



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

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[No. 7602

GOVERNMENT NOTICE**DEPARTMENT OF MANPOWER
UTILISATION**

No. R. 1134

29 May 1981

INDUSTRIAL CONCILIATION ACT, 1956

**TRAINING SCHEME FOR THE
MINING INDUSTRY**

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby—

(a) in terms of section 48A (2) of the Industrial Conciliation Act, 1956, declare that the provisions of the Scheme which appears in the Schedule hereto, excluding those contained in clauses 2 and 10, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 May 1984, upon all employers and employees who are engaged or employed in the Mining Industry in the Republic of South Africa, excluding the port and settlement of Walvis Bay; and

(b) in terms of section 48 (3) (a), as applied by section 48A (3) of the said Act, declare that in the Republic of South Africa, excluding the port and settlement of Walvis Bay, and with effect from the second Monday after the date of publication of this notice and for the period ending 31 May 1984, the provisions of the said Scheme, excluding those contained in clauses 2 and 10, shall *mutatis mutandis* be binding upon all persons who are not employees and who are employed in the said Industry by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of such persons in their employ.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE**MINING INDUSTRY OF SOUTH AFRICA****SCHEME**

In accordance with the provisions of the Industrial Conciliation Act, 1956, arrived at by the Mining Industry Engineering Trades Training Board, for the establishment of a fund for the training of employees in the Mining Industry.

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GOEWERMENTSKENNISGEWING**DEPARTEMENT VAN MANNEKRAG-
BENUTTING**

No. R. 1134

29 Mei 1981

WET OP NYWERHEIDSVERSOENING, 1956

OPLEIDINGSKEMA VIR DIE MYNBEDRYF

Ek, Stephanus Petrus Botha, Minister van Mannekragebenutting, verklaar hierby—

(a) kragtens artikel 48A (2) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Skema wat in die Bylae hiervan verskyn, uitgesonderd dié vervat in klousules 2 en 10, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Mei 1984 eindig, bindend is vir alle werkgewers en werknemers wat betrokke is by of in diens is in die Mynbedryf in die Republiek van Suid-Afrika, uitgesonderd die hawe en nedersetting van Walvisbaai; en

(b) kragtens artikel 48 (3) (a), soos toegepas by artikel 48A (3) van genoemde Wet, dat die bepalings van genoemde Skema, uitgesonderd dié vervat in klousules 2 en 10, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Mei 1984 eindig, in die Republiek van Suid-Afrika, uitgesonderd die hawe en nedersetting van Walvisbaai, *mutatis mutandis* bindend is vir alle persone wat nie werknemers is nie en wat in diens is in genoemde Bedryf by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van sodanige persone in hul diens.

S. P. BOTHA, Minister van Mannekragebenutting.

BYLAE**DIE MYNBEDRYF VAN SUID-AFRIKA****SKEMA**

Ingevolge die Wet op Nywerheidsversoening, 1956, ingestel deur die Mining Industry Engineering Trades Training Board, vir die instelling van 'n fonds vir die opleiding van werknemers in die Mynbedryf.

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1. SCOPE OF APPLICATION OF THE SCHEME

The terms of this Scheme shall be observed throughout the Republic of South Africa by employers in the Mining Industry.

2. PERIOD OF OPERATION OF THE SCHEME

This Scheme shall come into operation on such date as may be specified by the Minister in terms of section 48A (2) of the Act, and shall remain in force for a period of three years from that date or for such period as may be determined by him.

3. DEFINITIONS

Any expression which is used in this Scheme and which is defined in the Industrial Conciliation Act, 1956, has the same meaning as in that Act; any reference to an Act includes any amendments to such Act; words importing the masculine gender, unless the contrary intention appears, shall include females; and, unless inconsistent with the context—

"Act" means the Industrial Conciliation Act, 1956;

"Board" means the Mining Industry Engineering Trades Training Board, on which there shall be four employer representatives of the Chamber and four representatives of the Federation;

"Chamber" means the Chamber of Mines of South Africa;

"employee representatives" means the representatives of the constituent unions of the Federation of Mining Unions on the Board;

"employer representatives" means the representatives of the Chamber on the Board;

"employers" means the employers of artisans in the Mining Industry;

"Federation" means the Federation of Mining Unions;

"Fund" means the Mining Industry Engineering Trades

"Industry" means the Mining Industry;

Development and Training Fund;

"mine" means any excavation in the earth, whether abandoned or being worked, made for the purpose of searching for or winning any mineral, and any place where any mineral deposit is being worked and any quarry, but if two or more such excavations or places are being worked in conjunction with one another, they shall be deemed to constitute one mine, unless the Government Mining Engineer notifies the owner thereof in writing that such excavations or place shall constitute two or more mines, and any place at or near a mine where any building, construction, dump, dam, machinery or appliance is used or intended to be used by the owner of the mine for any of the following purposes, or for any purpose necessary or incidental thereto, shall form part of such mine:

- (a) Searching for or winning a mineral;
- (b) crushing, reducing, dressing, concentrating or smelting a mineral;
- (c) producing of products of commercial value, other than a clay or earthenware product or cement, from a mineral; or
- (d) extracting, concentrating or refining any constituent of a mineral;

"Mining Industry" means the industry embracing any mine as defined above;

"non-party employers" means employers in the Mining Industry who are not members of the Chamber;

"party employers" means employers in the Mining Industry who are members of the Chamber;

"principals" means the Gold Producers' Committee and Collieries Committee of the Chamber in the case of employer representatives and the Executive Committee of the Federation in the case of employee representatives;

"representatives" means the representatives of the Chamber and of the Federation on the Board; and

"Secretary" means the official appointed by the Board to perform such duties on its behalf as may be determined by the Board from time to time.

4. TRAINING FUND

(1) There is hereby established a fund to be known as the "Mining Industry Engineering Trades Development and Training Fund" (hereinafter referred to as the "Fund").

(2) The Fund shall consist of—

- (a) contributions paid into the Fund in accordance with the provisions of clause 7; and
- (b) interest derived from the investment of any moneys of the Fund.

1. TOEPASSINGSBESTEK VAN DIE SKEMA

Die bepalings van heirdie Skema moet dwarsdeur die Republiek van Suid-Afrika nagekom word deur werkgewers in die Mynbedryf.

2. GELDIGHEDSDUUR VAN DIE SKEMA

Hierdie Skema tree in werking op sodanige datum as wat die Minister kragtens artikel 48A (2) van die Wet vasstel en bly van krag vir 'n tydperk van drie jaar vanaf daardie datum of vir sodanige tydperk as wat hy bepaal.

3. WOORDOMSKRYWINGS

Enige uitdrukking wat in hierdie Skema gebesig is in die Wet op Nywerheidsversoening, 1956, omskryf word, het dieselfde betekenis as in daardie Wet, en enige verwysing na 'n wet omvat alle wysigings van sodanige wet; tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui, ook vroue, en tensy dit onbestaanbaar met die sinsverband is, beteken—

"Wet" die Wet op Nywerheidsversoening, 1956;

"Raad" die Mining Industry Engineering Trades Training Board, waarin vier werkgewersverteenwoordigers van die Kamer van Mynwese en vier verteenwoordigers van die Federasie van Mynvakbonde dien;

"Kamer" die Kamer van Mynwese van Suid-Afrika; "werknemersverteenwoordigers" die verteenwoordigers van die samestellende vakbonde van die Federasie van Mynvakbonde in die Raad;

"werkgewersverteenwoordigers" die verteenwoordigers van die Kamer in die Raad;

"werkgewers" die werkgewers van ambagsmanne in die Mynbedryf;

"Federasie" die Federasie van Mynvakbonde;

"Fonds" die Mining Industry Engineering Trades Development and Training Fund;

"Bedryf" die Mynbedryf;

"myn" 'n uitgraving in die aarde, hetsy dit verlate is of nog gewerk word, gemaak met die doel om na 'n delfstof te soek of 'n delfstof te win, en 'n plek waar 'n delfstofafsetting gewerk word, en 'n steengroef, maar indien twee of meer sulke uitgrawings of plekke tesame met mekaar gewerk word, word dit geag een myn uit te maak, tensy die Staatsmyningenieur die ejenaar daarvan skriftelik in kennis stel dat bedoelde uitgrawings of plekke twee of meer myne uitmaak, en 'n plek by of in die nabyheid van 'n myn waar 'n gebou, bouwerk, mynhoop, dam, masjinerie of toestel deur die ejenaar van die myn gebruik word of bestem is om deur hom gebruik te word vir enige van die volgende doeleindes, of vir 'n doel waarvoor dit nodig is of waarmee dit in verband staan, vorm dit deel van sodanige myn:

- (a) Die soek na of winning van 'n delfstof;
- (b) die vergruising, reduksie, bereiding, konsentrering of smelting van 'n delfstof;
- (c) die produsering van produkte van kommersiële waarde, behalwe 'n klei- of erdewerkprodukt of sement, uit 'n delfstof; of
- (d) die ekstrahering, konsentrering of raffinering van 'n bestanddeel van 'n delfstof;

"Mynbedryf" die bedryf wat enige myn soos hierbo omskryf, insluit;

"nie-deelnemende werkgewers" werkgewers in die Mynbedryf wat nie lede van die Kamer is nie;

"deelnemende werkgewers" werkgewers in die Mynbedryf wat lede van die Kamer is;

"verteenwoordigdes" die Gold Producers' Committee en die Collieries Committee van die Kamer in die geval van werkgewersverteenwoordigers, en die Uitvoerende Komitee van die Federasie in die geval van werknemersverteenwoordigers;

"verteenwoordigers" die verteenwoordigers van die Kamer en van die Federasie in die Raad; en

"Sekretaris" die amptenaar wat deur die Raad aangestel is om namens die Raad pligte uit te voer wat die Raad van tyd tot tyd bepaal.

4. OPLEIDINGSFONDS

(1) Hierby word 'n fonds gestig wat bekend staan as die Mining Industry Engineering Trades Development and Training Fund (hierna die "Fonds" genoem).

(2) Die Fonds bestaan uit—

- (a) bydraes wat ingevolge die bepalings van klousule 7 in die Fonds gestort word; en
- (b) rente wat verkry word uit die belegging van geld van die Fonds.

5. OBJECTS OF THE FUND

The objects of the Fund are—

(1) to further the objectives of the Mining Industry Engineering Trades Training Board, which are as follows:

(a) To monitor the selection and promote the engagement of apprentices in the Mining Industry;

(b) to investigate, make recommendations on and, if agreed, monitor the introduction of a competence-based instruction system for the training of apprentices in the Mining Industry;

(c) to investigate and monitor the specification of performance standards in training curriculae;

(d) to liaise with the Central Organisation for Trade Testing through the Department of Manpower Utilisation and the Department of National Education to ensure that trade tests are compatible with the prescribed performance criteria and that the process of trade testing is conducted on an educationally sound basis;

(e) to introduce and monitor the certification of trainers in the Industry's training school;

(f) to introduce, monitor and issue certificates for the recognition of practical training and theoretical courses undertaken by apprentices;

(g) to make recommendations on the elevation of the status of the artisan in mining engineering since such status should be commensurate with the value of the work he performs;

(h) to liaise with other apprentice training organisations to ensure that the Mining Industry is keeping pace with new developments in the apprentice training field; and

(i) to investigate the shortage of skilled engineering personnel in industry in South Africa and the Mining Industry in particular, and to study and recommend methods of overcoming such shortages through adequate training methods;

(2) to encourage practical interest in the education, training and employment of employees in technical engineering fields in the Industry;

(3) to publicise vocational opportunities offered by the Industry;

(4) to provide incentives to employers in the Industry by way of grants, subsidies or other financial assistance for the education and training of employees;

(5) to receive moneys for the purpose of furthering the objects detailed herein and to utilise such moneys in accordance with the objects and provisions of this Scheme;

(6) to borrow, invest, lend, subscribe, spend or donate money for the furtherance of these objects; and

(7) to do all such things as may be necessary or expedient to achieve the aims set out above: Provided that the objects detailed herein shall be interpreted with the aim of securing benefits for the Industry as a whole.

6. ADMINISTRATION OF THE FUND

The Fund shall be administered by the Board in accordance with the Rules of the Fund.

7. CONTRIBUTIONS TO THE FUND

(1) Every employer shall each month, in respect of each artisan employed by him, as at the last working day of the calendar month, pay to the Fund a contribution of R3.

(2) The total amount due in terms of subclause (1) shall be paid to the Training Fund at P.O. Box 809, Johannesburg, 2000, by not later than the 15th day of the month, following the month in respect of which the contribution is due, and shall be accompanied by a statement in the form of Annexure A.

8. FINANCE

(1) All moneys paid into the Fund shall be deposited in a banking account in the name of the Fund. Payments from the Fund shall be made by cheque signed by such persons as may from time to time be authorised by the Board.

(2) A copy of the audited account and balance sheet of the Fund shall be sent to the Director-General of Manpower Utilisation within three months of the close of the period covered thereby.

5. DOELSTELLINGS VAN DIE FONDS

Die doelstellings van die Fonds is—

(1) om die oogmerke te bevorder van die Mining Industry Engineering Trades Training Board, wat soos volg is:

(a) Om die keuring van vakleerlinge in die mynbedryf na te gaan en om hulle indiensneming in die Mynbedryf te bevorder;

(b) om die invoering van 'n onderrigstelsel wat op bevoegdheid gegrond is vir die opleiding van vakleerlinge in die Mynbedryf, te ondersoek, om aanbevelings daaroor te doen en, indien daar daartoe ooreengekom is, om sodanige stelsel na te gaan;

(c) om die bepalings van prestasiesstandaarde in opleidingsleerplanne te ondersoek en na te gaan;

(d) om met die Sentrale Organisasie vir Vaktoetse te skakel deur middel van die Departement van Mannekragbenutting en die Departement van Nasionale Opvoeding om te verseker dat die vaktoetse bestaanbaar is met die voorgeskrewe prestasiesstandaarde en dat die vaktoetsingsproses uitgevoer word op 'n grondslag wat opvoedkundig gesond is;

(e) om die sertifisering van opleiers in die Bedryf se opleidingskollege in te voer en na te gaan;

(f) om sertifikate vir die erkenning van praktiese opleiding en teoretiese kursusse wat deur vakleerlinge gevolg word, in te voer, na te gaan en uit te reik;

(g) om aanbevelings te doen oor die opheffing van die status van die ambagsman in die myningenieurswese aangesien sodanige status gelyk moet wees aan die waarde van die werk wat hy verrig;

(h) om met ander vakleerlingopleidingsorganisasies te skakel om te verseker dat die Mynbedryf tred hou met nuwe ontwikkelinge in die vakleerlingopleidingsveld; en

(i) om die tekort aan geskoolde ingenieurspersoneel in die nywerheid in Suid-Afrika, in die Mynbedryf in die besonder, te ondersoek, en om metodes om sodanige tekorte deur middel van geskikte opleidingsmetodes te bowe te kom, te bestudeer en aanbevelings te doen;

(2) om praktiese belangstelling in die onderrig, opleiding en indiensneming van werknemers op die gebied van tegniese ingenieurswese in die Bedryf te bevorder;

(3) om werkgeleenthede wat die Bedryf bied, bekend te stel;

(4) om werkgewers in die Bedryf deur middel van toekennings, subsidies of ander geldelike bystand aan te spoor om werknemers te onderrig en op te lei;

(5) om geld in ontvangs te neem met die doel om die doelstellings wat hierin aangegee word, te bevorder en om sodanige geld ooreenkomstig die doelstellings en voorwaardes van hierdie Skema aan te wend;

(6) om geld vir die bevordering van hierdie doelstellings te leen, te belê, uit te leen, by te dra, te bestee of te skenk; en

(7) om alles te doen wat nodig of gerade is om die doelstellings wat hierbo uiteengesit is, te verwesenlik: Met dien verstande dat die doelstellings wat hierin uiteengesit is, vertolk word met die doel om voordele vir die hele Bedryf te verkry.

6. ADMINISTRASIE VAN DIE FONDS

Die Fonds word ingevolge die Reëls van die Fonds deur die Raad geadministreer.

7. BYDRAES TOT DIE FONDS

(1) Elke werkgewer moet elke maand ten opsigte van elke ambagsman wat by hom in diens is op die laaste werkdag van die kalendermaand, 'n bydrae van R3 aan die Fonds betaal.

(2) Die totale bedrag wat ingevolge subklousule (1) verskuldig is, moet voor of op die 15de dag van die maand wat onmiddellik volg op die maand ten opsigte waarvan die bydrae verskuldig is, aan die Opleidingsfonds betaal word by Posbus 809, Johannesburg, 2000, en dit moet vergesel gaan van 'n staat in die vorm van Aanhangsel A.

8. FINANSIES

(1) Alle geld wat in die Fonds inbetaal word, moet gestort word op 'n bankrekening wat op naam van die Fonds staan. Betalings uit die Fonds moet geskied per tjek wat onderteken moet word deur diegene wat van tyd tot tyd deur die Raad daartoe gemagtig word.

(2) 'n Afskrif van die geauditeerde rekening en balansstaat van die Fonds moet binne drie maande na afloop van die tydperk wat daardeur gedek word, aan die Direkteur-generaal van Mannekragbenutting gestuur word.

9. DISSOLUTION OF THE FUND

The Fund shall be dissolved as provided for in clause 12 of its Rules.

10. AGENTS

The Fund may appoint one or more persons as agents in giving effect to the terms of this Scheme.

11. INDEMNITY

The members of the Mining Industry Engineering Trades Training Board shall not be liable for any loss to the Fund arising from any improper investment made in good faith, or by any act in their bona fide administration of the Fund, or by negligence or fraud of any person who may be employed, or by reason of any act or omission by members or by reason of any other matter or thing, save individual, wilful or fraudulent wrongdoing on the part of its members who are sought to be made liable. Any such member shall be reimbursed by the Fund for any liability incurred by him in defending any proceedings, whether criminal or civil, arising out of an allegation involving bad faith in which judgement is given in his favour, or in which he is acquitted.

Signed at Johannesburg on behalf of the Board, this 25th day of March 1981.

D. M. ROOD, Chairman.

B. NICHOLSON, Vice-Chairman.

D. D. COCHIUS, Secretary.

ANNEXURE A**MINING INDUSTRY ENGINEERING TRADES DEVELOPMENT AND TRAINING FUND**

P.O. Box 809
Johannesburg
2000
Telephone 838-8211

MONTHLY RETURNS OF CONTRIBUTIONS

(to be submitted in duplicate)

N.B.—Please study the following notes before completing this return:

1. Every employer shall, in respect of each artisan, pay to the Mining Industry Engineering Trades Development and Training Fund a monthly contribution.
2. The total amount of the contribution payable each month shall be calculated on the basis of R3 multiplied by the number of artisans employed by the employer on the last working day of the month in respect of which payment of the contribution is due.
3. The amount payable each month shall be forwarded to the Secretary of the Mining Industry Engineering Trades Development and Training Fund, P.O. Box 809, Johannesburg, 2000, by not later than the 15th day of the month immediately following the month in respect of which the contribution is due.

Return for the month of.....19.....
Name of Mine.....
Address of Head Office.....
Number of artisans employed on the last working day of the month.....
Total contribution payable at R3 per artisan.....

Cheque herewith.....
Signed.....
Capacity.....

9. ONTBINDING VAN DIE FONDS

Die Fonds moet ontbind word soos daar in klousule 12 van sy Reëls bepaal word.

10. AGENTE

Die Fonds kan een of meer persone as agente aanstel om uitvoering aan hierdie Skema te gee.

11. VRYWARING

Die lede van die Mining Industry Engineering Trades Training Board is nie aanspreeklik nie vir enige verlies wat die Fonds ly as gevolg van 'n onbehoorlike belegging wat te goeder trou gedoen is, of as gevolg van enige handeling wat in hulle *bona fide*-administrasie van die Fonds verrig is, of as gevolg van die nalatigheid of die bedrog van 'n persoon wat in diens geneem is, of as gevolg van 'n handeling of versuim van lede, of as gevolg van 'n ander aangeleentheid of ding, met uitsondering van individuele, opsetlike of bedrieglike optrede aan die kant van sy lede wat as aanspreeklik geag word. 'n Lid van die Raad moet deur die Fonds vergoed word vir enige aanspreeklikheid wat hy aangegaan het om hom in enige geding te verweer, hetsy krimineel of siviel, wat voortspruit uit 'n aantygning dat daar te kwader trou gehandel is en waarin die uitspraak in sy guns is of waarin hy vrygespreek word.

Namens "the Board" op hede die 25ste dag van Maart 1981 in Johannesburg onderteken.

D. M. ROOD, Voorsitter.

B. NICHOLSON, Vise-voorsitter.

D. D. COCHIUS, Sekretaris.

AANHANGSEL A**THE MINING INDUSTRY ENGINEERING TRADES DEVELOPMENT AND TRAINING FUND**

Posbus 809
Johannesburg
2000
Telefoonnommer 838-8211

MAANDSTAAT VAN BYDRAES

(moet in duplo ingedien word)

L.W.—Bestudeer asseblief die volgende opmerkings voordat hierdie staat ingevul word:

1. Elke werkgever moet 'n maandelikse bydrae ten opsigte van elke ambagsman aan die Mining Industry Engineering Trades Development and Training Fund betaal.
2. Die totale bedrag van die bydrae wat elke maand betaalbaar is, moet bereken word op die grondslag van R3,00 vermenigvuldig met die getal ambagsmanne wat op die laaste werkdag van die maand ten opsigte waarvan die betaling van die bydrae verskuldig is, by die werkgever in diens is.
3. Die bedrag wat elke maand betaalbaar is moet gestuur word aan die Sekretaris van die Mining Industry Engineering Trades Development and Training Fund, Posbus 809, Johannesburg, 2000, en dit moet hom uiterlik op die 15de dag van die maand wat onmiddellik volg op die maand ten opsigte waarvan die bydrae verskuldig is, bereik.

Staat vir die maand.....19.....
Naam van myn.....
Adres van Hoofkantoor.....
Getal ambagsmanne op die laaste werkdag van die maand in diens.....
Totale bydrae wat teen R3 per ambagsman betaalbaar is.....

Tjek hierby.....
Onderteken.....
Hoedanigheid.....

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