

CHAPTER 3 OBJECTS, FUNCTIONS AND DUTIES

Objects of THETA

1. The objects of THETA are:
 - 1.1 to develop the skills of workers in the sector –
 - 1.1.1 to improve, through enhanced training and development, the quality of life of workers, their prospects of work and labour mobility;
 - 1.1.2 to improve productivity in the workplace and the competitiveness of employers; and
 - 1.1.3 to promote self-employment.
 - 1.2 to encourage an increase in the levels of investment in education and training in the sector labour market and to improve the return on that investment;
 - 1.3 to encourage employers in the sector –
 - 1.3.1 to use the workplace as an active learning environment;
 - 1.3.2 to provide employees with the opportunities to acquire new skills;
 - 1.3.3 to provide opportunities for new entrants to the sector labour market to gain work experience; and
 - 1.3.4 to employ persons who find it difficult to be employed in the sector.
 - 1.4 to encourage workers in the sector to participate in learnership and other training programmes;
 - 1.5 to encourage improvement in the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education;
 - 1.6 to ensure the quality of education and training in and for the sector workplaces;
 - 1.7 through liaison with the employment services of the Department to encourage the facilitation of education and training provision so as to assist -
 - 1.7.1 work seekers to find work in the sector

- 1.7.2 workers retrenched from the sector to re-enter the labour market; and
- 1.7.3 employers in the sector to find qualified employees.
- 1.8 to encourage the public and private education and training sectors and NGOs to provide education and training in and for the sector workplaces and to initiate such provision;
- 1.9 to co-operate with the South African Qualifications Authority; and
- 1.10 to liaise with any other relevant tourism, hospitality and sport related organisation.
- 1.11 to develop memoranda of co-operation and agreements of understanding with Technikon's and Universities.

Functions and Duties of THETA

- 2. The functions and duties of THETA are to:
 - 2.1 develop a skills plan for the sector within the framework of the national skills development strategy;
 - 2.2 implement its sector skills plan by –
 - 2.2.1 establishing learnerships;
 - 2.2.2 approving workplace skills plans;
 - 2.2.3 allocating grants to employers, education and training providers and workers, all in the sector; and
 - 2.2.4 initiating and monitoring education and training provision to the sector.
 - 2.3 promote learnerships by –
 - 2.3.1 identifying workplaces in the sector for practical work experience;
 - 2.3.2 supporting the development of learning materials;
 - 2.3.3 improving the facilitation of learning; and
 - 2.3.4 assisting in the conclusion of learnership agreements.
 - 2.4 register learnership agreements;
 - 2.5 perform the functions of an education and training quality assurance body as provided in the South African Qualifications Authority Act, 58 of 1995

and the Education and Training Quality Assurance Bodies Regulations, 1998.

- 2.6 when required to do so as contemplated in the Levies Act, collect the skills development levies and disburse the levies allocated to it in terms of that Act;
- 2.7 report to the Director-General on –
 - 2.7.1 its income and expenditure; and
 - 2.7.2 the implementation of its sector skills plan.
- 2.8 co-operate and maintain close liaison with the National Skills Authority and other SETAs whose scope overlaps with that of THETA on –
 - 2.8.1 the national skills development policy;
 - 2.8.2 the national skills development strategy;
 - 2.8.3 its sector skills plan; and
 - 2.8.4 where necessary, the provision of tourism, hospitality and sport education and training to enterprises and employees in other sectors, and the provision of education and training other than in tourism and hospitality to enterprises and employees of the sector.
- 2.9 maintain liaison with the employment services of the Department and any education body established under any law regulating education or training in the Republic to improve information –
 - 2.9.1 about employment opportunities; and
 - 2.9.2 between education and training providers and the labour market.
- 2.10 appoint staff necessary for the performance of its functions;
- 2.11 promote and facilitate education and training provision for small, micro and medium enterprises and their employees in the sector;
- 2.12 perform any other duties imposed by the Act or by the Levies Act or consistent with the purposes of these Acts; and
- 2.13 to develop regional hubs in appropriate centres in order to carry out its mandate effectively.

Powers of THETA

- 3. THETA has all such powers as are necessary to enable it to achieve its objects and perform its duties and functions, together with such other powers as may be

conferred upon it by the Act or by the Levies Act. THETA must perform its functions in accordance with the Act, the Levies Act and this constitution.

4. Subject to any limitations imposed by the Act, the Levies Act and this constitution, THETA may delegate to its members, employees, committees, chambers or the chief executive any of its powers, duties and functions provided that:
 - 4.1 THETA cannot delegate the power of delegation;
 - 4.2 any delegation must be recorded in the THETA's minutes and given in writing and must specify –
 - 4.2.1 the period for which it is valid; and
 - 4.2.2 any limitations or conditions on the delegation;
 - 4.3 THETA may revoke or vary a delegation at any time and may vary or set aside any decision made under any delegation;
 - 4.4 THETA may continue to exercise or perform a power, duty or function which it has delegated; and
 - 4.5 THETA remains responsible for actions taken under a delegation.
5. THETA may enter into contracts with external organisations or persons for the purposes of achieving its objects and performing its duties.
6. THETA may, for the purposes of achieving its objects and performing its duties and functions, establish committees and, with the approval of the Minister, chambers, in addition to those referred to in this constitution.
7. A committee or chamber so established shall have the terms of reference and organisational structures determined by THETA but they shall not conflict with those of the committees or chambers provided for in this constitution. All committees and chambers must consist of an equal number of members representing employers and employees and such additional members as THETA may determine.
8. THETA may at any time dissolve any such committee or chamber and may amend or revoke its terms of reference and organisational structures.
9. THETA may at any time suspend any chamber established by the constitution with a view to its dissolution by amendment to the constitution, in the event that THETA is satisfied the said chamber is redundant, has defaulted or is unable to perform its functions.
10. A committee or chamber shall have the powers and functions delegated to it by THETA, subject to such conditions as may be imposed by THETA.
11. THETA shall take over all the assets, rights, liabilities and obligations, including the staff and operational infrastructure, of any training board which was

accredited in terms of section 12B of the Manpower Training Act in any part of an industry or area over which THETA has jurisdiction and which has been abolished by the Minister.