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OF
SOUTH AFRICA



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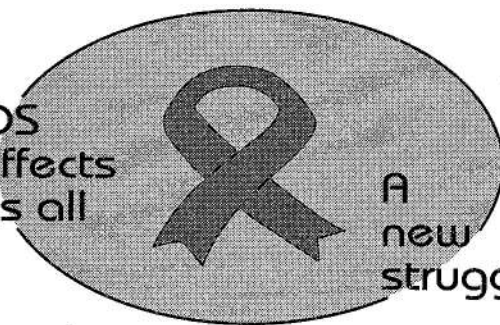
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FEBRUARIE 2000

No. 20900

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

CONTENTS

No.		Page No.	Gazette No.
PROCLAMATION			
R. 3	South African Library for the Blind Act (91/1998): Commencement	3	20900
GOVERNMENT NOTICES			
Arts, Culture, Science and Technology, Department of			
<i>Government Notice</i>			
R. 141	South African Library for the Blind Act (91/1998): Regulations	3	20900
Defence, Department of			
<i>Government Notices</i>			
R. 178	Defence Act (44/1957): Amendment: General Regulations for the South African National Defence Force and the Reserve	12	20900
R. 179	do.: do.: do	14	20900
Labour, Department of			
<i>Government Notice</i>			
R. 180	Labour Relations Act (66/1995): Contract Cleaning Industry (Natal): Extension of Main and Provident Fund Collective Amending Agreement to Non-parties	10	20900

INHOUD

No.		Bladsy No.	Koerant No.
PROKLAMASIE			
R. 3	Wet op die Suid-Afrikaanse Biblioteek vir Blindes (91/1998): Inwerkingtreding	3	20900
GOEWERMENSKENNISGEWINGS			
Arbeid, Departement of			
<i>Goewermentskennisgewing</i>			
R. 180	Wet op Arbeidsverhoudinge (66/1995): Kontrakskoonmaakbedryf (Natal): Uitbreiding van Hoof en Voorsorgfonds Kollektiewe Wysigingsooreenkoms na Nie-partye	11	20900
Kuns, Kultuur, Wetenskap en Tegnologie, Departement van			
<i>Government Notice</i>			
R. 141	Wet op die Suid-Afrikaanse Biblioteek vir Blindes (91/1998): Regulasies	7	20900
Verdediging, Departement van			
<i>Government Notices</i>			
R. 178	Defence Act (44/1957): Amendment: General Regulations for the South African National Defence Force and the Reserve	12	20900
R. 179	do.: do.: do	14	20900

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 3, 2000****COMMENCEMENT OF THE SOUTH AFRICAN LIBRARY FOR THE BLIND ACT, 1998 (ACT No. 91 OF 1998)**

In terms of section 18 of the South African Library for the Blind Act, 1998 (Act No. 91 of 1998), I hereby determine **1 April 2000** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this Fourth day of February Two Thousand.

T. M. MBEKI**President**

By Order of the President-in-Cabinet:

Dr B. S. NGUBANE**Minister of the Cabinet****PROKLAMASIE***van die**President van die Republiek van Suid-Afrika***No. R. 3, 2000****INWERKINGTREDING WET OP DIE SUID-AFRIKAANSE BIBLIOTEEK VIR BLINDES, 1998 (WET No. 91 VAN 1998)**

Kragtens artikel 18 van die Wet op die Suid-Afrikaanse Biblioteek vir Blindes, 1998 (Wet No. 91 van 1998), bepaal ek hierby **1 April 2000** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vierde dag van Februarie Tweeëduisend.

T. M. MBEKI**President**

Op las van die President-in-Kabinet:

Dr B. S. NGUBANE**Minister van die Kabinet**

(25 February 2000)/(25 Februarie 2000)

**GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS****DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY
DEPARTEMENT VAN KUNS, KULTUUR, WETENSKAP EN TEGNOLOGIE****No. R. 141****25 February 2000****SOUTH AFRICAN LIBRARY FOR THE BLIND ACT, 1998****REGULATIONS**

The Minister of Arts, Culture, Science and Technology, has in terms of section 15 of the South African Library for the Blind Act, 1998 (Act No. 91 of 1998), made the regulations in the Schedule.

SCHEDULE
ARRANGEMENT OF REGULATIONS

- PART I: DEFINITIONS**
- PART II: BOARD**
- PART III: PROPERTY**
- PART IV: APPOINTMENTS AND TERMINATION OF SERVICE**
- PART V: MISCONDUCT**
- PART VI: FINANCE**

PART I
DEFINITIONS

1. In these regulations any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned to it and, unless the context indicates otherwise—

“**calendar month**” means a period extending from the first to the last day, both days inclusive, of any one of the 12 calendar months of the year;

“**Department**” means the Department of Arts, Culture, Science and Technology;

“**employee**” means any person appointed by the Board;

“**month**” means a period extending from a date in any one calendar month to the date immediately preceding the corresponding date in the following calendar month, both dates inclusive;

“**the Act**” means the South African Library for the Blind Act, 1998 (Act No. 91 of 1998).

PART II
BOARD

Appointment of Board members

2. (1) The Minister must appoint persons who represent stakeholders and who have the experience, expertise or skills necessary to enable the Library for the Blind to achieve its objects and perform its functions, but the Minister must take into account the desirability of appointing women and historically disadvantaged persons and ensure that the Board is equitably representative of the various provinces of the Republic.

(2) Before persons contemplated in subregulation (1) are appointed, the Minister must—

- (a) invite nominations from stakeholders and others by notice in the *Gazette*, and in at least two nationally distributed newspapers, specifying a period within which nominations must be submitted; and
- (b) stipulate in such notice the form and procedure pertaining to these nominations.

(3) The Minister must appoint the Board from the persons so nominated.

Filling of vacancy on the Board

3. (1) If an office is vacated as contemplated in section 6 (3) and 6 (4) of the Act, the Minister may, after consultation with the Chairperson of the Board, appoint a person from the shortlist from which the existing Board was appointed.

(2) Should it not be possible to fill the vacancy through the process mentioned in subregulation (1), the Minister must fill the vacancy in the manner prescribed under regulation 2 (2) and 2 (3).

Meetings of the Board

4. (1) The first meeting of the Board must be held at a time and place determined by the Minister, and thereafter meetings are to be held at such times and places as the Board determines.

(2) The Chairperson of the Board must give each member of the Board 21 days' written notice of the time, date and place of a meeting as well as the matters to be discussed.

(3) The Chairperson of the Board or, in his or her absence, the Director, may at any time call a special meeting of the Board to be held at the time and place determined by him or her.

(4) The Board must ensure that a register of attendance is kept, financial reports are submitted for approval, and minutes are prepared of the proceedings of its meetings, and must have copies thereof circulated to the members of the Board and the Department.

(5) The minutes so prepared, when confirmed at the next meeting and signed by the person who chairs that meeting, will, in the absence of proof of error therein, be regarded and treated as a true and correct record of the proceedings and matters that they are intended to minute.

PART III**PROPERTY*****Safeguarding of records and documents and precautions against loss, damage or theft***

5. The Board must ensure that proper arrangements are made for the safe custody of all records and documents that belong to the Library for the Blind, or have been entrusted to its care, and must ensure that all practicable precautions are taken against loss, damage or theft.

Insurance

6. The Board must at all times keep all movable property, or part thereof, entrusted to the care of the Library for the Blind in terms of section 12 of the Act, insured against loss or damage with a short-term insurer as defined in section 1 of the Short-term Insurance Act, 1998 (Act No. 53 of 1998). However the Board may, in consultation with the Minister, exempt such property or part thereof from the provisions of this regulation.

PART IV**APPOINTMENTS AND TERMINATION OF SERVICE*****Appointments***

7. (1) Appointments shall be on probation for one year, after which such appointments shall be confirmed, extended or terminated.

(2) An employee appointed on probation may have his or her services terminated either during or after the expiry of the period of probation in the manner as consistent with the requirements of South African labour legislation.

Resignations

8. An employee may terminate his or her service by giving one calendar month's notice in writing, or such shorter period as agreed upon.

Retirement

9. An employee shall retire from the service of the Library for the Blind—

- (1) on attaining the retirement age of 65 years;
- (2) or such other age as approved by the Board. If an employee is retired by the Board prior to him or her reaching the retirement age, the Board may add to the employee's pension a gratuity related to the number of years left to reach retirement age.

Termination of service

10. (1) An employee's services may be terminated on account of—

- (a) incapacity;
- (b) operational requirements of the employer;
- (c) misconduct.

(2) Termination of service must be in accordance with the requirements of South African labour legislation applicable at the time of termination.

PART V**MISCONDUCT*****Misconduct by employees***

11. An employee employed at the Library for the Blind will be guilty of misconduct, if he or she—

- (a) contravenes or fails to comply with any provision of the Act;
- (b) does, or causes to be done, anything detrimental to the Library for the Blind;
- (c) disobeys, disregards or wilfully defaults in carrying out a lawful and reasonable instruction given to him or her, or by word or conduct displays insubordination;
- (d) is negligent in the discharge of his or her duties;
- (e) undertakes, without permission by the Board, any private work and accepts remuneration for such work other than the remuneration payable to him or her by the Board;
- (f) attempts to secure personal advancement, through outside intervention, in relation to his or her position and conditions of service;
- (g) conducts himself or herself in a disgraceful, improper or unbecoming manner, or, while on duty, is grossly discourteous;
- (h) uses intoxicants or stupefying drugs while on duty;

- (i) discloses or uses information obtained through his or her employment otherwise than for his or her official duties;
- (j) misappropriates or negligently damages any property of the Library for the Blind;
- (k) is convicted of a criminal offence;
- (l) is absent, without leave, from duty.

Procedure

12. (1) If an employee is accused of misconduct, the Director or any person authorised thereto by him or her, may charge the employee, in writing, with that misconduct.

(2) The charge must be served upon the employee by delivering it in person or by sending a registered letter to him or her.

(3) The person charged must within the period of time specified in the letter referred to in subregulation (2), in writing admit or deny the charge.

(4) The Director or any person authorised thereto by him or her may suspend from duty, with or without pay, any person accused of misconduct.

(5) (a) If the person charged admits to the charge of misconduct, he or she will be deemed to have been found guilty as charged.

(b) If the person charged denies the charge, the Board must appoint a person to inquire into the charge.

(6) The person who is to hold the inquiry must fix the time and place of the inquiry, and the person charged must be given written notice of the time and place so fixed; however, the Chairperson of the Board has the power to postpone the inquiry on good cause shown.

(7) (a) At the inquiry the person charged may be present, and has the right to be heard, either in person or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, and may give evidence himself or herself.

(b) The failure of the person charged either to be present in person or to be represented at the inquiry does not invalidate the proceedings.

(8) The person holding the inquiry must decide whether the person charged is guilty or not guilty and inform him or her and the Chairperson of the Board of his or her decision.

(9) If the person holding the inquiry finds that the person charged is not guilty and the person charged was suspended from duty, he or she shall be allowed to resume duty and be paid in respect of the period of his or her suspension.

(10) If the person holding the inquiry finds that the person charged is guilty, he or she must forward to the Board—

- (a) the record of the proceedings at the inquiry;
- (b) the documentary evidence admitted thereat;
- (c) a statement of his or her findings and his or her reasons therefore;
- (d) if there is an appeal against the findings, the notice of appeal.

(11) The employee may make an appeal, within seven days of receipt of the notice stating the grounds of appeal, to the Director, who must submit the appeal to the Board.

(12) If the person charged has admitted to the charge of misconduct or if he or she has been found guilty of misconduct and has not appealed against the finding within the seven-day period, or has appealed against it and the appeal has been dismissed, the Board must decide whether the person charged shall—

- (a) be cautioned or reprimanded;
- (b) have his or her services terminated or be called upon to resign;
- (c) have a fine imposed upon him or her not exceeding R6 000;
- (d) have his or her salary or grade, or both, reduced to the extent recommended.

PART VI

FINANCE

Banking account

13. (1) The Board must keep a banking account in the name of the South African Library for the Blind with a recognised banking institution.

(2) All moneys received by the Library for the Blind from whatever source must be paid into such banking account.

(3) Cheques must be signed by the Director and in his or her absence by his or her authorised alternative, and countersigned by the Chairperson of the Board or by any member of the Board specifically authorised thereto by the Board.

Books of account

14. The following records or any recognised and approved electronic substitute thereof must be kept:

- (a) A cash book;
- (b) a petty cash book;
- (c) a ledger;
- (d) a budget;
- (e) a remittance register;
- (f) a duplicate receipt book;
- (g) a duplicate bank deposit book; and
- (h) any other record which the Minister may deem necessary.

No. R. 141**25 Februarie 2000****WET OP DIE SUID-AFRIKAANSE BIBLIOTEEK VIR BLINDES, 1998****REGULASIES**

Die Minister van Kuns, Kultuur, Wetenskap en Tegnologie het kragtens artikel 15 van die Wet op die Suid-Afrikaanse Biblioteek vir Blindes, 1998 (Wet No. 91 van 1998), die regulasies in die Bylae uitgevaardig.

BYLAE**INDELING VAN REGULASIES****DEEL I: WOORDOMSKRYWING****DEEL II: RAAD****DEEL III: EIENDOM****DEEL IV: AANSTELLINGS EN DIENSBEËINDIGING****DEEL V: WANGEDRAG****DEEL VI: FINANSIES****DEEL 1****WOORDOMSKRYWING**

1. In hierdie regulasies het 'n woord of 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“die Wet” die Wet op die Suid-Afrikaanse Biblioteek vir Blindes, 1998 (Wet No. 91 van 1998);

“Departement” die Departement van Kuns, Kultuur, Wetenskap en Tegnologie;

“kalendermaand” 'n tydperk wat strek vanaf die eerste tot die laaste dag, albei dae inbegrepe, van enigeen van die 12 kalendermaande van die jaar;

“maand” 'n tydperk wat strek vanaf 'n datum in die volgende kalendermaand tot die datum wat die ooreenstemmende datum in die volgende kalendermaand onmiddellik voorafgaan, albei datums inbegrepe;

“werknemer” enige persoon wat deur die Raad aangestel is.

DEEL II**RAAD****Aanstelling van Raadslede**

2. (1) Die Minister moet persone aanstel wat belanghebbendes verteenwoordig en wat oor die nodige ondervinding, kundigheid en vaardighede beskik om die Biblioteek vir Blindes in staat te stel om sy doelwitte te bereik en sy werksaamhede te verrig, maar die Minister moet die wenslikheid van die aanstelling van vroue en histories benadeelde persone in aanmerking neem en verseker dat die Raad billik verteenwoordigend is van die onderskeie provinsies van die Republiek.

(2) Voordat persone in subregulasie (1) bedoel, aangestel word, moet die Minister—

- (a) nominasies van belanghebbendes en andere aanvra deur kennisgewing in die *Staatskoerant* en in minstens twee nasionaal verspreide koerante, wat 'n tydperk spesifiseer waarbinne nominasies voorgelê moet word; en
- (b) in sodanige kennisgewing die vorm en prosedure betreffende hierdie nominasies stipuleer.

(3) Die Minister moet die Raad aanstel uit die persone aldus genomineer.

Vul van vakature op die Raad

3. (1) Indien 'n amp ontruim word, soos bedoel in artikel 6 (3) en 6 (4) van die Wet, kan die Minister, na oorlegpleging met die Voorsitter van die Raad 'n persoon aanstel uit die kortlys waaruit die bestaande Raad aangestel is.

(2) Indien dit onmoontlik is om die vakature deur die proses genoem in subregulasie (1) te vul, moet die Minister die vakature vul op die wyse voorgeskryf by regulasie 2 (2) en 2 (3).

Vergaderings van die Raad

4. (1) Die eerste vergadering van die Raad moet gehou word op 'n tyd en plek soos deur die Minister bepaal, en daarna moet vergaderings gehou word op sodanige tye en plekke as wat die Raad bepaal.

(2) Die Voorsitter van die Raad moet elke lid van die Raad 21 dae skriftelike kennis van die tyd, datum en plek van 'n vergadering gee asook die sake wat bespreek moet word.

(3) Die Voorsitter van die Raad of, in sy of haar afwesigheid, die Direkteur, mag te eniger tyd 'n spesiale vergadering van die Raad belê wat gehou moet word op die tyd en plek deur hom of haar bepaal.

(4) Die Raad moet verseker dat 'n bywoningsregister gehou word, finansiële verslae vir goedkeuring voorgelê word, en notules opgestel word van die verrigtinge van sy vergaderings, en dat afskrifte daarvan aan die lede van die Raad en die Departement gestuur word.

(5) Die notules aldus opgestel, sal, wanneer dit by die volgende vergadering goedgekeur word en onderteken word deur die persoon wat by die vergadering voorsit, by ontstentenis van die bewys van foute daarin, beskou en behandel word as 'n ware en korrekte rekord van die verrigtinge en die aangeleenthede wat hulle bedoel om te notuleer.

DEEL III**EIENDOM****Die beveiliging van rekords en dokumente en voorsorgmaatreëls teen verlies, skade of diefstal**

5. Die Raad moet versker dat behoorlike reëlings getref word vir die veilige bewaring van alle rekords en dokumente wat aan die Biblioteek vir Blindes behoort, of aan sy sorg toevertrou is, en moet verseker dat alle praktiese voorsorgmaatreëls getref word teen verlies, skade of diefstal.

Versekering

6. Die Raad moet te alle tye alle roerende goed, of deel daarvan, wat aan die sorg van die Biblioteek vir Blindes toevertrou is kragtens artikel 12 van die Wet, teen enige verlies of skade verseker hou by 'n korttermynversekeraar soos omskryf in artikel 1 van die Korttermynversekeringwet, 1998 (Wet No. 53 van 1998). Die Raad kan egter, in oorleg met die Minister, sodanige eiendom of deel daarvan van die bepalinge van hierdie regulasie vrystel.

DEEL IV**AANSTELLINGS EN DIENSBEÏNDIGING****Aanstellings**

7. (1) Aanstellings moet vir een jaar op proef wees, waarna sodanige aanstellings bevestig, verleng of beëindig moet word.

(2) Die dienste van 'n werknemer wat op proef aangestel is, kan beëindig word hetsy gedurende of na die verstryking van die proeftydperk op 'n wyse wat voldoen aan die vereistes van Suid-Afrikaanse arbeidswetgewing.

Bedankings

8. 'n Werknemer kan sy of haar dienste beëindig deur skriftelike kennisgewing van een kalendermaand of sodanige korter tydperk as waaroor ooreengekom is.

Aftrede

9. 'n Werknemer moet uit die diens van die Biblioteek vir Blindes tree—

(1) by bereiking van die aftree-ouderdom van 65 jaar;

(2) of sodanige ander ouderdom soos deur die Raad goedgekeur. Indien die Raad 'n werknemer laat aftree voordat hy of sy die aftree-ouderdom bereik, kan die Raad by die werknemer se pensioen 'n gratifikasie byvoeg wat verband hou met die aantal jare wat oor is voor die bereiking van die aftree-ouderdom.

Diensbeëindiging

10. (1) 'n Werknemer se dienste kan beëindig word op grond van—

(a) onbevoegdheid;

(b) bedryfsvereistes van die werkgewer;

(c) wangedrag.

(2) Diensbeëindiging moet in ooreenstemming wees met die vereistes van Suid-Afrikaanse arbeidswetgewing wat ten tyde van die diensbeëindiging geld.

DEEL V

WANGEDRAG

Wangedrag deur werknemers

11. 'n Werknemer wat in diens van die Biblioteek vir Blindes is, sal skuldig wees aan wangedrag indien hy of sy—
- (a) 'n bepaling van die Wet oortree of dit nie nakom nie;
 - (b) enigiets wat vir die Biblioteek vir Blindes nadelig is, doen of laat doen;
 - (c) 'n wettige en redelike opdrag wat aan hom of haar gegee is verontagsaam, minag of opsetlik versuim om dit uit te voer, of deur woord of gedrag verset toon;
 - (d) nalatig is in die nakoming van sy of haar pligte;
 - (e) sonder toestemming deur die Raad, privaat werk onderneem en ander vergoeding daarvoor aanvaar as wat deur die Raad aan hom of haar betaal is;
 - (f) pogings aanwend om persoonlike bevordering te verseker deur ingryping van buite, met betrekking tot sy of haar posisie en diensvoorwaardes;
 - (g) hom of haar op 'n skandelijke, onbehoorlike of onweloweglike wyse gedra, of erg onhoflik is terwyl hy aan diens is;
 - (h) sterk drank of bedwelmende middels gebruik terwyl aan diens;
 - (i) inligting wat deur sy of haar diens verkry is, gebruik vir 'n ander doel as vir sy of haar ampspligte bekendmaak of gebruik;
 - (j) eiendom van die Biblioteek vir Blindes misbruik of deur nalatigheid beskadig;
 - (k) aan 'n kriminele oortreding skuldig bevind is;
 - (l) sonder verlof van die werk afwesig is.

Prosedure

12. (1) Indien 'n werknemer van wangedrag beskuldig word, kan die Direkteur of enige persoon wat deur hom of haar daartoe gemagtig is, die werknemer skriftelik van daardie wangedrag aankla.
- (2) Die klag moet aan die werknemer beteken word deur dit persoonlik af te lewer of per geregistreerde brief aan hom of haar te stuur.
- (3) Die persoon wat aangekla is, moet binne die gespesifiseerde tydperk in die brief bedoel in subregulasie (2), die aanklag skriftelik erken of ontken.
- (4) Die Direkteur of enige persoon deur hom of haar daartoe gemagtig, kan iemand wat van wangedrag beskuldig word, met of sonder betaling in diens skors.
- (5) (a) Indien die aangeklaagde persoon die aanklag van wangedrag erken, sal hy of sy geag word skuldig bevind te wees soos aangekla.
- (b) Indien die aangeklaagde persoon die aanklag ontken, moet die Raad 'n persoon aanstel om die klag te ondersoek.
- (6) Die persoon wat die ondersoek moet doen, moet die tyd en plek van die ondersoek bepaal, en die aangeklaagde persoon moet skriftelik kennis gegee word van die tyd en plek aldus bepaal; die Voorsitter van die Raad het egter die bevoegdheid om, by aanvoering van goeie redes, die ondersoek uit te stel.
- (7) (a) By die ondersoek kan die aangeklaagde persoon teenwoordig wees, en het die reg om, hetsy persoonlik of deur 'n verteenwoordiger, aangehoor te word, iemand te kruisondervra wat ter ondersteuning van die aanklag as getuie geroep word, dokumente wat as getuieis aangebied is, te inspekteer en ander persone as getuies te roep, en kan self getuieis lewer.
- (b) Die versuim van die aangeklaagde om hetsy persoonlik teenwoordig te wees of by die ondersoek verteenwoordig te word, maak nie die verrigtinge ongeldig nie.
- (8) Die persoon wat die ondersoek doen, moet besluit of die aangeklaagde persoon skuldig is of nie, en hom of haar en die Voorsitter van die Raad skriftelik van sy of haar besluit in kennis stel.
- (9) Indien die persoon wat die ondersoek doen, bevind dat die aangeklaagde nie skuldig is nie en die aangeklaagde in diens geskors is, moet hy of sy toegelaat word om sy diens te hervat en betaal word ten opsigte van die tydperk van sy of haar skorsing.
- (10) Indien die persoon wat die ondersoek doen, bevind dat die aangeklaagde skuldig is, moet hy of sy die volgende aan die Raad stuur:
- (a) Die rekord van die verrigtinge by die ondersoek;
 - (b) dokumentêre bewys wat daar toegelaat is;
 - (c) 'n verklaring van sy of haar bevindings en sy of haar redes daarvoor;
 - (d) indien daar 'n appèl teen die bevindings is, die appèlkennisgewing.

(11) Binne sewe dae na ontvangs van die kennisgewing wat die gronde van appèl uiteensit, kan die werknemer appèl aanteken by die Direkteur, wat die appèl aan die Raad moet voorlê.

(12) Indien die aangeklaagde die aanklag van wangedrag erken het, of hy of sy aan wangedrag skuldig bevind is en nie binne die sewe-dae-tydperk teen die bevinding geappelleer het nie, of daarteen geappelleer het en die appèl van die hand gewys is, moet die Raad besluit of die aangeklaagde persoon—

- (a) gewaarsku of vermaan moet word;
- (b) se diens beëindig moet word of hy of sy gevra moet word om te bedank;
- (c) 'n boete van hoogstens R6 000 opgelê moet word;
- (d) sy of haar salaris of rang, of albei, verlaag moet word in die mate wat aanbeveel is.

DEEL VI

FINANSIES

Bankrekening

13. (1) Die Raad moet 'n bankrekening in die naam van die Suid-Afrikaanse Biblioteek vir Blindes by 'n erkende bankinstelling hou.

(2) Alle gelde wat van watter bron ook al deur die Biblioteek vir Blindes ontvang word, moet in sodanige bankrekening inbetaal word.

(3) Tjeks moet onderteken word deur die Direkteur en in sy of haar afwesigheid deur sy of haar gemagtigde plaasvervanger, en mede-onderteken word deur die Voorsitter van die Raad of deur enige lid van die Raad wat spesifiek deur die Raad daartoe gemagtig is.

Rekeningboeke

14. Die volgende rekords of enige erkende en goedgekeurde elektroniese plaasvervanger daarvan, moet gehou word:

- (a) 'n Kasboek;
- (b) 'n kleinkasboek;
- (c) 'n grootboek;
- (d) 'n begroting;
- (e) 'n remiseregister;
- (f) 'n duplikaatkwitansieboek;
- (g) 'n duplikaatbankdepositoboek; en
- (h) enige ander rekord wat die Minister nodig ag.

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 180

25 February 2000

LABOUR RELATIONS ACT, 1995

CONTRACT CLEANING INDUSTRY (NATAL): EXTENSION OF MAIN AND PROVIDENT FUND COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Contract Cleaning Industry (Natal), and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 1 March 2000 and for the period ending 28 February 2001.

M. M. S. MDLADLANA

Minister of Labour

No. R. 180

25 Februarie 2000

WET OP ARBEIDSVERHOUDINGE, 1995

KONTRAKSKOONMAAKBEDRYF (NATAL): UITBREIDING VAN HOOF EN VOORSORGFONDS KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingsraad vir Kontrakskoonmaakbedryf (Natal), aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie bedryf, met ingang van 1 Maart 2000, en vir die tydperk wat op 28 Februarie 2001 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

SCHEDULE**BARGAINING COUNCIL FOR THE CONTRACT CLEANING INDUSTRY (NATAL)****MAIN AND PROVIDENT FUND COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

National Contract Cleaners' Association (Natal Branch)

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Transport and General workers' Union**Black Allied Workers' Union (SA)****National General Workers' Union (NAGWU)**

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Bargaining Council for the Contract Cleaning Industry (Natal),

to amend the agreement published under Government Notice No. R. 251 of 26 February 1999, as extended by Government Notice No. R. 48 of 28 January 2000.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Contract Cleaning Industry in the Province of Natal as it existed immediately prior to the date of commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions; and
- (b) by all employers and employees, other than those referred to in paragraph (a), who are engaged in the Contract Cleaning Industry in the area specified.

(2) The provisions of this Agreement do not apply to non-parties in respect of clauses 1 (1) (a) and 2.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Act and shall remain in force until 28 February 2001.

3. CLAUSE 4: REMUNERATION

Substitute the following for clause 4 (1):

"(1) An employer shall pay his employees for ordinary hours worked in the regions concerned at the following rates:

- (a) Magisterial Districts of Durban, Pinetown, Inanda and Chatsworth: R6,42 per hour (or part thereof), calculated on a *pro rata* basis for all employees.
- (b) Municipal Areas of Empangeni and Richards Bay and the Magisterial District of Pietermaritzburg: R5,56 per hour (or part thereof), calculated on a *pro rata* basis for all employees.
- (c) The rest of Natal: R5,49 per hour (or part thereof) calculated on a *pro rata* basis for all employees."

5. CLAUSE 23: COUNCIL REGISTRATION BY EMPLOYERS

Insert the following new clause 23.1 (c) (viii):

"23.1 (c) (viii) copies of registration certificates and certificates of good standing for the following: U.I.F., W.C.A., J.S.B., Training Board, P.A.Y.E. and V.A.T. and the company shall produce a current certificate of compliance from each of the above annually in the month of January."

6. CLAUSE 30: PROVIDENT FUND

Substitute the following for clause 30.5 (d):

- "30.5 (d) Every employer shall forward a printed return with the name of each member, their Fund reference number and their basic wage to the underwriter, month by month, together with payment of the total member and employer contributions for the relevant month, so as to reach the office of such underwriter not later than the seventh day of the month following that for which the contributions were so made."

7. Insert the following new clause 32:

32. CERTIFICATE OF COMPLIANCE

32.1 Should a company require a certificate of compliance the following procedures will take place before such certificate may be issued:

- (a) A designated agent of the Council will carry out an inspection of the company's records for a period of the three months prior to such request. Due cooperation must be given to such agent in his inspection by the company representatives. The agent will use a checklist designed by Council and printed in triplicate, a copy of which will be given to the company detailing contraventions or compliance.
- (b) The company must also be registered and paying their dues timeously to the various statutory bodies that affect the cleaner. These must include the following:
 - (i) Unemployment Insurance Fund;
 - (ii) Workman's Compensation Fund;
 - (iii) Cleaning Industry Training Board;
 - (iv) South African Revenue Services;
 - (v) Durban Corporation Business Levies.
- (c) The company must have been complying with all the provisions laid down for a period of not less than three calendar months to ensure such company is complying on a regular basis.

32.2 Should it be found that the company is not complying a dispute detailing the non-compliance will be referred for arbitration by the Council within five working days.

32.3 The certificate of compliance will only be valid for a period of three months from date of its issue to ensure the company's continued compliance. The certificate will be issued without alteration on the printed format of the Council. The certificate will only be issued after due investigation by, and must be signed by, two of the following officials: Secretary, Chairman or Vice-Chairman."

Signed in Durban on this 6th day of December 1999.

A. GIBB

For the National Contract Cleaners Association

S. NTSHAKALA

For Transport and General Workers' Union

V. MHLONGO

For National and General Workers' Union

W. M. MSIBI

For Black Allied Workers' Union

And As Witness:

I. J. McGregor

Secretary for the Bargaining Council for the Contract Cleaning Industry (Natal)

**DEPARTMENT OF DEFENCE
DEPARTEMENT VAN VERDEDIGING**

No. R. 178

25 February 2000

**AMENDMENT TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE AND THE
RESERVE**

The Minister of Defence, has in terms of section 87 (1), read with sections 12 (1) (f), 30 (2) and 45 (2) of the Defence Act, 1957 (Act No. 44 of 1957), published the regulations in the schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means Chapter IV of the General Regulations for the South African National Defence Force and the Reserve, published in Government Notice No. R. 274 of 26 February 1971, as amended by Government Notices Nos. R. 314 of 27 February 1976, R. 832 of 21 April 1978, R. 2203 of 24 October 1986, R. 2172 of 14 September 1990, R. 585 of 22 March 1991, R. 949 of 18 July 1997 and R. 913 of 23 July 1999.

Amendment of Chapter IV of regulations

2. Regulation 8 of the Regulations is hereby repealed.
3. Subregulation (8) of regulation 11 of the Regulations is hereby substituted with the following amended subregulation:

"(8) subject to the provisions of section 12 (1) (g) (i) and (ii) and (h) of the Military Discipline Supplementary Measures Act, 1999, when an other rank is sentenced by the Military court to—

 - (a) reduction to any lower rank, non-commissioned rank or the ranks such other rank shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that other rank's pay shall be reduced according to that which appertains to that new rank;
 - (b) when an other rank is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that other rank's pay shall be reduced according to that which appertains to his or her substantive rank; and
 - (c) reduction in seniority in rank such other rank shall take the date on which such sentence has been imposed as seniority date on the seniority list of that rank, provided that he or she will take the junior position of all the other ranks promoted to or appointed in that rank on that date."
4. Subregulation (1) of regulation 12 of the Regulations is hereby substituted with the following amended subregulation:

"(1) The Minister or an officer authorised thereto by him or her may subject to the other provisions of this regulation, and provided that a suitable vacancy exists, promote any other rank on grounds of his or her efficiency, qualifications and seniority."
5. Regulation 20 of the Regulations is hereby substituted with the following amended regulation:

"20. An other rank serving in the Citizen Force or the Commando's shall be retired on the date he or she attains the age 65 years with the proviso that the Chief of the SA National Defence Force or an officer authorised thereto by him or her may extend the date of retirement of such other rank, with his or her consent, but at most until such other rank reaches the age of 75 years."
6. Subregulation (1) of regulation 21 of the Regulations is hereby amended by the substitution of paragraph (a) with the following paragraph:

"(a) on account of misconduct where—

 - (i) he or she has been absent from duty, without leave for an unbroken period of three months or more;
 - (ii) he or she has, while serving, been convicted by a military or civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, render his or her continued service in the Permanent Force undesirable;
 - (iii) before or since his or her appointment he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, render his or her continued employment in the Permanent Force undesirable;
 - (iv) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline."
7. Subregulation (3) of regulation 22 of the Regulations is hereby substituted with the following amended subregulation:

"(3) In the application of subregulation (2) (a) (i) an other rank who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed."

No. R. 179**25 February 2000****AMENDMENT TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE AND THE RESERVE**

The Minister of Defence, has in terms of section 87 (1), read with sections 12 (1) (f), 30 (2) and 45 (2) of the Defence Act, 1957 (Act No. 44 of 1957), published the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means Chapter III of the General Regulations for the South African National Defence Force and the Reserve, published in Government Notice No. R. 2213 of 10 December 1971, as amended by Government Notices Nos. R. 507 of 29 March 1974, R. 314 of 27 February 1976, R. 572 of 23 March 1978, R. 832 of 21 April 1978, R. 2203 of 24 October 1986, R. 542 of 16 March 1990, R. 585 of 22 March 1991, R. 2703 of 15 November 1991, R. 922 of 28 May 1993, R. 2146 of 12 November 1993, R. 950 of 18 July 1997, R. 258 of 20 February 1998 and R. 900 of 23 July 1999.

Amendment of Chapter III of regulations

2. Regulation 5 of the Regulations is hereby substituted with the following regulation:

"5 (1) The Minister or an officer authorised thereto by him or her may appoint an officer holding the rank of brigadier-general or a higher rank to any post for which such officer is qualified: Provided that in those instances where the filling of a post of lieutenant-general is to be effected, the Minister in consultation with the Cabinet must fill the post.

(2) Notwithstanding the determination of subregulation (1), the Chief of the South African National Defence Force may appoint any other officer to any post for which such officer qualified."

3. Subregulation (10) of regulation 11 of the Regulations is hereby substituted with the following amended subregulation:

"(10) subject to the provisions of section 12 (1) (f) (i) and (ii) and (h) of the Military Discipline Supplementary Measures Act, 1999, when an officer is sentenced by the Military court to—

(a) reduction to any lower commissioned rank such officer shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that officer's pay shall be reduced according to that which appertains to that new rank;

(b) when an officer is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that officers pay shall be reduced to that which appertains to his or her substantive rank; and

(c) reduction in seniority in rank such officer shall take the date on which such sentence has been imposed as seniority date on the seniority list of that rank, provided that he or she will take the junior position of all the officers promoted to or appointed in that rank on that date."

4. Subregulation (1) of regulation 13 of the Regulations is hereby substituted with the following amended subregulation:

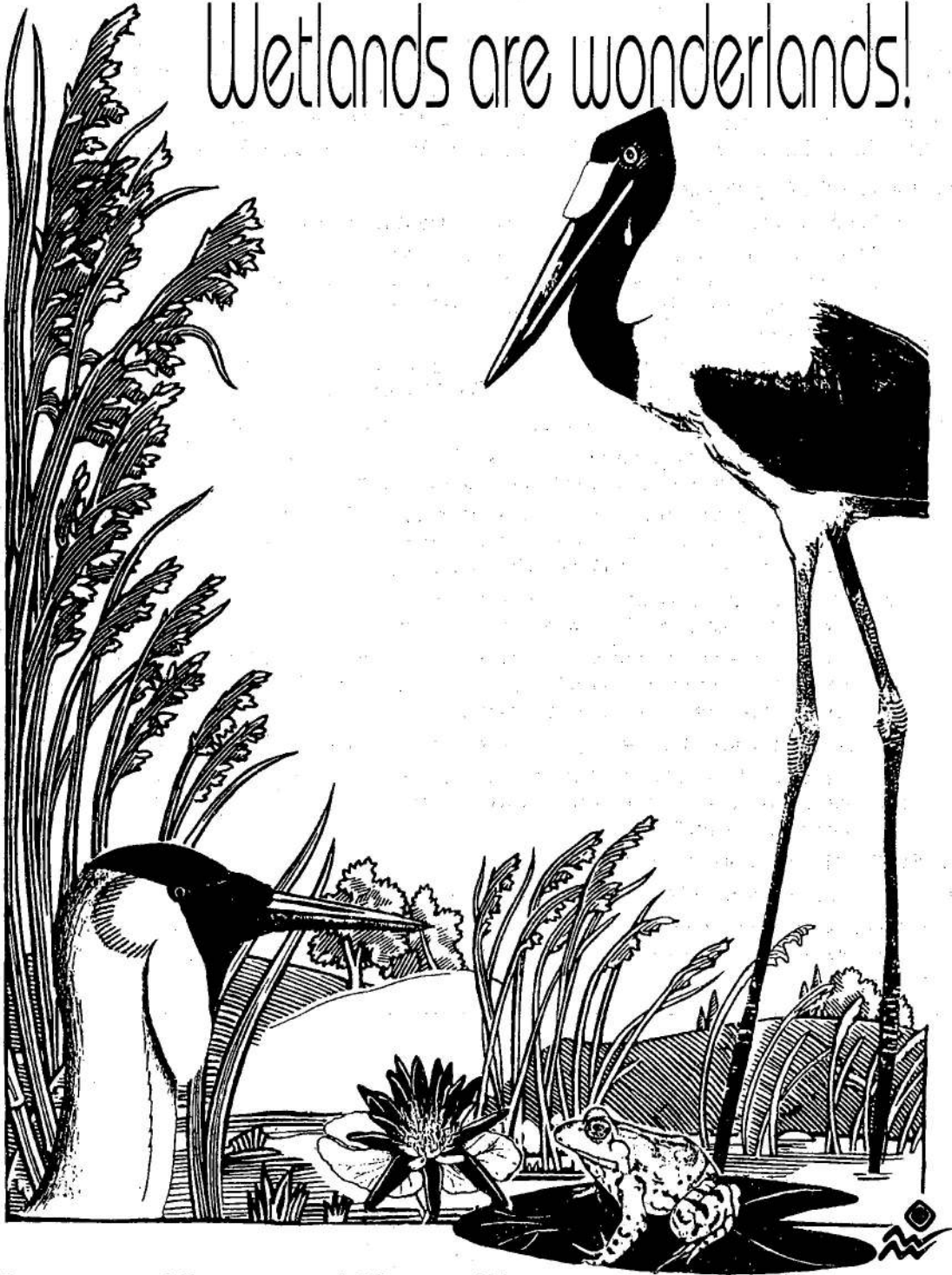
"(1) The Minister or an officer authorised thereto by him or her may subject to the other provisions of this regulation, and provided that a suitable vacancy exists, promote any officer on grounds of his or her efficiency, qualifications and seniority."

5. Regulation 20 of the Regulations is hereby repealed.

6. Subregulation (3) of regulation 24A of the Regulations is hereby substituted with the following amended subregulation:

"(3) In the application of subregulation (2) (a) (i) an officer who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharge with effect from the date on which the sentence has been imposed."

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