

No. 832

17 September 2010

SKILLS DEVELOPMENT ACT (ACT NO. 97 OF 1998)**APPOINTMENT OF THE ENERGY SETA (ESETA) ADMINISTRATOR**

I, Prof. Mary Metcalfe, Director – General: Department of Higher Education and Training, by virtue of the powers vested in me by section 15 (2) of the Skills Development Act, 1998 (Act No. 97, 1998) hereinafter referred to as the Act, hereby suspend the Board and the operation of the gazetted constitution of the Energy Sector Education and Training Authority (ESETA) as directed by the Minister of Higher Education and Training in terms of section 15 (2) of the Act; and

Appoint **Ms Tsakani Matshazi** as the Administrator for a period of 6 months from the date of publication of this notice to take over the administration of the ESETA that was established in terms of Government Notice R 27445 of 31 March 2005, and the appointment which may be reviewed at the expiry of the said period.

The powers and duties of the Administrator shall be as indicated in schedule 1 of this Notice

**PROF. M METCALFE****DIRECTOR – GENERAL: DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

SCHEDULE 1

POWERS AND DUTIES OF THE ADMINISTRATOR

1. The powers of the Administrator are as follows:

- (a) Take over the role of the accounting authority of the ESETA as provided for in the Public Finance Management Act, 1999 (Act No 1 of 1999) and the relevant Regulations;
- (b) Establish if necessary, with the Minister's approval, chambers as provided for in Section 12 and 13 of the Act
- (c) Review the terms and conditions of employment of the executive officer, chief financial officer and other employees of the ESETA where it is necessary;
- (d) Review general governance policies of the ESETA in terms of any applicable law;
- (e) Suspend, institute disciplinary proceedings or replace when it is necessary, any of the officials of ESETA for reasons as contemplated in relevant legislation;
- (f) Consult widely with all stakeholders within the sector in order to develop, if necessary, a constitution of the ESETA in terms of section 13 of the Act and other relevant legislation for approval and publication by the Minister of Higher Education and Training,
- (g) Facilitate the appointment of a new ESETA Board;
- (h) Ensure the management of the ESETA funds in liaison with the Department of Higher Education and Training using relevant provisions of the Act and as provided for in the Public Finance Management Act, 1999 and the relevant Regulations;
- (i) Make rules relating to ESETA and subsector meetings, financial matters, general procurement and administrative matters which are in accordance with the provision of the Constitution of the Republic of South Africa, 1996, the Act or any other applicable law.

2. The duties of the Administrator shall include the following:

- (a) The Administrator will work closely with the:
- Chief Executive Officer of the ESETA as well as the affected SETAs,
 - Established joint working committees comprising of the sector specialists and experts,
 - Stakeholders of the ESETA and their subsequent delegated committees or officials,
 - Director-General: Department of Higher Education and Training.
- (b) Perform the functions of the ESETA in terms of the Act, the Public Finance Management Act, 1999 and other relevant legislation;
- (c) Ensure the management of the National Skills Development Strategy within the ESETA budget in terms of relevant legislative requirements;
- (d) Ensure the submission of a monthly progress report regarding the effective functioning of the ESETA to the Director- General: Higher Education and Training;
- (e) Ensure the funding of all the processes and activities pertaining to the powers and duties as an administrator from the ESETA's budget in terms the relevant legislative requirements.
- (f) Perform any such other functions as may be delegated or instructed by the Minister or Director- General: Department of Higher Education and Training from time to time.
- (g) Facilitation of overall process and attend to dispute resolutions as well as the management of legal issues as required
- (h) Prepare and submit final close-out report for the project.
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