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GOVERNMENT NOTICE

Labour, Department of

Government Notice

R. 639 Skills Development Act (97/1998): Proposed amendments to Sector Education and Training Authorities (SETAs)
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SCHEDULE

Definitions

1. In these regulations “the Regulations” means the regulations published by Government Notice No.R.713 dated 18 July 2005.

Amendment of Regulation 1

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “mandatory grants” of the following definition-

“project costs” means costs payable through a discretionary fund and includes all costs inclusive of administration costs that can be directly attributed to a specific discretionary grant;

Amendment of Regulation 3

3. (1) Subregulation 3(2) is hereby amended by the insertion after the word “government” of the following underlined words-

In addition to subregulation (1), a SETA may use the contributions received from public service employers in the national or provincial spheres of government and relevant national and provincial public entities as contemplated in Sections 30 and 30A of the Act for its administration costs.

- (2) Subregulation 3(4) of the Regulations is hereby amended by the deletion of all the words and commas in bold brackets and the insertion of the underlined words as follows-

For the purposes of subregulation (1) and (2), and subject to section 14(3B) of the Act, the administration costs include [, **but not limited to,**] the following-

rent, heat, light, power, insurances, bank charges, audit fees and accounting fees, [**general administration,**] postage, printing and stationery, documentation and books, advertising, reports, wages and salaries, travel expenses, staff training, purchase of computers and information systems, maintenance of computers and systems, general maintenance, hire costs of photocopier, telephone and fax, meetings [**and seminars**], land, non-residential buildings and improvements thereon, furniture and office equipment, other machinery and equipment, transport assets, [**research,**] consultancy fees including institutional research, [**depreciation,**] promotional items, national skills development strategy conference expenses, database development [**and stakeholder training**].

Amendment of Regulation 4

4. Subregulation 4(1)(c) is hereby amended by the insertion after the word “project” of the following underlined word-

discretionary grant and project costs disbursements; and

Amendment of Regulation 6

5. (1) Subregulation 6(1)(a) is hereby amended by the substitution of the word and for the word **[or]** after the words “Workplace Skills Planning” and the insertion of the word Annual before the words “Training Report” as follows-

an employer employing 50 or more employees that has submitted an application for a Workplace Skills Planning **[or]** and Annual Training Report grant in accordance with subregulation (2) and in the form prescribed in Annexure “2” to these Regulations; or

- (2) Subregulation 6(2) is hereby amended by the deletion of the word in bold brackets and the insertion of the underlined word as follows-

6(2) An application for a mandatory grant in terms of subregulation (1) must be submitted **[by]**-

(a) by 30 September 2005 for the 2005/ 2006 financial year or in respect of unclaimed mandatory grants in respect of previous financial years;

(b) by 30 June for all subsequent financial years;

Amendment of Regulation 7

6. (1) Subregulation 7(1) is hereby amended by the deletion of the words in bold brackets and the insertion of the underlined words as follows-

7.(1) A SETA may determine and allocate a discretionary grant-

(a) to **[commission]** fund research in the sector in accordance with the sector skills plan and guidelines prepared by the Department;

(b) to fund the development of guidelines and the training of sector specialists or **[skills development facilitators]** persons involved with skills development facilitation;

(c) to fund a qualifying employer or an accredited organisation in respect of Adult Basic Education and Training provided to a learner **[or worker]**;

- (d) to fund a training provider or employer in respect of a learner who enters a learning programme to acquire a scarce skill or critical skill identified by the SETA;
 - (e) to fund an employer who provides work experience opportunities to learners in sector relevant programmes;
 - (f) to fund an employer or training provider to train and mentor learners to acquire new venture qualification;
 - (h) to fund an institution that offers the new venture qualification to learners covered under subregulation 7(1)(f);
 - (k) to fund **[an employer]** a stakeholder in respect of sector skills priorities.
- (2) The following Subregulation is hereby inserted after Subregulation 7(1)(n)-
- (o) to fund project costs for any project funded by a discretionary grant under subregulation 7(1)(a) to (n) inclusive of administration expenses for the discretionary project subject to the administration expenses not exceeding 10% of total discretionary project costs.
- (3) Subregulation 7(4) is hereby amended by the insertion of the following subregulation after subregulation 4(b)-
- (c) an employer contemplated in Section 30 and 30(A) of the Act that has submitted to the relevant SETA within the timeframes prescribed in regulation 6(2) of these regulations, a Workplace Skills Plan and Annual Training Report in the form prescribed by the SETA.

Amendment of Regulation 8

7. Regulation 8 of the Regulations is hereby amended by the insertion in the heading of regulation 8 of the word discretionary after the words “approval of” as follows-

Approval of discretionary grants by SETA Board or Council

Amendment of Regulation 10

8. Regulation 10 of the Regulations is hereby amended by-
- (a) the insertion in the heading of regulation 10 of the word mandatory before the word “grant” as follows-

Mandatory grant recovery by employers

- (b) the deletion of the word in bold brackets and insertion of the underlined words in subregulation (2) as follows-
- 10(2) A SETA [**may**] must not pay [**any**] a mandatory grant to an employer who is liable to pay the skills development levy in terms of section 3(1) of the Skills Development Levies Act unless the employer-
- (c) the insertion of the underlined words in subregulation (2)(d) as follows-
- (d) has submitted a Workplace Skills Plan aligned to the relevant SETA sector skills plan as contemplated in Section 10(1)(b) of the Act and within the timeframes prescribed in regulation 6(2) of these regulations; and

Amendment of annexures

9. (1) Annexure 2 of the regulations is hereby amended by-
- (a) the insertion of the word annual before the word “training ” in paragraph 3 as follows-
- (If the workplace skills plan or annual training report is submitted on behalf of one or more establishments, please attach a list of names and addresses, including physical and postal addresses).
- (b) the insertion of the word annual before the word “training” in the heading to paragraph A(4) as follows-

A(4). ANNUAL TRAINING REPORT

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