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## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

**No. R. 657**

**8 May 1998**

MANPOWER TRAINING ACT, 1981

#### AMENDMENT TO THE TRAINING SCHEME FOR THE PRINTING, NEWSPAPER AND PACKAGING INDUSTRIES

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 39 (3) of the Manpower Training Act, 1981, hereby amend with effect from the date of publication of this notice, the Scheme published in the Schedule to Government Notice No. R. 590 of 8 April 1993, as amended by Government Notices Nos. R. 845 of 29 April 1994, R. 290 of 24 February 1995, R. 1822 of 24 November 1995 and R. 438 of 20 March 1997—

- (i) by the substitution in clause 7.1.1 of the Scheme for the expression "R22,74 levy plus R3,18 VAT, total R25,92" of the expression "R24,54 levy plus R3,44 VAT, total R27,98"; and
- (ii) by the substitution in clause 7.1.2 of the Scheme for the expression "R2,67 levy plus R0,37 VAT, total R3,04" of the expression "R3,16 levy plus R0,44 VAT, total R3,60".

**T. T. MBOWENI**  
Minister of Labour

No. R. 658

8 May 1998

## MANPOWER TRAINING ACT, 1981

## TRAINING SCHEME FOR THE LUMBER MILLING INDUSTRY

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 39 (5) of the Manpower Training Act, 1981, declare that the provisions of the Scheme which appear in the Schedule hereto shall, with effect from the date of publication of this notice be binding upon all employers and all employees who are engaged or employed in the Lumber Milling Industry in the Republic of South Africa.

T. T. MBOWENI

Minister of Labour

## SCHEDULE

The Training Scheme for the Lumber Milling Industry, hereinafter referred to as "the Industry", has been established by the Lumber Milling Industry Training Board on behalf of the employers in the Industry for the training of employees in the Industry and provides for the establishment of a Fund for the purposes of the Scheme; the payment of contributions to the Fund by employers in the Industry; and the appointment of the Lumber Milling Industry Training Board to administer the Fund, which shall be called the "Lumber Milling Industry Training Fund".

**1. Name of the scheme**

The name of the Scheme is the "Lumber Milling Industry Training Scheme".

**2. Scope of application of scheme**

The provisions of the Scheme shall be observed by all employees who are engaged or employed in the Lumber Milling Industry in the Republic of South Africa.

**3. Definitions**

Any expression used in the Scheme which is defined in the Manpower Training Act, 1981, shall have the same meaning as in the Act and any reference to the Act shall include any amendments to the Act and any regulation issued in terms of the Act and, unless inconsistent with the context—

"Act" means the Manpower Training Act, 1981 (Act No. 56 of 1981);

"Board" means the Lumber Milling Industry Training Board;

"employee" means any person employed by or who performs work for any employer in the Lumber Milling Industry and who receives or is entitled to receive remuneration from such employer;

"employer" means any person in the Industry (excluding the State)—

(a) who employs or provides work for any other person and who remunerates or expressly or tacitly undertakes to remunerate that other person;

(b) who permits any other person in any manner or assist him in the carrying on or conducting of his business; or

(c) who, otherwise than in an educational institution, trains any minor in a designated trade;

"Fund" means the Lumber Milling Industry Training and Development Fund referred to in clause 5;

"Industry" or "Lumber Mining Industry" means, unless the member of the Board amend this definition, the industry in which employers and employees are associated for the purpose of performing any one or more of the following activities:

(a) The processing of timber or logs to lumber, beams, planks, barks, sleepers, wedges or other standard forms by removing the bark, splitting, cutting up, sawing, drying, planing or conversion of such timber or logs in any other manner and includes the treatment of any of the said articles by heat or chemicals where such treatment is carried on in conjunction with any of the aforesaid activities;

(b) the manufacturing of wood-wool, boxes, shooks, packmats, trays, crates or other articles of which wood constitutes the main component; and includes all operations incidental to or consequent on any of the aforesaid activities, but does not include the following:

(1) Joinery;

(2) the manufacture of furniture, wagons, carts and boats;

(3) the manufacture of coffins where such manufacture does not take place together with any of the activities mentioned in (a) and (b) above;

(4) the manufacture of plywood, veneers, veneered boards, laminated boards, block boards, chip boards or any similar products of which wood forms the main component where such manufacture does not take place together with any of the activities mentioned in (a) and (b) above;

(5) the manufacture of containers or components of containers that are intended or used for the packing or marketing of agricultural products where such manufacture does not take place together with any of the activities mentioned in (a) and (b) above.

"Registrar" means the Registrar of Manpower Training appointed in terms of the Act;

"remuneration" means any payment in money or *in natura*, or in money as well as *in natura*, made or owed to any person on the grounds of service in terms of which PAYE and SITE deduction are made.

The above-mentioned, however, exclude the following:

- Allowances for subsistence and travel;
- Director's fees;
- any grants paid to third parties; and

"Scheme" means the Lumber Milling Industry Training Scheme.

#### 4. Objects of the Scheme

The objects of the Scheme are—

- 4.1 to provide the necessary funds to ensure an adequate supply of trained employees for the Industry and to financially assist with the training and development of employees at all levels in the Industry in order that all contribution employers will have equal opportunities for the training and development of their employees;
- 4.2 to finance the administration of the Board and the objects of the Board as set out in its constitution;
- 4.3 to devise, institute and manage a framework of National Qualifications, which will—
  - 4.3.1 establish performance standards for the Industry in consultation with all interested parties;
  - 4.3.2 provide assessment procedures for all sectors of the Industry;
  - 4.3.3 provide a quality assurance system;
  - 4.3.4 certify job performance which meets agreed industry standards;
  - 4.3.5 encourage employers to adopt a competency based training philosophy; and
  - 4.3.6 promote the self-development of employers and employees at all levels.

#### 5. The Lumber Milling Industry Training and Development Fund

- 5.1 The Lumber Milling Industry Training and Development Fund is hereby established under the conditions as stipulated in section 39, clause 1 to 7, of the Act.
- 5.2 The Fund is administered by the Lumber Milling Industry Training Board.
- 5.3 Into the Fund shall be paid:
  - 5.3.1 training levies in terms of a clause 7 of this Scheme;
  - 5.3.2 interest and/or capital appreciation from the investment of any moneys of the Fund;
  - 5.3.3 any other moneys to which the Fund may become entitled; and
  - 5.3.4 the moneys of the Fund shall be used for the attainment of the objects of the Scheme as set out in clause 4.

#### 6. Establishment and functions of the Lumber Milling Industry Training Board

- 6.1 The Lumber Milling Industry Training Board has been established by employers' and employees' organisations in the Lumber Milling Industry in accordance with a constitution approved by the Registrar.
- 6.2 The Board shall have the authority to deal with all matters arising within the scope of the objects of this Scheme.

#### 7. Returns and contributions to the Fund

- 7.1 The returns and contributions as prescribed by clause 7.2 and all its subclauses, shall be returnable and payable from the date of publication of this notice.
- 7.2 With effect from the date of publication the following shall be applicable:

- 7.2.1 Every employer in the Industry, shall submit to the Fund at the Board's Office, Private Bag X686, Isando, 1600, or any other such address as it may be notified from time to time, by the end of every month, beginning at the end of the first month after publication of this notice, a return in the form determined by the Board from time to time, showing the remuneration paid by it to all the employees employed by it in the industry, in that month.

The employer shall pay by cheque to the Fund when submitting the above return, a levy which shall be payable monthly in arrears, starting the 30th day of the ensuing month, from the date of publication of this notice, and thereafter the end of every month, exclusive of Value-Added Tax, and calculated as follows:

0,7% of the payroll paid to employees.

- 7.2.2 Where any such employees are employed partly in the Lumber Milling Industry and partly in other industries, the proportion of the remuneration of such employees to which the levy is to be applied shall be the same proportion as the ratio of work done in the Lumber Milling Industry to the total work done by the employee.



- 7.2.3 Costs incurred in collecting late payment and contributions and any loss of interest as a result of such late payments, shall be charged to and paid by the employer concerned: Provided that the Board may waive the payment of such costs and interest or such part thereof as the Board may deem fit.
- 7.2.4 If any employer fails to submit a return as required under paragraph 7.2.1, the Board shall be entitled to estimate the levy due to the Fund. Such estimate will be *prima facie* evidence of the amount due for all purposes.

## 8. Information

- 8.1 The Board shall furnish every employer in the Industry with details concerning the Scheme in such form as the Board may from time to time determine: Provided that such details shall include at least the constitution of the Board, the contributions to be made or the levies payable to the Fund, the financial incentives provided under the Scheme and the procedure to be followed for the lodging of claims against the Fund, as well as other details as may be deemed necessary.
- 8.2 The Board shall, within three months after the close of each financial year, furnish the Registrar with a copy of the report on its activities during the financial year, together with a copy of the audited financial statement for that year and shall keep the report and statements open for inspection by any mandated representatives of contributing employers.

## 9. Finance

- 9.1 All moneys received shall within seven days of receipt thereof, be deposited into a specified banking account in the name of the Fund.
- 9.2 Payments on behalf of the Fund shall be by cheque or debit order signed by such officials of the Board as may from time to time be authorised thereto in writing by the Board.
- 9.3 Funds which are not required for immediate use shall at the discretion of the Board be invested in—
- (a) internal registered stock within the meaning of section 21 of the Exchequer Act, 1975 (Act No. 66 of 1975);
  - (b) National Savings Certificates;
  - (c) Post Office savings accounts or certificates;
  - (d) savings accounts, permanent shares or fixed deposits in building societies or banks, or in such other manner as may be approved by the Registrar.
- 9.4 The Board shall appoint a public auditor, who shall be paid out of the Fund, to audit the accounts of the Fund annually for the period ending 28 February.

## 10. Dissolution of the fund

- 10.1 Upon the termination of the Scheme, for any reason whatsoever, the assets of the Fund shall be disposed of by the Board in accordance with its constitution.
- 10.2 All administrative charges and liabilities of the Scheme shall then be charged against the Board.
- 10.3 The Registrar must be notified of the termination of the Scheme in good time.

## 11. Agents

- 11.1 The Board may appoint agents or committees to give effect to the objects of the Scheme under such conditions and subject to such control as the Board deems fit.
- 11.2 An agent shall be empowered to enter any establishment and to question the employer or any employee for the purpose of ascertaining whether or not the provisions of clause 7 are being observed.
- 11.3 The appointment of an agent may be revoked by the Board at any time and for any reason.

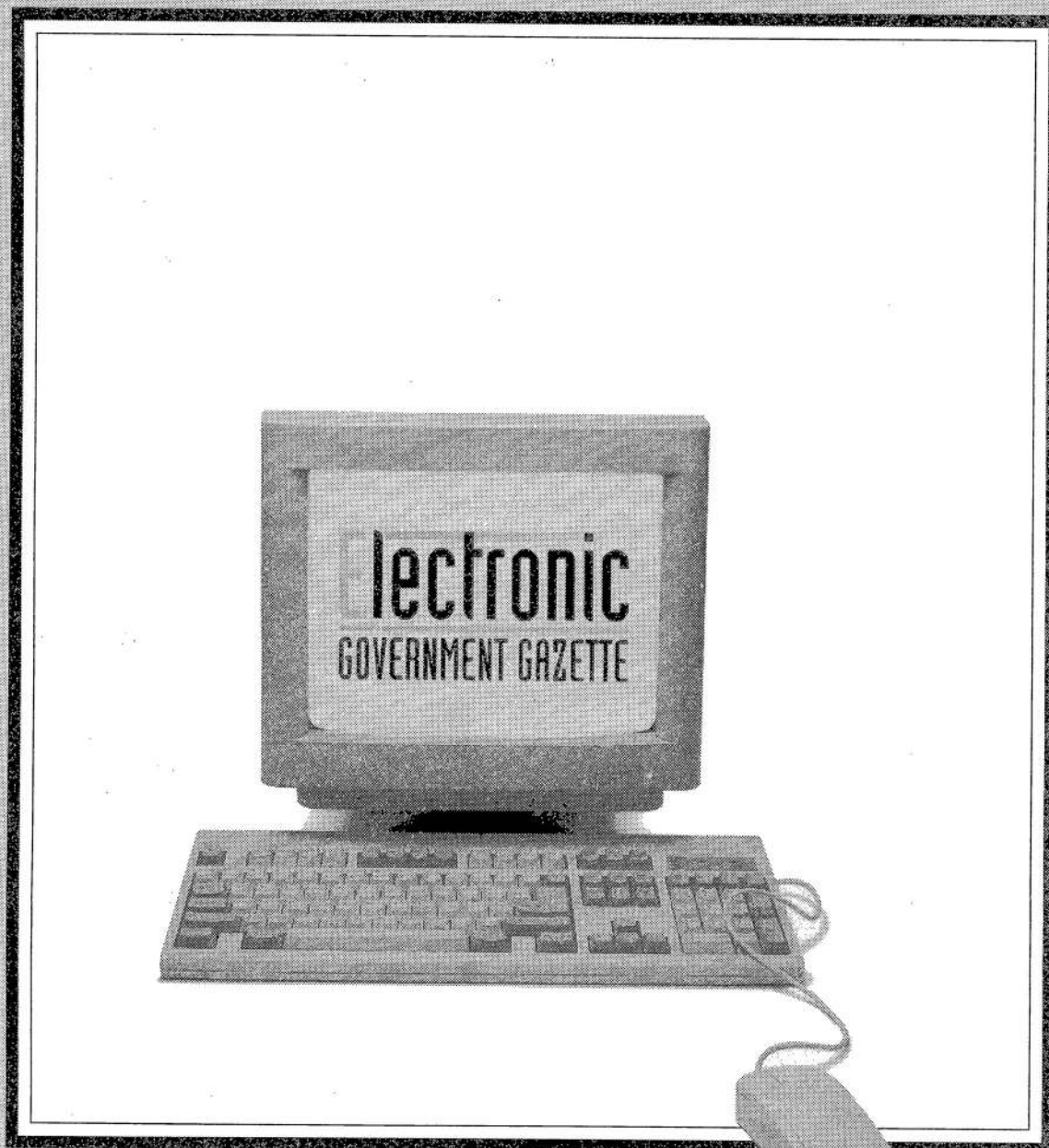
## 12. Indemnity

The members of the 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 the negligence or fraud of any person employed by the Board, or by reason of any act or omission by members or by reason of any other matter, save individual wilful or fraudulent wrongdoing on the part of such members as can be held responsible.

Any such member shall be reimbursed by the Fund for any liability incurred in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgement is given in favour of, or the member is acquitted.

## 13. Exemptions

Any application for exemption from any provision of this Scheme, which may be granted by the Minister in terms of section 47 of the Act, shall be submitted to the Lumber Milling Industry Training Board, Private Bag X686, Isando, 1600, which shall forward such application together with any recommendation by the Board to the Director-General: Labour.



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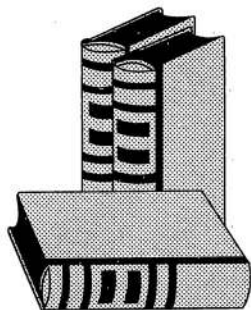
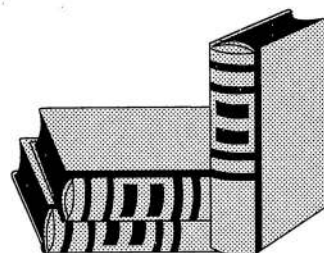
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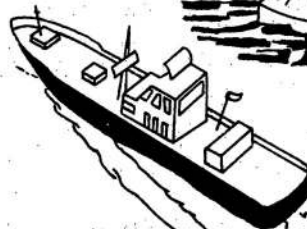
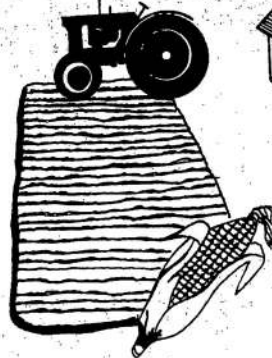
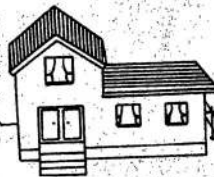
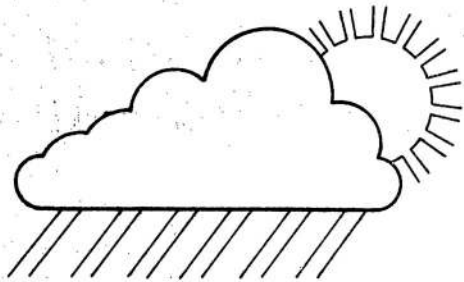
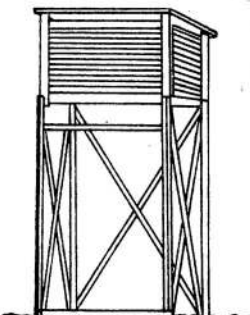
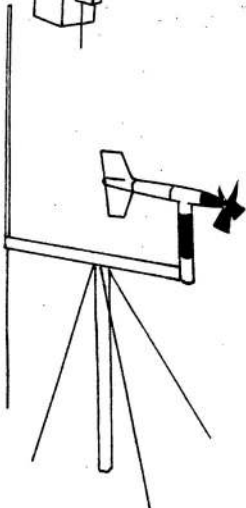


*Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?*

Department of Environmental Affairs and Tourism  
Departement van Omgewingsake en Toerisme

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