

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6598

Regulasiekoerant

Vol. 410

PRETORIA, 6 AUGUST
AUGUSTUS 1999

No. 20340

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 84, 1999

COMMENCEMENT OF THE INTEGRATION OF LABOUR LAWS ACT, 1994 (ACT No. 49 OF 1994)

In terms of section 4 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), as amended by section 2 of the Integration Measures in respect of Labour Laws, Amendment and Adjustment Act, 1996 (Act No. 68 of 1996), I hereby determine 6 August 1999 as the date on which the Manpower Development Authority of Bophuthatswana Act, 1988 (Act No. 26 of 1988), is repealed.

The Minister of Labour shall promulgate regulations to come into operation on the same date as the Manpower Development Authority of Bophuthatswana Act, 1988 has been repealed, whereby the unused levy money in the Manpower Development Fund Current Account will be regulated.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-seventh day of July, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

M. S. MDLADLANA

Minister of the Cabinet

KGOELETSO***Moporesidente wa Repaboleki ya Aferika Borwa*****No. R. 84, 1999****TSHIMOLOGO YA KOPANO YA MOLAO WA MELAO YA BADIRI WA, 1994 (MOLAO No. 49 WA 1994)**

Go ya ka karolo ya 4 ya Kopano ya Molao wa Melao ya Badiri, wa 1994 (Molao No. 49 wa 1994), jaaka o tihabolotswe ke karolo 2 ya Dikgato tsa Kopanyo mabapi le melao ya Badiri, Molao wa Tihabololo le Tolamiso, wa 1996 (Molao No. 68 wa 1996), Ke tihomamisa fano letsatsi la 6 Phatwe 1999, jaaka letlha le Molao wa Bophuthatswana wa Bothati ba Tihabololo ya Badiri, wa 1988 (Molao No. 26 wa 1988) o tihakotsweng.

Tona ya Badiri e tla goeletsa melawana go dirafatswe ka lo na letsatsi le letlha le Molao wa Bophuthatswana wa Bothati ba Tihabololo ya Badiri, wa 1988 (Molao No. 26 wa 1988) o tihakotsweng, mo madi a lekgethwana a a sa dirisiwang mo Tshupatloto keelong ya Letlole la Tihabololo la Badiri le tla laolwang.

Ekwadilweng ka nna le Sekano sa Repaboleki ya Aferika Borwa kwa Pretoria ka letsatsi la 27 kgwedi ya July kete le kgo-larobongwe-robongwe.

T. M. MBEKI**Moporesidente**

Ka taelo ya Moporesidente-mo-Kabineteng:

M. S. MDLADLANA**Tona ya Kabinete****GOVERNMENT NOTICE****DEPARTMENT OF LABOUR****No. R. 953****6 August 1999****INTEGRATION OF LABOUR LAWS ACT, 1994****REGULATION REGARDING THE MANPOWER DEVELOPMENT AUTHORITY OF BOPHUTHATSWANA
ACT, No. 26 OF 1988**

The Minister of Labour, under section 3 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), as amended by section 2 of the Integration Measures in respect of Labour Laws, Amendment and Adjustment Act, 1996 (Act No. 68 of 1996), has made the regulations as set out in the Schedule.

SCHEDULE**Definition****1. In these regulations—**

"Act" means the Manpower Development Authority of Bophuthatswana Act, 1988 (Act No. 26 of 1988);

"Committee" means the steering committee established in terms of clause 3 (1) of these regulations;

"Department" means the Department of Labour;

"Director-General" means the Director-General: Labour;

"Earmarked money" means the balance of the levy money in the Manpower Development Fund Current Account and transferred to the National Skills Fund;

"Manpower Development Authority of Bophuthatswana" means the Manpower Development Authority of Bophuthatswana established in terms of the Manpower Development Authority of Bophuthatswana Act, 1988 (Act No. 26 of 1988);

"Manpower Development Fund Current Account" means the Manpower Development Fund Current Account as referred to in section 24 (1) (b) of the Manpower Development Authority of Bophuthatswana Act, 1988 (Act No. 26 of 1988);

"National Skills Fund" means the National Skills Fund established in terms of section 27 of the Skills Development Act, 1998 (Act No. 97 of 1998);

"Provincial Director" means the Provincial Director: North West of the Department of Labour.

Training levy moneys

2 (1) The balance of money in the Manpower Development Fund Current Account as on the date of repeal of the Act is hereby transferred to the National Skills Fund, but are exclusively earmark to fund training in the North West Province where the money was collected as a training levy as well as for the payment of the costs of the steering committee: Provided that, notwithstanding the aim of the National Skills Fund, the money so transferred shall be utilised as closely as possible for the purposes it was initially levied under section 28 (2) of the Act.

2 (2) The control and administration of the earmarked money shall be vested in the Director-General, who shall in this regard be advised by a committee established in terms of clause 3 of this regulations.

2 (3) The Director-General may, subject to the conditions he or she may impose, delegate or assign the responsibilities conferred or imposed on him or her by clause 2 (2) to an official or officials of the Department.

Establishment of a steering committee

3 (1) A committee appointed by the Director-General is hereby established for the purposes of clause 2 (2) of these regulations and shall be constituted as follows:

- (a) The Provincial Director: North West, who shall ex-officio be the chairperson of the committee;
- (b) two members designated by the employers' organisation or federation of the North West Province to represent the interests of organised business;
- (c) two members to represent the interests of organised labour;
- (d) one member from the North West Provincial Office of the Department of Finance and Economic Affairs;
- (e) two members from the original contributors to the Manpower Development Fund; and
- (f) A maximum of two additional members if the Director-General deems it appropriate.

3 (2) The Director-General shall appoint the members of the committee on such terms and conditions as he or she may determine. The term of office of the members shall not exceed two years unless re-appointed.

3 (3) Upon the expiration of a member's term of office, he or she shall be eligible for re-appointment for a further term of office.

3 (4) A vacancy which occurs in the committee shall be filled by a person appointed by the Director-General, which person shall hold office for the unexpired portion of the period of office of his or her predecessor, and may on expiry of his or her period of office be re-appointed by the Director-General.

3 (5) for each or any appointed member of the committee there may be an alternate member, who shall act in the place of the member for whom he or she has been appointed as an alternate whenever that member is absent or incapacitated or unable to act as a member of the committee.

Functions of the steering committee

4 (1) The committee will advise the Director-General on the disbursement of the earmarked money. For this purpose the committee shall draft criteria and submit it to the Director-General for consideration and approval prior to the disbursement of any money: Provided that the committee shall, in determining the said criteria take cognizance of the aim and purpose of the Manpower Development Fund as provided for in the repealed Manpower Development Authority of Bophuthatswana Act, 1988.

4 (2) The committee will at meetings consider the training to be funded for job opportunities in the North West Province in accordance with the approved criteria referred to in clause 4 (1) of these regulations.

4 (3) The committee shall furnish the Director-General with a report at the end of each financial year (31 March) within 2 months indicating *inter alia* the following:

- (a) How the earmarked money has been disbursed;
- (b) the results achieved;
- (c) the balance of the earmarked money.

Disqualification for membership of the steering committee

5. A person shall be disqualified from being appointed or remaining a member of the committee—

- (a) if he or she is subject to a final order of court whereby his estate is sequestrated under the Insolvency Act, or if his estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;
- (b) if he or she is subject to an order of a competent court of the Republic or any other country or territory, whereby he or she is declared to be of unsound mind or mentally disordered or defective or otherwise unfit to manage his or her own affairs; or

- (c) if he or she has been convicted of any offence whatsoever in respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such imprisonment was wholly or partly suspended or not, unless he or she received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as a member.

Removal and resignation as member of the steering committee

6 (1) Notwithstanding the provisions of clause 3 of these regulations, the term of office of any appointed member may, before the expiration thereof, be terminated by the Director-General (whereupon the member concerned shall be removed from the Committee)—

- (a) on account of his or her misconduct;
- (b) for unfitness for the duties of the committee;
- (c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of the committee or discharging them properly;
- (d) if he or she has become disqualified in terms of clause 5 of these regulations.

6 (2) A member may at any time resign from the committee upon one month's written notice tendered to the Director-General.

Vacancies in the steering committee

7 (1) The membership of an appointed member shall become vacant—

- (a) when he or she dies;
- (b) when his or her written resignation tendered to the Director-General in terms of clause 6 (2) of these regulations, becomes effective;
- (c) when his term of office is terminated in terms of clause 6 (1) of these regulations;
- (d) if he or she has been absent from two consecutive meetings of the committee without its prior consent or that of the chairperson.

7 (2) Any vacancy in the committee shall be filled by the appointment of another member by the Director-General in terms of this regulations, as soon as may be reasonable practicable after the occurrence of such vacancy, and any member so appointed shall remain in office for the unexpired portion of his or her predecessor's term of office.

Meetings of the steering committee

8 (1) The meetings of the committee shall be held on such dates and such times and places as may be determined by resolution of the committee whenever it is necessary so as to conduct its business expeditiously, but not less than four times in each year.

8 (2) When the Chairperson is not available to chair the committee the members present will select a member to chair the meeting.

8 (3) The chairperson may at any time call for a special meeting of the committee if, in his opinion, it is justified by the circumstances and shall, upon having been presented with a requisition for that purpose signed by at least two members, forthwith call for a special meeting of the committee. If the chairperson fails to convene such a last mentioned meeting within seven days as from such presentation, such two members may, on the expiration of such seven days, convene such a special meeting.

8 (4) Notice of each meeting of the committee shall be given to all the members in such manner and form as the committee may from time to time determine.

8 (5) The chairperson or any other person who acts as chairperson, shall determine the procedure at the meeting over which he or she presides.

Quorum and decisions of the steering committee, and voting powers

9 (1) A majority of the total number of the appointed members of the committee shall constitute a quorum at any meeting of the committee.

9 (2) The decision agreed upon by a majority of the members present at any meeting of the committee shall constitute a decision of the committee. Such decision must however be within the approved frame of these regulations.

9 (3) In the event of an equality of votes in regard to any matter, the chairperson of the committee or the person acting as chairperson in terms of clause 8, shall have a casting vote in addition to his or her deliberate vote.

Reimbursement of travelling and subsistence expenditures incurred by the steering committee members

10. A member of the committee who is not in the full-time employment of the State may be paid the remuneration and allowances determined by the Director-General with the approval of the Minister of Finance. The financial costs of the committee shall be defrayed from the balance of the money in the Manpower Development Fund Current Account and transferred to the National Skills Fund, excluding the personnel costs of the secretarial work.

Secretarial and related functions of the steering committee

11. The secretarial work of the committee, as well as the travel and subsistence claims of the relevant committee members shall be performed by officer/s or employee/s serving in the Department who shall be designated for this purpose by the Provincial Director.

Dissolvement of the steering committee

12 (1) The committee shall be dissolve by the Director-General once all the earmarked money has been fully expended at which stage the committee shall table a report to the Director-General, which must indicate exactly how all the money has been utilised, as well as the results achieved.

12 (2) Notwithstanding the provisions of clause 3 of this regulations, the Director-General may dissolve the committee if he or she is of the opinion that the committee is not making reasonable progress in ensuring that the earmarked money has been used for training as provided for in clause 2.

Transitional provision

13. The Department of Labour shall for all purposes in law be the legal successor to the Manpower Development Authority of Bophuthatswana in relation to all the transfer of assets, liabilities, rights, obligations and funds done by the Authority, prior to the commencement of these regulations.

Commencement

14. These regulations shall come into operation on August 1999.

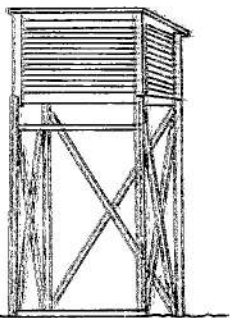
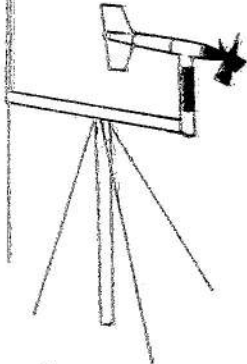
M. S. MDLADLANA

Minister of Labour

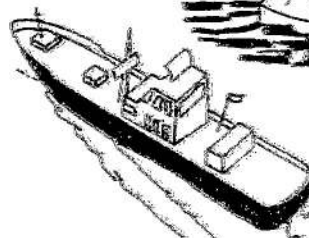
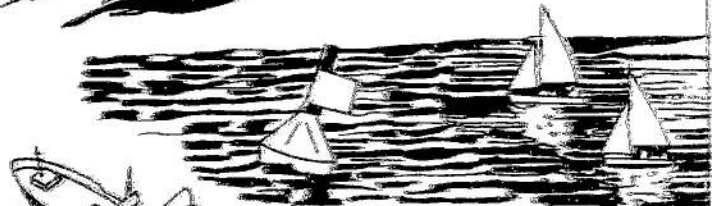
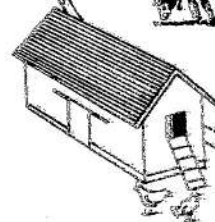
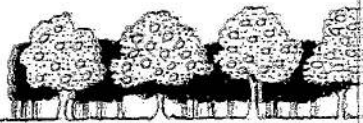
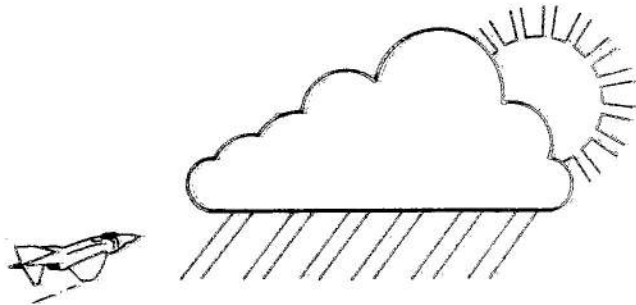
CONTENTS

No.		Page No.	Gazette No.
	PROCLAMATION		
Rt. 84	Integration of Labour Laws Act (49/1994): Commencement	1	20340
	GOVERNMENT NOTICE		
	Labour, Department of		
	<i>Government Notices</i>		
Rt. 953	Integration of Labour Laws Act (49/1994): Regulation	2	20340

SA WEATHER BUREAU SA WEERBURO



**W
E
A
T
H
E
R
·
S
E
R
V
I
C
E
S
·
W
E
E
R
D
I
E
N
S
T
E**



DEPT. OF ENVIRONMENTAL AFFAIRS AND TOURISM · DEPT. VAN OMGEWINGSAKE EN TOERISME

