
GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 712

18 July 2005

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998)**SERVICE LEVEL AGREEMENT****REGULATIONS**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour **has** under section **10A (4)** of the **Skills** Development Act, **1998** (Act No. **97** of **1998**), and after consultation with the National Skills Authority, make the regulations in the Schedule.

SCHEDULE**Definitions**

1. **In this** Schedule, any word or expression **to** which a meaning **has** been assigned in the Act, shall have the meaning **so** assigned **and, unless** the context otherwise indicates -

“Act” means the Skills Development Act, **1998 (Act No. 97 of 1998)**;

“submit” means to **serve** by hand, registered post **or** telefax or to transmit **by** electronic mechanism as **a** result of which the recipient is capable **of** printing the communication.

Procedure for negotiating a service level agreement with SETAs.

2. The Director-General and each SETA must annually conduct negotiations on a service level agreement **as** follows :

(1) The Director-General must submit to each **SETA by** no later than the end of July in each year a draft **service** level agreement for the subsequent financial year;

(2) the **SETA** must submit its proposed amendments to that draft agreement to the Director-General by the end of September of each **year;**

(3) the Director-General and the **SETA** must **seek** to conclude a service level agreement by the end of November of each **year.**

3. If the Director-General and any SETA have not agreed on the contents of their service level agreement for the next financial year **by** the end of November in each **year**, the matter must be referred to the Minister for determination under section 10A (2) of the Act.

4. If the contents of a service level agreement **are** referred to **the** Minister **as** contemplated in regulation 3, **the** Minister **must** -

(1) **after** consulting the National Skills **Authority**, determine the matter by the end of February of that year; and

(2) in writing, notify **the** Director-General and the **SETA** of the determination **as** soon **as** possible **after** making it.

Matters which may be dealt with in service level agreements

5. The contents of a service level agreement may deal with **any** matter concerning -

(1) a **SETA's** performance of its functions in **terms** of the Act and the national skills development strategy;

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- (2) a SETA's annual strategic plan as contemplated in regulation 30 of the Treasury Regulations issued in terms of the Public Finance Management **Act**; and
- (3) any assistance that **the** Director-General is to provide to a SETA in order to enable it to perform its functions.
6. Without limiting the generality of regulation 5, a service level agreement may include -
- (1) the **standards**, criteria and targets for measuring and evaluating the level of service delivery by a **SETA** in -
- a. performing its statutory functions;
 - b. meeting its **targets** in terms of the national skills development strategy; and
 - c. implementing its **annual** strategic plan **as** contemplated in regulation 5(2)
- (2) the reports that a SETA must submit to the Director-General for purposes of measuring and evaluating its performance, conduct and practices;
- (3) the format and information requirements of such annual strategic plans and **reports**; and
- (4) the details of **any** assistance that the Director-General is to provide to a SETA in order to enable it to perform its functions, including **any** time-table **for** providing that assistance.

Short title

- 7 These Regulations are called the Service Level Agreement Regulations, **2005**.