

No. R. 888

8 September 2005

SKILLS DEVELOPMENT ACT, 1998(ACTNO. 97 OF 1998)

**APPROVAL OF CONSTITUTION FOR: SAFETY AND SECURITY SECTOR
EDUCATION AND TRAINING AUTHORITY (SASSETA)**

The Minister of **Labour** has on 1 July 2005 in terms of section 13(1) of the **Skills Development Act**, approved the constitution of the **SAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY** as set out in the Schedule.

SCHEDULE

**CONSTITUTION OF THE
SAFETY AND SECURITY
SECTOR EDUCATION AND
TRAINING AUTHORITY
("SASSETA")**

20 JUNE 2005


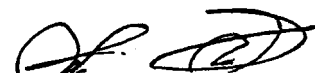
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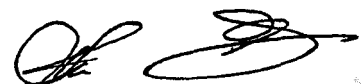
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INTRODUCTION

On 20 March 2000 the Minister of Labour established the Police, Private Security, Legal and Correctional **Services** Sector Education and Training Authority ("POSLEC") and the Diplomacy Intelligence, Defence and **Trade** Education and Training Authority ("DIDTETA"), as two of twenty-five sector education and training authorities.

In order to co-ordinate education and training activities **more effectively** within the **sectors** falling under POSLEC and DIDTETA the Minister of Labour amalgamated POSLEC and DIDTETA to **form** the Safety and Security Sector Education and Training Authority ("SASSETA") on **1 July 2005**.

CHAPTER ONE: DEFINITIONS, PURPOSE AND IDENTITY

1 Definitions

In **this** constitution any word or expression to which a meaning has been **assigned** in the **Skills** Development Act 97 of 1998 shall bear that meaning, and unless the context otherwise indicates:

- 1.1 "Alternate" means an alternate to a member,
- 1.2 "Board" means the Board of SASSETA;
- 1.3 "Certificate of Establishment" means the certificate of establishment of ~~the~~ SASSETA issued in terms of regulation 3 of the Regulations Regarding the establishment of Sector Education and Training Authorities, GNR1082, Government Gazette 20442 of 7 September 1999;
- 1.4 "Chairperson" means the chairperson of the Board;
- 1.5 "Chief Executive ~~officer~~" means ~~the~~ Chief Executive Officer appointed in terms of this Constitution;
- 1.6 "Clause" means a clause in this constitution;



- 1.7 "Day" means an ordinary working day excluding a weekend and a public holiday and "days" has a corresponding meaning;
- 1.8 "Department" means the Department of Labour;
- 1.9 "Deputy-chairperson" means the deputy-chairperson of the Board;
- 1.10 "Designated groups" means black people, women and people with disabilities;
- 1.11 "Director-General" means the Director-General of Labour;
- 1.12 "Member" means a member of the Board;
- 1.13 "Minister" means the Minister of Labour;
- 1.14 "Organised employers" means employers organised for the purpose of furthering their interests as employers;
- 1.15 "Organised labour" means trade unions registered in terms of the Labour Relations Act 66 of 1995 and any staff or employees' organisation or professional association which has been formed to promote or advance or represent the interests of their members as employees;
- 1.16 "Prescribed" means prescribed by the Act;
- 1.17 "Public Finance Management Act" means the Public Finance Management, 1999 (Act No. 1 of 1999);
- 1.18 "SASSETA" means the Safety and Security Sector Education and Training Authority;
- 1.19 "Sector" means the sector for which the SASSETA has been established;
- 1.20 "Skills Development Levies Act" means the Skills Development Levies Act, 1999 (Act No. 9 of 1999);
- 1.21 'South African Qualifications Authority Act' means the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);



1.22 "The Act" means the ~~Skills~~ Development Act, 97 (Act No.97 of 1998); and

1.23 "Trade Union" means a trade union registered in terms of the Labour Relations Act 66 of 1995.

2 Purpose of constitution

The purpose of this constitution is to set ~~out~~ the objectives, functions, activities, governance structures and incidental matters pertaining to ~~the~~ establishment of SASSETA.

3 Name

The name of this sector education and training authority is the Safety and Security Sector Education and Training Authority ("SASSETA").

4 scope

The scope of SASSETA has been determined by the Minister in terms of section 9(2) and 9A (3) of the Act and is set ~~out~~ in Schedule 1 to this constitution.

5 Organisations in sector

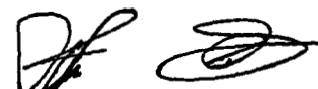
The trade unions, employers organisations and relevant government departments in the sector ~~are~~ set ~~out~~ in Schedule 2 to this Constitution.

6 Legalstatus

6.1 SASSETA ~~is~~ a statutory body and body corporate with an identity and existence separate from that of its members, office bearers and employees and shall ~~continue~~ to exist despite changes in ~~the~~ composition of its membership.

6.2 SASSETA may sue ~~or~~ be sued in its own name and is capable of having its own rights, obligations and duties.

6.3 The income and property of SASSETA ~~must~~ be applied solely towards the promotion of its objectives as contemplated in the Act. ~~No~~ portion may be paid, ~~or~~ transferred directly ~~or~~ indirectly to SASSETA's members ~~or~~ employees except for the payment of



reasonable remuneration to employees or for the reimbursement to any member for expenses reasonably incurred in the performance of a member's duties.

7 Limitation of liability

- 7.1 No member, office bearer, representative ~~or~~ employee of SASSETA ~~shall~~ be liable for any ~~of~~ the obligations and liabilities of SASSETA solely by virtue ~~of~~ his ~~or~~ her status as a member, ~~office~~ bearer, ~~representative~~ or employee.
- 7.2 No member, ~~office~~ bearer, representative ~~or~~ employee ~~of~~ SASSETA shall in anyway be personally liable for any loss or damage suffered by any person as a result ~~of~~ the execution or ~~non execution~~, in good faith, ~~of~~ the member's, office bearer's, representative's ~~or~~ employee's duties and ~~powers~~ under this constitution. *Such* members, ~~office~~ bearers, representatives or employees will be indemnified by SASSETA for ~~such~~ loss or damage.

CHAPTER TWO: OBJECTIVES AND FUNCTIONS

8 Objectives of SASSETA

The objectives of SASSETA are to promote the purposes of the Act within the sector,

8.1 The purposes of the Act are-

- 8.1.1 ~~to~~ develop the skills ~~of the South~~ African workforce-
- 8.1.2 to improve the quality ~~of life of~~ workers, their prospects of work and labour mobility;
- 8.1.3 to improve productivity in the workplace and the competitiveness of employers;
- 8.1.4 to promote self-employment;
- 8.1.5 to improve the delivery of social services;



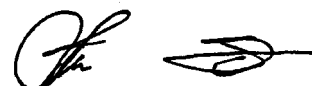
- 8.1.6 to increase ~~the~~ levels of investment in education and training in the labour market and to improve the return on that investment;
- 8.1.7 to encourage employers-
- 8.1.7.1. to use the work-place as an active learning environment;
- 8.1.7.2. to provide employees with the opportunities to acquire new skills;
- 8.1.7.3. to provide opportunities for new entrants to the labour market to gain work experience; and
- 8.1.7.4. to employ persons who find ~~it~~ difficult to be employed;
- 8.1.8 to encourage workers to participate in learnership and other training programmes;
- 8.1.9 to improve the employment prospects of persons previously disadvantaged by **unfair** discrimination and to redress those disadvantages through training and education;
- 8.1.10 to ensure ~~the~~ quality of education and training in and for the workplace;
- 8.1.11 to assist-
- 8.1.11.1. work-seekers to find work;
- 8.1.11.2. retrenched workers to re-enter the labour market;
and
- 8.1.11.3. employers to find qualified employees.

9 Functions of SASSETA


SASSETA must in accordance with any requirements that may be prescribed:



- 9.1 develop a sector skills plan within the framework of the national skills development strategy;
- 9.2 implement its **sector** skills plan by –
- 9.2.1 establishing learnerships;
 - 9.2.2 approving work-place skills plans;
 - 9.2.3 allocating grants in the prescribed manner and in accordance with any prescribed **standards** and criteria to employers, education and training providers and workers;
 - 9.2.4 monitoring education and training provision to the sector,
- 9.3 promote learnerships by –
- 9.3.1 identifying workplaces in the **sector** for practical work experience;
 - 9.3.2 supporting the development of learning materials;
 - 9.3.3 improving the **facilitation** of learning; and
 - 9.3.4 assisting in the conclusion of learnership agreements;
- 9.4 register learnership agreements;
- 9.5 perform **the** functions of an education and training Quality assurance body as provided in the South African Qualifications Authority Act and relevant regulations;
- 9.6 when required to do so, collect the **skills** development levies and disburse the levies allocated to it in terms of sections 8(3)(b) and 9(b) of the **Skills** Development Levies Act;
- 9.7 liaise with the National Skills Authority on-
- 9.7.1 ~~the~~ national skills development policy;
 - 9.7.2 the national **skills** development strategy; and
 - 9.7.3 SASSETA's sector skills plan;



- 9.8** submit to the Director-General:
- 9.8.1** any budgets, reports and financial statements on SASSETA's income and expenditure that it is required to prepare in terms of the Public Finance Management Act; and
 - 9.8.2** plans and reports on the implementation of SASSETA's sector skills plan and service level agreement;
- 9.9** liaise with the employment services of the Department and any education body established under any law regulating education in the Republic to improve information-
- 9.9.1** about employment opportunities; and
 - 9.9.2** between education and training providers and the labour market;
- 9.10** subject to section 14 of the Ad, appoint staff necessary for the performance of its functions;
- 9.11** promote the national standard established in terms of section 30B of the Act;
- 9.12** conclude a service level agreement for each financial year, with the Director-General concerning-
- 9.12.1** SASSETA's performance of its functions in terms of the Act and the national skills development strategy;
 - 9.12.2** SASSETA's annual business plan; and
 - 9.12.3** any assistance that the Director-General is to provide to SASSETA in order to enable it to perform its functions;
- 9.13** perform any other duties imposed by the Ad or the Skills Development Levies Act or consistent with the purposes of the Act; and
- 9.14** perform its functions in accordance with the Act, the Skills Development Levies Act and this constitution.



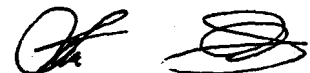
CHAPTER THREE: BOARD**10 Composition**

- 10.1 The Board consists of members nominated by the chambers. Each chamber must nominate **four** members to the Board, **two** representing employers and **two** representing employees.
- 10.2 The chairperson and deputy-chairperson **of a** chamber automatically qualify as chamber nominees for appointment to the Board.
- 10.3 Each chamber must elect two other persons from among its members, one representing employees and one representing employers as **additional** nominees for appointment to the Board.
- 10.4 Members nominated by chambers in accordance **with** this clause **are** deemed to be appointed as members of the Board.
- 10.5 The Board must elect one **of** the members as chairperson and one **of the** members as deputy chairperson.
- 10.6 The Board must ensure that its members are sufficiently representative of designated groups.
- 10.7 If the chairperson is appointed from members representing employees, then the deputy-chairperson may be appointed only from members representing employers and vice versa.
- 10.8 The **office of** chairperson and deputy chairperson shall alternate between members representing employers and employees as the case may be after a period **of** thirty months from inception **of** the Board.

11 Procedure at meetings

- 11.1 The Board may regulate its meetings, as it deems **fit**
- 11.2 The quorum necessary **for** the transaction **of** business shall be at least **fifty** percent plus one of members.

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- 11.3** If after one hour of the time appointed for the meeting a quorum is not present the meeting must be adjourned for a period of ~~ten~~ days and must convene at the same time and place.
- 11.4** If ~~there~~ is no quorum at the rescheduled meeting after half an hour of the time appointed for the meeting, the members then present shall ~~be~~ considered ~~to~~ duly form a quorum.
- 11.5** The chairperson shall preside at all meetings ~~of~~ the Board.
- 11.6** The chairperson must ensure ~~that~~ minutes ~~of~~ Board meetings ~~are~~ taken and a register of resolutions is kept. Minutes of ~~the~~ Board meetings must be ~~circulated~~ to members within three weeks after each Board meeting.

12 voting

- 12.1** Each member has one vote.
- 12.2** There may be no voting by ~~proxy~~.
- 12.3** Members must attempt to make decisions by consensus.
- 12.4** ~~If~~ consensus cannot be reached then the meeting must make decisions by way ~~of~~ majority vote.
- 12.5** Members may reach a decision by way ~~of~~ a secret ballot unless the meeting is of the general view that a ~~show of~~ hands would be appropriate in the circumstances.

13 Term of office and vacancies

A member holds office ~~from~~ the date of the member's appointment until:

- 13.1** expiry ~~of the~~ period of establishment of the SASSETA as contemplated in ~~its~~ certificate of establishment;
- 13.2** the member's term ends; provided that a member shall be eligible for re-election;
- 13.3** the organisation that nominated the member recalls the member by notice in writing to SASSETA;



13.4 the member resigns, dies ~~or~~ otherwise becomes incapable of performing the functions of a member; ~~or~~

13.5 ~~the~~ Board removes ~~the~~ member from office for a reason contemplated in clause 14.2 after affording the member an opportunity to be heard.

14 Removal from office

The Board may remove a member for:

14.1 ~~being~~ absent from three consecutive meetings of the Board without good cause or ~~the~~ prior submission of an apology;

14.2 any ~~conduct~~ that may undermine ~~the~~ integrity ~~of~~ SASSETA or which may bring SASSETA or any of ~~its~~ members into disrepute;

14.3 ~~serious~~ misconduct;

14.4 any violation of the Code ~~of~~ Conduct; or

14.5 any material violation of this Constitution.

15 Filling of vacancies

15.1 If a vacancy occurs, the Board must as soon as practicable request ~~the~~ nomination ~~of~~ a replacement from the relevant chamber ~~to fill~~ the vacancy.

15.2 Any person appointed to ~~fill~~ a vacancy in terms of this clause shall ~~fill the~~ vacancy for the unexpired duration of the original member's term of ~~office~~.

16 Powers ~~of~~ Board

16.1 The Board ~~has~~ all such powers as ~~are~~ conferred by this constitution, the Act or the Skills Development Levies Act

16.2 The Board must ensure that SASSETA ~~performs~~ the functions contemplated in clause 8.

16.3 The Board must ensure ~~that~~ SASSETA complies with the Act, ~~the Skills Development Levies Act~~, the Public Finance Management Act and any other applicable law.

17 Delegation of powers and duties

17.1 The Board may delegate ~~its~~ powers and duties to members, committees and employees, provided that the Board may impose conditions for the delegation, may not be divested of any power or duty by virtue of the delegation and may vary or set aside any decision made under any delegation.

17.2 A delegation must be in writing and must ~~specify~~ the period for which it is valid; and any limitations or conditions ~~on~~ the delegation.

17.3 The Board may ~~continue~~ to exercise or perform a ~~power~~, or function which it has delegated.

17.4 The Board remains responsible for all actions ~~taken~~ under a delegation.

18 Meetings of Board

18.1 The Board must meet at least once every quarter.

18.2 One of ~~the~~ Board meetings must be an annual general meeting, which must be held within ~~six~~ months after the end of ~~each~~ financial year.

18.3 The chairperson in ~~consultation~~ with ~~the~~ Executive Committee must determine the time, date and place of the annual general meeting.

18.4 At the ~~the~~ annual general meeting the members must

18.4.1 consider the annual financial statements of SASSETA, the annual report of SASSETA's affairs and the report of the Auditor General;

18.4.2 approve the business plan of SASSETA;



18.4.3 discuss any matter of which notice must have been given to the Chief Executive Officer at least fifteen days before the date of the annual general meeting; and

18.4.4 transact such other business as is required to be transacted by SASSETA under this Constitution or applicable legislation.

19 Requisitioned meetings

19.1 The chairperson must, on the requisition of not less than four of the chambers of SASSETA and within fourteen days of the lodging of the requisition issue a notice to members convening a meeting of the Board for a date not less than twenty-one and not more than thirty-five days from the date of the notice.

19.2 The requisition must-

19.2.1 state the objects of the meeting which must be to transact some business required or permitted to be transacted by SASSETA;

19.2.2 be signed by the requisitioners; and

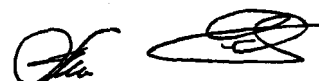
19.2.3 be lodged with the Chief Executive Officer.

19.3 The requisitioners may themselves on twenty-one days notice convene a meeting if the chairperson does not issue a notice as required within fourteen days of the lodging of the requisition and the requisitioners must state the objects of the meeting.

19.4 A requisitioned meeting may not be held after the expiry of three months from the date on which the notice was lodged.

19.5 A minimum of fifty percent plus one of the Board members constitutes a quorum.

19.6 If after one hour of the scheduled time for the meeting there is no quorum; the provisions of clauses 11.3 and 11.4 must apply.



CHAPTER FOUR CHAMBERS

20 Establishment of Chambers

20.1 The following chambers of **SASSETA** are hereby established:

20.1.1 the Policing Chamber;

20.1.2 the Justice Chamber;

20.1.3 the Legal Services Chamber;

20.1.4 the **Corrections** Chamber;

20.1.5 the Defence Chamber;

20.1.6 the **Statutory** Intelligence Chamber; and

20.1.7 the Private Security Chamber.

20.2 Each chamber must consist of an equal number of members representing employees and employers and may include such additional members as the Board may determine.

20.3 Every organisation that is entitled to nominate a member to a chamber may also nominate an alternate to that member to substitute when that member is temporarily absent and unable to attend a meeting of the chamber.

20.4 An alternate member contemplated in clause 20.3 has all the rights and duties of the member of the chamber whilst substituting for that member.

20.5 The members of the chambers must be nominated and appointed as contemplated in Schedule 3 to this constitution.

21 Office bearers of chambers

21.1 Each chamber must elect from amongst its members the following office bearers—

21.1.1 a chairperson; and

21.1.2 a deputy chairperson.



21.2 If the chairperson is elected from members representing employees then the deputy chairperson must be appointed from members representing employers and visa versa.

22 The functioning of chambers

Clauses 11 through to 15 apply with the changes required by the context to the functioning of chambers.

23 Powers and functions of chambers

23.1 A chamber may take such steps, as it deems necessary to protect its interests with regard to the confidentiality and security of its information and may, for that purpose, and with the approval of the Board, be exempted from some of the provisions of this constitution.

23.2 Each chamber has the power to-

23.2.1 elect its own office bearers;

23.2.2 establish its own secretariat and committees subject to any conditions that the Board may determine;

23.2.3 liaise through the chamber co-ordinator and in consultation with the Chief Executive Officer with other chambers of SASSETA or other SETAs as it may deem necessary for the execution of its duties.

23.3 A chamber may with the approval of the Board, perform such functions as may be necessary in its sub-sector including but not limited to-

23.3.1 formulating sub-sector skills plans;

23.3.2 promoting learnerships;

23.3.3 quality assurance;

23.3.4 making recommendations on the funding and allocation of grants;

23.3.5 management information services;

23.3.6 employment services; and

23.3.7 formulating a business plan.

23.4 A chamber is entitled to such percentage of the skills development levies collected in its jurisdiction as the Minister after consultation with the SETA may determine.

CHAPTER FIVE: OFFICE BEARERS

24 Appointment

24.1 The office bearers of **SASSETA** shall be:

24.1.1 the chairperson; and

24.1.2 the deputy chairperson.

24.2 Subject to clause 13.1, office bearers are appointed for the duration of the term of office of the **Board**.

24.3 At the first meeting of the Board the members must elect the chairperson and *the* deputy chairperson.

24.4 If the chairperson is appointed from members representing employers then the deputy chairperson may be appointed only from members representing employees and vice versa.

24.5 The *office* of chairperson and deputy chairperson shall alternate between members representing employers and employees as the case may be after a period of thirty months from inception of the Board.

25 Functions

25.1 The chairperson must chair all meetings of the **Board**.

25.2 The chairperson must perform all functions and duties entrusted to the chairperson by the constitution as well as those that are generally associated with the office of the chairperson.



25.3 The deputy chairperson must chair meetings of the Board and perform the duties and functions of the chairperson whenever ~~the~~ chairperson is absent or for any reason is unable to perform those functions and duties.

26 Absence ~~or~~ vacancies

26.1 If both the chairperson ~~and~~ the deputy chairperson are absent ~~from~~ a meeting of the Board, then the members present must appoint a chairperson from amongst their number to chair the meeting.

26.2 If the ~~office~~ of chairperson or deputy chairperson becomes vacant then the Board must as ~~soon~~ as practicable appoint a replacement to assume the office ~~of~~ chairperson or deputy chairperson as the case may be.

26.3 An office bearer appointed in terms of clause 26.2, holds office for the unexpired period of ~~the~~ previous office bearer's position as contemplated in clause ~~24.2~~. During this period, the office bearer shall have all the powers, rights, duties and privileges that this Constitution confers upon his or her predecessor.

27 Removal of office bearers

27.1 The Board may remove an office bearer for:

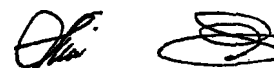
27.1.1 being absent from three consecutive meetings of SASSETA without good cause or the prior submission of an apology;

27.1.2 any conduct that may undermine the integrity of SASSETA ~~or~~ which may bring SASSETA or any of its members into disrepute;

27.1.3 serious misconduct;

27.1.4 any violation of the Code ~~of~~ Conduct; or

27.1.5 any material violation of this Constitution



CHAPTER FNE: EXECUTIVE COMMITTEE**28 Composition**

28.1 The Executive Committee consists of fourteen members:

28.1.1 the chairperson;

28.1.2 the deputy chairperson;

28.1.3 ~~six~~ members nominated by members representing employers; and

28.1.4 ~~six~~ members nominated by members representing employees.

28.2 The quorum necessary for the transaction of business ~~shall~~ be fifty percent plus one of members.

29 Terms of office

The members of ~~the~~ Executive Committee hold ~~office~~ for the period for which they have been appointed to the Board.

30 Duties and functions

The Executive Committee, together with the relevant standing ~~committee~~ is responsible for the performance of the duties delegated to ~~it~~ by the Board acting in terms of clause 17.

31 Powers

31.1 The Executive Committee may refer matters to a committee ~~of the~~ SASSETA for the committee's advice.

31.2 The Executive Committee may not decide questions of general policy.

31.3 The Executive Committee may act on behalf of SASSETA in ~~an~~ emergency and must in such event, report its actions and ~~the~~ reasons for the actions as soon as possible to the Board for ratification.

CHAPTER SIX COMMITTEES

32 General

32.1 The standing committees of the Board are:

32.1.1 the Learnership Committee;

32.1.2 the ETQA Committee;

32.1.3 the Sector Skills Planning Committee;

32.1.4 the Finance Committee; and

32.1.5 the Audit Committee.

32.2 The chairperson and the deputy chairperson are ex-officio members of committee of the Board.

32.3 The Board may establish any other standing or ad hoc committees that it deems necessary for the effective functioning of the SASSETA and may determine its composition, duties and functions.

33 Meetings and procedure

33.1 Each committee shall meet as often as necessary for the proper conduct of its affairs but at least once every quarter and shall regulate its meetings, as it deems fit.

33.2 At meetings of each committee, each member present shall have one vote and all questions shall be decided by a majority of votes.

33.3 A resolution in writing signed by all the members of a committee must be recorded in a minute register of that committee and shall be as valid and effective as if it had been passed at a meeting of the committee, duly convened and held.

33.4 A resolution shall be deemed to have been signed if consent has been given in a message transmitted by telegram, e-mail or



telefax and purporting to emanate from the person whose signature to such resolution is required.

- 33.5** The person presiding at any meeting of a committee shall ensure that minutes of such meetings are kept and circulated to members.

34 Learnership Committee

34.1 Composition

34.1.1 The members of the Learnership Committee shall be nominated by the chambers:

34.1.2 Each chamber may nominate two members, one representing employees and one representing employers.

34.1.3 The Learnership Committee may appoint a chairperson who must generally supervise, manage and co-ordinate the functions of the Learnership Committee.

34.2 Duties and functions

The Learnership Committee must-

34.2.1 develop policies, principles, criteria and guidelines related to learnerships in accordance with Chapter 4 of the Skills Development Act; and

34.2.2 develop and recommend plans for the implementation of learnerships.

35 Education and Training Quality Assurance ("ETQA") Committee

35.1 Composition

35.1.1 The members of the Education and Training Quality Assurance Committee shall be nominated by the chambers

35.1.2 Each chamber may nominate two members, one representing employers and one representing employees.

35.1.3 The ETQA Committee may appoint a chairperson who must generally supervise, manage and co-ordinate the functions of the ETQA Committee.

35.2 Duties and functions

The ETQA Committee must-

35.2.1 develop policies, principles, criteria and guidelines pertaining to SASSETA's ETQA functions in accordance with the South African Qualifications Authority Act and relevant regulations;

35.2.2 make recommendations to the Board on the accreditation of providers in the sector or sub-sectors for specific standards or qualifications;

35.2.3 promote quality amongst the various constituent providers;

35.2.4 register constituent assessors of national qualifications in the sector or sub-sectors in respect of specific standards or qualifications in terms of such criteria which may be established for this purpose;

35.2.5 monitor the development of, and requirements for, new standards, qualifications or modifications to existing standards or qualifications for the sector or sub-sectors;

35.2.6 ensure that SASSETA maintains an appropriate data base for its quality assurance and certification functions; and

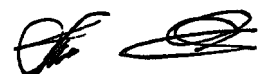
35.2.7 report to the Board on such matters as may be necessary.

36 Sector Skills Planning Committee

36.1 Composition

36.1.1 The members of the Sector Skills Planning Committee shall be nominated by the chambers

36.1.2 Each chamber may nominate two members, one representing employers; and one representing employees.



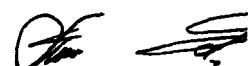
36.1.3 The Sector Skills Planning Committee may appoint a chairperson who must generally supervise, manage and co-ordinate the functions of the Sector Skills Planning Committee.

36.2 Duties and functions

The Sector Skills Planning Committee must-

- 36.2.1 develop such policies, principles, criteria and guidelines relating to sector skills planning for recommendation to the Board;
- 36.2.2 identify the data which may be necessary for the development of a sector skills plan and to propose a means of collecting or acquiring such data;
- 36.2.3 determine the enterprise, employee, occupational and skills profile of the sector or sub-sectors with which it may be entrusted;
- 36.2.4 establish such skills, needs and employment growth developments in the economic sub-sectors and regions or provinces;
- 36.2.5 determine education and training priorities in the sector or sub-sectors with which it is entrusted;
- 36.2.6 develop policies, principles, guidelines and criteria related to workplace skills plans for recommendations to Board;
- 36.2.7 report to the Executive Committee on the implementation of workplace skills plans;
- 36.2.8 develop sector skills plans for consideration by the Board; and
- 36.2.9 monitor and report to the Executive Committee on the implementation of the sector skills plan.

37 Audit Committee



37.1 Composition

The Audit Committee consists of at least three persons:

- 37.1.1 one member nominated by members representing employers;
- 37.1.2 one member nominated by members representing employees; and
- 37.1.3 one person from outside the public service nominated by the Board.

37.2 Duties and functions

The Audit Committee must-

- 37.2.1 assess risk and the control environment;
- 37.2.2 oversee reporting on the annual financial statements;
- 37.2.3 evaluate the audit process;
- 37.2.4 review the violation of ethics and the actions taken to address the violations;
- 37.2.5 review items highlighted by the internal auditors and the Auditor-General in order to provide the necessary assistance to the Board;
- 37.2.6 recommend such measures as in the Committee's opinion may be necessary to ensure the reliability, integrity and objectivity of the affairs of SASSETA; and
- 37.2.7 generally perform the functions of an Audit Committee as contemplated in the Public Finance Management Act

38 Finance Committee

38.1 Composition

- 38.1.1 The members of the Finance Committee shall be nominated by the chambers.

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38.1.2 Each chamber may nominate **two** members, one representing employers and one representing employees.

38.1.3 The Chief Executive Officer and the Chief Financial Officer must attend meetings of the Finance Committee.

38.2 Duties and functions

The Finance Committee must —

38.2.1 be responsible for the consideration and recommendation of the budget to ~~the~~ Board.

38.2.2 deal with such financial matters as may from time to time be referred to it by the Management and the Board.

38.2.3 Scrutinise policies with financial implications and make recommendationsto the Board.

38.2.4 consider the cash flow and financial statements for recommendationsto the Board.

38.2.5 determine the financial impact of any change to the current **structure** and/or establishment tables and staffing and make recommendationsto the Board.

38.2.6 consider changes to the Business Plan and **Budget** and make recommendationsto the Board.

CHAPTER SEVEN: FINANCES AND FIDUCIARY RESPONSIBILITIES

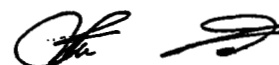
39 Finances

39.1 SASSETA is financed from:

39.1.1 **80** per cent of the skills development levies, interest and penalties collected in respect of SETA, as allocated in terms of sections **8(3)(b)** and 9 (b) of the Skills Development Levies Act;

39.1.2 the moneys paid to it from the National Skills Fund;

- 39.1.3** grants, donations and bequests made to it;
- 39.1.4** income earned on surplus moneys deposited or invested;
- 39.1.5** income earned on services rendered in the prescribed manner; and
- 39.1.6** money received from any other source.
- 39.2** The money received by SASSETA must be paid into a banking account at any registered bank and may be invested only in:
- 39.2.1** savings accounts, or fixed deposits in any registered bank or other financial institution;
- 39.2.2** internal registered stock contemplated in section 21(1) of the Exchequer Act 66 of 1975;
- 39.2.3** in any other manner approved by the Minister or authorised in terms of treasury regulations.
- 39.3** The moneys received by SASSETA may be used only in the prescribed manner and in accordance with any prescribed standards or criteria to:
- 39.3.1** fund the performance of its functions; and
- 39.3.2** pay for its administration within the prescribed limit.
- 39.4** SASSETA must be managed in accordance with the Public Finance Management Act.
- 39.5** SASSETA must
- 39.5.1** prepare annual budgets, annual reports and financial statements in accordance with Chapter 6 of the Public Finance Management Act; and
- 39.5.2** furnish the Director-General with copies of all budgets, reports and statements contemplated in clause 39.5.1 any other information that it is required to submit in terms of the Public Finance Management Act



40 Fiduciary duties of Board

40.1 The Board must, as contemplated in section 50 of the Public Finance Management Act

40.1.1 exercise the duty of utmost care to ensure reasonable protection of the assets and records of SASSETA;

40.1.2 act with fidelity, honesty, integrity and in the best interest of SASSETA in managing the financial affairs of SASSETA;

40.1.3 on request, disclose to the Minister all material facts, including those reasonably discoverable, which in any way may influence the decisions of the Minister; and

40.1.4 seek, within the sphere of influence of SASSETA to prevent any prejudice to the financial interests of the state.

40.2 A member may not:

40.2.1 act in a way that is inconsistent with the responsibilities assigned to SASSETA in terms of the Public Finance Management Act; or

40.2.2 use the position or privileges of, or confidential information obtained for personal gain or to improperly benefit another person.

40.3 A member must

40.3.1 disclose to the Board any direct or indirect personal or private business interest that that member or any spouse, partner or close family member may have in any matter before SASSETA; and

40.3.2 withdraw from the proceedings of SASSETA when that matter is considered, unless the Board decides that the member's direct or indirect interest in the manner is trivial or irrelevant

41 Financial and general responsibilities of Board

- 41.1 The Board must ensure that SASSETA has and maintains:
- 41.1.1 effective, efficient and transparent systems of financial and risk management and internal control;
 - 41.1.2 a system of internal audit under the control and direction of an audit committee complying with the operating in accordance with regulations and instructions prescribed in terms of sections 76 and 77 of the Public Finance Management Act;
 - 41.1.3 an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective; and
 - 41.1.4 a system for properly evaluating all major capital projects prior to a final decision on the project.
- 41.2 The Board must take effective and appropriate steps to:
- 41.2.1 collect all revenue due to SASSETA; and
 - 41.2.2 prevent irregular expenditure, fruitless and wasteful expenditure, losses resulting from criminal conduct, and expenditure not complying with the operational policies of SASSETA; and
 - 41.2.3 manage available working capital efficiently and economically.
- 41.3 The Board is responsible for the management, including the safeguarding, of the assets and for the management of the revenue, expenditure and liabilities of SASSETA.
- 41.4 The Board must comply with any tax, levy, duty, pension and audit commitments as required by legislation.
- 41.5 The Board must take effective and appropriate disciplinary steps against any employee of SASSETA who:
- 41.5.1 contravenes or fails to comply with a provision of the Act;



41.5.2 commits an act which undermines the financial management and internal control system of **SASSETA**; or

41.5.3 makes or permits an irregular expenditure or a fruitless and wasteful expenditure.

41.6 The **Board** is responsible for the submission by **SASSETA** of all reports, returns, notices and other information to Parliament or the Minister, as may be required by the Public Finance Management Act

41.7 The Board must comply, and ensure compliance by **SASSETA**, with the provisions ~~of the~~ Public Finance Management Act and any other legislation applicable to **SASSETA**.

CHAPTER EIGHT GENERAL

42 Chief Executive officer

42.1 The Board must appoint a suitably qualified person as Chief Executive Officer of **SASSETA**.

42.2 The Chief Executive Officer is the accounting officer of the Board.

42.3 The Chief Executive Officer must perform such functions as may be assigned to the Chief Executive Officer by the Act or by ~~the~~ Board.

42.4 The Chief Executive Officer may on behalf of the Board, appoint persons as employees of **SASSETA** to assist in the performance of ~~its~~ functions; provided that ~~the~~ Board must be consulted on ~~the~~ appointment ~~of~~ senior managers.

42.5 If the Chief Executive Officer is absent or for any reason is unable to perform the functions entrusted to him or her, or there is a vacancy in office of the Chief Executive Officer, the chairperson of the Board may designate an employee of **SASSETA** to ~~a d~~ as Chief Executive Officer until the Chief Executive Officer is able ~~to~~ resume his or her, functions.

- 42.6 The Chief Executive Officer must attend all meetings of the Board and the Executive Committee.
- 43 Amendments to constitution
- 43.1 Any member may propose amendments to this constitution. The member must submit the proposed amendments with a written motivation to the Chief Executive Officer.
- 43.2 The Chief Executive Officer must send copies of the proposed amendments together with the agenda for the meeting to all members. At least thirty days notice of a meeting at which an amendment will be considered is required.
- 43.3 The provisions of this Constitution may be amended only:
- 43.3.1 by the decision of at least two-thirds of the members present at a meeting of the Board; and
- 43.3.2 if they are approved by the Minister in the prescribed manner.
- 44 Code of conduct
- 44.1 Every member of the Board, chambers, standing and other Committees of the Board is bound by this code of conduct
- 44.2 Members-
- 44.2.1 must perform their functions in good faith;
- 44.2.2 must act honestly and in the utmost good faith;
- 44.2.3 must exercise reasonable care and diligence;
- 44.2.4 must give full effect to the obligations and spirit of the Act;
- 44.2.5 must avoid any material conflict between their own interests and those SASSETA, and in particular-
- 44.2.5.1. must not derive any personal economic benefit to which they are not entitled; and



44.2.5.2. must protect and promote the reputation and goodwill of **SASSETA**;

44.2.6 must exercise their powers for the benefit and in the interests of **SASSETA**;

44.2.7 must not abuse the resources of **SASSETA**;

44.2.8 must not disclose to any unauthorised person any privileged or confidential information of **SASSETA**; and

44.2.9 must promote and advance the interests and objectives of **SASSETA**.

45 Dispute resolution

45.1 Any party to a dispute concerning the interpretation or application of this Constitution may refer the dispute to the Chief Executive Officer.

45.2 The referral must

45.2.1 be in writing;

45.2.2 adequately describe the dispute; and

45.2.3 be delivered to every other party to the dispute by the party referring the dispute.

45.3 The Chief Executive Officer must, as soon as reasonably practicable, refer the dispute to the Board, which must endeavour to resolve the dispute by conciliation within thirty days of referral of the dispute.

6

45.4 If the Board fails to resolve the dispute within thirty days of its referral, then any party to the dispute may refer it to the Arbitration Foundation of Southern Africa for arbitration by an arbitrator.

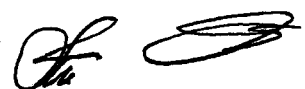
45.5 The arbitrator must be agreed to by the parties to the dispute with the approval of the chairperson or, failing such agreement or approval, by an arbitrator appointed by the chairperson.



- 45.6** The arbitrator must first attempt to conciliate the dispute. If conciliation is not possible, then the arbitrator must arbitrate the dispute.
- 45.7** The arbitrator must conduct the arbitration in a manner that he or she considers appropriate in order to determine the dispute fairly and quickly, but must deal with the substantial merits of the dispute with the minimum of legal formality.
- 45.8** Within fourteen days of conclusion of the arbitration proceedings:
- 45.8.1** the arbitrator must issue a signed arbitration award with reasons; and
- 45.8.2** the Chief Executive Officer must provide a copy of the award to every party to the dispute.
- 45.9** The arbitration award is final and binding on the parties to the dispute.
- 45.10** The costs of the arbitration must be borne equally by the parties to the dispute. The arbitrator may however make a different and appropriate award of costs if
- 45.10.1** a party to the dispute, without reasonable cause, refuses or fails to attend the arbitration or unduly delays arbitration proceedings; or
- 45.10.2** the arbitrator is of the view that a party pursuing or resisting the dispute did so vexatiously or frivolously or had no reasonable prospect of succeeding.
- 45.11** An arbitrator may, at his or her own initiative or as a result of an application by an affected party, vary or rescind an award:
- 45.11.1** erroneously sought or made in the absence of any party affected by the award;
- 45.11.2** in which there is ambiguity, or any obvious error or omission, but only to the extent of the ambiguity, error or omission; or



45.11.3 granted as a result of a mistake common to the parties to the proceedings.

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Schedule 1: Scope

The **scope** of SASSETA is the following:

88110	LEGALACTIVITIES
88920	INVESTIGATION AND SECURITY SERVICES
9110A	POLICING
9110B	CORRECTIONAL SERVICES
9110C	JUSTICE
91104	NATIONAL INTELLIGENCE AGENCY
91105	SOUTH AFRICAN SECRET SERVICE
9110D	DEPARTMENT OF DEFENCE



Schedule 2: Trade Unions, Employer Organisations and relevant Government Departments

ORGANISED EMPLOYERS
ESDA
SECURITY INDUSTRY ASSOCIATION OF SOUTH AFRICA
SOUTH AFRICAN BLACK SECURITY EMPLOYERS UNION
SOUTH AFRICAN NATIONAL SECURITY EMPLOYERS ASSOCIATION
SAIDSA
NORTHERN PROVINCE SECURITY ASSOCIATION
SECURITY SERVICES EMPLOYERS ORGANISATION
LOCKSMITH ASSOCIATION OF SOUTH AFRICA

ORGANISED LABOUR
SOUTH AFRICAN NATIONAL SECURITY OFFICERS FORUM
SOUTH AFRICAN CLEANERS, SECURITY & ALLIED WORKERS UNION
NATIONAL SECURITY & UNQUALIFIED WORKERS UNION
PTWU
SECURITY OFFICERS CIVIL RIGHTS UNION
KAWU
UNITED PRIVATE SECTOR WORKERS UNION
NATIONAL UNION OF MINEWORKERS
POLICE & PRISONS CIVIL RIGHTS UNION
SOUTH AFRICAN POLICE UNION

PUBLIC SERVANTS ASSOCIATION
SOUTH AFRICAN NATIONAL DEFENCE UNION
SOUTH AFRICAN SECURITY FORCES UNION
NATIONAL INTELLIGENCE ORGANISATIONAL STAFF FORUM

GOVERNMENT DEPARTMENTS
DEPARTMENT OF SAFETY AND SECURITY
DEPARTMENT OF CORRECTIONAL SERVICES
DEPARTMENT OF TRADE AND INDUSTRY.
DEPARTMENT OF DEFENCE
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL AFFAIRS
DEPARTMENT OF INTELLIGENCE



Schedule 3: Chambers in the sector

- 1 The employers or employer organisations listed below in respect of *each* chamber must endeavour to reach agreement amongst themselves *on* the number of members of the chamber that each is entitled to nominate.
- 2 The employee organisations listed below in respect of each chamber must endeavour to reach agreement amongst themselves on the number of members of the chamber that each is entitled to nominate.
- 3 The organisations referred to in 1 and 2 above must nominate members to the chamber in accordance *with* any agreement or, if agreement cannot be reached, *in* accordance with the principle *of* proportionality, based~~ed~~
 - 3.1 in respect of employers or employer organisations, on the number *of* employees employed by the employer or by the number *of* the organisation as the case may be;
 - 3.2 in respect of employees and other organisations on the number *of* their members.
- 4 The persons nominated by organisations in accordance with *this* Schedule are deemed to *be* appointed as members of the chamber concerned.
- 5 Any organisation which is not listed in this schedule but is representative of employers or employees in a sub sector *of* a chamber may **apply** in writing to the Board to *be* listed in this Schedule.
- 6 The organisation concerned must submit-
 - 6.1 its constitution or founding documents;
 - 6.2 its size of its membership or, in respect of employers or employer organisations the number of ~~its~~ employees or the number *of* employees employed by its members as the case may be;
 - 6.3 a motivation for consideration by the Board; and



6.4 any other information the Board considers relevant.

- 7 If *the* Board, after considering the organisation's representations, is of the view that it is sufficiently representative of employers or employees within the sub sector, the Board may amend this schedule to include the organisation in respect of the chamber concerned.
- 8 The organisations listed below are entitled to nominate members of the Chamber concerned:

8.1 POLICING CHAMBER

3

EMPLOYER ORGANISATION
SOUTH AFRICAN POLICE SERVICES
EMPLOYEE ORGANISATION
POLICE & PRISONS CIVIL RIGHTS UNION
SOUTH AFRICAN POLICE UNION a
PUBLIC SERVANTS ASSOCIATION

8.2 JUSTICE CHAMBER

EMPLOYER ORGANISATION
COMPETITION COMMISSION

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NATIONAL PROSECUTING AUTHORITY
MAGISTRATES
EMPLOYEE ORGANISATION
NATIONAL UNION OF PUBLIC SERVANTS AND ALLIED WORKERS
NATIONAL EDUCATION, HEALTH AND ALLIED WORKERS UNION
PUBLIC SERVANTS ASSOCIATION
SOUTH AFRICAN STATE & ALLIED WORKERS UNION

8.3 LEGAL SERVICES CHAMBER

ORGANISATIONS
LAW SOCIETY OF SOUTH AFRICA
SOUTH AFRICAN HUMAN RIGHTS COMMISSION
SA LAWYERS FOR HUMAN RIGHTS
SOUTH AFRICAN BOARD FOR SHERIFFS
NATIONAL COMMUNITY BASED PARALEGAL ASSOCIATION OF SOUTH AFRICA
LEGAL AID BOARD
GENERAL COUNCIL OF THE BAR

8.4 CORRECTIONS CHAMBER

EMPLOYER ORGANISATION
DEPARTMENT OF CORRECTIONAL SERVICES
SOUTH AFRICAN CUSTODIAN MANAGEMENT
GLOBAL SOLUTIONS
EMPLOYEE ORGANISATION
POLICE AND PRISONS CIVIL RIGHTS UNION
PUBLIC SERVANTS ASSOCIATION

85 DEFENCE CHAMBER

EMPLOYER ORGANISATION
SOUTH AFRICAN NATIONAL DEFENCE FORCE
EMPLOYEE ORGANISATION
SOUTH AFRICAN NATIONAL DEFENCE UNION
SOUTH AFRICAN SECURITY FORCES UNION

86 STATUTORY INTELLIGENCE CHAMBER

EMPLOYER ORGANISATION
NATIONAL INTELLIGENCE AGENCY
EMPLOYEE ORGANISATION
NATIONAL INTELLIGENCE ORGANISATIONAL STAFF FORUM

EMPLOYER ORGANISATION
SOUTH AFRICAN SECRET SERVICE
LABOUR ORGANISATION
SOUTH AFRICAN SECRET SERVICE ORGANISATIONAL STAFF FORUM

87 PRIVATE SECURITY CHAMBER

EMPLOYER ORGANISATION
ESDA
SECURITY INDUSTRY ASSOCIATION OF SOUTH AFRICA
SOUTH AFRICAN BLACK SECURITY EMPLOYERS UNION
SOUTH AFRICAN NATIONAL SECURITY EMPLOYERS ASSOCIATION
SAIDSA
NORTHERN PROVINCE SECURITY ASSOCIATION
SECURITY SERVICES EMPLOYERS' ORGANISATION
LOCKSMITH ASSOCIATION OF SOUTH AFRICA
EMPLOYEE ORGANISATION
SOUTH AFRICAN NATIONAL SECURITY OFFICERS FORUM
SOUTH AFRICAN CLEANERS, SECURITY & ALLIED WORKERS UNION
NATIONAL SECURITY & UNQUALIFIED WORKERS UNION
SIWU
SECURITY OFFICERS CIVIL RIGHTS UNION

KAWU
UNITED PRIVATE SECTOR WORKERS UNION
NATIONAL UNION OF MINeworkERS

Approved by-



CHAIRPERSON: DIDTETA



CHAIRPERSON: POSLEC

