

REPUBLIC OF SOUTH AFRICA

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# SKILLS DEVELOPMENT LEVIES AMENDMENT BILL

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*(As introduced in the National Assembly (proposed section 75); explanatory summary of  
Bill published in Government Gazette No. 33393 of 19 July 2010)  
(The English text is the official text of the Bill)*

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(MINISTER OF HIGHER EDUCATION AND TRAINING)

[B 25—2010]

ISBN 978-1-77037-666-3

No. of copies printed ..... 1 800

**GENERAL EXPLANATORY NOTE:**

[                    ]     Words in bold type in square brackets indicate omissions from existing enactments.

                         Words underlined with a solid line indicate insertions in existing enactments.

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## **BILL**

**To amend the Skills Development Levies Act, 1999, so as to amend the definitions of “Director-General” and “Minister”; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 9 of 1999**

1. Section 1 of the Skills Development Levies Act, 1999, is hereby amended by—
  - (a) the substitution for the definition of “**Director-General**” of the following definition: 5  
“**Director-General**’ means the Director-General of [**Labour**] Higher Education and Training;” ; and
  - (b) the substitution for the definition of “**Minister**” of the following definition: 10  
“**Minister**’ means the Minister of [**Labour**] Higher Education and Training;” .

**Short title**

2. This Act is the Skills Development Levies Amendment Act, 2010.

**MEMORANDUM ON THE OBJECTS OF THE SKILLS DEVELOPMENT LEVIES AMENDMENT BILL, 2010**

**1. BACKGROUND**

In terms of Proclamation No. 56 of 2009, published in *Government Gazette* No. 32549 of 4 September 2009, the administration and powers and functions entrusted to the Minister of Labour by the Skills Development Levies Act, 1999 (Act No. 9 of 1999) (the Act), were transferred to the Minister of Higher Education and Training.

**2. OBJECT OF THE BILL**

The object of the Bill is to amend the definitions of “Director-General” and “Minister” in section 1 of the Act in order to reflect the transfer effected by the said Proclamation.

**3. CONSULTATION**

As the amendments to the Act were necessitated by the creation of the new Ministry of Higher Education and Training, the Bill was not published for public comment in the *Government Gazette*.

**4. FINANCIAL IMPLICATIONS FOR STATE**

There will be no financial implications for the State.

**5. PARLIAMENTARY PROCEDURE**

5.1 The State Law Advisers and the Department of Higher Education and Training are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 75 of the Constitution, since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

5.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

