republic of The Gambia.

**“Higher Education Institution”** includes a University, University-College, College or Institute offering degree and may offer non-degree programmes of an academic or professional in nature;

**“Letter of Interim Authorization”** means the authorization issued by the Authority to the promoter of a private University or tertiary institution to enable the promoter to initiate the process of establishment of the proposed institution.

**“University”** means a higher education institution designed for offering advanced educational and training programmes in several fields of learning, and conferring degrees in various faculties or Schools or Colleges. A university should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments.

“**College**” means an institution offering tertiary programmes up to diploma or may be part of a university offering higher education programmes of academic or professional studies.

“**University College**” means a higher education institution that is under the mentorship of a chartered higher education institution and whose degree/diplomas/certificates are awarded by the Mentor Institution. A university-college should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments.

“**Academy**” means a tertiary education institution offering programmes in a specialized field.

“**Institute**” means an establishment offering advanced programmes (up to degree level) of academic or professional studies.

“**Polytechnic**” means a tertiary education institution offering various technical or vocational education programmes up to Higher National Diploma level.

“**Monotechnic**” means a tertiary education institution offering a single technical or vocational educational programme up to Higher National Diploma level.

“**Tutoring Centre**” means an institution set-up primarily to prepare students to take the examinations and be certified by a recognized professional or academic awarding body.

“**Apprenticeship Centre**” means an establishment that offers a systematic and structured off-the-job vocational training and/or on-the-job training at an employer's workplace that leads to a recognized vocational qualification.

“**Institution**” means a tertiary institution or a higher education institution.

“**Public Institution**” means an institution established by an Act of Parliament primarily for the provision of education and or training.

“**Technical and Vocational Education and Training**” means **programmes** geared towards skills acquisition in vocational and technical training.

“**Tertiary Institution**” means a post-secondary institution which includes a College, Academy, Polytechnic, Monotechnic, Skills Centre or an Institute that offers offer professional, vocational and technical training **programmes** from certificate to diploma level.



## PART II – ESTABLISHMENT OF THE AUTHORITY AND ITS GOVERNING COUNCIL

During consultations, the Committee noted the observations made with the stakeholders and wishes to submit our recommendations as follows:

### **Clause 5 (2)**

The word “Minister” be replaced by the word “President” as dictated by the 1997 Constitution section 175 (2) which reads “The members of the Board of Directors or other governing body of a public Enterprise shall be appointed by the president after consultation with the public service commission and shall be selected amongst persons of integrity, competence and maturity of judgment. A member of the National Assembly, the holder of a political office or an officer of a political party shall not be qualified to be appointed to the Board of Directors or other governing body of a Public enterprise.

### **Clause 5(3)(f)**

The number of people be reduced to two and should read: Two other persons who have special knowledge and experience in matters relating to tertiary and higher education.

### **Clause 5(3)(g)**

Should now read: **A representative from the Private and Public Sectors.**

### **Insert Clause 5(3) (i)**

A representative from MOBSE.

### **Insert Clause 5(3) (j)**

A representative from GCCI.

### **Insert Clause 5(3) (k)**

A representative from NAVSTI.

### **Clause 5(4):**

Insert the words ‘**and Finance**’ of the Authority shall serve as Secretary to Council. This is the current title at the Authority.

**Clause 6(h)**

This sub-clause seems to be very restrictive in pointing to a British System. We recommend the sub-clause to read: “**ensure that all academic programmes in The Gambia shall follow the minimum standards set by the Authority**”.

**Insert Clause 10: Remuneration of Members of the Council:** The members of the Council shall be paid such remuneration, fees or allowances as the Minister may determine.

**Clause 13. Annual Estimates**

The number of months required for the Chief Executive Officer to submit estimates for the following year should be reduced to **at least three months**.

**Clause 14(3)**

This clause should be re-written to read: “**The Council shall ensure that within three months of the current financial year, a statement of account is prepared in respect of the preceding financial year, and submitted to the Auditor General for audit**”.

**Clause 16(3) (a)**

The two months should be increased to **three months**.

**Clause 16(4) (a) and (b)**

All these should be expunged, as NAQAA has no business with how institutions spend their money since they are not sub-vented by the government. The submission of this information should be to The Gambia Revenue Authority (GRA).

**PART IV – ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF HIGHER EDUCATION INSTITUTIONS**

**Clause 20(4)**

This clause should be amended to read: **All prospective private higher education institutions shall pay to the Authority through a special account at the Central Bank of the Gambia, a refundable fee of the equivalent in Gambian Dalasi of three hundred thousand US Dollars (USD300, 000).**

**Clause 20(5)**

All prospective private non-degree awarding tertiary education institutions offering programmes up to higher national diploma level shall pay to the Authority through a special account at the Central Bank of the Gambia, a refundable fee of the equivalent in Gambian Dalasi of one hundred and fifty thousand US Dollars (USD5, 000).

**Clause 20(6)**

This clause should now read: **“All prospective private vocational/skills centers offering certificate level programmes only, shall pay to the Authority through a special account at the Central Bank of The Gambia, a refundable fee in Gambian Dalasi the equivalent of fifty thousand US Dollars (USD50, 000) for non-Gambians, and five thousand US Dollars (USD5, 000) for institutions fully owned by Gambians.”** Public institutions should be exempted from paying this fee.

The letter “t” is missing in the word “Authority” and this should be inserted.

**Clause 20(7)**

The non-refundable fee of \$50, 000 should be reduced to \$5, 000 and should be refundable. The letter “t” is missing in the word “Authority” and this should be inserted.

**Clause 20(9)**

This subclause should now read: **“All financiers and/or promoters of prospective tertiary and higher education institutions shall be subjected to security clearance in accordance with the set procedures of the Authority”.**

The letter “t” is missing in the word “Authority” and this should be inserted.

**Clause 20(10)**

Insert this subclause to read: **“The Authority shall utilize the refundable deposit to ensure smooth transitional operations of a University/Institution in case the University/Institution goes bankrupt or is served with a closure order”.**

**Clause 20 (11)** Insert this subclause to read: **“For all private institutions, at least fifty percent of the shares shall be owned by Gambians.”**

**Clause 20 (12)** Insert this subclause to read: **“All prospective private institutions shall show evidence of financial viability to operate a tertiary or a higher education institution.”**

**Clause 21(3)** Increase the number of years of an Interim Authorization letter from two years to **three years**. The subclause should now read: **“The number of years for a Letter of Interim Authorization shall be valid for not more than three years, during which the holder may only...”** Insert 3(d) to read: **“pay the prescribed refundable deposit to the Authority”**; and

Amend 3(e) to read: **“do such other things as may enable the proposed private university or institution to fulfill the minimum establishment standards”.**

**Clause 22(1)**

The word “or” should replace the word “of” in between the word “University” and “Institution”.

**Clause 22 (5)-**

Insert this sub-clause: **“The Minister may, upon receipt of the Authority’s findings and recommendations, approve the issuance of a provisional license”.**

**Clause 24(2)** Amend to read: **“A private Institution of higher learning shall, after seven years of affiliation and under a provisional License, submit to the Authority a detailed analytical report of...”**

**Clause 25** Amend the heading of this clause to read: “**Application for a Full Registration License**”

**Clause 26 (2)**

This clause should be amended to indicate **five years**.

**Clause 27**

**The entire clause and sub clauses should be amended to read as:**

- (1) If the Authority is satisfied with the progress of a university or institution and with the design, implementation and maintenance of its academic and administrative system **in** relation to its programmes, the Authority shall establish an Inspection Committee.
- (2) The Inspection Committee shall –
  - (a) ascertain the veracity of the reports submitted to it by an applicant for accreditation of its programmes; and
  - (b) within three months from the date of receipt of the report of the applicant for programme accreditation, submit to the Authority its findings and recommendations on the programme(s).
- (3) The Authority may, if satisfied with-
  - (a) the report of the Inspection Committee regarding the programme(s) of the private university or institution;
  - (b) the adequacy of the human, physical, financial and other resources of the university or institution **in running its programmes**; and
  - (c) any other relevant matter, **accredit the programme(s) of that university or institution.**

**Clause 32**

This clause is amended to read: “**A private university or institution may appoint such persons as officers of the university or institution as it may determine, whose positions and functions shall be in accordance with the university or institution’s officers submitted and approved by the Authority**”.

## PART VI – ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF PRIVATE TERTIARY INSTITUTIONS

### Clause 36

The title of the clause should now read: “Application for a Full **Registration and Accreditation License**”

### Clause 41

Tertiary” to be included to read: **Estimates, Accounts and Audits of Private Universities or Tertiary Institutions.** “

## PART VII – MISCELLANEOUS PROVISIONS

### Clause 47(2) – Change of Name

Increase the number of newspaper publication to **three** and be published in the **gazette**. The clause should now read; “**The Authority shall publish the application for a change of name in at least three newspapers and be gazetted.**”

### Clause 47(4)

“The Governing Council” should replace the word “Minister”.

### Clause 48(2)(c)

The minimum and maximum number of students to be enrolled should not be imposed on institutions. This sub-clause should be expunged.

### Clause 53

The number of days for an aggrieved person of a decision should increase from thirty days to **sixty days** and the appeal is **to the governing council** instead of a high court.

### Clause 54

This clause should read: “**The Council, in consultation with the Minister, may make regulations for the better carrying into effect of the provisions of this Act**”.

**Clause 56(1)(h)**

This sub-clause should be amended to read: **“Provides information in relation to registration and operations for which that person knows is false or does not have a reason to believe to be true commits an offence and is liable on summary conviction to a fine of not less than one hundred thousand dalasi or to a term of imprisonment of not more than two years or both.”**

**Numbering in the Table of Content**

**Part III** in the Table of Content has been repeated which makes the numbering of the Content not to be in line with the numbering of the Parts in the Bill. This should be corrected to follow the right order.

**COMMITTEE’S RECOMMENDATION**

Following fruitful engagements and consultations with relevant stakeholders, and having adequately captured the submissions, opinions and recommendations of experts from these stakeholder institutions, the Committee hereby recommends that the Bill be passed with the stated amendments.

**APPENDICES:**

**APPENDIX 1.**

**MINUTES OF THE MEETING OF THE NATIONAL ASSEMBLY SELECT  
COMMITTEE ON EDUCATION, TRAINING AND ICT WITH GTTI, MDI &  
GAMBIA COLLEGE.**

**Date:** 20<sup>th</sup> January, 2021

**Time:** 11:00 am  
**Venue:** Committee Room 2B

## **1. In Attendance**

### Hon. Members

- |                            |               |
|----------------------------|---------------|
| 1. Hon. Alhagie Mbow       | Vice Chairman |
| 2. Hon. Saikouba Jarju     | Rapporteur    |
| 3. Hon. Alhagie Darboe     | Member        |
| 4. Hon. Fakebba N.L Colley | Member        |
| 5. Hon. Sainey Touray      | Member        |
| 6. Hon. Alfusainey Ceesay  | Member        |
| 7. Hon. Bakary Njie        | Member        |
| 8. Hon. Muhammed Mahanera  | Rapporteur    |

### Hon. Members Absent with apology

- |                      |          |
|----------------------|----------|
| 1. Hon. Yaya Gassama | Chairman |
|----------------------|----------|

### Hon. Members Absent

- |                               |        |
|-------------------------------|--------|
| 1. Hon. Alhagie S. Darboe     | Member |
| 2. Hon. Sedia S. Jatta        | Member |
| 3. Hon. Matar Jeng            | Member |
| 4. Hon. Abdoulie Ceesay       | Member |
| 5. Hon. Alhaji Sankung Jammeh | Member |
| 6. Hon. Ousman Touray         | Member |
| 7. Hon. Muhammed Magassy      | Member |
| 8. Hon. Ndey Yassin Secka     | Member |

### Subject Matter Specialists

1. Mr. Sekou O.M Dibba
2. Mr. Momar Samba

### Support staff

- |                    |                  |
|--------------------|------------------|
| 1. Isatou Sonko    | Secretary        |
| 2. Mamadou A.M Bah | Secretary        |
| 3. Modika Bah      | Research Officer |

### Invitees



- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Fatou A. Barry       | Deputy Director General MDI      |
| 2. Sheikh Omar Fye      | Principal Management Trainer MDI |
| 3. Aboubacarr Jallow    | Principal Gambia College         |
| 4. Edward Ceasar Mansal | Director General GTTI            |

## 2. Agenda:

1. Prayers
2. Adoption of the Agenda
3. Introduction
4. Review of the NAQAA Bill with the stakeholders (Government Institutions)
5. AOB

## 3. Proceedings

Agenda Items	Activities	Action points
1. Prayers	The Chairman called the meeting to order at 11:00 am after prayers	
2. Adoption of the Agenda	The agenda was adopted with amendments.	
4. Introduction	4.1 The Chairman welcomed the Institutions to the consultative meeting and stated the purpose of the consultation. 4.2 Individual introductions were made.	
5. Review of the NAQAA Bill with the Stakeholders	5.1 The following observations were made by the invitees.	

## OBSERVATIONS BY THE STAKEHOLDERS

The following Observations were made by the Institutions.

## **Tertiary Institutions (MDI, GTTI and Gambia College)**

### **PART II**

1. Clause 5(2): "President" to replace the word "Minister" in appointing the Council as stipulated in the 1997 Constitution
2. Clause 5(3)(d): A representative from MoBSE instead of WAEC
3. Clause 5(3)(f): Two other persons who have special knowledge and experience in matters relating to tertiary and higher education.
4. Clause 5(3)(g): A representative from the Private and Public Sectors
5. And a new insertion under Clause 5(3) to be (i) A representative from GCCI
6. Clause 6(h): Seems too restrictive and recommends for the British System to be replaced by International Standard, and the word "Gambian" to be changed "Gambia".

### **PART IV**

7. Clause 20(4) be removed as it will be a reputation in (5) and (6).
8. Clause 20(5,6) the amount to be looked into and the question should be as to whether it's applicable to Public Institutions too.
9. Clause 20(6) The amount One hundred and Fifty US Dollars to be clarified. And the letter 't' is missing in 'Authority' from (5 to 7).
10. Clause 22(1): The word "or" be replaced by the word "of" in between the word "University" and "Institution".
11. Clause 24(2): A Provisional License of seven years to be reduce to either two or three years
12. Clause 25(1): The word "May" be replaced by the word "Shall" apply....

### **PART VII**

13. Clause 47(2): The Authority shall publish the application for a change of name in at least three newspapers and be gazetted
14. Clause 47(4) Minister to be replaced by 'The Governing Council' shall.....
15. Clause 48(2)(c) The minimum and maximum number of students to be enrolled should not be imposed on institutions- and the word "Enrolled" to replace the word "rolled".
16. Clause 53: A person aggrieved with a decision of the Authority under this Act, may appeal to the High Court against the decision, within sixty days instead of 30 days

Clause 54: the Council may make regulations generally.....

### **APPENDIX 2.**

**DRAFT MINUTES OF THE MEETING OF THE NATIONAL ASSEMBLY SELECT  
COMMITTEE ON EDUCATION, TRAINING AND ICT WITH NAVSTI.**

**Date:** 21<sup>st</sup> January, 2021  
**Time:** 11:00 am  
**Venue:** Committee Room 2B

In Attendance

Hon. Members

- |                               |               |
|-------------------------------|---------------|
| 1. Hon. Alagie Mbowe          | Vice-Chairman |
| 2. Hon. Saikouba Jarju        | Member        |
| 3. Hon. Abdoulie Ceesay       | Member        |
| 4. Hon. Fakebba N.L Colley    | Member        |
| 5. Hon. Sainey Touray         | Member        |
| 6. Hon. Muhammed Mahanera     | Member        |
| 7. Hon. Alhaji Sankung Jammeh | Member        |
| 8. Hon. Alhagie Darboe        | Member        |
| 9. Hon. Sidia S Jatta         | Member        |
| 10. Hon. Alfusainey Ceesay    | Member        |

**Members Absent with apology**

1. Hon. Yaya Gassama
2. Hon. Ndey Yassin Secka

**Subject Matter Specialists**

1. Mr. Sekou O.M Dibba
2. Mr. Momar Samba

**Support staff**

- |                    |                  |
|--------------------|------------------|
| 1. Isatou Sonko    | Secretary        |
| 2. Mamadou A.M Bah | Secretary        |
| 3. Modika Bah      | Research Officer |

**Invited Guests**

1. Mohamed H Fofana      Secretary General      NAVSTI

- |                     |                         |                     |
|---------------------|-------------------------|---------------------|
| 2. Bubacarr Barry   | Member                  | NAVSTI              |
| 3. Sang Mendy       | Executive Member        | NAVSTI              |
| 4. Abdoulie Sowe    | Chairman                | NAVSTI              |
| 5. Wasiu O Adebayo  | Immediate Past Chairman | NAVSTI              |
| 6. Demba Sallah     | P.R.O                   | NAVSTI              |
| 7. Victoria J Tamba | Vice Chairman           | NAVSTI              |
| 8. Abubacarr Kabbah | Principal Legal Officer | Ministry of Justice |
| 9. Fatou Sulay Penn | Ministry of Justice     | Ministry of Justice |

**Agenda:**

1. Prayers and introduction
2. Consultation with stakeholders on the NAQAA Bill (NAVSTI)
3. AOB

Agenda Item	Minutes	Action point
1. Prayers and Introduction	<p>1.1 The meeting, after prayers, was opened by the Vice-Chairperson of the Committee (who chaired the meeting) This is followed by a general introduction of members and other participants.</p>	Chairperson and all participants
1. Consultation with stakeholders on the NAQAA Bill (National Association of	<p>2.1 The delegation from this association expressed their disappointment for noy being during the drafting of the bill by the line Ministry (MOHERST) and NAQAA</p>	Committee members to take action

Vocational Schools and Technical Institutions)	<p>considering TVET institution being an important constituent in the bill..</p> <p>2.2 However, various observations and comments were put forward by the Association on the bill such as:</p> <p>i. On Page; 7 (b, c)</p>	
	<p>On the issuance of license, it was suggested by the delegation that it should not be the role of NAQAA to issue license to trainers, assessors and verifiers.</p> <hr/> <p>ii. Page 7 (q);</p>	
	<p>Equally, it was emphasized by the delegation that endorsing certificates should be the sole responsibility of the awarding body (institutions) and not NAQAA.</p> <hr/> <p>iii. Page 9;</p>	

	<p>It was also flagged that the composition of the governing council does not reflect the needs of the TVET sector as they are not represented. Accordingly, they recommended the inclusion of certain positions such as a representative of Private Tertiary and Higher education institute (NAVSTI) and also the exclusion of the Head of National Office, WAEC because NAQAA is not an examination body and WAEC only deals with junior and senior secondary schools.</p> <hr/> <p>iv. Page 10 (b);</p>	
	<p>Conducting all academic programmes along British System of Education is lamented by the Association as they question the relevance of it.</p> <p>v. Page 12 (c);</p>	

	<p>A strong recommendation to the Committee to have a provision in the bill to make sure the education and training levy is use for the advancement of TVET institutions.</p> <hr/> <p>vi. Page 13 (a and 4 a and b);</p> <p>It was further suggested by the delegation that two months is too short for institution or university to submit their annual activity and financial reports. Additionally, NAQAA should not be given the power to scrutinize the financial report of these institutions as it will incur further charges on them to higher auditors.</p> <p>vii. Page 15; (4 and 9);</p> <p>Considering the high amount of student tuition fee debt, and other financial challenges tertiary institutions face, the delegation feels that it is hugely unnecessary</p>	
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	<p>to ask these institutions to pay these huge sums and suggests it should be expunged.</p> <hr/>	
	<p>viii. Page 18;</p>	
	<p>The delegation laments the fact that an institution has to serve seven years of affiliation with a provisional license. In the contrary, it is suggested that there should be set criteria for full license and once that is met, the institution concern should be able to apply for full license. Similarly, in page 23 and 24.</p> <hr/>	
	<p>ix. Page 27;</p>	
	<p>It was further recommended that since NAQAA in most instances wouldn't even tender approved licenses on time, the amount of D150, 000. 00 should be reduced.</p> <hr/>	



	<p>x. Page 28;</p>	
	<p>Moreover, it is argued by the delegation that once an institution is licensed and accredited by NAQAA, it should be the prerogative of the Institutions to determine the courses and training programme</p> <p>xi. Page 30; (appeals)</p>	
	<p>Reporting cases direct to the High Court should be considered as a last resort. The delegation therefore recommended other avenues such as the Ombudsman, Inspector General of Police, etc.</p> <hr/> <p>xii. Page 32;</p>	

	<p>The delegation feels that sanctions should be on the institution and not a person.</p> <hr/> <p>xiii. Page 33;</p>	
	<p>It was flagged that giving the Minister such power shall give him/her the right to establish a tertiary education institute. Additionally, this maybe subjected to serious abuse.</p>	

APPENDIX 3.

**MINUTES OF THE MEETING OF THE NATIONAL ASSEMBLY SELECT COMMITTEE ON EDUCATION, TRAINING AND ICT WITH NAQAA & MOJ.**

**Date:** 22<sup>nd</sup> January, 2021

**Time:** 11:00 am  
**Venue:** Committee Room 2B

#### **4. In Attendance**

##### Hon. Members

1. Hon. Alhagie Mbow	Vice Chairman
2. Hon. Saikouba Jarju	Rapporteur
3. Hon. Alhagie Darboe	Member
4. Hon. Ousman Touray	Member
5. Hon. Fakebba N.L Colley	Member
6. Hon. Sainey Touray	Member
7. Hon. Sedia S. Jatta	Member
8. Hon. Alhaji Sankung Jammeh	Member
9. Hon. Alfusainey Ceesay	Member
10. Hon. Bakary Njie	Member
11. Hon. Muhammed Mahanera	Rapporteur

##### Hon. Members Absent with apology

2. Hon. Yaya Gassama	Chairman
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##### Hon. Members Absent

9. Hon. Alhagie S. Darboe	Member
10. Hon. Matar Jeng	Member
11. Hon. Abdoulie Ceesay	Member
12. Hon. Muhammed Magassy	Member
13. Hon. Ndey Yassin Secka	Member

##### Subject Matter Specialists

3. Mr. Sekou O.M Dibba
4. Mr. Momar Samba

##### Support staff

4. Isatou Sonko	Secretary
5. Mamadou A.M Bah	Secretary
6. Modika Bah	Research Officer

##### Invitees

- |                     |                                       |
|---------------------|---------------------------------------|
| 1. Dr. Gibril Jaw   | CEO, NAQAA                            |
| 2. Musa D. Kora     | DAF, NAQAA                            |
| 3. Lamin B. Manneh  | DQA, NAQAA                            |
| 4. Sambujang Marreh | DRD, NAQAA                            |
| 5. Hussein Thomasi  | Solicitor General and Legal Secretary |
| 6. Fatou Sulay Penn | Senior State Counsel                  |

**5. Agenda:**

6. Prayers
7. Adoption of the Agenda
8. Introduction
9. Review of the NAQAA Bill with the stakeholders (NAQAA and Ministry of Justice)
10. AOB

**6. Proceedings**

Agenda Items	Activities	Action points
1. Prayers	The Chairman called the meeting to order at 11:00 am after prayers	
2. Adoption of the Agenda	The agenda was adopted with amendments.	
4. Introduction	4.1 The Chairman welcomed NAQAA and MoJ to the consultative meeting and stated the purpose of the consultation. 4.2 Individual introductions were made.	
5. Review of the NAQAA Bill with the Stakeholders	5.1 The following observations were made by the invitees.	

**OBSERVATIONS BY THE STAKEHOLDERS**

**PART I**

NAQAA presented new definitions to be considered for insertion in the Bill which are as follows:

1. **“Chartered Status”** means a status attained by an Institution to confer degrees through an Act of Parliament or by a Presidential Charter given by the President of the Republic of The Gambia.
2. **“Higher Education Institution”** includes a University, **University-College**, College or Institute offering degree and **may offer** non-degree programmes of an academic or professional in nature;
3. **“Letter of Interim Authorization”** means the authorization issued by the Authority to the promoter of a private University or tertiary institution to enable the promoter initiate the process of establishment of the proposed institution.
4. **“University”** A higher education institution designed for offering advanced educational and training programmes in several branches of learning conferring degrees in various faculties or Schools or Colleges. A university should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments.
5. **“College”** an Institution offering tertiary programmes up to diploma or may be part of a university offering higher education programmes of academic or professional studies.
6. **“University College”** A higher education institution that is under the mentorship of a chartered higher education institution and whose degree/diplomas/certificates are awarded by the Mentor Institution. A university-college should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments.
7. **“Academy”** a tertiary education institution offering programmes in a

specialized field.

8. **“Institute”** An establishment offering advanced programmes (up to degree level) of academic or professional studies.
9. **“Polytechnic”** A tertiary education institution offering various technical or vocation education programmes up to Higher National Diploma level.
10. **“Monotechnic”** A tertiary education institution offering a single technical or vocational educational programme up to Higher National Diploma level.
11. **“Tutoring Centre”** an institution set-up primarily to prepare students to take the examinations and be certified by a recognized professional or academic awarding body.
12. **“Apprenticeship Centre”** an establishment that offers a systematic and structured off-the-job vocational training and/or on-the-job training at an employer's workplace that leads to a recognized vocational qualification.
13. **“Institution”** means a tertiary institution or a higher education institution;
14. **“Public Institution”** means an Institution established by an Act of Parliament primarily for the provision of education and or training.
15. **Technical and Vocational Education and Training**" means programmes geared towards skills acquisition in vocational and technical training; and
16. **“Tertiary Institution”** means a post-secondary institution offering professional, vocational and technical training programmes from certificate to diploma level. **Tertiary institution includes: College, Academy, Polytechnic, Monotechnic, Skills Centre and Institute.**

## **PART II - ESTABLISHMENT OF THE AUTHORITY AND ITS GOVERNING COUNCIL**

Clause 3(3) The application of the common seal of the Authority shall be authenticated by the signature of the Chief Executive Officer or such other person as may be authorized by him **or** her.

Clause 4(4) A document bearing the imprint of the common seal of the Authority is deemed to be properly sealed, unless the contrary is **proven**.

Clause 5(2): The **President** shall appoint members of the Council after consultation with the Public Service Commission.

Clause 5(4): Insert the word **and Finance** of the Authority shall serve as Secretary to Council.

Clause 6(h): **ensure that all academic programmes in The Gambia shall follow the minimum standards set by the Authority;** and not the British system of education.

### **Clause 11. Remuneration of members of the Council**

The members of the Council shall be paid such remuneration, fees or allowances as the Minister may determine.

### **Clause 13. Annual Estimates**

(1) The Chief Executive Officer shall submit to the Council, the estimates of the income and expenditure of the Authority for the next following financial year, at least **three** months before the end of the financial year.

Clause 14(3): **The Council shall ensure that within three months of the current financial year, a statement of account is prepared in respect of the preceding financial year, and submitted to the Auditor General for audit.**

## **PART III - THE CHIEF EXECUTIVE OFFICER AND STAFF OF THE AUTHORITY**

Clause 16(2): The Chief Executive Officer shall be appointed by the **President after consultation with the Council and the Public Service Commission.**

## **PART IV - ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF HIGHER EDUCATION INSTITUTIONS**

### **Clause 20:**

(4) All prospective private higher education institutions shall pay to the Authority through a special account at the Central Bank of the Gambia, a non-refundable fee of the equivalent in Gambian Dalasi of three hundred thousand US Dollars (USD300, 000).

(5) All prospective private non-degree awarding tertiary education institutions offering programmes up to higher national diploma level shall pay to the Authority through a special account at the Central Bank of the Gambia, a non-refundable fee of the equivalent in Gambian Dalasi of one hundred and fifty thousand US Dollars (USD150, 000).

(6) All prospective private vocational/skills centers offering certificate level programmes only shall pay to the Authority through a special account at the Central Bank of the Gambia, a non-refundable fee in Gambian Dalasi of the equivalent of fifty thousand US Dollars (USD50, 000) for non-Gambians and ten thousand US Dollars (USD10,000) for Institutions fully owned by Gambians.

(7) The Authority shall utilize the non-refundable deposit to ensure smooth transitional operations of a University/Institution in case the University/Institution goes bankrupt or is served with a closure order.

(8) All financiers and or promoters of prospective tertiary and higher education institutions shall be subjected to security clearance in accordance with the set procedures of the Authority.

(9) For all private institutions, at least fifty percent of the shares shall be owned by Gambians.

(10) All prospective private institutions shall show evidence of financial viability to operate a tertiary or a higher education institution.

Clause 21(3): A Letter of Interim Authorization shall be valid for not more than three years, during which the holder may only -



- 3(d) **pay the prescribed non-refundable deposit to the Authority;** and  
3(e) do such other thing as may enable the proposed private university or institution to **fulfil the minimum establishment standards.**

### **Clause 22. Issuance of Provisional Licence**

The Minister may upon receipt of the Authority's findings and recommendations, approve the issuance of a provisional license.

**The provisional licence shall be valid for a period not more than three years and is renewable.**

**Clause 24(2):** A private **Institution of higher learning** shall, **after seven years of affiliation and under a provisional Licence**, submit to the Authority a detailed analytical report of -

Clause 25. Application for a Full **Registration** Licence

Clause 25(2) An application for a **Full Registration** Licence shall be accompanied by

Clause 26 A full licence shall be valid for a period of **five** years.

### **Clause 27. Programme Accreditation**

(1) If the Authority is satisfied with the progress of a university or institution and with the design, implementation and maintenance of its academic and administrative system **in relation to its programmes**, the Authority shall establish an inspection Committee.

(2) The Inspection Committee shall -

(a) ascertain the veracity of the reports submitted to it by an applicant for accreditation **of its programmes**; and

(b) within three months from the date of receipt of the report of the applicant **for programme accreditation, submit to the Authority its findings and recommendations on the programme(s).**

(3) The Authority may, if it is satisfied with-

- (a) the report of the Inspection Committee **regarding the programme(s)** of the private university or institution;

(b) the adequacy of the human, physical, financial and other resources of the university or institution **in running its programmes**; and

(c) any other relevant matter,

**shall accredit the programme(s)** of that university or institution.

### **32. Officers**

A private university or institution may appoint such persons as officers of the university or institution as it may determine, whose positions and functions shall be in accordance with the university or institution's officers submitted and **approved** by the Authority.

## **PART VI - ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF PRIVATE TERTIARY INSTITUTIONS**

Some spelling errors of the word **Authorization** were rectified by them in this clause.

Clause 32(3)(d): pay the prescribed non-refundable deposit to the Authority; and

Clause 35: Application for a Full **Registration** and Accreditation **Licence**

Clause 37(1) If the Authority is satisfied with the progress of a tertiary institution and with the design, implementation and maintenance of its academic and administrative system **in relation to its programmes**, the Authority shall establish an inspection Committee.

(2) The Inspection Committee shall –

(a) ascertain the veracity of the reports submitted to it by an applicant for accreditation **of its programmes**; and

(b) within three months from the date of receipt of the **report of the applicant for programme accreditation, submit to the Authority its findings and recommendations on the programme(s)**.

(3) The Authority may, if it is satisfied with-

- (a) the report of the Inspection Committee **regarding the programme(s)** of the private tertiary institution;
  - (b) the adequacy of the human, physical, financial and other resources of the university or institution **in running its programmes**; and
  - (c) any other relevant matter
- shall accredit the programme(s)** of that tertiary institution.

**41. Estimates, Accounts and Audits of Private Universities or Tertiary Institutions.** Tertiary to be included

**53. Appeals :** for the appeals to be made to the Governing Council not the High Court.

**56. Sanctions**

56(1)(h) Provides information in relation to registration and operations which that person knows is false or does not have a reason to believe to be true commits an offence and is liable on summary conviction to a fine of not less than one hundred thousand dalasis or to a term of imprisonment of not more than two years or both

56(2) insert the words **`impose a sanction`** after the council may)

OBJECTS AND REASONS: Solicitor General promises to look into it to make it more specific.

Signed .....

**Vice - Chairperson of the Committee**

**Hon. Alhagie Mbow**

