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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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CORRECTION NOTICE

The following correction to Government Notice No. R. 823 which appeared in Government Gazette No. 22634 (Regulation Gazette No. 7155) of 7 September 2001, is published for general information.

In the English and Black languages at the end of either paragraph substitute 30 June 2001 for 30 June 2002.

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 885**21 September 2001**

ANIMAL DISEASES ACT, 1984 (ACT No. 35 OF 1984)

ANIMAL DISEASES REGULATIONS: AMENDMENT

The Minister of Agriculture has under Section 31 of the Animal Diseases Act, 1984 (Act No. 35 of 1984), made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 2026 of 26 September 1986, as amended by Government Notices Nos. R. 2208 of 24 October 1986, R. 226 of 13 February 1987, R. 2343 of 16 October 1987, R. 884 of 5 May 1988, R. 1043 of 3 June 1988, R. 394 of 1 March 1991, R. 931 of 3 May 1991, R. 2358 of 10 December 1993, R. 1023 of 27 May 1994, R. 254 of 6 February 1997, R. 1136 of 11 September 1998, R. 361 of 7 April 2000 and R. 443 of 25 May 2001.

Amendment of Annexure 4 of the Regulations

2. Annexure 4 of the Regulations is hereby amended by the deletion of the following words in paragraph (3):

"Vanrhynsdorp, Vredendal, Laingsburg, Ladismith, Heidelberg, Riversdale, Mosselbaai, Calitzdorp, Oudtshoorn, George, Knysna, Uniondale, Prince Albert, Beaufort West and Murraysburg".

Amendment of Table 1 of the Regulations

3. Table 1 of the Regulations is hereby amended by the insertion of the word "Camperdown" after the word "Bolebedu" in paragraph (b) of column 2 opposite the controlled animal disease "Foot and Mouth disease" in column 1.

Amendment of Table 2 of the Regulations

4. Table 2 of the Regulations is hereby amended by—

(1) the substitution for the directive in column 4 opposite the following controlled animal diseases in column 1 of the following directive:

(a) **"African horse sickness"**

"1. All equines in the Republic except equines in the African Horse sickness free zone and surveillance zone, as described in Annexure 4, shall between the ages of 6 and 9 months, then between the ages of 12 and 15 months and then again once every year thereafter be immunised with an effective remedy by the responsible person: Provided that the director in a particular case may determine that such immunisation must be carried out by an officer or veterinarian.

2. Equines in the African Horse sickness free zone and surveillance zone, as described in Annexure 4, shall only be immunised with the written permission of the director."

(b) **"Rabies"**

"All dogs and cats in the Republic shall be immunised with an efficient remedy by an officer, veterinarian or authorised person at the age of three months followed by a second vaccination within 12 months, at least 30 days after the first vaccination and thereafter every three years.

Dogs and cats younger than three months may be vaccinated provided that they are again vaccinated at the age of three months, followed by a third vaccination within 12 months and thereafter every three years."

(2) the substitution for the directive in column 5 opposite the controlled animal disease "Rabies" in column 1 of the following directive:

"Contact animals shall be isolated and immunised with an efficient remedy by or under the supervision of a veterinarian, an officer or authorised person, unless the State Veterinarian decides to destroy the animals."

A. T. DIDIZA**Minister of Agriculture**

No. R. 885**21 September 2001****WET OP DIERESIEKTES, 1984 (WET No. 35 VAN 1984)****DIERESIEKTEREGULASIE: WYSIGING**

Die Minister van Landbou het kragtens Artikel 31 van die Wet op Dieresiektes, 1984 (Wet No. 35 van 1984) die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In die Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 2026 van 26 September 1986, soos gewysig deur Goewermentskennisgewing Nos. R. 2208 van 24 Oktober 1986, R. 226 van 13 Februarie 1987, R. 2343 van 16 Oktober 1987, R. 884 van 5 Mei 1988, R. 1043 van 3 Junie 1988, R. 394 van 1 Maart 1991, R. 931 van 3 Mei 1991, R. 2358 van 10 Desember 1993, R. 1023 van 27 Mei 1994, R. 254 van 6 Februarie 1997, R. 1136 van 11 September 1998, R. 361 van 7 April 2000 en R. 443 van 25 Mei 2001.

Wysiging van Aanhangel 4 van die Regulasies

2. Aanhangel 4 van die Regulasies word hierby gewysig deur die volgende woorde in paragraaf (3) te skrap:

"Vanrhynsdorp, Vredendal, Laingsburg, Ladismith, Heidelberg, Riversdale, Mosselbaai, Calitzdorp, Oudtshoorn, George, Knysna, Uniondale, Prince Albert, Beaufort Wes en Murraysburg".

Wysiging van Tabel 1 van die Regulasies

3. Tabel 1 van die Regulasies word hierby gewysig deur die invoeging van die woord "Camperdown" na die woord "Bolebedu" in paragraaf (b) van kolom 2 teenoor die beheerde dieresiekte "Bek en Klouseer" in kolom 1.

Wysiging van Tabel 2 van die Regulasies

4. Tabel 2 van die Regulasies word hierby gewysig deur—

(1) die voorskrifte in kolom 4 teenoor die volgende beheerde dieresiektes in kolom 1 te vervang met die volgende voorskrifte:

(a) **"Afrikaanse perdesiekte"**

"1. Alle ekwede in die Republiek, uitgesonderd ekwede in die Afrikaanse Perdesiekte vrysone en waarnemingsone, soos omskryf in Aanhangel 4, moet tussen die ouderdomme van 6 en 9 maande en dan tussen 12 en 15 maande en dan elke jaar daarna deur die verantwoordelike persoon teen perdesiekte geïmmuniseer word met 'n doeltreffende middel: Met dien verstande dat die direkteur in 'n bepaalde geval kan bepaal dat sodanige immunisering deur 'n beamppte of veearts uitgevoer moet word.

2. Ekwede en Zebras in die Afrikaanse Perdesiekte vrysone en waarnemingsone soos omskryf in Aanhangel 4 mag slegs met die skriftelike toestemming van die direkteur geïmmuniseer word."

(b) **"Hondsdolheid"**

"Alle honde en katte in die Republiek moet deur 'n beamppte, veearts of gemagtigde persoon met 'n doeltreffende middel geïmmuniseer word op ouderdom drie maande gevolg deur 'n tweede inenting binne die volgende 12 maande, minstens 30 dae na die eerste inenting, en dan elke drie jaar daarna.

Honde en katte jonger as drie maande kan ingeënt word maar moet dan weer op drie maande ouderdom ingeënt word gevolg deur 'n derde inenting binne 12 maande en daarna elke drie jaar."

(2) die voorskrifte in kolom 5 teenoor die beheerde dieresiekte "Hondsdolheid" in kolom 1 te vervang met die volgende voorskrif:

"Kontakdiere moet onder toesig van of deur 'n veearts, beamppte of gemagtigde persoon afgesonder en met 'n doeltreffende middel geïmmuniseer word, tensy die Staatsveearts beslis dat hulle vernietig word."

A. T. DIDIZA**Minister van Landbou****No. R. 901****21 September 2001****ANIMAL DISEASES ACT, 1984 (ACT No. 35 OF 1984)****CONTROL MEASURES RELATING TO FOOT AND MOUTH DISEASE IN CERTAIN AREAS: REPEAL**

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 9 (1) of the Animal Diseases Act, 1984 (Act No. 35 of 1984), hereby repeal the control measures relating to foot and mouth disease in certain areas as prescribed in Government Notice No. R. 970 of 22 September 2000.

A. T. DIDIZA**Minister of Agriculture**

No. R. 901**21 September 2001**

WET OP DIERESIEKTES, 1984 (WET No. 35 VAN 1984)

BEHEERMAATREËLS BETREFFENDE BEK EN KLOUSEER: HERROEPING

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 9 (1) van die Wet op Dieresyktes, 1984 (Wet No. 35 van 1984), herroep hiermee die Beheermaatreëls betreffende bek en klouseer soos voorgeskryf in Goewermentskennisgewing No. R. 970 van 22 September 2000.

A. T. DIDIZA**Minister van Landbou**

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 887

21 September 2001

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

REGULATIONS RELATING TO THE SUSPENSION OF PRACTITIONERS

The Minister of Health intends to, in terms of section 61(1), read with section 15B(1)(a) of the Health Professions Act, 1974 (Act No. 56 of 1974), make the regulations in the Schedule hereto.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director- General of Health, Private Bag X828, Pretoria, 001 (for the attention of the Director: Human Resource Development), within two months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act bears such meaning and, unless the context indicates otherwise -

"accused" means a practitioner registered under the Act against whom a complaint has been made;

"ad hoc committee" means an ad hoc committee established by the relevant professional board in terms of the Regulations relating to the Functions and Functioning of Professional Boards published under Government Notice No. R.979 of 13 August 1999 to conduct a suspension hearing;

"committee of preliminary inquiry" means a committee established by a professional board in terms of the Regulations relating to the Functions and Functioning of Professional Boards published under Government Notice No. R.979 of 13 August 1999 for the preliminary investigation of complaints during a conduct of inquiry held in terms of Chapter IV of the Act and the Regulations relating to the Conduct of Inquiries into Alleged Unprofessional Conduct;

"complaint" means any information regarding the alleged unprofessional conduct by a person registered under the Act, which comes to the attention of the registrar, the council or a professional board, or a complaint, charge or allegation of unprofessional conduct against such person;

"evidential material" bears its original meaning in terms of the laws of evidence of the Republic of South Africa and include, but not limited to any document, record, recording, computer disc or tangible information or thing and includes any evidential material which in the opinion of a professional board or committee referred to in these regulations has probative value;

"practitioner" means a person who is registered with the council in a profession registrable in terms of the Act;

"suspension hearing" means a hearing conducted by an ad hoc committee to determine whether or not to suspend a practitioner from practising his or her profession pending the institution of a formal inquiry in terms of section 41 of the Act;

Circumstances for suspension

2. (1) Upon receipt of a complaint by the registrar which, given the nature of such complaint:
 - (a) is of a serious and urgent nature having regard to:
 - (i) promotion of health of the population of the Republic;

- (7) The chairperson of the relevant professional board shall in consultation with the registrar and the chairperson of an ad hoc committee, having regard to the degree of seriousness and urgency of the matter determine the date, time and place of a hearing for consideration of the matter by such ad hoc committee.
- (8) The chairperson of the relevant professional board or the chairperson of an ad hoc committee may appoint a person with sufficient experience in the administration of justice to advise such professional board or ad hoc committee before or during a suspension hearing on any aspect of law, procedure or evidence.
- (9) When the date, time and place referred to in subregulation (7) has been determined, the registrar shall:
- (a) issue a notice which is attached hereto and essentially in the form of Annexure B and addressed to the accused at his or her last known address registered with the council by pre-paid registered post, or through service by the sheriff of the High Court at his or her residential address or place of business or employment informing the accused of the following:
 - (i) the date, time and place of the suspension hearing; and
 - (ii) the purpose of such suspension hearing, namely to consider whether the accused should be suspended from practicing his or her profession, pending the institution of a formal inquiry in terms of section 41 of the Act;
 - (b) provide the accused simultaneously with particulars of the complaint and any available statement affidavit, opinion or copies of any other evidential material in support of the complaint;

- (c) inform the accused of his or her right to obtain legal representation; and
 - (d) inform the accused of his or her right to make written representations in person or through a legal representative in the form of an answering affidavit to the complaint and other evidential material in support thereof, within a period of fifteen (15) days from the date of service of the notice referred to in paragraph (a) or within such period as may be determined by the chairperson of the relevant professional board having regard to the degree of seriousness and urgency of the matter and such written representations are to be delivered at the office of the registrar in Pretoria not later than 10h00 on the day before the date of the suspension hearing.
- (10) The notice referred to in subregulation (9)(a) sent by pre-paid registered post, shall be deemed to have been served, received and to have come to the knowledge of the accused within a period of five (5) days after the date upon which it was dispatched at the post office to his or her last known address registered with the council.
- (11) The notice referred to in subregulation (9)(a) may call upon the accused to make available at the suspension hearing all records in his or her possession pertaining to his or her practice or to a patient(s) or former patient(s) being the subject of, or relevant to a complaint.
- (12) The registrar shall thereupon provide each member of the ad hoc committee with copies of the notice including all particulars of the complaint, statements, opinion(s), affidavits and other evidential material referred to in subregulation (9) and copies of any representatives received from the accused or his or her legal representative.
- (13) The record, or any portion thereof, of a lawfully constituted court, inquest court or other statutory body or tribunal shall be regarded as *prima facie*

evidence for purposes of a *suspension* hearing, if it has been certified to be a true copy.

Procedure at suspension hearing

4. (1) An ad hoc committee shall ensure that the accused has been properly notified of the suspension hearing in terms of regulation 3(9).
- (2) If no notice has been given in terms of regulation 3(9), the registrar shall inform the ad hoc committee of such fact and the reasons for the departure of any provisions pertaining to notice to a respondent.
- (3) If an ad hoc committee is of the opinion that a departure from the notice requirements referred to in regulation 3(9) –
 - (a) is not reasonable and justifiable in the circumstances of a particular matter as envisaged by regulation 2, it may issue any order to the registrar pertaining to the form, content and period of a notice and may postpone the suspension hearing to a date pending compliance of any orders of such ad hoc committee; or
 - (b) is reasonable and justifiable in the circumstances of the particular matter as envisaged by regulation 2, it may proceed to consider and to decide the matter without notice to an accused.
- (4) An ad hoc committee, if it is satisfied after having considered any statement or affidavit in support of a complaint and after having considered the representations made by or on behalf of the accused, that a *prima facie* case of unprofessional conduct of the nature referred to in regulation 3 has been established which warrants a suspension of the accused from practising his or her profession, pending the institution of a formal inquiry in terms of section 41, inform such accused or his legal representative of its view and afford the accused an opportunity, either in person or through his or her legal representative to present argument or furnish any further

reasons in person in front of such ad hoc committee before a final decision is made by such ad hoc committee as to whether or not to proceed with a suspension hearing.

- (5) (a) At any stage during a suspension hearing the ad hoc committee may for the purpose of deciding any issue, in its discretion call upon any person, including the accused, to give oral evidence under oath, provided that if the accused is called upon to give evidence, he or she may elect not to give evidence.
- (b) If an accused after having been called upon to give evidence under oath or affirmation elect not to give any evidence under oath or affirmation, the chairman of the ad hoc committee shall advise the accused that the matter will be decided without such evidence.
- (6) (a) For the purpose of a suspension hearing, an ad hoc committee may take evidence and may, under the hand of the chairperson of such ad hoc committee or the registrar, summon witnesses and require the production of any book, record, document or thing, and may, through the chairperson of such ad hoc committee or the person presiding at the suspension hearing, administer an oath to any witness or accept an affirmation from him or her, and may examine any book, record, document or thing which any witness has been required to produce;
- (b) A summons which is attached hereto and essentially in the form of Annexure A to appear before an ad hoc committee as a witness or to produce to it any book, record, document or thing shall be signed by the chairperson of such ad hoc committee or the registrar and shall be served either by registered letter sent through the post or in the same manner as it would have served if it were a subpoena issued by a magistrate's court.

(c) Every person summoned in terms of this subregulation shall be bound to obey the summons and any person who, having duly been summoned -

- (i) refuses, or without sufficient cause fails, to attend and give evidence relevant to the suspension hearing at the time and place specified in the summons;
- (ii) refuses to take the oath or to make an affirmation when required by the chairperson of an ad hoc committee or the person presiding at the suspension hearing to do so;
- (iii) refuses to produce any book, record, document or thing which he or she has in terms of the summons been required to produce;

shall be guilty of an offence and on conviction liable to a fine as determined by the Minister in consultation with the Minister of Justice by notice in the Gazette: Provided that every person so summoned shall be entitled to all privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court is entitled.

(7) If any person, including the accused, is called upon by an ad hoc committee to give evidence under oath on any issue as determined by such committee, any member of such committee or any legal representative appointed by such committee for this purpose may ask questions to the accused in the order determined by the chairperson of such committee.

(8) The accused shall be afforded an opportunity to ask questions or to cross-examine any person called upon by the ad hoc committee to give evidence under oath.

- (9) Any oath or affirmation shall be administered by the chairperson of the ad hoc committee.
- (10) If the ad hoc committee is satisfied that sufficient evidence exists to enable it to make a decision and after having afforded the accused or his or her legal representative an opportunity to address such committee on the merits of the matter, such committee shall deliberate in camera and inform the accused or his or her legal representative of its decision as to whether to suspend or not to suspend the accused.
- (11) If the ad hoc committee is not in a position to make a decision immediately after the suspension hearing, it may reserve its decision and inform the accused or his or her legal representative that he or she will be notified in writing of such committee's decision as to whether to suspend or not to suspend the accused.
- (12) If the ad hoc committee decides that the accused is to be suspended from practising his or her profession, pending the institution of a formal inquiry in terms of section 41 of the Act, the accused shall be notified verbally of such decision and the reason(s) therefore at the suspension hearing and by subsequent confirmation in writing under the hand of the registrar.
- (13) If an ad hoc committee is of the view that an accused is to be suspended from practising his or her profession, pending the institution of a formal inquiry in terms of section 41 of the Act, under circumstances where no notice has been given in terms of regulation 3(9) and where such committee is satisfied that a departure from the notice requirements in terms of regulation 3(9) was reasonable and justifiable in the circumstances of the matter, such committee shall direct the registrar to immediately notify the accused of its decision which it intends to implement and inform the accused of his or her right to make representations to such committee within a period stipulated by such committee, and to advance reasons as to why the decision of such committee shall not be made final. If the ad hoc committee is thereupon satisfied that the accused has been

afforded an opportunity to make representations to such committee, such committee shall make a final decision.

- (14) The accused shall further be informed of his or her right to appeal in terms of section 20 of the Act and his or her right to judicial review of the decision.
- (15) An order of suspension from practice in terms of section 15B(1)(a) of the Act shall remain in operation pending an appeal against or application to review the decision.
- (16) The ad hoc committee shall after its decision direct the registrar to proceed to act in accordance with the Regulations relating to Conduct of Inquiries into Alleged Unprofessional Conduct under the Act.
- (17) A decision of an ad hoc committee to suspend a person from practising his or her profession in terms of section 15B(1)(a) of the Act shall be deemed to be a directive of a committee of preliminary inquiry to the registrar to arrange for the holding of a formal inquiry in terms of section 41 of the Act.
- (18) If a registered person has been suspended from practising his or her profession, pending the institution of a formal inquiry in terms of section 41, the matter shall further be given priority in terms of the Regulations relating to Conduct of Inquiries into Alleged Unprofessional Conduct under the Act.
- (19) If an ad hoc committee decides after a suspension hearing, that the matter does not warrant the suspension of the accused, such committee shall inform the accused of its decision and direct the registrar to act further in accordance with the Regulations relating to Conduct of Inquiries into Alleged Unprofessional Conduct under the Act and to refer the transcription of the record of the suspension hearing, the complaint, any affidavits, representations and other evidential material to a committee of preliminary inquiry.

Accessibility to suspension hearing

5. (1) The proceedings at a suspension hearing shall be open to the public;
- (2) Notwithstanding subregulation (1) -
- (a) any decision of the ad hoc committee in respect of any point arising in connection with, or in the course of, a suspension hearing may be arrived at *in camera*;
- (b) any evidence adduced during a suspension hearing may on good cause shown in the discretion of the ad hoc committee be heard *in camera*.
- (c) the ad hoc committee may on good cause shown order that no person shall at any time and in any manner publish any information which will likely reveal the identity of any particular person other than that of the accused.
- (3) Any person who infringes or fails to comply with an order made in terms of subregulation (2) shall be guilty of an offence and liable on conviction in a court of law to a fine not exceeding R5 000.
- (4) Typed recordings of all suspension hearings shall be kept by the council and upon written request, a typed written copy of such recording shall be made available to the complainant, accused or any other party who in the opinion of the registrar has a substantial interest in the matter upon payment of the actual cost for making such a written copy.


MINISTER OF HEALTH

DATE: 10 September 2001

ANNEXURE A

**SUMMONS TO APPEAR BEFORE AN AD HOC COMMITTEE OF THE
PROFESSIONAL BOARD FOR**

.....
(name of person summoned and his or her address)

is hereby summoned to appear at (place) on
..... (date and time) before an ad hoc committee of the
Professional Board for established in
terms of the Health Professions Act, 1974 (Act No.56 of 1974), to give evidence in respect
of

.....
(if the person summoned is to produce any book, record, document or thing, add)
and you are hereby directed to produce:

.....
(specify the book, record, document or thing concerned)

Signed at Pretoria on this day of

.....
(Name and surname)

CHAIRPERSON OF AD HOC COMMITTEE OR REGISTRAR

ANNEXURE B

NOTICE TO APPEAR BEFORE AN AD HOC COMMITTEE OF THE
PROFESSIONAL BOARD FOR A
PROFESSIONAL CONDUCT COMMITTEE OF THE PROFESSIONAL BOARD FOR
.....

.....
(name of person and his or her address)

.....
(registered or residential or employment address)

(by prepaid registered post or by service of the Sheriff of the High Court)

PLEASE TAKE NOTICE that the Professional Board for
has received a complaint against you of unprofessional conduct of a nature which requires
consideration in terms of section 15B(1)(a) of the Health Professions Act, 1974 (Act No.
56 of 1974) (hereinafter referred to as "the Act"), namely whether you should be
suspended from practising your profession pending the institution of a formal inquiry in
terms of section 41 of the Act.

PLEASE TAKE FURTHER NOTICE that you are called to appear for the aforesaid
purpose at a suspension hearing on (date) at
..... (time) at
..... (place).

PLEASE TAKE FURTHER NOTICE that you have the right to be represented by a duly
qualified legal representative.

PLEASE TAKE FURTHER NOTICE that particulars of the complaint and other evidential material as detailed below and of which copies are enclosed are to be considered at the suspension hearing:

1.
2.
3.
4.
5.

(describe name or nature of document or other evidential material)

PLEASE TAKE FURTHER NOTICE that you have the right to make written representations in the form of an answering affidavit to the complaint and other evidential material attached which representations are to be delivered within *..... days from the date of receipt or service of this notice at the offices of the registrar of the Health Professions Council of South Africa, 553 Vermeulen Street, Arcadia, Pretoria and not later than 10h00 on the day prior to the date of the suspension hearing.

PLEASE TAKE FURTHER NOTICE that you are required to make available at the suspension hearing the following records and/or documents:

1.
2.
3.

(state particulars of records and/or documents)

Signed at Pretoria on this day of

.....
(Name and surname)

REGISTRAR

* Period is fifteen (15) days unless specified otherwise

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 883****21 September 2001**

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE**MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO: EXTENSION OF AUTO WORKERS' PROVIDENT FUND
COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT OF NON-PARTIES**

For general information, Government Notice No. R. 616 appearing in *Government Gazette* No. 22448 of 13 July 2001 is hereby amended by the insertion of the Schedule thereto:

"No. R. 616**13 July 2001**

LABOUR RELATIONS ACT, 1995

**MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO: EXTENSION OF AUTO WORKERS' PROVIDENT FUND
COLLECTIVE RE-ENACTING AND 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 Schedule hereto, which was concluded in the Motor Industry Bargaining Council—MIBCO 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 16 July 2001 and for the period ending 31 August 2003.

M. M. S. MDLADLANA**Minister of Labour****SCHEDULE****THE MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO****AUTO WORKERS' PROVIDENT FUND COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the **Retail Motor Industry Organisation—RMI**

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the **National Union of Metalworkers of South Africa, Motor Industry Employees' Union of South Africa** and the **Motor Industry Staff Association**

(hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Motor Industry Bargaining Council—MIBCO.

1. PERIOD OF OPERATION

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 for the period ending 31 August 2003.

2. SPECIAL PROVISIONS

The provisions of clause 8 of the Agreement published under Government Notice No. R. 961 of 7 August 1998, as amended and extended by Government Notices No. R. 1092 of 28 August 1998 and R. 1036 of 3 September 1999 (hereinafter referred to as the "Former Agreement") as further extended and amended from time to time, shall apply to employers and employees.

3. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7, 9 to 13 of the Former Agreement (as further extended and amended from time to time) shall apply to employers and employees.

4. CLAUSE 2: SCOPE OF APPLICATION

- (1) Subject to the provisions of subclause (2) of this clause, the terms of this Agreement shall be observed—
 - (a) in the Motor Industry in the Republic of South Africa;
 - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions.
- (2) Notwithstanding the provisions of subclause (1) of this clause, the provisions of this Agreement shall not apply to—
 - (a) employees who are members of the Motor Industry Employees' Union of South Africa or the Motor Industry Staff Association;
 - (b) members of the National Union of Metalworkers of South Africa who are members of the Motor Industry Pension Fund;

- (c) journeymen who are not members of the National Union of Metalworkers of South Africa or apprentices who are not members of the National Union of Metalworkers of South Africa, other than those referred to in the definition of "journeyman" and "apprentices", respectively;
 - (d) any employee who has been granted a retirement benefit by any fund that provides for such benefits;
 - (e) employees in respect of whom their employer contributes, and for as long as their employer so contributes, to a pension fund/provident fund that was in operation on the date of coming into operation of this Agreement and which, in the opinion of the Council, provides benefits not less favourable than those provided by the Fund;
 - (f) any employee for six months from the date on which he begins employment in the Motor Industry: Provided that any employer may in this discretion waive this exclusion.
- (3) Clauses 1, 2 and 4 (1) (b) of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively.

5. CLAUSE 5: MEMBERSHIP

- (1) Substitute the following for subclause (2):
- "(2) Employees who are not compulsory members in terms of subclause (1) and Directors of companies, members of Close Corporations, Sole Proprietors and Partners in business directly engaged in, or in connection with the Motor Industry who are registered with the RMI, may be admitted to voluntary membership of the Fund at the sole discretion of the Regional Council concerned, and the provisions of this Agreement shall *mutatis mutandis* apply to persons admitted to voluntary membership and their employers."

6. CLAUSE 6: CONTRIBUTIONS

- (1) In substitute (8), substitute the expression "of 1,5 per cent to 2 per cent" for the expression "1,5 per cent".

7. CLAUSE 10: DISHONoured CHEQUES

- (1) Substitute the expression "the interest rate of 1,5 per cent to 2 per cent" for the expression "1,5% per cent".

8. CLAUSE 13: RESOLUTION OF DISPUTES

- (1) Substitute the following for the clause:
 - "(1) For the purpose of this Agreement, "dispute" means any dispute about the application, interpretation or enforcement of this Agreement, or any other collective agreements entered into by the parties to the Council.
 - (2) Any such dispute shall be referred to the Council on the form specified by the Council. This provision does not apply when the Council makes use of the procedure set out in subparagraph (4).
 - (3) If the Council fails to resolve the dispute through conciliation and the dispute remains unresolved, it shall be referred to arbitration to the MIBCO-Dispute Resolution Centre in terms of section 52 of the Act. The arbitrator shall have the power to decide upon the procedure to be followed at the arbitration hearing in terms of section 138 of the Act, and be entitled to make an award in respect of the parties' arbitration costs in terms of section 138 (10) of the said Act.
 - (4) The provisions of this clause stand in addition to any other legal remedy through which the Council may enforce a collective agreement.
 - (5) The arbitrator's decision shall be final and binding subject to the parties' right of review to the Labour Court.
 - (6) Any other dispute shall have the same meaning as defined in the Act and be dealt with in terms of section 51 of the said Act."

9. ANNEXURE A: MEDICAL HISTORY QUESTIONNAIRE

- (1) Delete questions 3 and 4 of the questionnaire.

Signed at Randburg, on behalf of the parties, this 20th day of March 2001.

R. BASTICK

President of the Council

H. MORAPEDI

Member of the Council

B. G. DU PREEZ

General Secretary of the Council"

No. R. 883

21 September 2001

WET OP ARBEIDSVARHOUDINGE, 1995
 VERBETERINGSKENNISGEWING

MOTORNYWERHEID—MIBCO: UITBREIDING VAN KOLLEKTIEWE VOORSORGFONDS HERBEKRAFTIGINGS EN WYSIGINGSOOREENKOMS VIR MOTORWERKERS NA NIE-PARTYE

Goewermentskennisgewing No. R. 616 wat in *Staatskoerant* No. 22448 van 13 Julie 2001 verskyn, word hierby gewysig deur die invoeging van die Bylae en vir algemene inligting gepubliseer.

"No. R. 616

13 Julie 2001

WET OP ARBEIDSVARHOUDINGE, 1995

MOTORNYWERHEID BEDINGINGSRAAD—MIBCO: UITBREIDING VAN KOLLEKTIEWE VOORSORGFONDS HERBEKRAFTIGINGS EN WYSIGINGSOOREENKOMS VIR MOTORWERKERS 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 Motornywerheidsbedingingsraad—MIBCO, 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 nywerheid met ingang van 16 Julie 2001, en vir die tydperk wat op 31 Augustus 2003 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE

BEDINGINGSRAAD VIR DIE MOTORNYWERHEID—MIBCO

KOLLEKTIEWE OOREENKOMS VIR DIE MOTORWERKERSVOORSORGFONDS

Ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit deur en aangegaan tussen die **Retail Motor Industry Organisation—RMI**

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die **National Union of Metalworkers of South Africa, Motor Industry Employees' Union of South Africa** en die **Motor Industry Staff Association**

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant, wat die partye is by die Bedingingsraad vir die Motornywerheid—MIBCO.

1. GELDIGHEIDSDUUR

Hierdie Ooreenkoms tree in werking op sodanige datum deur die Minister van Arbeid ingevolge artikel 32 van die Wet bepaal en bly van krag vir die tydperk eindigende 31 Augustus 2003.

2. SPESIALE BEPALINGS

Die bepalinge soos vervat in klousule 8 van hierdie Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 961 van 7 Augustus 1998, soos gewysig en verleng deur Goewermentskennisgewings Nos. R. 1092 van 28 Augustus 1998 en R. 1036 van 3 September 1999 (hierna die "Vorige Ooreenkoms" genoem) soos verleng en gewysig van tyd tot tyd, is van toepassing op sowel werkgewers as werknemers.

3. ALGEMENE BEPALINGS

Die bepalinge soos bedoel in klousules 3 tot 7, 9 tot 13 van die Vorige Ooreenkoms (soos van tyd tot tyd verder verleng en gewysig), is van toepassing op sowel werkgewers as werknemers.

4. KLOUSULE 2: TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Behoudens subklousule (2) van hierdie klousule moet hierdie Ooreenkoms nagekom word—

- (a) in die Motornywerheid in die Republiek van Suid-Afrika;
- (b) deur alle werkgewers wat lede is van die werkgewersorganisasies en deur alle werknemers in die Nywerheid wat lede is van die vakbonde.

(2) Ondanks die bepalinge van subklousule (1) van hierdie klousule is die bepalinge van die Ooreenkoms nie van toepassing nie op—

- (a) werknemers wat lede is van die Motor Industry Employees' Union of South Africa;
- (b) lede van die National Union of Metalworkers of South Africa wat lede is van die Pensioenfondse vir die Motornywerheid;
- (c) vakmanne wat nie lede van die National Union of Metalworkers of South Africa is nie of vakleerlinge wat nie lede van die National Union of Metalworkers of South Africa is nie, uitgesonderd dié van wie daar in die omskrywings van onderskeidelik "vakman" en "vakleerling" melding gemaak word;

- (d) 'n werknemer aan wie aftreebystand toegestaan is deur 'n fonds wat vir sodanige bystand voorsiening maak;
- (e) werknemers ten opsigte van wie hul werkgewer bydra, en solank as wat hul werkgewer aldus bydra, tot 'n pensioenfonds/voorsorgfonds wat in werking was op die datum waarop hierdie Ooreenkoms in werking getree het en wat, na die mening van die Raad, bystand verskaf wat nie minder gunstig is nie as dié wat deur die Fonds verskaf word;
- (f) 'n werknemer vir ses maande vanaf die datum waarop hy by die Motornywerheid in diens tree: Met dien verstande dat 'n werkgewer na goeddunke van hierdie uitsluiting kan afsien.

(3) Klousules 1, 2 en 4 (1) (b) van hierdie Ooreenkoms is nie van toepassing nie op werkgewers en werknemers wat nie lede van die onderskeie werkgewersorganisasie en vakbonde is nie.

5. KLOUSULE 5: LIDMAATSKAP

- (1) Vervang subklousule (2) deur die volgende:

"(2) Werknemers wat nie ingevolge subklousule (1) verpligte lede is nie, en Direkteure van maatskappy, lede van Beslote maatskappye, alleen-eienaars en vennote in besighede wat direk betrokke is by of in verband met die Motornywerheid wat geregistreer is by die RMI, mag volgens die goeddunke van die betrokke streekraad tot vrywillige lidmaatskap van die Fonds toegelaat word, en die bepalinge van hierdie Ooreenkoms is *mutatis mutandis* ook van toepassing op enige persoon aldus toegelaat tot vrywillige lidmaatskap en op hulle werkgewers."

6. KLOUSULE 6: BYDRAES

- (1) In subklousule (8), vervang die uitdrukking "1,5 persent" met die uitdrukking "1,5 persent tot 2 persent".

7. KLOUSULE 10: GEDISHONOREERDE TJEKS

- (1) Vervang die uitdrukking "1,5 persent" deur die uitdrukking "1,5 persent tot 2 persent".

8. KLOUSULE 13: BESLEGTING VAN GESKILLE

- (1) Vervang hierdie klousule deur die volgende:

- "(1) 'n "Geskil", vir die doeleindes van hierdie Ooreenkoms, beteken enige geskil oor die toepassing, vertolking of afdwing van hierdie Ooreenkoms, of enige ander kollektiewe Ooreenkomste beding deur die partye tot die Raad.
- (2) Enige sodanige geskil moet na die Raad verwys word op die vorm gespesifiseer deur die Raad. Hierdie bepaling is nie van toepassing wanneer die Raad gebruik maak van die prosedure soos uiteengesit in subparagraaf (4) nie.
- (3) Indien die Raad nie daarin slaag om die geskil te besleg deur versoening nie en die geskil bly onbesleg, moet die geskil na die MIBCO—Geskil-Beslegting Sentrum verwys word vir arbitrasie. Die arbiter beskik oor die bevoegdheid om die prosedure wat hy tydens die arbitrasieverhoor wil volg, te bepaal in terme van Artikel 138 van die Wet en is daarop geregtig om ten opsigte van die arbitrasiekostes van die partye 'n toekenning uitreik ooreenkomstig artikel 138 (10) van die Wet.
- (4) Die bepalinge van hierdie subklousule is geldig benewens enige ander regsmiddel deur middel waarvan die Raad 'n kollektiewe ooreenkoms kan afdwing.
- (5) Die arbiter se beslissing is finaal en bindend onderhewig aan die reg vir hersiening deur die partye na die Arbeidshof.
- (6) Enige ander geskil het dieselfde betekenis soos omskryf in die Wet en ooreenkomstig Artikel 51 van genoemde Wet hanteer word.

9. AANHANGSEL A: VRAELYS OOR MEDIESE GESKIEDENIS

- (1) Skrap vrae 3 en 4 van hierdie vraelys.

Namens die partye op hede die 20ste dag van Maart 2001 te Randburg onderteken.

R. BASTICK

President van die Raad

H. MORAPEDI

Lid van die Raad

B. G. DU PREEZ

Hoofsekretaris van die Raad"

No. R. 884

21 September 2001

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

**MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO: EXTENSION OF AUTO WORKERS' PENSION FUND
COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT TO NON-PARTIES**

For general information, Government Notice No. R. 618 appearing in *Government Gazette* No. 22448 of 13 July 2001 is hereby amended by the insertion of the Schedule thereto:

No. R. 618

13 July 2001

LABOUR RELATIONS ACT, 1995

**MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO: EXTENSION OF AUTO WORKERS' PENSION FUND
COLLECTIVE RE-ENACTING AND 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 Motor Industry Bargaining Council—MIBCO 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 16 July 2001 and for the period ending 31 August 2003.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE**THE MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO
AUTO WORKERS' PENSION FUND COLLECTIVE AGREEMENT**

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

Retail Motor Industry Organisation—RMI

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

National Union of Metalworkers of South Africa,**Motor Industry Employees' Union of South Africa**

and the

Motor Industry Staff Association

(hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Motor Industry Bargaining Council—MIBCO.

1. PERIOD OF OPERATION

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 for the period ending 31 August 2003.

2. SPECIAL PROVISIONS

The provisions of clause 8 of the Agreement published under Government Notice No. R. 960 of 7 August 1998, as amended and extended by Government Notices Nos. R. 1094 of 28 August 1998 and R. 984 of 20 August 1999 (hereinafter referred to as the "Former Agreement") as further extended and amended from time to time, shall apply to employers and employees.

3. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7, 9 to 13 of the Former Agreement (as further extended and amended from time to time) shall apply to employers and employees.

4. CLAUSE 2: SCOPE OF APPLICATION

- (1) Subject to the provisions of subclause (2) of this clause, the terms of this Agreement shall be observed—
 - (a) in the Motor Industry in the Republic of South Africa;
 - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions.
- (2) Notwithstanding the provisions of subclause (1) of this clause, the provisions of this Agreement shall not apply to—
 - (a) employees who are members of the Motor Industry Employees' Union of South Africa or the Motor Industry Staff Association;

- (b) members of the National Union of Metalworkers of South Africa who are members of the Motor Industry Pension Fund;
- (c) journeymen who are not members of the National Union of Metalworkers of South Africa or apprentices who are not members of the National Union of Metalworkers of South Africa, other than those referred to in the definition of "journeyman" and "apprentices", respectively;
- (d) any employee who has been granted a retirement benefit by any fund that provides for such benefits;
- (e) employees in respect of whom their employer contributes, and for as long as their employer so contributes, to a pension fund/providend fund that was in operation on the date of coming into operation of this Agreement and which, in the opinion of the Council, provides benefits not less favourable than those provided by the Fund;
- (f) any employee for six months from the date on which he begins employment in the Motor Industry: Provided that any employer may in his discretion waive this exclusion.

(3) Clauses 1, 2 and 4 (1) (b) of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively.

5. CLAUSE 5: MEMBERSHIP

- (1) Substitute the following for subclause (2):

"(2) Employees who are not compulsory members in terms of subclause (1) and Directors of companies, members of Close Corporations, Sole Proprietors and Partners in business directly engaged in, or in connection with the Motor Industry who are registered with the RMI, may be admitted to voluntary membership of the Fund at the sole discretion of the Regional Council concerned, and the provisions of this Agreement shall *mutatis mutandis* apply to persons admitted to voluntary membership and their employers."

6. CLAUSE 6: CONTRIBUTIONS

- (1) In subclause (8), substitute the expression "the interest rate of 1,5 per cent to 2 per cent" for the expression "1,5 per cent".

7. CLAUSE 10: DISHONoured CHEQUES

- (1) Substitute the expression "the interest rate of 1,5 per cent to 2 per cent" for the expression "1,5 per cent."

8. CLAUSE 13: RESOLUTION OF DISPUTES

- (1) Substitute the following for the existing clause:

- (1) For the purpose of this Agreement, "dispute" means any dispute about the application, interpretation or enforcement of this Agreement, or any other collective agreements entered into by the parties to the Council.
- (2) Any such dispute shall be referred to the Council on the form specified by the Council. This provision does not apply when the Council makes use of the procedure set out in sub-paragraph (4).
- (3) If the Council fails to resolve the dispute through conciliation and the dispute remains unresolved, it shall be referred to arbitration to the MIBCO-Dispute Resolution Centre in terms of section 52 of the Act. The arbitrator shall have the power to decide upon the procedure to be followed at the arbitration hearing in terms of section 138 of the Act, and be entitled to make an award in respect of the parties' arbitration costs in terms of section 138 (10) of the said Act.
- (4) The provisions of this clause stand in addition to any other legal remedy through which the Council may enforce a collective agreement.
- (5) The arbitrator's decision shall be final and binding subject to the parties' right of review to the Labour Court.
- (6) Any other dispute shall have the same meaning as defined in the Act and be dealt with in terms of section 51 of the said Act.

9. ANNEXURE A: MEDICAL HISTORY QUESTIONNAIRE

- (1) Delete questions 3 and 4 of the questionnaire.

Signed at Randburg, on behalf of the parties, this 20th day of March 2001.

R. BASTICK

President of the Council

H. MORAPEDI

Member of the Council

B.G. DU PREEZ

General Secretary of the Council"

No. R. 884

21 September 2001

WET OP ARBEIDSVERHOUDINGE, 1995

VERBETERINGSKENNISGEWING

MOTORNYWERHEID—MIBCO: UITBREIDING VAN KOLLEKTIEWE PENSIOENFONDS HERBEKRAGTIGINGS EN WYSIGINGSOOREENKOMS VIR MOTORWERKERS NA NIE-PARTYE

Goewermentskennisgewing No. R. 618 wat in *Staatskoerant* No. 22448 van 13 Julie 2001 verskyn, word hierby gewysig deur die invoeging van die Bylae en vir algemene inligting gepubliseer.

"No. R. 618

13 Julie 2001

WET OP ARBEIDSVERHOUDINGE, 1995

MOTORNYWERHEID BEDINGINGSRAAD—MIBCO: UITBREIDING VAN KOLLEKTIEWE PENSIOENFONDS HERBEKRAGTIGINGS EN WYSIGINGSOOREENKOMS VIR MOTORWERKERS 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 Motornywerheids-bedingingsraad—MIBCO, 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 nywerheid met ingang van 16 Julie 2001, en vir die tydperk wat op 31 Augustus 2003 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE**BEDINGINGSRAAD VIR DIE MOTORNYWERHEID—MIBCO****KOLLEKTIEWE OOREENKOMS VIR DIE MOTORWERKERSPENSIOENFONDS**

Ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit deur en aangegaan tussen die

Retail Motor Industry Organisation—RMI

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

National Union of Metalworkers of South Africa,**Motor Industry Employees' Union of South Africa**

en die

Motor Industry Staff Association

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant, wat die partye is by die Bedingingsraad vir die Motornywerheid—MIBCO.

1. GELDIGHEIDSDUUR

Hierdie Ooreenkoms tree in werking op sodanige datum deur die Minister van Arbeid ingevolge artikel 32 van die Wet bepaal en bly van krag vir die tydperk eindigende 31 Augustus 2003.

2. SPESIALE BEPALINGS

Die bepalinge soos vervat in klousule 8 van hierdie Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 960 van 7 Augustus 1998, soos gewysig en verleng deur Goewermentskennisgewings Nos. R. 1094 van 28 Augustus 1998 en R. 984 van 20 Augustus 1999 (hierna die "Vorige Ooreenkoms" genoem) soos verleng en gewysig van tyd tot tyd, is van toepassing op sowel werkgewers as werknemers.

3. ALGEMENE BEPALINGS

Die bepalinge soos bedoel in klousules 3 tot 7, 9 tot 13 van die Vorige Ooreenkoms (soos van tyd tot tyd verder verleng en gewysig), is van toepassing op sowel werkgewers as werknemers.

4. KLOUSULE 2: TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Behoudens subklousule (2) van hierdie klousule moet hierdie Ooreenkoms nagekom word—

(a) in die Motornywerheid in die Republiek van Suid-Afrika;

(b) deur alle werkgewers wat lede is van die werkgewersorganisasies en deur alle werknemers in die Nywerheid wat lede is van die vakbonde.

(2) Ondanks die bepalinge van subklousule (1) van hierdie klousule is die bepalinge van die Ooreenkoms nie van toepassing nie op—

- (a) werknemers wat lede is van die Motor Industry Employees' Union of South Africa of van die Motor Industry Staff Association;
 - (b) lede van die National Union of Metalworkers of South Africa wat lede is van die pensioenfonds vir die Motornywerheid;
 - (c) vakmanne wat nie lede van die National Union of Metalworkers of South Africa is nie of vakleerlinge wat nie lede van die National Union of Metalworkers of South Africa is nie, uitgesonderd dié van wie daar in die omskrywings van onderskeidelik "vakman" en "vakleerling" melding gemaak word;
 - (d) 'n werknemer aan wie aftreebystand toegestaan is deur 'n fonds wat vir sodanige bystand voorsiening maak;
 - (e) werknemers ten opsigte van wie hul werkgever bydra, en solank as wat hul werkgever aldus bydra, tot 'n pensioenfonds/voorsorgfonds wat in werking was op die datum waarop hierdie Ooreenkoms in werking getree het en wat, na die mening van die Raad, bystand verskaf wat nie minder gunstig is nie as dié wat deur die Fonds verskaf word;
 - (f) 'n werknemer vir ses maande vanaf die datum waarop hy by die Motornywerheid in diens tree: Met dien verstande dat 'n werkgever na goeddunke van hierdie uitsluiting kan afsien.
- (3) Klousules 1, 2 and 4 (1) (b) van hierdie Ooreenkoms is nie van toepassing nie op werkgevers en werknemers wat nie lede van die onderskeie werkgeversorganisasie en vakbonde is nie.

5. KLOUSULE 5: LIDMAATSKAP

- (1) Vervang subklousule (2) deur die volgende:

"(2) Werknemers wat nie ingevolge subklousule (1) verpligte lede is nie, en Direkteure van maatskappy, lede van Beslote maatskappye, alleen-eienaars en vennote in besighede wat direk betrokke is by of in verband met die Motornywerheid wat geregistreer is by die RMI, mag volgens die goeddunke van die betrokke streekraad tot vrywillige lidmaatskap van die Fonds toegelaat word, en die bepalinge van hierdie Ooreenkoms is *mutatis mutandis* ook van toepassing op enige persoon aldus toegelaat tot vrywillige lidmaatskap en op hulle werkgevers."

6. KLOUSULE 6: BYDRAES

- (1) In subklousule (8), vervang die uitdrukking "1,5 persent" met die uitdrukking "1,5 persent tot 2 persent".

7. KLOUSULE 10: GEDISHONOREERDE TJEKS

- (1) Vervang die uitdrukking "1,5 persent" deur die uitdrukking "1,5 persent tot 2 persent".

8. KLOUSULE 13: BESLEGTING VAN GESKILLE

- (1) Vervang die bestaande klousule deur die volgende:

- "(1) 'n "Geskil", vir die doeleindes van hierdie Ooreenkoms, beteken enige geskil oor die toepassing, vertolking of afdwing van hierdie Ooreenkoms, of enige ander kollektiewe Ooreenkomstige beding deur die partye tot die Raad.
- (2) Enige sodanige geskil moet na die Raad verwys word op die vorm gespesifiseer deur die Raad. Hierdie bepaling is nie van toepassing wanneer die Raad gebruik maak van die prosedure soos uiteengesit in subparagraaf (4) nie.
- (3) Indien die Raad nie daarin slaag om die geskil te besleg deur versoening nie en die geskil bly onbesleg, moet die geskil na die MIBCO-Geskil-Beslegting Sentrum verwys word vir arbitrasie. Die arbiter beskik oor die bevoegdheid om die prosedure wat hy tydens die arbitrasieverhoor wil volg, te bepaal in terme van artikel 138 van die Wet en is daarop geregtig om ten opsigte van die arbitrasiekostes van die partye 'n toekening uitreik ooreenkomstig artikel 138 (1) van die Wet.
- (4) Die bepalinge van hierdie subklousule is geldig benewens enige ander regsmiddel deur middel waarvan die Raad 'n kollektiewe ooreenkoms kan afdwing.
- (5) Die arbiter se beslissing is finaal en bindend onderhewig aan die reg vir hersiening deur die partye na die Arbeidshof.
- (6) Enige ander geskil het dieselfde betekenis soos omskryf in die Wet en ooreenkomstig artikel 51 van genoemde Wet hanteer word."

9. AANHANGSEL A: VRAELYS OOR MEDIESE GESKIEDENIS

- (1) Skrap vrae 3 en 4 van hierdie vraelys.

Namens die partye op hede die 20ste dag van Maart 2001 te Randburg onderteken.

R. BASTICK

President van die Raad

H. MORAPEDI

Lid van die Raad

B.G. DU PREEZ

Hoofsekretaris van die Raad"

No. R. 891

21 September 2001

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (EAST LONDON): EXTENSION OF AMENDMENT OF COLLECTIVE 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 Amending Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Building Industry (East London) 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 October 2001, and for the period ending 16 August 2003.

M.M.S. MDLADLANA

Minister of Labour

SCHEDULE**BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (EAST LONDON)****COLLECTIVE AGREEMENT**

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

EAST CAPE MASTER BUILDERS AND ALLIED INDUSTRIES ASSOCIATION

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

AMALGAMATED UNION OF BUILDING TRADE WORKERS OF SOUTH AFRICA

and

CONSTRUCTION AND ALLIED WORKERS' UNION

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

being the parties to the Bargaining Council for the Building Industry (East London) to amend the agreement published under Government Notice No. R. 990 of 14 August 1998, as amended by Government Notices Nos. R. 1618 of 11 December 1998, R. 1118 of 17 September 1999, and R. 952 of 22 September 2000.

1. AREA AND SCOPE OF APPLICATION OF AGREEMENT**1.1 The terms of this Agreement shall be observed—**

1.1.1 by all employers and by all employees who are engaged or employed in the Building Industry who are members of the employers' organisation and the trade unions, respectively;

1.1.2 in the Magisterial District of East London (excluding those portions which were in terms of Government Notices Nos. 1877 and 1079 of 4 September 1981, as amended, and 10 June 1988, respectively, transferred from Ciskei).

1.2 Notwithstanding the provisions of clause 1.1—**1.2.1 the terms of this Agreement shall apply—**

(i) to apprentices only insofar as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;

(ii) to learners insofar as they are not inconsistent with the provisions of the Skills Development Act, 1998 (Act No. 97 of 1998), or any contract entered into or any condition fixed thereunder;

1.2.2 the terms of this Agreement shall not apply in respect of the erection, maintenance, repair or alteration on farms of—

(i) dwelling-houses at a cost of less than R14 000; and

(ii) all other buildings, irrespective of cost, used or to be used exclusively for farming purposes.

1.3 The terms of this Agreement shall not apply to non-parties in respect of clause 1.1.1.**2. CLAUSE 18: REMUNERATION****2.1 Substitute the following for clause 18.2:****"Payment for overtime**

An employee who is required or permitted to work any time outside the hours prescribed in clause 17 shall be paid—

18.2.1 one and a half times his hourly wage in respect of each hour or part of an hour worked in excess of ordinary hours as set out in clause 17.1, daily between 07:00 on Monday and 18:00 on Saturday;

18.2.2 double his hourly wage in respect of each hour or part of an hour worked—

(i) on Saturday after 18:00;

- (ii) on Sunday and until 07:00 on Monday and on a public holiday, unless substituted in terms of the Public Holidays Act, 1994.”.

2.2 Substitute the following for clause 18.8:

“Inclement weather

Whenever an employee reports for duty in the usual way on any working day at the normal starting time, including during inclement weather, and there is no work for him, he shall be paid as follows:

- 18.8.1 An amount equal to three hours' pay on reporting, provided that an employee shall wait if requested to do so by his employer or his duly authorised representative on the contract site and shall commence with his work if the weather conditions improve and make it possible for him to work.
- 18.8.2 If inclement weather sets in after the first three hours of work on any working day and an employee's employment is suspended by his employer or his duly authorised representative on the contract site (due to weather conditions), he shall be paid for five hours wages or for the number of hours actually worked, whichever is the greater.”.

3. MINIMUM WAGES/ALLOWANCES/CONTRIBUTIONS

Substitute the following for annexures A, B, C, D and E.

ANNEXURE A

BUILDING INDUSTRY BARGAINING COUNCIL (EAST LONDON)

MINIMUM WAGE RATES

<i>Category of employee</i>	<i>Per hour</i> R
Construction worker level A.....	18,02
Construction worker level B.....	17,16
Construction worker level C.....	12,22
Construction worker level D.....	9,45
Construction worker level E.....	8,50
<i>Special category employees:</i>	
Site clerk.....	14,45
Driver/plant operator*.....	12,14
Driver/plant operator**.....	11,23
Driver/plant operator***.....	9,45
Site storeman.....	11,23
Watchman.....	5,11
Cleaner.....	5,35

Apprentices—Wage as prescribed in the Manpower Training Act.

Trainee/learner construction workers—Wages as fixed by the Council in terms of clause 22 of the Agreement.

- * With a carrying capacity of more than 4 536 kg.
- ** With a carrying capacity of more than 1 814 kg up to and including 4 536 kg.
- *** With a carrying capacity of up to and including 1 814 kg.

ANNEXURE B

BUILDING INDUSTRY BARGAINING COUNCIL (EAST LONDON)

HOURLY ALLOWANCES FOR QUALIFYING EMPLOYEES IN TERMS OF THIS AGREEMENT

	Minimum hourly wage	Upper limit of wage band	Holiday Fund	Pension/ Provident Fund	Medical Aid Fund	Sick Pay Fund	Total
Construction worker level A.....	18,02	18,50	1,76	1,43	0,84	0,11	4,14
Construction worker level B.....	17,16	17,50	1,66	1,35	0,84	0,10	3,95
Construction worker level C.....	12,22	12,50	1,19	0,81	—	0,08	2,08
Construction worker level D.....	9,45	9,50	0,90	0,62	—	0,06	1,58
Construction worker level E.....	8,50	8,50	0,81	0,55	—	0,06	1,42

	Minimum hourly wage	Upper limit of wage band	Holiday Fund	Pension/ Provident Fund	Medical Aid Fund	Sick Pay Fund	Total
Special category employees:							
Site clerk	14,45	14,50	1,38	0,94	—	0,09	2,41
Drive/plant operator*	12,14	12,50	1,19	0,81	—	0,08	2,08
Driver/plant operator**	11,23	11,50	1,09	0,75	—	0,07	1,91
Driver/plant operator***	9,45	9,50	0,90	0,62	—	0,06	1,58
Site storeman	11,23	11,50	1,09	0,75	—	0,07	1,91
Watchman	5,11	5,25	0,41	0,34	—	0,04	0,79
Cleaner	5,34	5,50	0,52	0,36	—	0,04	0,92

* With a carrying capacity of more than 4 536 kg.

** With a carrying capacity of more than 1 814 kg up to and including 4 536 kg.

*** With a carrying capacity of up to and including 1 814 kg.

1. In addition to any other remuneration to which an employee referred to in this Schedule may be entitled, every employer shall pay to every such employee in his employ the hourly allowances as set out in this Annexure in respect of ordinary hours worked by such employee during a week: Provided that where—

1.1 less than 25,5 hours have been worked in any week, then only the allowances for holiday and sick pay funds are applicable;

1.2 more than 25,5 hours but less than 42 hours have been worked, the employer and employee will each be liable for their respective contributions and deductions for the hours up to a 42-hour week if the reason for the absence is due to—

— inclement weather (in terms of clause 18.8);

— waiting time (in terms of clause 18.7);

provided the employee leaves work or is not at work, having been duly instructed thereto by his employer or duly authorised representative.

2. Allowances in respect of holiday fund, pension and provident funds are determined at the upper limit of the wage band, with the calculation being determined per wage band. The wage bands for all categories of employees, except watchmen and cleaners (whose wage bands are 25c: 5,11–5,25; 5,26–5,50), are 50c e.g. 8,01–8,50, 9,51–10,00 etc.

3. Allowances for employees earning in excess of the minimum wage will be determined at the upper level of their applicable wage bands, determined as follows:

■ For the Holiday Fund, in accordance with the formulae set out in 4 below.

■ For the Pension and Provident Funds, the following formulae will apply for each category of employee:

$$\frac{\text{Contribution per table}}{\text{Upper limit of wage band of minimum rate}} \times \frac{\text{Upper limit of actual wage band}}{1}$$

4. The formulae for determining Holiday Fund allowances are as follows:

Construction Worker Levels A and B,

Construction Workers Level C, drivers and machine operators,

Construction Worker Levels D and E,

Site Clerk and Site Storeman,

Cleaner

$$\frac{\text{Wage rate} \times 8,5 \text{ hours} \times 23}{2\ 058} = \text{Hourly Holiday Fund allowance (to nearest cent)}$$

Note: To compensate construction workers level C (previously "operators"), drivers and machine operators for the reduction of four days in the holiday fund formula, the following formula is to be applied to calculate the effect on the hourly allowance, which is to be added to the new wage, after the annual increase has been applied.

$$\frac{(4 \times 8,5 \times \text{upper limit of wage band})}{2\ 058}$$

The effect hereof has already been factored in, in determining the minimum wage.

Example for an employee earning R12,63 (where the upper limit of the wage band is R13,00).

$$\frac{4 \times 8,5 \times R13,00}{2\,058} = 22c \text{ per hour}$$

This employee's new wage will therefore be R12,85 (R12,63 + 0,22)

Watchman

$$\frac{\text{Wage rate} \times 10 \text{ hours} \times 23}{2\,940} = \text{Hourly Holiday Fund allowance (to nearest cent)}$$

Wage rate means the upper limit of the respective wage band, e.g. for a wage of R6,60 the calculation is based on R7,00.

5. Sick Pay Fund hourly allowance/contributions are determined in accordance with the following table.

Wage Band Groupings	Contributions
26,01 and above.....	0,15
24,01–26,00.....	0,14
22,01–24,00.....	0,13
20,01–22,00.....	0,12
18,01–20,00.....	0,11
16,01–18,00.....	0,10
14,01–16,00.....	0,09
12,01–14,00.....	0,08
10,01–12,00.....	0,07
8,01–10,00.....	0,06
6,01–8,00.....	0,05
5,11–6,00.....	0,04

ANNEXURE C

BUILDING INDUSTRY BARGAINING COUNCIL (EAST LONDON)

EMPLOYER WEEKLY CONTRIBUTIONS

	Minimum hourly wage	Holiday Fund	Pension/ Provident Fund	Medical Aid Fund	Sick Pay Fund	Council levies	Dispute resolution levy	Total
Construction worker level A.	18,02	73,92	60,06	35,28	4,62	3,03	—	176,91
Construction worker level B.	17,16	69,72	56,70	35,28	4,20	3,03	—	168,93
Construction worker level C.	12,22	49,98	34,02	—	3,36	2,75	—	90,11
Construction worker level D.	9,45	37,80	26,04	—	2,52	2,75	—	69,11
Construction worker level E.	8,50	34,02	23,10	—	2,52	2,61	—	62,25
Special category employees:								
Site clerk.....	14,45	57,96	39,48	—	3,78	2,75	—	103,97
Driver/plant operator* ...	12,14	49,98	34,02	—	3,36	2,75	—	90,11
Driver/plant operator**	11,23	45,78	31,50	—	2,94	2,75	—	82,97
Driver/plant operator***	9,45	37,80	26,04	—	2,52	2,75	—	69,11
Site storeman.....	11,23	45,78	31,50	—	2,94	2,75	—	82,97
Watchman.....	5,11	24,60	20,40	—	2,40	2,49	—	49,89
Cleaner	5,35	21,84	15,12	—	1,68	2,49	—	41,13

1. The weekly contributions to the holiday, pension/provident and sick pay funds are based on a 42-hour week being worked.

2. The actual weekly employer contributions referred to in 1 above will be determined using the formula: Hourly allowance (per annexure B) x actual hours worked (where actual hours are the hours for which an employer is required to pay the employee for a week with a maximum of 42 hours): Provided that where an employee works between 25,5 hours and 42 hours, due to the reasons provided for in proviso 1.2 of Annexure B, then the employer is required to pay the allowances for the additional hours as determined in accordance therewith.

* With a carrying capacity of more than 4 536 kg.

** With a carrying capacity of more than 1 814 kg up to and including 4 536 kg.

*** With a carrying capacity of up to and including 1 814 kg.

ANNEXURE D

BUILDING INDUSTRY BARGAINING COUNCIL (EAST LONDON)

EMPLOYEE WEEKLY CONTRIBUTIONS

	Minimum hourly wage	Pension/ Provident Fund	Medical Aid Fund	Sick Pay Fund	Council levies	Dispute resolution levy	Total
Construction worker level A	18,02	60,06	35,28	4,62	3,03	—	102,99
Construction worker level B	17,16	56,70	35,28	4,20	3,03	—	99,21
Construction worker level C	12,22	34,02	—	3,36	2,75	—	40,13
Construction worker level D	9,45	26,04	—	2,52	2,75	—	31,31
Construction worker level E	8,50	23,10	—	2,52	2,61	—	28,23
Special category employees:							
Site clerk	14,45	39,48	—	3,78	2,75	—	46,01
Driver/plant operator*	12,14	34,02	—	3,36	2,75	—	40,13
Driver/plant operator**	11,23	31,50	—	2,94	2,75	—	37,19
Driver/plant operator***	9,45	26,04	—	2,52	2,75	—	31,31
Site storeman	11,23	31,50	—	2,94	2,75	—	37,19
Watchman	5,11	20,40	—	2,40	2,49	—	25,29
Cleaner	5,35	15,12	—	1,68	2,49	—	19,29

- Note:**
- The minimum employee contributions are applicable when a full 42-hour week is worked (inclusive of paid public holidays).
 - Deductions from employees are only to be made if the minimum weekly hours have been worked as set out in clause 26.1.
- * With a carrying capacity of more than 4 536 kg.
- ** With a carrying capacity of more than 1 814 kg up to and including 4 536 kg.
- *** With a carrying capacity of up to and including 1 814 kg.

ANNEXURE E

BUILDING INDUSTRY BARGAINING COUNCIL (EAST LONDON)

COMBINED WEEKLY CONTRIBUTION

	Minimum Hourly Wage	Holiday Fund	Pension/ Provident Fund	Medical Aid Fund	Sick Pay Fund	Council levies	Dispute resolution levy	Total
Construction worker level A	18,02	73,92	120,12	70,56	9,24	6,06	—	279,90
Construction worker level B	17,16	69,72	113,40	70,56	8,40	6,06	—	268,14
Construction worker level C	12,22	49,98	68,04	—	6,72	5,50	—	130,24
Construction worker level D	9,45	37,80	52,08	—	5,04	5,50	—	100,42
Construction worker level E	8,50	34,02	46,20	—	5,04	5,22	—	90,48
Special category employees:								
Site clerk	14,45	57,96	78,96	—	7,56	5,50	—	149,98
Driver/plant operator*	12,14	49,98	68,04	—	6,72	5,50	—	130,24

	Minimum Hourly Wage	Holiday Fund	Pension/ Providend Fund	Medical Aid Fund	Sick Pay Fund	Council levies	Dipute resolution levy	Total
Driver/plant operator**	11,23	45,78	63,00	—	5,88	5,50	—	120,16
Driver/plant operator***	9,45	37,80	52,08	—	5,04	5,50	—	100,42
Site storeman.....	11,23	45,78	63,00	—	5,88	5,50	—	120,16
Watchman	5,11	24,60	40,80	—	4,80	4,98	—	75,18
Cleaner	5,35	21,84	30,24	—	3,36	4,98	—	60,42

Note: 1. Every employer is required to deduct and pay over the combined weekly contributions as set out above, if minimum hours have been worked as set out in clause 26.1; and

2. the above weekly contributions and any other deductions in terms of this Agreement shall be paid over to the Council as provided for in this Agreement.

* With a carrying capacity of more than 4 536 kg.

** With a carrying capacity of more than 1 814 kg up to and including 4 536 kg.

*** With a carrying capacity of up to and including 1 814 kg.

Signed at East London on behalf of the parties on this 8th day of August 2001.

C. VAN SEUMEREN

For the East Cape Master Builders and Allied Industries Association

L. BOTES

For the Amalgamated Union of Building Trade Workers

M. MZWANA

For the trade union parties to the Council having been duly authorised thereto

(being the parties to the Building Industry Bargaining Council (East London))

in the presence of:

D. B. CAPLES

Chairman of Council

F. T. KNOX

Secretary

No. R. 891

21 September 2001

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN): UITBREIDING VAN WYSIGING VAN KOLLEKTIEWE OOREENKOMS 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 wysigingsooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingsraad vir die Bounywerheid (Oos-Londen) aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die wysigingsooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 1 Oktober 2001, en vir die tydperk wat op 16 Augustus 2001 eindig.

M.M.S. MDLADLANA

Minister van Arbeid

BYLAE

BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)

KOLLEKTIEWE OOREENKOMS

Ooreenkomstig die Wet op Arbeidsverhoudinge, No. 66 van 1995, gesluit deur en aangegaan tussen die

EAST CAPE MASTER BUILDERS AND ALLIED INDUSTRIES ASSOCIATION

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

AMALGAMATED UNION OF BUILDING TRADE WORKERS OF SOUTH AFRICA

en

CONSTRUCTION AND ALLIED WORKERS' UNION

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant, wat die patye is by die Bedingsraad vir die Bounywerheid (Oos-Londen) tot wysiging van die Ooreenkoms gepubliseer in Goewermenskennisgewing No. R. 990 van 14 Augustus 1998, soos gewysig by Goewermenskennisgewing by Goewermenskennisgewing No. R. 1618 van 11 Desember 1998, No. R. 1118 van 17 September 1999 en R. 952 van 22 September 2000.

1. TOEPASSINGSBESTEK VAN OOREENKOMS**1.1 Hierdie Ooreenkoms moet nagekom word—**

1.1.1 deur alle werkgewers en alle werknemers wat by die Bounywerheid betrokke of daarin werksaam is en wat lede is van onderskeidelik die werkgewersorganisasie en die vakbonde;

1.1.2 in die landdrosdistrik Oos-Londen (uitgesonderd die gedeeltes wat ingevolge Goewermenskennisgewings Nos. 1877 en 1079 van 4 September 1981, en 10 Junie 1988, onderskeidelik, vanaf Ciskei oorgeplaas is.

1.2 Ondanks die bepalings van klousule 1.1—**1.2.1 is hierdie Ooreenkoms van toepassing—**

(i) op vakleerlinge slegs vir sover dit nie strydig is met die bepalings van die Wet op Mannekragopleiding, 1981, of met enige kontrak daarkragtens gesluit, of met enige voorwaardes daarkragtens gestel;

(ii) op leerlinge slegs vir sover dit nie strydig is met die bepalings van die Skills Development Act 1998, (Wet No. 97 van 1998), of met enige kontrak daarkragtens gesluit, of met enige voorwaardes daarkragtens gestel;

1.2.2 die bepalings van hierdie Ooreenkoms is nie van toepassing nie ten opsigte van die oprigting, onderhoud, herstel of verbouing op plase van—

(i) woonhuise wat teen 'n koste van minder as R14 000 opgerig word, en

(ii) alle ander geboue, ongeag die koste daaraan verbonde, wat uitsluitlik vir boerderydoeleindes gebruik word of gebruik gaan word.

1.3 Hierdie Ooreenkoms is nie van toepassing op nie-partye ten opsigte van klousule 1.1.1 nie.

2. KLOUSULE 18: BESOLDIGING**2.1 Vervang klousule 18.2 deur die volgende:****"Oortydbetaling**

'n Werknemer wat versoek of toegelaat word om oortyd te werk bo en behalwe die ure soos voorgeskryf in klousule 17 sal as volg betaal word—

18.2.1 een en 'n half maal sy uurlikse loon ten opsigte van elke uur of gedeelte van 'n uur gewerk bo en behalwe die normale werksure soos uiteengesit in klousule 17.1, daagliks tussen 07:00 op Maandag en 18:00 op Saterdag;

18.2.2 dubbel sy uurlikse loon ten opsigte van elke uur of gedeelte van 'n uur gewerk—

(i) na 18:00 op 'n Saterdag;

(ii) op 'n Sondag tot en met 07:00 op Maandag en op 'n openbare vakansiedag, tensy vervang kragtens die Wet op Openbare Vakansiedae, 1994."

2.2 Vervang klousule 18.8 deur die volgende:**"Gure Weer**

Waar 'n werknemer op die gebruikelike manier op enige werksdag, insluitend tydens gure weer, op sy gewone aanvangstyd vir diens aanmeld en daar is nie werk vir hom nie, moet hy as volg betaal word:

18.8.1 'n Bedrag gelyk aan drie uur se loon, by aanmelding, met dien verstande dat 'n werknemer op die kontrakterrein moet wag indien hy deur sy werkgewer, of sy behoorlik gemagtigde verteenwoordiger op die kontrakterrein, versoek word om te wag, en met sy werk moet begin as die weerstoestand verbeter en dit vir hom moontlik maak om te werk.

18.8.2 Indien gure weer na die eerste drie werkure op enige werksdag intree en 'n werknemer se werk word deur sy werkgewer of sy behoorlik gemagtigde verteenwoordiger op die kontrakterrein opgeskort (weens weersomstandighede), moet die werknemer betaal word vir vyf ure of vir die aantal ure werklik gewerk, wat ook al die grootste is."

3. MINIMUM LOONSKALE/TOELAE/BYDRAE

Vervang Aanhangsels A, B, C, D en E deur die volgende:

AANHANGSEL A**BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)****BASIESE LOONSKALE***Kategorie werknemers**Per uur***R**

Konstruksiewerker vlak A	18,02
Konstruksiewerker vlak B	17,16
Konstruksiewerker vlak C	12,22
Konstruksiewerker vlak D	9,45
Konstruksiewerker vlak E	8,50

Spesiale kategorie werknemers:

Terreinklerk	14,45
Motorbestuurder/aanlegopereur*	12,14
Motorbestuurder/aanlegopereur**	11,23
Motorbestuurder/aanlegopereur***	9,45
Terreinmagasynmeester	11,23
Wag	5,11
Skoonmaker	5,35

Vakleerlinge—Lone soos voorgeskryf in die Wet op Mannekragopleiding.

Kwekeling-/leerling-konstruksiewerke—Lone soos vasgestel deur die Raad kragtens klousule 22 van die Ooreenkoms.

* Met 'n netto dravermoë meer as 4 536 kg.

** Met 'n netto dravermoë meer as 1 814 kg tot en met 4 536 kg.

*** Met 'n netto dravermoë tot en met 1 814 kg.

AANHANGSEL B**BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)****UURLIKSE TOELAE VIR GESKIKTE WERKNEMERS VIR DIE DOELEINDES VAN HIERDIE OOREENKOMS**

	Minimum uurlikse loon	Boonste limiet van die loonskaal	Vakansie- fonds	Pensioen-/ Voorsorg- fonds	Mediese bystands- fonds	Siekte- bystands- fonds	Totale uurlikse toelaes
Konstruksiewerker vlak A	18,02	18,50	1,76	1,43	0,84	0,11	4,14
Konstruksiewerker vlak B	17,16	17,50	1,66	1,35	0,84	0,10	3,95
Konstruksiewerker vlak C	12,22	12,50	1,19	0,81	—	0,08	2,08
Konstruksiewerker vlak D	9,45	9,50	0,90	0,62	—	0,06	1,58
Konstruksiewerker vlak E	8,50	8,50	0,81	0,55	—	0,06	1,42
Spesiale kategorie werknemers:							
Terreinklerk	14,45	14,50	1,38	0,94	—	0,09	2,41
Motorbestuurder/aanlegopereur*	12,14	12,50	1,19	0,81	—	0,07	2,07
Motorbestuurder/aanlegopereur**	11,23	11,50	1,09	0,75	—	0,07	1,91
Motorbestuurder/aanlegopereur***	9,45	9,50	0,90	0,62	—	0,06	1,58
Terreinmagasynmeester	11,23	11,50	1,09	0,75	—	0,07	1,91
Wag	5,11	5,25	0,41	0,34	—	0,04	0,79
Skoonmaker	5,34	5,50	0,52	0,36	—	0,04	0,92

* Met 'n netto dravermoë meer as 4 536 kg.

** Met 'n netto dravermoë meer as 1 814 kg tot en met 4 536 kg.

*** Met 'n netto dravermoë tot en met 1 814 kg.

1. Bykomend by enige ander vergoeding waarop 'n werknemer in hierdie Bylae bedoel, geregtig is, moet die werkgewer die werknemer in sy diens die uurlikse toelae betaal soos uiteengesit in die Aanhangsel ten opsigte van gewone werkure deur die werknemer gedurende 'n week gewerk: Met dien verstande dat—
 - 1.1 waar minder as 25,5 ure in enige week gewerk is, slegs die toelae ten opsigte van vakansie- en siektefondsbetaling, betaalbaar is;
 - 1.2 waar meer as 25,5 ure maar minder as 42 ure gewerk is, die werkgewer en werknemer onderskeidelik verantwoordelik is vir betaling van hulle onderskeie bydraes en aftrekkings vir die ure tot en met 'n 42-uur-week gewerk, mits die rede vir die afwesigheid toegeskryf word aan—
 - gure weer (klousule 18,8);
 - wagperiode (klousule 18,7);
 mits die werknemer in opdrag van die werkgewer of sy behoorlike gemagtigde verteenwoordiger die werkerrein verlaat of nie vir werk rapporteer nie.
2. Toelae ten opsigte van vakansie-, pensioen- en voorsorgfondse word vasgestel volgens die boonste limiet van die loonskaal wat gebruik word vir die berekening daarvan. Die loonskale vir alle kategorieë werknemers behalwe wagte en skoonmakers (wie se loonskale 25c beloop: 5,11–5,25: 5,26–5,50) is 50c, bv. 8,01–8,50, 9,51–10,00 ens.
3. Toelae vir werknemers wat meer as die minimum loon verdien, sal bepaal word volgens die boonste limiet van hulle spesifieke loonskaal, soos volg vasgestel:

- Vir die Vakansiefonds, volgens die formule uiteengesit in 4 hieronder.
- Vir die Pensioen- en Voorsorgfonds, sal die volgende formule geld vir elke kategorie werknemer:

$$\frac{\text{Bydrae per tabel}}{\text{Boonste limiet van loonskaal van basiese loon}} \times \frac{\text{Boonste vlak van loonskaal}}{1}$$

4. Die formules vir vasstelling van toelae is soos volg:

Konstruksiewerker Vlakke A en B,
 Konstruksiewerker Vlak C, motorbestuurders en aanlegoperateurs,
 Konstruksiewerker Vlakke D en E,
 Terreinklerk en terreinmagasynmeester,
 Skoonmaker

$$\frac{\text{Loonskaal} \times 8,5 \text{ ure} \times 23}{2\ 058} = \text{Uurlikse Vakansiefondstoe- laag (tot die naaste sent)}$$

Opmerking: Om konstruksiewerke vlak C (voorheen "operateurs"), motorbestuurders en aanlegoperateurs te vergoed vir die afskaling van vier dae in die vakansiefondsformule, sal die volgende formule toegepas word ten einde die effek op die uurlikse toelae te bepaal, wat bygevoeg staan te word op die nuwe loon, nadat die jaarlikse verhoging gegee is.

$$\frac{(4 \times 8,5 \times \text{boonste vlak van loonskaal})}{2\ 058}$$

Die effek hiervan is alreeds in aanmerking geneem by die bepaling van die minimum basiese loon.

Byvoorbeeld 'n werknemer wat R12,63 verdien (waar die boonste limiet van die loonskaal R13,00 is)

$$\frac{4 \times 8,5 \times R13,00}{2\ 058} = 22c \text{ per uur}$$

Die werknemer se nuwe loon is dus R12,85 (R12,63 + 0,22)

Wag

$$\frac{\text{Loonskaal} \times 10 \text{ ure} \times 23}{2\ 940} = \text{Uurlikse Vakansiefondstoe- laag (tot die naaste sent)}$$

Loonskaal beteken die boonste limiet van die verskillende loonstrukture, bv. vir 'n loon van R6,60 word die berekening gebaseer op R7,00.

5. Siektebystandsfondstoeleae/bydraes word vasgestel ooreenkomstig die volgende tabel.

Loonskaalgroeperings	Bydraes
26,01 en hoër	0,15
24,01–26,00	0,14
22,01–24,00	0,13

Loonskaalgroepeerings	Bydraes
20,01–22,00	0,12
18,01–20,00	0,11
16,01–18,00	0,10
14,01–16,00	0,09
12,01–14,00	0,08
10,01–12,00	0,07
8,01–10,00	0,06
6,01–8,00	0,05
5,11–6,00	0,04

AANHANGSEL C**BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)****WEEKLIKSE WERKGEWERBYDRAE**

	Minimum uurlikse loon	Vakansie- fonds	Pensioen/ Voorsorg- fonds	Mediese Bystands- fonds	Siekte- bystands- fonds	Raads- heffing	Geskil- beslegtings- heffing	Totale
Konstruksiewerker vlak A.....	18,02	73,92	60,06	35,28	4,62	3,03	—	176,91
Konstruksiewerker vlak B	17,16	69,72	56,70	35,28	4,20	3,03	—	168,93
Konstruksiewerker vlak C	12,22	49,98	34,02	—	3,36	2,75	—	90,11
Konstruksiewerker vlak D	9,45	37,80	26,04	—	2,52	2,75	—	69,11
Konstruksiewerker vlak E	8,50	34,02	23,10	—	2,52	2,61	—	62,25
Spesiale kategorie werknemers:								
Terreinklerk	14,45	57,96	39,48	—	3,78	2,75	—	103,97
Motorbestuurder/aanleg- operateur*	12,14	49,98	34,02	—	3,36	2,75	—	90,11
Motorbestuurder/aanleg- operateur**	11,23	45,78	31,50	—	2,94	2,75	—	82,97
Motorbestuurder/aanleg- operateur***	9,45	37,80	26,04	—	2,52	2,75	—	69,11
Terreinmagasynmeester	11,23	45,78	31,50	—	2,94	2,75	—	82,97
Wag	5,11	24,60	20,40	—	2,40	2,49	—	49,89
Skoonmaker	5,35	21,84	15,12	—	1,68	2,49	—	41,13

1. Die weeklikse bydraes tot die vakansie-, pensioen-voorsorgfonds en die siektebystandsfonds is op 'n 42-uur-weekweek gebaseer.
2. Die werklike weeklikse werkgewerbydrae bedoel in 1 hierbo, sal bepaal word deur gebruik van die volgende formule: Uurlikse toelae (per aanhangsel B) x werklike ure gewerk (waar werklike ure die ure is ten opsigte waarvan daar van die werkgewer vereis word om 'n werknemer te betaal vir 'n maksimum van 42 ure): Met dien verstande dat waar 'n werknemer tussen 25,5 ure en 42 ure werk, as gevolg van die redes bedoel in voorbehoudsbepaling 1.2 van Aanhangsel B sal van die werkgewer verwag word om die toelae te betaal vir die bykomstige ure daarvolgens bepaal.

* met 'n netto dravermoë meer as 4 536 kg.

** met 'n netto dravermoë meer as 1 814 kg tot en met 4 536 kg.

*** met 'n netto dravermoë tot en met 1 814 kg.

AANHANGSEL D**BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)****WEEKLIKSE WERKNEMERBYDRAE**

	Minimum uurlikse loon	Pensioen/ Voorsorg- fonds	Mediese Bystands- fonds	Siekte- bystands- fonds	Raads- heffing	Geskil- beslegtings- heffing	Totale
Konstruksiewerker vlak A	18,02	60,06	35,28	4,62	3,03	—	102,99
Konstruksiewerker vlak B	17,16	56,70	35,28	4,20	3,03	—	99,21
Konstruksiewerker vlak C	12,22	34,02	—	3,36	2,75	—	40,13
Konstruksiewerker vlak D	9,45	26,04	—	2,52	2,75	—	31,31
Konstruksiewerker vlak E	8,50	23,10	—	2,52	2,61	—	28,23
Spesiale kategorie werknemers:							
Terreinklerk	14,45	39,48	—	3,78	2,75	—	46,01
Motorbestuurder/aanlegoperateur*	12,14	34,02	—	3,36	2,75	—	40,13
Motorbestuurder/aanlegoperateur**	11,23	31,50	—	2,94	2,75	—	37,19
Motorbestuurder/aanlegoperateur***	9,45	26,04	—	2,52	2,75	—	31,31
Terreinmagasynmeester	11,23	31,50	—	2,94	2,75	—	37,19
Wag	5,11	20,40	—	2,40	2,49	—	25,29
Skoonmaker	5,35	15,12	—	1,68	2,49	—	19,29

Let Wel: 1. Die minimum werknemer bydrae is van toepassing indien 'n volle 42-uur-week gewerk is (insluitend betaalde openbare vakansiedae).

2. Aftrekkings van werknemers sal net van toepassing wees waar die minimum weeklikse ure soos uiteengesit in klausule 26.1 gewerk is.

* met 'n netto dravermoë meer as 4 536 kg.

** met 'n netto dravermoë meer as 1 814 kg tot en met 4 536 kg.

*** met 'n netto dravermoë tot en met 1 814 kg.

AANHANGSEL E**BEDINGINGSRAAD VIR DIE BOUNYWERHEID (OOS-LONDEN)****GEKOMBINEERDE WEEKLIKSE BYDRAE**

	Minimum uurlikse loon	Vakansie Fonds	Pensioen/ Voorsorg Fonds	Mediese Bystands Fonds	Siekte Bystands Fonds	Raad heffing	Geskil beslegtings- heffing	Totale
Konstruksiewerker vlak A ...	18,02	73,92	120,12	70,56	9,24	6,06	—	279,90
Konstruksiewerker vlak B	17,16	69,72	113,40	70,56	8,40	6,06	—	268,14
Konstruksiewerker vlak C	12,22	49,98	68,04	—	6,72	5,50	—	130,24
Konstruksiewerker vlak D	9,45	37,80	52,08	—	5,04	5,50	—	100,42
Konstruksiewerker vlak E	8,50	34,02	46,20	—	5,04	5,22	—	90,48
Spesiale kategorie werknemers:								
Terreinklerk	14,45	57,96	78,96	—	7,56	5,50	—	149,98
Motorbestuurder/aanleg operateur*	12,14	49,98	68,04	—	6,72	5,50	—	130,24
Motorbestuurder/aanleg operateur**	11,23	45,78	63,00	—	5,88	5,50	—	120,16
Motorbestuurder/aanleg operateur***	9,45	37,80	52,08	—	5,04	5,50	—	100,42
Terreinmagasynmeester	11,23	45,78	63,00	—	5,88	5,50	—	120,16
Wag	5,11	24,60	40,80	—	4,80	4,98	—	75,18
Skoonmaker	5,35	21,84	30,24	—	3,36	4,98	—	60,42

- Let Wel** 1. Elke werkgewer is verplig om die gesamentlike weeklikse bydraes, soos hierbo uiteengesit, af te trek en oor te betaal indien die minimum ure gewerk is soos in klousule 26.1 uiteengesit.
2. Die weeklikse bydraes, in die Aanhangsel uiteengesit, en enige ander aftrekkings ingevolge hierdie Ooreenkoms moet aan die Raad oorbetaal word soos in die Ooreenkoms uiteengesit.
- * met 'n netto dravermoë meer as 4 536 kg.
 - ** met 'n netto dravermoë meer as 1 814 kg tot en met 4 536 kg.
 - *** met 'n netto dravermoë tot en met 1 814 kg.

Geteken namens die partye te Oos-Londen op hede die 8ste dag van Augustus 2001, deur:

C. VAN SEUMEREN

Namens die East Cape Master Builders and Allied Industries Association

L. BOTES

Namens die Amalgamated Union of Building Trade Workers

M. MZWANA

Namens die Construction and Allied Workers Union

Vir die vakbondpartye by die Raad, wat behoorlik daartoe gemagtig is

(synde die partye by die Bedingsingsraad vir die Bounywerheid, Oos-Londen)

in die teenwoordigheid van:

D. B. CAPLES

Voorsitter van die Raad

F. T. KNOX

Sekretaris

**DEPARTMENT OF SOCIAL DEVELOPMENT
DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING**

No. R. 900

21 September 2001

SOCIAL SERVICE PROFESSIONS ACT, 1978 (ACT No. 110 OF 1978)

REGULATIONS REGARDING THE REGISTRATION OF SOCIAL WORKERS: AMENDMENT

The Minister of Social Development has, in terms of section 28 of the Social Service Professions Act, 1978 (Act No. 110 of 1978), on the recommendation of the South African Council for Social Service Professions, made the Regulations set out in the Schedule hereto.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R. 2426 of 30 October 1987, as amended by Government Notices Nos. R. 951 of 3 May 1991, R. 53 of 15 January 1993, R. 1366 of 23 August 1996 and R. 202 of 19 February 1999.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the addition of the following paragraph after paragraph (g) of subregulation (1):

"(h) a qualification from a university or college in the Republic where at least fifty percent of the total minimum content of the programmes for the qualification include Social Work modules taken over a study period of four years or a study period deemed to be four years, at the discretion of the council."

Commencement

3. These regulations shall come into effect on the date of publication of this notice.

No. R. 900**21 September 2001****WET OP MAATSKAPLIKE DIENSBEROEPE, 1978 (WET No. 110 VAN 1978)****REGULASIES BETREFFENDE DIE REGISTRASIE VAN MAATSKAPLIKE WERKERS: WYSIGING**

Die Minister van Maatskaplike Ontwikkeling het kragtens artikel 28 van die Wet op Maatskaplike Diensberoepe, 1978 (Wet No. 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die Regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 2426 van 30 Oktober 1978, soos gewysig deur Goewermentskennisgewing Nos. R. 951 van 3 Mei 1991, R. 53 van 15 Januarie 1993, R. 1366 van 23 Augustus 1996 en R. 202 van 19 Februarie 1999.

Wysiging van regulasie 2 van die Regulasies

2. Regulasie 2 van die Regulasies word hierby gewysig deur na paragraaf (g) van subregulasie (1) die volgende paragraaf by te voeg:

- "(h) 'n kwalifikasie van 'n universiteit of kollege in die Republiek waarvan minstens vyftig persent van die totale minimum inhoud van die programme vir die kwalifikasie Maatskaplike Werk modules is wat geneem is oor 'n studieperiode van vier jaar of 'n studieperiode geag vier jaar te wees, volgens die diskresie van die raad."

Inwerkingtreding

3. Hierdie regulasie tree in werking op die datum van publikasie van hierdie kennisgewing.

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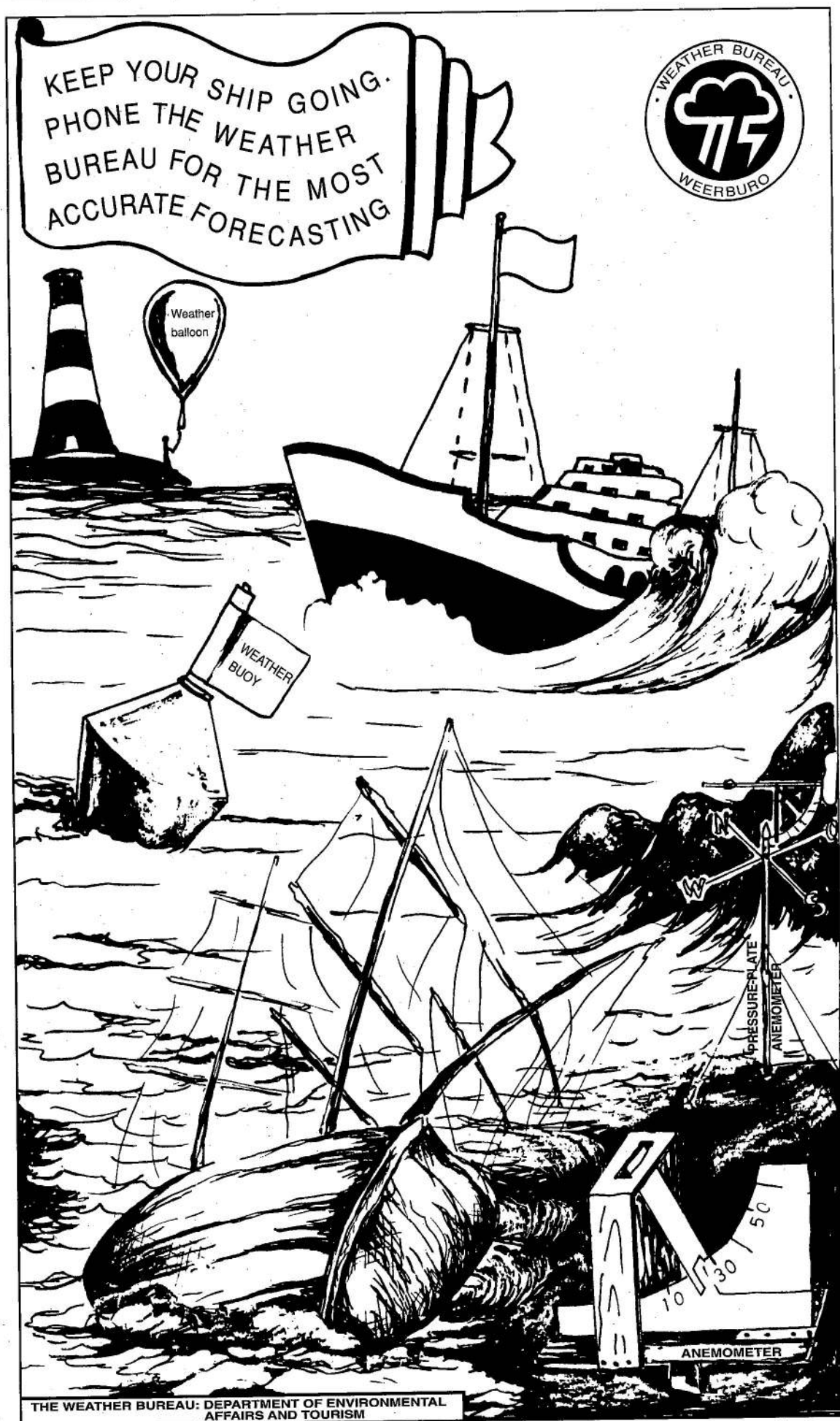
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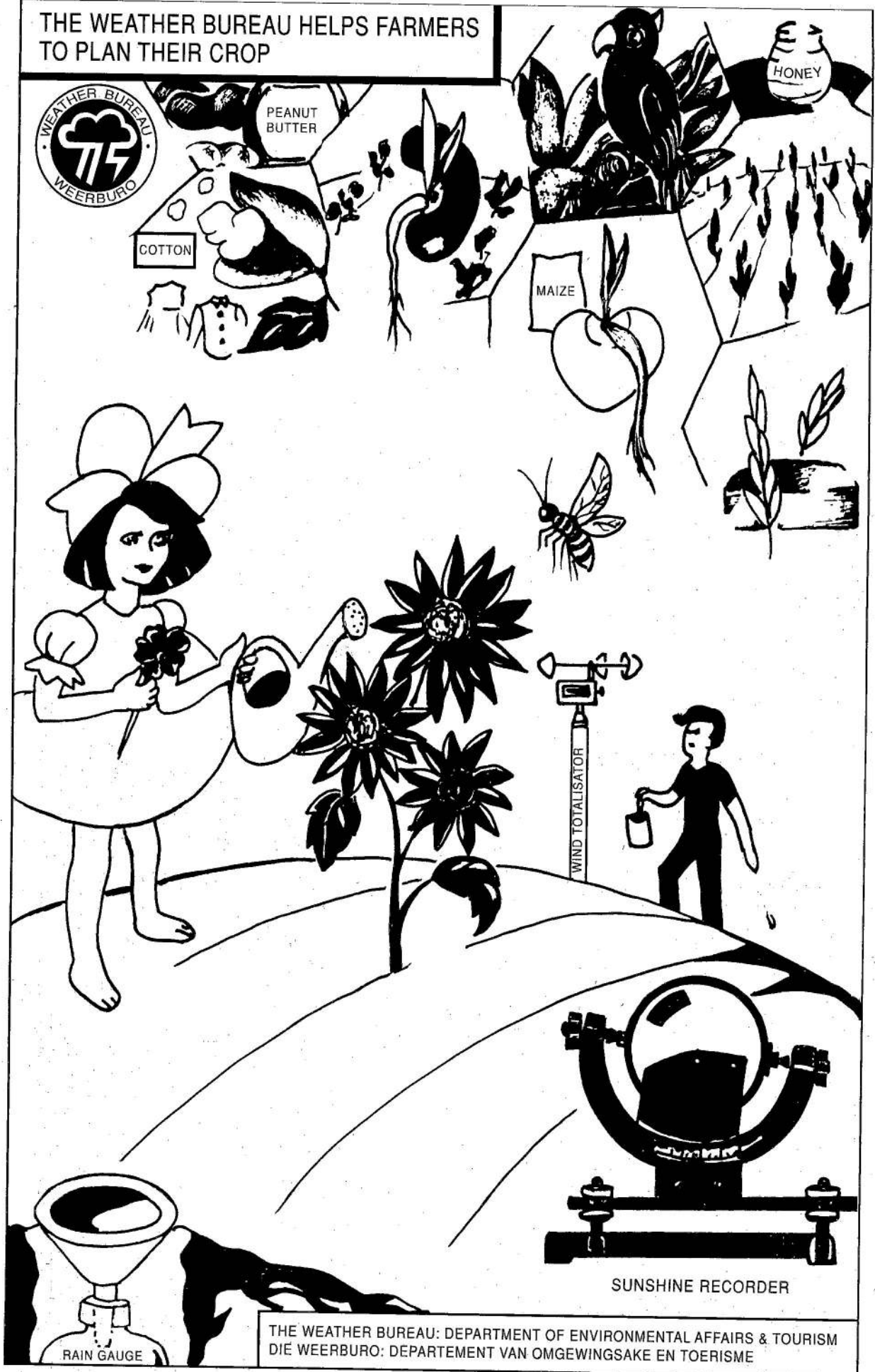
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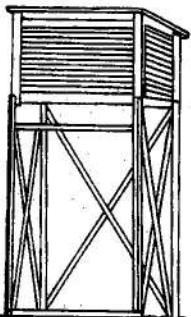
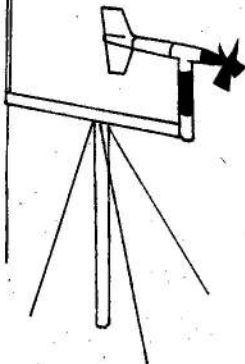
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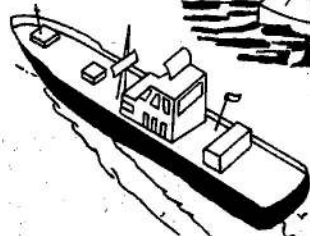
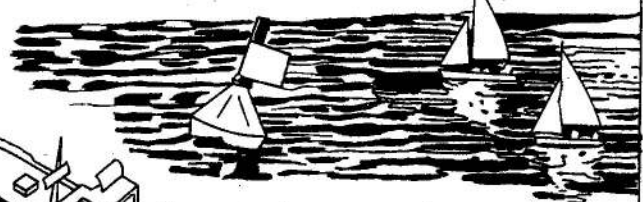
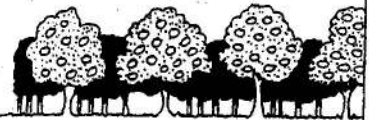
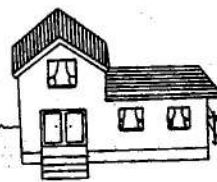
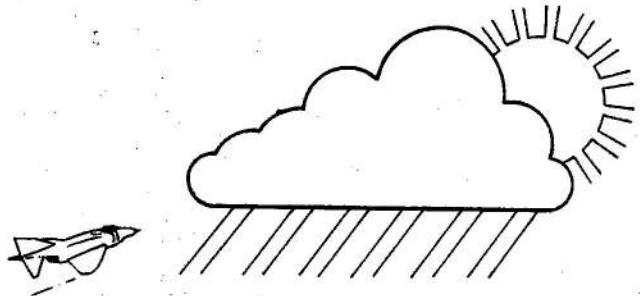


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