

31 March 2021

Mr Phindiwe Mbhele
Department of Home Affairs
17th Floor
236 Johannes Ramokoase Street
Pretoria

By e-mail: cswv@dha.gov.za

Dear Mr Mbhele,

SUBMISSION TO THE DEPARTMENT OF HOME AFFAIRS ON THE DRAFT CRITICAL SKILLS LIST (2020)

The South African Institute of Chartered Accountants (SAICA), welcomes the opportunity to make submissions to the Department of Home Affairs on the Draft Critical Skills List (2020).

SAICA is the home of chartered accountants in South Africa – we currently have over **46,000 Chartered Accountant** members and associates from various constituencies, including members in public practice ($\pm 30\%$), members in business ($\pm 50\%$), in the public sector ($\pm 5\%$), education ($\pm 2\%$) and other members ($\pm 13\%$). In meeting our objectives, our long-term professional interests are always in line with the public interest and responsible leadership.

The Department of Higher Education has also published a *National List of Occupations in High Demand: 2020*. We are concerned that there might be confusion with regards to the National List of Occupations in High Demand versus the Critical Skills List.

For ease of reference we set out below in **Annexure A**, our main points and detailed comments. Should you have any comments or queries on the comments raised, please feel free to contact Juanita Steenekamp (juanitas@saica.co.za) or Hayley Barker Hoogwerf (hayleyb@sacia.co.za).

Yours sincerely

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ANNEXURE A: DETAILED COMMENTS

GENERAL MATTERS

SAICA's consultation and advocacy

1. SAICA is an accountancy membership body with varied representation of members/associates in the public and private sector and includes business owners, accountants and auditors. The focus of our comment letter is therefore on the impact that the Proposed Critical Skills List will have on the accountancy profession.

Impact on students from other countries

2. The Proposed Critical Skills List will impact any person wishing to apply for a critical skills visa as set out in the Immigration Act, 13 of 2002. SAICA is concerned with the impact that the Proposed Critical Skills List will have on students from other countries seeking to complete the Chartered Accountancy qualification. For students to qualify as Chartered Accountants (CA(SA)) as per the South African Qualifications Authority (SAQA) designation, identified as ID 8¹ they require the following:

Underlying Registered Qualification or Part Qualification:

Bachelor of Commerce Degree accredited by SAICA for Chartered Accountants South Africa (CA(SA)) purposes. Honours Degree, referred to as the Certificate in the Theory of Accounting (CTA) accredited by SAICA for CA(SA) purposes.

Experiential Learning or Experience

A minimum of a three-year learnership at a workplace provider accredited by SAICA for CA(SA) purposes.

Competency Assessment

Two professional Examinations:

- Initial Test of Competence (ITC) - can be sat after successful completion of the CTA.
 - Assessment of Professional Competence (APC) - can be sat after completion of the ITC and at least 22 months' experience under the applicable learnership.
3. Students therefore have the opportunity to study in South Africa but then battle to obtain a critical skills visa for the experiential learning or experience needed to qualify as a CA(SA) as they do not meet the requirements as set out in the Immigration Act, 13 of 2002.

¹ <https://pbdesig.saqa.org.za/viewProfessionalDesignation.php?id=8>

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4. Submission: SAICA submits that the Proposed Critical Skills List be amended to include CAs(SA) as a critical skill thereby allowing students to obtain the critical skills visa needed to obtain the experiential learning or experience that is required to qualify as a CA(SA).

SPECIFIC MATTERS

5. According to the “Technical Report for the 2020 Critical Skills List”, the Proposed Critical Skills List is set to inform immigration policy. Therefore, next to each occupation included in the Proposed Critical Skills List is an indication of whether a foreign national applying for a particular occupation requires any specific professional body or licencing approval. This gaining of additional approval potentially feeds into the general process that must be followed by foreign nationals looking to work in South Africa.
6. Although SAICA agrees that, in some cases membership of a professional body is required, the list as stated in the Proposed Critical Skills List is not accurate.
7. The professional bodies named in the Proposed Critical Skills List are in some cases not the only body approved or required to practice that occupation or is not a legal requirement at all or inaccurate. Examples of these inaccuracies are as follows (not an exhaustive list):
- a. The requirement that an **internal auditor** should belong to the Independent Regulatory Board for Auditors (IRBA) is inaccurate as the IRBA does not accredit internal auditors but rather accredits registered auditors as defined in the Auditing Profession Act, 26 of 2005. There are in fact no legal requirements for internal auditors to belong to a professional body. There is, however a **voluntary body for internal auditors**, namely the Institute of Internal Auditors South Africa.
 - b. The requirement for **tax professionals** to be registered with The SA Institute of Tax Professionals (SAIT) is also misleading as there is currently no requirement for a person who qualifies as a tax professional under the SAIT occupational qualification to be registered. However, a **tax practitioner** must be registered with one of 12 recognised controlling bodies (RCB) and with SARS and all 12 those qualifications are approved by SARS to meet the requirement to register as a tax practitioner with those respective bodies.

8. Submission: SAICA submit that the requirement to belong to a specific professional body should be removed where this is not an express legal requirement but registration with a statutory regulator is. For example, a medical practitioner has to register with the Health Professions Council of South Africa and a registered auditor with IRBA. However, a medical doctor can also become a member of SAMA and an auditor a member of SAICA on a voluntary basis.

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9. However, where registration with a regulator and a professional body is required then it should be separated as requirement, especially where more than one professional body is approved, then all approved professional bodies should be applicable.
10. The current included professional bodies creates confusion as not all the bodies are relevant in creating such an obligation and in other instances singling out one of many registered professional bodies for a specific occupation is discriminatory and contrary to that specific statutory regulatory regime.