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PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 71, 2002

SALARIES AND ALLOWANCES OF THE DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY)

1. In terms of section 4(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) ("the Remuneration Act"), I hereby determine that the annual salaries and allowances of the various grades of members and office bearers of Parliament mentioned in Column 1 of Schedule 1 shall be as set out in Columns 2, 3 and 4 of the Schedule 1 with effect from 1 April 2002, subject to section 3(6)(a) and (b) of the Remuneration Act.
2. Column 4 Schedule 1 (Notch 3) applies to a re-elected member who at any time has occupied his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of at least 24 months in total, whether continuous or not, and whether before or after 2 June 1999.
3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph 2. When a re-elected member to whom Column 3 of Schedule 1 applies has held his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of 24 months in total, whether continuous or not, Column 4 of Schedule 1 (Notch 3) becomes applicable to that member.
4. Column 2 of Schedule 1 (Notch 1) applies to all members of Parliament who are not re-elected members.
5. For the purposes of calculating the period of 24 months referred to in paragraphs 2 and 3, a re-elected member who-
 - (a) was a member of Parliament or a Provincial Legislature on 1 June 1999; and

- (b) pursuant to the elections of 2 June 1999, was designated by the Electoral Commission as a member of the National Assembly or a Provincial Legislature, or appointed as a permanent delegate to the National Council of Provinces (NCOP) in terms of section 61(2)(b) of the Constitution,

is regarded to have continued to occupy the position occupied by him or her on 1 June 1999 until so designated or appointed.

- 6. In terms of section 3(3) of the Remuneration Act, I determine the amount of R40 000,00 per annum as that portion of the remuneration of a member or office bearer of Parliament mentioned in Column 1 of Schedule 1 to which section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply.
- 7. In this Proclamation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Remuneration Act, the Constitution of the Republic of South Africa, 1996, or the relevant Rules and Orders contemplated in section 45, 57 or 70 of the constitution, bears that meaning; and
 - (a) "member of Parliament" means a member of the National Assembly or a permanent delegate to the National Council of Provinces; and
 - (b) "re-elected member" means a member of Parliament—
 - (i) who at any time before 2 June 1999 occupied an office mentioned in Schedule 2; and
 - (ii) whose service in any one or more of those offices has not been interrupted at any time for a continuous period of more than 24 months.
- 8. Proclamation No. 60 of 2001, published in the *Government Gazette* of 9 November 2001, is repealed.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this
Twenty-third day of September Two Thousand and Two.

T M MBEKI
PRESIDENT

G J FRASER-MOLEKETI
MINISTER OF THE CABINET

SCHEDULE 1**GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF THE DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY) WITH EFFECT FROM 1 APRIL 2002**

| COLUMN 1 | | COLUMN 2 (NOTCH 1) | | | COLUMN 3 (NOTCH 2) | | | COLUMN 4 (NOTCH 3) | | |
|----------|------------------|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|
| Grade | Office | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. |
| Grade G | Deputy President | 608 292 | 152 073 | 760 365 | Not applicable | | | Not applicable | | |
| Grade F | Minister | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Grade E1 | Deputy Minister | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |

* Includes the amount of R40 000 per annum determined in this Proclamation as the amount to which section 8 (1) (d) of the Income Tax Act, 1962, applies.

SCHEDULE 2

| Grade | Office |
|----------|---|
| Grade G | <ul style="list-style-type: none">▪ Deputy President |
| Grade F | <ul style="list-style-type: none">▪ Minister (National Executive Authority)▪ Premier of a Province▪ Speaker: National Assembly▪ Chairperson: National Council of Provinces (NCOP) |
| Grade E1 | <ul style="list-style-type: none">▪ Deputy Minister (National Executive Authority)▪ Deputy Speaker: National Assembly▪ Deputy Chairperson: NCOP▪ Member of the Executive Council of a Province▪ Speaker: Provincial Legislature |

PROKLAMASIES*van die**President van die Republiek van Suid-Afrika*

No. R. 71, 2002

SALARISSE EN TOELAES VAN DIE ADJUNKPRESIDENT, MINISTERS EN ADJUNKMINISTERS (NASIONALE UITVOERENDE GESAG)

- 1 Ingevolge artikel 4(1) van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) ("die Besoldigingwet"), bepaal ek hierby dat die jaarlikse salarisse en toelaes van die Adjunkpresident, Ministers en Adjunkministers met ingang van 1 April 2002 is soos vermeld in Kolom 2, 3 of 4 van Bylae 1.
- 2 Kolom 4 van Bylae 1 (Kerf 3) is van toepassing op 'n herverkose ampsbekleër wat te eniger tyd sy/haar huidige amp, of 'n amp in dieselfde of 'n hoër graad volgens Bylae 2 vir 'n totale tydperk van ten minste 24 maande bekleë het, hetsy aaneenlopend al dan nie, en hetsy voor of na 2 Junie 1999.
- 3 Kolom 3 van Bylae 1 (Kerf 2) is van toepassing op alle ander herverkose ampsbekleërs as dié wat in paragraaf 2 vermeld word. Sodra 'n herverkose ampsbekleër op wie Kolom 3 van Bylae 1 van toepassing is sy/haar huidige amp of 'n amp in dieselfde of 'n hoër graad volgens Bylae 2 vir 'n totale tydperk van 24 maande bekleë het, hetsy aaneenlopend al dan nie, is Kolom 4 van Bylae 1 (Kerf 3) op daardie ampsbekleër van toepassing.
- 4 Kolom 2 van Bylae 1 (Kerf 1) is van toepassing op alle ampsbekleërs in Kolom 1 van Bylae 1 vermeld wat nie herverkose ampsbekleërs is nie.
- 5 By die berekening van die tydperk van 24 maande in paragrawe 2 en 3 bedoel, word dit geag dat 'n herverkose lid wat –
 - (a) op 1 Junie 1999 'n lid van die Parlement of 'n Provinsiale Wetgewer was; en

- (b) na die verkiesing van 2 Junie 1999, deur die Verkiesingskommissie as lid van die Nasionale Vergadering of 'n Provinsiale Wetgewer aangewys is, of ingevolge artikel 61(2)(b) van die Grondwet as 'n vaste afgevaardigde na die Nasionale Raad van Provinsies aangestel is,

aangebly het in die amp wat hy/sy op 1 Junie 1999 bekleë het totdat hy/sy aldus aangewys of aangestel is.

6 In hierdie Proklamasie beteken—

- (a) “herverkose ampsbeker” ‘n ampsbeker in Kolom 1 van Bylae 1 vermeld —
- (i) wat te eniger tyd voor 2 Junie 1999 ‘n amp wat in Bylae 2 vermeld word, bekleë het; en
- (ii) wie se diens in een of meer van daardie ampte nie te eniger tyd vir ‘n aaneenlopende tydperk van langer as 24 maande onderbreek is nie; en
- (b) “lid van die Parlement” ‘n lid van die Nasionale Vergadering of ‘n vaste afgevaardigde na die Nasionale Raad van Provinsies.

7 Ingevolge artikel 4(3) van die Besoldigingwet bepaal ek die bedrag van R40 000,00 per jaar as daardie gedeelte van die besoldiging van die Adjunkpresident of ‘n Minister of Adjunkminister waarop artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van toepassing is.

8 Proklamasie No. 60 van 2001, gepubliseer in die Staatskoerant van 9 November 2001, word herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Drie-en-twintigste dag van September Tweeduisend en twee.

T M MBEKI
PRESIDENT

G J FRASER-MOLEKETI
MINISTER VAN DIE KABINET

BYLAE 1

GRADERINGSTRUKTUUR, BESOLDIGING EN TOELAES VAN DIE ADJUNKPRESIDENT, MINISTERS EN ADJUNKMINISTERS MET INGANG VAN 1 APRIL 2002

| KOLOM 1 | | KOLOM 2 (KERF 1) | | | KOLOM 3 (KERF 2) | | | KOLOM 4 (KERF 3) | | |
|----------|-----------------|----------------------------|-------------------------------|-----------------------------|----------------------------|-------------------------------|-----------------------------|----------------------------|-------------------------------|-----------------------------|
| Graad | Amp | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. |
| Graad G | Adjunkpresident | 608 292 | 152 073 | 760 365 | Nie van toepassing nie | | | Nie van toepassing nie | | |
| Graad F | Minister | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Graad E1 | Adjunkminister | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |

* Ingeslote die bedrag van R40 000 per jaar wat in hierdie Proklamasie bepaal word as die bedrag waarop artikel 8 (1) (d) van die Inkomstebelastingwet, 1962, van toepassing is.

BYLAE 2

| Graad | Amp |
|----------|---|
| Grade G | <ul style="list-style-type: none">▪ AdjunkPresident |
| Grade F | <ul style="list-style-type: none">▪ Minister (Nasionale Uitvoerende Gesag)▪ Premier van 'n Provinsie▪ Speaker: Nasionale Vergadering▪ Voorsitter: Nasionale Raad van Provinsies (NRP) |
| Grade E1 | <ul style="list-style-type: none">▪ Adjunkminister (Nasionale Uitvoerende Gesag)▪ Adjunk Speaker: NV▪ Adjunkvoorsitter: NRP▪ Lid van die Uitvoerende Raad van 'n Provinsie▪ Speaker: Provinsiale Wetgewer |

No. R. 72, 2002**SALARIES AND ALLOWANCE OF MEMBERS OF THE NATIONAL ASSEMBLY
AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES**

1. In terms of section 3(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) ("the Remuneration Act"), I hereby determine that the annual salaries and allowances of the various grades of members and office bearers of Parliament mentioned in Column 1 of Schedule 1 shall be as set out in Columns 2, 3 and 4 of the Schedule 1 with effect from 1 April 2002, subject to section 3(6)(a) and (b) of the Remuneration Act.
2. Column 4 Schedule 1 (Notch 3) applies to a re-elected member who at any time has occupied his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of at least 24 months in total, whether continuous or not, and whether before or after 2 June 1999.
3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph 2. When a re-elected member to whom Column 3 of Schedule 1 applies has held his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of 24 months in total, whether continuous or not, Column 4 of Schedule 1 (Notch 3) becomes applicable to that member.
4. Column 2 of Schedule 1 (Notch 1) applies to all members of Parliament who are not re-elected members.

5. For the purposes of calculating the period of 24 months referred to in paragraphs 2 and 3, a re-elected member who-

- (a) was a member of Parliament or a Provincial Legislature on 1 June 1999; and
- (b) pursuant to the elections of 2 June 1999, was designated by the Electoral Commission as a member of the National Assembly or a Provincial Legislature, or appointed as a permanent delegate to the National Council of Provinces (NCOP) in terms of section 61(2)(b) of the Constitution,

is regarded to have continued to occupy the position occupied by him or her on 1 June 1999 until so designated or appointed.

6. In terms of section 3(3) of the Remuneration Act, I determine the amount of R40 000,00 per annum as that portion of the remuneration of a member or office bearer of Parliament mentioned in Column 1 of Schedule 1 to which section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply.

7. In this Proclamation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Remuneration Act, the Constitution of the Republic of South Africa, 1996, or the relevant Rules and Orders contemplated in section 45, 57 or 70 of the constitution, bears that meaning; and-

(a) "member of Parliament" means a member of the National Assembly or a permanent delegate to the National Council of Provinces; and

(b) "re-elected member" means a member of Parliament-

- (i) who at any time before 2 June 1999 occupied an office mentioned in Schedule 2; and

- (ii) whose service in any one or more of those offices has not been interrupted at any time for a continuous period of more than 24 months.

8. Proclamation No. 58 of 2001, published in the *Government Gazette* of 9 November 2001, is repealed.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-third day of September Two Thousand and Two.

T M MBEKI
PRESIDENT

G J FRASER-MOLEKETI
MINISTER OF THE CABINET

SCHEDULE 1

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES WITH EFFECT FROM 1 APRIL 2002

| COLUMN 1 | | COLUMN 2 (NOTCH 1) | | | COLUMN 3 (NOTCH 2) | | | COLUMN 4 (NOTCH 3) | | |
|----------|---|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|
| Grade | Office | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. |
| Grade F | Speaker: National Assembly (NA) Chairperson: National Council of Provinces (NCOP) | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Grade E1 | Deputy Speaker: NA Deputy Chairperson: NCOP | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |
| Grade E2 | Parliamentary Counsellor: President Chief Whip: Majority Party in NA Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution | 333 516 | 83 379 | 416 895 | 350 196 | 87 549 | 437 745 | 366 876 | 91 719 | 458 595 |
| Grade D | Parliamentary Counsellor: Deputy President | 316 872 | 79 218 | 396 090 | 339 060 | 84 765 | 423 825 | 348 564 | 87 141 | 435 705 |
| Grade C1 | Chairperson of a Committee of a House or a Joint Committee Chairperson of Committees | 307 056 | 76 764 | 383 820 | 328 548 | 82 137 | 410 685 | 337 752 | 84 438 | 422 190 |
| Grade C2 | Chief Whip: Official Opposition/Largest Minority Party in a House Deputy Chief Whip: Majority Party in a House Deputy Chairperson of Committees | 297 576 | 74 394 | 371 970 | 318 408 | 79 602 | 398 010 | 327 336 | 81 834 | 409 170 |
| Grade B | Leader of a House Whip in a House Leader of a Minority Party other than the Official Opposition where that leader is a member of the NA or a permanent delegate to the NCOP | 285 612 | 71 403 | 357 015 | 299 892 | 74 973 | 374 865 | 314 172 | 78 543 | 392 715 |
| Grade A1 | Member of the NA Permanent Delegate to the NCOP | 254 052 | 63 513 | 317 565 | 271 836 | 67 959 | 339 795 | 279 456 | 69 864 | 349 320 |

* Includes the amount of R40 000 per annum determined in this Proclamation as the amount to which section 8 (1) (d) of the Income Tax Act, 1962, applies.

SCHEDULE 2

| Grade | Office |
|----------|--|
| Grade F | <ul style="list-style-type: none"> Minister (National Executive Authority) Premier of a Province Speaker: National Assembly Chairperson: National Council of Provinces (NCOP) |
| Grade E1 | <ul style="list-style-type: none"> Deputy Minister (National Executive Authority) Deputy Speaker: National Assembly Deputy Chairperson: NCOP Member of the Executive Council of a Province Speaker: Provincial Legislature |
| Grade E2 | <ul style="list-style-type: none"> Parliamentary Counsellor: President Chief Whip: Majority Party in National Assembly Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution. |
| Grade D | <ul style="list-style-type: none"> Parliamentary Counsellor: Deputy President Deputy Speaker: Provincial Legislature |
| Grade C1 | <ul style="list-style-type: none"> Chairperson of a Committee of a House of Parliament or a Joint Committee Chairperson of a Committees of a House of Parliament Chief Whip of Majority party: Provincial Legislature |
| Grade C2 | <ul style="list-style-type: none"> Chief Whip: Official Opposition/Largest Minority Party in a House of Parliament Deputy Chief Whip: Majority Party in a House of Parliament Deputy Chairperson of Committees of a House of Parliament Leader of Opposition in terms of section 116(2)(d) of the Constitution: Provincial Legislature Chairperson of a Committee of a Provincial Legislature Chairperson of Committees: Provincial Legislature |
| Grade B | <ul style="list-style-type: none"> Leader of a House of Parliament Whip in a House of Parliament Leader of a Minority Party other than the Official Opposition where that Leader is a member of the National Assembly or a permanent delegate to the NCOP Chief Whip of Official Opposition/Largest Minority Party: Provincial Legislature Deputy Chief Whip of Majority Party: Provincial Legislature. Deputy Chairperson of Committees: Provincial Legislature |
| Grade A1 | <ul style="list-style-type: none"> Member of the National Assembly Permanent Delegate to the NCOP Leader of Provincial Legislature Whip: Provincial Legislature Leader of a Minority Party in a Provincial Legislature other than the Official Opposition |
| Grade A2 | <ul style="list-style-type: none"> Member of a Provincial Legislature |

No. R. 72, 2002

**SALARISSE EN TOELAES VAN LEDE VAN DIE NASIONALE VERGADERING EN
VASTE AFGEVAARDIGDES NA DIE NASIONALE RAAD VAN PROVINSIES**

- 1 Ingevolge artikel 3(1) van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) ("die Besoldigingwet"), bepaal ek hierby dat die jaarlikse salaris en toelaes van die onderskeie grade lede en ampsdraers van die Parlement in Kolom 1 van Bylae 1 vermeld, met ingang van 1 April 2002 is soos in Kolomme 2, 3 en 4 van Bylae 1 uiteengesit, behoudens artikel 3(6)(a) en (b) van die Besoldigingwet.
- 2 Kolom 4 van Bylae 1 (Kerf 3) is van toepassing op 'n herverkose lid wat te eniger tyd sy/haar huidige amp, of 'n amp in dieselfde of 'n hoër graad ingevolge Bylae 2 vir 'n totale tydperk van ten minste 24 maande bekleë het, hetsy aaneenlopend al dan nie, en hetsy voor of na 2 Junie 1999.
- 3 Kolom 3 van Bylae 1 (Kerf 2) is van toepassing op alle ander herverkose lede as dié wat in paragraaf 2 vermeld word. Sodra 'n herverkose ampsbekleër op wie Kolom 3 van Bylae 1 van toepassing is sy/haar huidige amp of 'n amp in dieselfde of 'n hoër graad volgens Bylae 2 vir 'n totale tydperk van 24 maande bekleë het, hetsy aaneenlopend al dan nie, is Kolom 4 van Bylae 1 (Kerf 3) op daardie lid van toepassing.
- 4 Kolom 2 van Bylae 1 (Kerf 1) is van toepassing op alle lede van die Parlement wat nie herverkose lede is nie.
- 5 By die berekening van die tydperk van 24 maande in paragrawe 2 en 3 bedoel, word dit geag dat 'n herverkose lid wat -
 - (a) op 1 Junie 1999 'n lid van die Parlement of 'n Provinsiale Wetgewer was; en

- (b) na die verkiesing van 2 Junie 1999, deur die Verkiesingskommissie as lid van die Nasionale Vergadering of 'n Provinsiale Wetgewer aangewys is, of ingevolge artikel 61(2)(b) van die Grondwet as 'n vaste afgevaardigde na die Nasionale Raad van Provinsies aangestel is,

aangebly het in die amp wat hy/sy op 1 Junie 1999 bekleed het totdat hy/sy aldus aangewys of aangestel is.

- 6 Ingevolge artikel 3(3) van die Besoldigingwet bepaal ek die bedrag van R40 000 per jaar as die gedeelte van die besoldiging van 'n lid of ampsdraer van die Parlement in Kolom 1 van Bylae 1 vermeld waarop artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van toepassing is.

- 7 In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Besoldigingwet, die Grondwet van die Republiek van Suid-Afrika, 1996, of die toepaslike Reëls en Orders beoog in artikels 45, 57 of 70 van die Grondwet toegeskryf is, daardie betekenis; en beteken -

- (a) "herverkose lid" 'n lid van die Parlement –

- (i) wat te eniger tyd voor 2 Junie 1999 'n amp wat in Bylae 2 vermeld word, bekleed het; en
 - (ii) wie se diens in een of meer van daardie ampte nie te eniger tyd vir 'n aaneenlopende tydperk van langer as 24 maande onderbreek is nie; en

- (b) "lid van die Parlement" 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde na die Nasionale Raad van Provinsies.

- 8 Proklamasie No. 58 van 2001, gepubliseer in die Staatskoerant van 9 November 2001, word herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Drie-en-twintigste dag van September Tweeduisend en twee.

T M MBEKI
PRESIDENT

G J FRASER-MOLEKETI
MINISTER VAN DIE KABINET

BYLAE 1

**GRADERINGSTRUKTUUR, BESOLDIGING EN TOELAES VAN LEDE VAN DIE NASIONALE VERGADERING
EN VASTE AFGEVAARDIGDES NA DIE NASIONALE RAAD VAN PROVINSIES MET INGANG VAN 1 APRIL 2002**

| KOLOM 1 | | KOLOM 2 (KERF 1) | | | KOLOM 3 (KERF 2) | | | KOLOM 4 (KERF 3) | | |
|----------|---|----------------------------|-------------------------------|-----------------------------|----------------------------|-------------------------------|-----------------------------|----------------------------|-------------------------------|-----------------------------|
| Graad | Amp | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. | Basiese salaris in R p.a.* | Motorvoertuigtoelae in R p.a. | Totale vergoeding in R p.a. |
| Graad F | Speaker: Nasionale Vergadering (NV) Voorsitter: Nasionale Raad van Provinsies (NRP) | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Graad E1 | Adjunkspeaker: NV Adjunkvoorsitter: NRP | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |
| Graad E2 | Parlementêre Raadgewer: President HoofswEEP: Meerderheidsparty in NV HoofswEEP van NRP Leier van die Opposisie ingevolge artikel 57(2)(d) van die Grondwet | 333 516 | 83 379 | 416 895 | 350 196 | 87 549 | 437 745 | 366 876 | 91 719 | 458 595 |
| Graad D | Parlemenêre Raadgewer: Adjunkpresiden | 316 872 | 79 218 | 396 090 | 339 060 | 84 765 | 423 825 | 348 564 | 87 141 | 435 705 |
| Graad C1 | Voorsitter van 'n Komitee van 'n Huis of 'n Gesamentlike Komitee Voorsitter van Komitees | 307 056 | 76 764 | 383 820 | 328 548 | 82 137 | 410 685 | 337 752 | 84 438 | 422 190 |
| Graad C2 | HoofswEEP: Amptelike Opposisie/Grootste Minderheidsparty in 'n Huis AdjunkhoofswEEP: Meerderheidsparty in 'n Huis Adjunkvoorsitter van Komitees | 297 576 | 74 394 | 371 970 | 318 408 | 79 602 | 398 010 | 327 336 | 81 834 | 409 170 |
| Graad B | Leier van 'n Huis Sweep in 'n Huis Leier van 'n ander Minderheidsparty as die Amptelike Opposisie, waar die Leier 'n Lid is van die NV of 'n vaste afgevaardigde na die NRP | 285 612 | 71 403 | 357 015 | 299 892 | 74 973 | 374 865 | 314 172 | 78 543 | 392 715 |
| Graad A1 | Lid van die NV Vaste Afgevaardigde na die NRP | 254 052 | 63 513 | 317 565 | 271 836 | 67 959 | 339 795 | 279 456 | 69 864 | 349 320 |

* Ingeslote die bedrag van R40 000 per jaar wat in hierdie Proklamasie bepaal word as die bedrag waarop artikel 8 (1) (d) van die Inkomstebelastingwet, 1962, van toepassing is.

BYLAE 2

| Graad | Amp |
|----------|--|
| Graad F | <ul style="list-style-type: none"> Minister (Nasionale Uitvoerende Gesag) Premier van 'n Provinsie Speaker: Nasionale Vergadering (NV) Voorsitter: Nasionale Raad van Provinsies (NRP) |
| Graad E1 | <ul style="list-style-type: none"> Adjunkminister (Nasionale Uitvoerende Gesag) Adjunkspeaker: NV Adjunkvoorsitter: NRP Lid van die Uitvoerende Raad van 'n Provinsie Speaker: Provinsiale Wetgewer |
| Graad E2 | <ul style="list-style-type: none"> Parlementêre Raadgewer: President Hoofswep: Meerderheidsparty in NV Hoofswep van NRP Leier van die Opposisie ingevolge artikel 57(2)(d) van die Grondwet |
| Graad D | <ul style="list-style-type: none"> Parlementêre Raadgewer: Adjunkpresident Adjunkspeaker: Provinsiale Wetgewer |
| Graad C1 | <ul style="list-style-type: none"> Voorsitter van 'n Komitee van 'n Huis van die Parlement of 'n Gesamentlike Komitee Voorsitter van Komitees van 'n Huis van die Parlement Hoofswep: Meerderheidsparty in Provinsiale Wetgewer |
| Graad C2 | <ul style="list-style-type: none"> Hoofswep: Amptelike Opposisie/ Grootste Minderheidsparty in 'n Huis van die Parlement Adjunkhoofswep: Meerderheidsparty in 'n Huis van die Parlement Adjunkvoorsitter van Komitees van 'n Huis van die Parlement Leier van die Opposisie ingevolge artikel 116(2)(d) van die Grondwet: Provinsiale Wetgewer Voorsitter van 'n Komitee van 'n Provinsiale Wetgewer Voorsitter van Komitees: Provinsiale Wetgewer |
| Graad B | <ul style="list-style-type: none"> Leier van 'n Huis van die Parlement Sweep in 'n Huis van die Parlement Leier van 'n ander Minderheidsparty as die Amptelike Opposisie, waar die Leier 'n lid is van die NV of 'n vaste afgevaardigde na die NRP Hoofswep van Amptelike Opposisie/Grootste Minderheidsparty in 'n Provinsiale Wetgewer Adjunkhoofswep: Meerderheidsparty in 'n Provinsiale Wetgewer Adjunkvoorsitter van Komitees in 'n Provinsiale Wetgewer |
| Graad A1 | <ul style="list-style-type: none"> Lid van die NV Vaste Afgevaardigde na die NRP Leier van 'n Provinsiale Wetgewer Sweep: Provinsiale Wetgewer Leier van 'n Minderheidsparty (Provinsiale Wetgewer) anders as die Amptelike Opposisie |
| Graad A2 | <ul style="list-style-type: none"> Lid van 'n Provinsiale Wetgewer |

No. R. 73, 2002

DETERMINATION OF THE UPPER LIMIT OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES

1. In terms of section 6 (1) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) ("the Remuneration Act"), I hereby determine that upper limit of the annual salaries and allowances of the various grades of office bearers mentioned in Column 1 of Schedule 1 shall be as set out in Columns 2, 3 and 4 of the Schedule 1 with effect from 1 April 2002, subject to section 6(7)(a) and (b) of the Remuneration Act.
2. Column 4 Schedule 1 (Notch 3) applies to a re-elected member who at any time has occupied his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of at least 24 months in total, whether continuous or not, and whether before or after 2 June 1999.
3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph 2. When a re-elected member to whom Column 3 of Schedule 1 applies has held his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of 24 months in total, whether continuous or not, Column 4 of Schedule 1 (Notch 3) becomes applicable to that member.
4. Column 2 of Schedule 1 (Notch 1) applies to all members of Parliament who are not re-elected members.
5. For the purposes of calculating the period of 24 months referred to in paragraphs 2 and 3, a re-elected member who-
 - (a) was a member of Parliament or a Provincial Legislature on 1 June 1999; and

- (b) pursuant to the elections of 2 June 1999, was designated by the Electoral Commission as a member of the National Assembly or a Provincial Legislature, or appointed as a permanent delegate to the National Council of Provinces (NCOP) in terms of section 61 (2) (b) of the Constitution,

is regarded to have continued to occupy the position occupied by him or her on 1 June 1999 until so designated or appointed.

6. In terms of section 6(4) of the Remuneration Act, I determine the amount of R40 000,00 per annum as that portion of the remuneration of an office bearer mentioned in Column 1 of Schedule 1 to which section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply.
7. Except for the salaries and allowances provided for in this Proclamation, the office-bearers mentioned in Column 1 of Schedule 1 are not entitled to any other remuneration, whether directly or indirectly, in respect of the offices held by them.
8. In this Proclamation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Remuneration Act, the Constitution of the Republic of South Africa, 1996, or the relevant Rules and Orders contemplated in section 116 of the constitution, bears that meaning; and -
 - (a) "member of Parliament" means a member of the National Assembly or a permanent delegate to the National Council of Provinces; and
 - (b) "re-elected member" means a member of Parliament-

- (i) who at any time before 2 June 1999 occupied an office mentioned in Schedule 2; and
- (ii) whose service in any one or more of those offices has not been interrupted at any time for a continuous period of more than 24 months.

9. Proclamation No. 59 of 2001, published in the *Government Gazette* of 9 November 2001, is repealed.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-third day of September Two Thousand and Two.

T M MBEKI
PRESIDENT

G J FRASER-MOLEKETI
MINISTER OF THE CABINET

SCHEDULE 1

UPPER LIMIT OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES WITH EFFECT FROM 1 APRIL 2002

| COLUMN 1 | | COLUMN 2 (NOTCH 1) | | | COLUMN 3 (NOTCH 2) | | | COLUMN 4 (NOTCH 3) | | |
|----------|--|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|-------------------------|-----------------------------------|------------------------------|
| Grade | Office | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. | Basic salary in R p.a.* | Motor vehicle allowance in R p.a. | Total remuneration in R p.a. |
| Grade F | Premier | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Grade E1 | Executive Council Member Speaker | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |
| Grade D | Deputy Speaker | 316 872 | 79 218 | 396 090 | 339 060 | 84 765 | 423 825 | 348 564 | 87 141 | 435 705 |
| Grade C1 | Chief Whip: Majority Party | 307 056 | 76 764 | 383 820 | 328 548 | 82 137 | 410 685 | 337 752 | 84 438 | 422 190 |
| Grade C2 | Leader of Opposition in terms of Section 116(2)(d) of the Constitution Chairperson of a Committee of a Legislature Chairperson of Committees | 297 576 | 74 394 | 371 970 | 318 408 | 79 602 | 398 010 | 327 336 | 81 834 | 409 170 |
| Grade B | Chief Whip: Official Opposition/ Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees | 285 612 | 71 403 | 357 015 | 299 892 | 74 973 | 374 865 | 314 172 | 78 543 | 392 715 |
| Grade A1 | Leader of a Legislature Whip Leader of a Minority Party in a Legislature other than the Official Opposition | 254 052 | 63 513 | 317 565 | 271 836 | 67 959 | 339 795 | 279 456 | 69 864 | 349 320 |
| Grade A2 | Member of a Legislature | 244 668 | 61 167 | 305 835 | 252 012 | 63 003 | 315 015 | 269 136 | 67 284 | 336 420 |

* Includes the amount of R40 000 per annum determined in this Proclamation as the amount to which section 8 (1) (d) of the Income Tax Act, 1962, applies.

SCHEDULE 2

| Grade | Office |
|----------|--|
| Grade F | <ul style="list-style-type: none"> Minister (National Executive Authority) Premier of a Province Speaker: National Assembly Chairperson: National Council of Provinces (NCOP) |
| Grade E1 | <ul style="list-style-type: none"> Deputy Minister (National Executive Authority) Deputy Speaker: National Assembly Deputy Chairperson: NCOP Member of the Executive Council of a Province Speaker: Provincial Legislature |
| Grade E2 | <ul style="list-style-type: none"> Parliamentary Counsellor: President Chief Whip: Majority Party in National Assembly Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution. |
| Grade D | <ul style="list-style-type: none"> Parliamentary Counsellor: Deputy President Deputy Speaker: Provincial Legislature |
| Grade C1 | <ul style="list-style-type: none"> Chairperson of a Committee of a House of Parliament or a Joint Committee Chairperson of a Committees of a House of Parliament Chief Whip of Majority party: Provincial Legislature |
| Grade C2 | <ul style="list-style-type: none"> Chief Whip: Official Opposition/Largest Minority Party in a House of Parliament Deputy Chief Whip: Majority Party in a House of Parliament Deputy Chairperson of Committees of a House of Parliament Leader of Opposition in terms of section 116(2)(d) of the Constitution: Provincial Legislature Chairperson of a Committee of a Provincial Legislature Chairperson of Committees: Provincial Legislature |
| Grade B | <ul style="list-style-type: none"> Leader of a House of Parliament Whip in a House of Parliament Leader of a Minority Party other than the Official Opposition where that Leader is a member of the National Assembly or a permanent delegate to the NCOP Chief Whip of Official Opposition/Largest Minority Party: Provincial Legislature Deputy Chief Whip of Majority Party: Provincial Legislature. Deputy Chairperson of Committees: Provincial Legislature |
| Grade A1 | <ul style="list-style-type: none"> Member of the National Assembly Permanent Delegate to the NCOP Leader of Provincial Legislature Whip: Provincial Legislature Leader of a Minority Party in a Provincial Legislature other than the Official Opposition |
| Grade A2 | <ul style="list-style-type: none"> Member of a Provincial Legislature |

No. R. 73, 2002

**BEPALING VAN DIE BOONSTE PERK VAN DIE SALARISSE EN TOELAES VAN
PREMIERS, LEDE VAN UITVOERENDE RADE EN LEDE VAN PROVINSIALE
WETGEWERS**

- 1 Ingevolge artikel 6(1) van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) ("die Besoldigingwet"), bepaal ek hierby dat die boonste perk van die jaarlikse salarisse en toelaes van die onderskeie grade ampsbekleërs in Kolom 1 van Bylae 1 vermeld, met ingang van 1 April 2002 is soos in Kolom 2, 3 of 4 van Bylae 1 uiteengesit, behoudens artikel 6(7)(a) en (b) van die Besoldigingwet.
- 2 Kolom 4 van Bylae 1 (Kerf 3) is van toepassing op 'n herverkose lid wat te eniger tyd sy/haar huidige amp, of 'n amp in dieselfde of 'n hoër graad volgens Bylae 2, vir 'n totale tydperk van ten minste 24 maande bekleë het, hetsy aaneenlopend al dan nie, en hetsy voor of na 2 Junie 1999.
- 3 Kolom 3 van Bylae 1 (Kerf 2) is van toepassing op alle ander herverkose lede as dié wat in paragraaf 2 vermeld word. Sodra 'n herverkose lid op wie Kolom 3 van Bylae 1 van toepassing is sy/haar huidige amp of 'n amp in dieselfde of 'n hoër graad volgens Bylae 2 vir 'n totale tydperk van 24 maande bekleë het, hetsy aaneenlopend al dan nie, is Kolom 4 van Bylae 1 (Kerf 3) op daardie lid van toepassing.
- 4 Kolom 2 van Bylae 1 (Kerf 1) is van toepassing op alle lede van Provinsiale Wetgewers wat nie herverkose lede is nie.
- 5 By die berekening van die tydperk van 24 maande in paragrafe 2 en 3 bedoel, word dit geag dat 'n herverkose lid wat-
 - (a) op 1 Junie 1999 'n lid van die Parlement of 'n Provinsiale Wetgewer was; en

- (b) na die verkiesing van 2 Junie 1999, deur die Verkiesingskommissie as lid van die Nasionale Vergadering of 'n Provinsiale Wetgewer aangewys is, of ingevolge artikel 61(2)(b) van die Grondwet as 'n vaste afgevaardigde na die Nasionale Raad van Provinsies aangestel is,

aangebly het in die amp wat hy/sy op 1 Junie 1999 bekleë het totdat hy/sy aldus aangewys of aangestel is.

- 6 Ingevolge artikel 6(4) van die Besoldigingwet, bepaal ek die bedrag van R40 000,00 per jaar as daardie gedeelte van die besoldiging van 'n ampsbekleër in Kolom 1 van Bylae 1 vermeld waarop artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van toepassing is.
- 7 Behalwe vir die salarisse en toelaes waarvoor in hierdie Proklamasie voorsiening gemaak word, is die ampsbekleërs in Kolom 1 van Bylae 1 vermeld, nie op enige ander vergoeding, direk of indirek, geregtig ten opsigte van die ampte wat hulle bekleë nie.
- 8 In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Besoldigingwet, die Grondwet van die Republiek van Suid-Afrika, 1996, of die toepaslike Reëls en Orders beoog in artikel 116 van die Grondwet, toegeskryf is, daardie betekenis; en beteken -

- (a) "herverkose lid" 'n lid van 'n Provinsiale Wetgewer -

- (i) wat te eniger tyd voor 2 Junie 1999 'n amp wat in Bylae 2 vermeld word, bekleë het; en
- (ii) wie se diens in een of meer van daardie ampte nie te eniger tyd vir 'n aaneenlopende tydperk van langer as 24 maande onderbreek is nie; en

(b) "lid van die Parlement" 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde na die Nasionale Raad van Provinsies.

9 Proklamasie No. 59 van 2001, wat in die Staatskoerant van 9 November 2001, gepubliseer is, word herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Drie-en-twintigste dag van September Tweeduisend en twee.

TM MBEKI

PRESIDENT

GJ FRASER-MOLEKETI

MINISTER VAN DIE KABINET

BYLAE 1

**BOONSTE PERK VAN DIE SALARISSE EN TOELAES VAN PREMIERS, LEDE VAN UITVOERENDE RADE
EN LEDE VAN PROVINSIALE WETGEWERS MET INGANG VAN 1 APRIL 2002**

| KOLOM 1 | | KOLOM 2 (KERF 1) | | | KOLOM 3 (KERF 2) | | | KOLOM 4 (KERF 3) | | |
|----------|---|----------------------------------|---------------------------------------|--|----------------------------------|---------------------------------------|--|----------------------------------|---------------------------------------|--|
| Graad | Amp | Basiese salaris in R p.a.* | Motorvoer- tuigtoelae in R p.a. | Totale vergoe- ding in R p.a. | Basiese salaris in R p.a.* | Motorvoer- tuigtoelae in R p.a. | Totale vergoe- ding in R p.a. | Basiese salaris in R p.a.* | Motorvoer- tuigtoelae in R p.a. | Totale vergoe- ding in R p.a. |
| Graad F | Premier | 502 716 | 125 679 | 628 395 | 527 856 | 131 964 | 659 820 | 552 984 | 138 246 | 691 230 |
| Graad E1 | Lid van 'n Uitvoerende Raad Speaker | 408 600 | 102 150 | 510 750 | 429 036 | 107 259 | 536 295 | 449 460 | 112 365 | 561 825 |
| Graad D | Adjunk Speaker | 316 872 | 79 218 | 396 090 | 339 060 | 84 765 | 423 825 | 348 564 | 87 141 | 435 705 |
| Graad C1 | Hoofswep: Meerderheidsparty | 307 056 | 76 764 | 383 820 | 328 548 | 82 137 | 410 685 | 337 752 | 84 438 | 422 190 |
| Graad C2 | Leier van die Opposisie ingevolge artikel 116(2)(d) van die Grondwet Voorsitter van 'n Komitee van 'n Wetgewer Voorsitter van Komitees | 297 576 | 74 394 | 371 970 | 318 408 | 79 602 | 398 010 | 327 336 | 81 834 | 409 170 |
| Graad B | Hoofswep: Amptelike Opposisie/Grootste Minderheidsparty Adjunkhoofswep: Meerderheidsparty Adjunkvoorsitter van Komitees | 285 612 | 71 403 | 357 015 | 299 892 | 74 973 | 374 865 | 314 172 | 78 543 | 392 715 |
| Graad A1 | Leier van 'n Wetgewer Sweep Leier van 'n ander Minderheidsparty in 'n Wetgewer as die Amptelike Opposisie | 254 052 | 63 513 | 317 565 | 271 836 | 67 959 | 339 795 | 279 456 | 69 864 | 349 320 |
| Graad A2 | Lid van 'n Wetgewer | 244 668 | 61 167 | 305 835 | 252 012 | 63 003 | 315 015 | 269 136 | 67 284 | 336 420 |

* Ingeslote die bedrag van R40 000 per jaar wat in hierdie Proklamasie bepaal word as die bedrag waarop artikel 8 (1) (d) van die Inkomstebelastingwet, 1962, van toepassing is.

BYLAE 2

| Graad | Amp |
|----------|--|
| Graad F | <ul style="list-style-type: none"> Minister (Nasionale Uitvoerende Gesag) Premier van 'n Provinsie Speaker: Nasionale Vergadering (NV) Voorsitter: Nasionale Raad van Provinsies (NRP) |
| Graad E1 | <ul style="list-style-type: none"> Adjunkminister (Nasionale Uitvoerende Gesag) Adjunkspeaker: NV Adjunkvoorsitter: NRP Lid van die Uitvoerende Raad van 'n Provinsie Speaker: Provinsiale Wetgewer |
| Graad E2 | <ul style="list-style-type: none"> Parlementêre Raadgewer: President Hoofswep: Meerderheidsparty in NV Hoofswep van NRP Leier van die Opposisie ingevolge artikel 57(2)(d) van die Grondwet |
| Graad D | <ul style="list-style-type: none"> Parlementêre Raadgewer: Adjunkpresident Adjunkspeaker: Provinsiale Wetgewer |
| Graad C1 | <ul style="list-style-type: none"> Voorsitter van 'n Komitee van 'n Huis van die Parlement of 'n Gesamentlike Komitee Voorsitter van Komitees van 'n Huis van die Parlement Hoofswep: Meerderheidsparty in Provinsiale Wetgewer |
| Graad C2 | <ul style="list-style-type: none"> Hoofswep: Amptelike Opposisie/ Grootste Minderheidsparty in 'n Huis van die Parlement Adjunkhoofswep: Meerderheidsparty in 'n Huis van die Parlement Adjunkvoorsitter van Komitees van 'n Huis van die Parlement Leier van die Opposisie ingevolge artikel 116(2)(d) van die Grondwet: Provinsiale Wetgewer Voorsitter van 'n Komitee van 'n Provinsiale Wetgewer Voorsitter van Komitees: Provinsiale Wetgewer |
| Graad B | <ul style="list-style-type: none"> Leier van 'n Huis van die Parlement Sweep in 'n Huis van die Parlement Leier van 'n ander Minderheidsparty as die Amptelike Opposisie, waar die Leier 'n lid is van die NV of 'n vaste afgevaardigde na die NRP Hoofswep van Amptelike Opposisie/Grootste Minderheidsparty in 'n Provinsiale Wetgewer Adjunkhoofswep: Meerderheidsparty in 'n Provinsiale Wetgewer Adjunkvoorsitter van Komitees in 'n Provinsiale Wetgewer |
| Graad A1 | <ul style="list-style-type: none"> Lid van die NV Vaste Afgevaardigde na die NRP Leier van 'n Provinsiale Wetgewer Sweep: Provinsiale Wetgewer Leier van 'n Minderheidsparty (Provinsiale Wetgewer) anders as die Amptelike Opposisie |
| Graad A2 | <ul style="list-style-type: none"> Lid van 'n Provinsiale Wetgewer |

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 1206

4 October 2002

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

WINTER CEREAL SCHEME: AMENDMENTS

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 27(2) of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) publish the amendments set out in the Schedule, of the Winter Cereal Scheme published by Proclamation No. R. 162 of 1974, as amended; and
- (b) declare that the said amendment shall come into operation on the date of the publication hereof.


A.T. DIDIZA,
Minister of Agriculture.

SCHEDULE

Definition

1. Any word or expression in this Schedule to which a meaning has been assigned in the Scheme shall have that meaning, and "the Scheme" means the Winter Cereal Scheme published by Proclamation No. R. 162 of 1974, as amended by Proclamations Nos. R. 188 of 1974, R. 1 of 1978, R. 136 of 1978, R. 124 of 1979 and R. 162 of 1980 and Government Notices Nos. R. 1469 of 11 July 1986, R. 2312 of 7 November 1986, R. 1105 of 22 May 1987 (as corrected by Government Notice No. R. 1246 of 5 June 1987), R. 2216 of 2 October 1987, R. 2533 of 13 November 1987, R. 1934 of 23 September 1988, R. 1730 of 11 August 1989, R. 2206 of 13 October 1989, R. 89 of 19 January 1990, R. 1621 of 12 July 1991, R. 661 of 28 February 1992, R. 1367 of 15 May 1992, R. 2021 of 25 November 1994, R. 1939 of 22 December 1995 and R. 453 of 3 April 1998.

Amendment of section 1 of the Scheme

2. Section 1 of the Scheme is hereby amended by the insertion of the following paragraph after paragraph (b):

- "(c) The Trust means the Winter Cereal Trust duly registered by a Trust Deed with the Master of the High Court under registration number IT11410/97."

Substitution of section 30 of the Scheme

3. The following section is hereby substituted for section 30 of the Scheme:

- "30. In the event of discontinuance of the Scheme all the assets of the Board after all its debts have been paid, shall be handed over to the Trustees of the Winter Cereal Trust and the assets so handed over shall be utilised by the Trustees in accordance with the objectives of the Trust for the advancement of the Winter Cereal Industry."

No. R. 1206

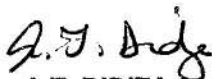
4 Oktober 2002

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996)

WINTERGRAANSKEMA: WYSIGINGS

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 27(2) van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) –

- (a) publiseer hiermee die wysiging in the Bylae uiteengesit, van die Wintergraanskema gepubliseer by Proklamasie No. R. 162 van 1974, soos gewysig; en
- (b) verklaar hiermee dat genoemde wysiging op die datum van publikasie hiervan in werking tree.



A.T. DIDIZA,
Minister van Landbou.

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis en beteken "die Skema" die Wintergraanskema gepubliseer by Proklamasie No. R. 162 van 1974, soos gewysig deur Proklamasies Nos. R. 188 van 1974, R. 1 van 1978, R. 136 van 1978, R. 124 van 1979 en R. 162 van 1980 en Goewermenskennisgewings Nos. R. 1469 van 11 Julie 1986, R. 2312 van 7 November 1986, R. 1105 van 22 Mei 1987 (soos verbeter deur Goewermenskennisgewing No. R. 1246 van 5 Junie 1987), R. 2216 van 2 Oktober 1987, R. 2533 van 13 November 1987, R. 1934 van 23 September 1988, R. 1730 van 11 Augustus 1989, R. 2206 van 13 Oktober 1989, R. 89 van 19 Januarie 1990, R. 1621 van 12 Julie 1991, R. 661 van 28 Februarie 1992, R. 1367 van 15 Mei 1992, R. 2021 van 25 November 1994, R. 1939 van 22 Desember 1995 en R. 453 van 3 April 1998.

Wysiging van artikel 1 van die Skema

2. Artikel 1 van die Skema word hierby gewysig deur die volgende paragraaf na paragraaf (b) in te voeg:

- "(c) Met die Trust word bedoel die Wintergraan Trust geregistreer deur 'n Trust Akte by die Regter van die Hooggeregshof onder registrasie nommer IT11410/97."

Vervanging van artikel 30 van die Skema

3. Artikel 30 van die Skema word hierby deur die volgende artikel vervang:

- "30. In geval hierdie Skema opgehef word, word die oorblywende bates van die Raad, nadat al sy skulde betaal is, oorhandig aan die Trustees van die Wintergraan Trust en enige bates sodanig oorhandig, sal aangewend word deur Trustees in ooreenstemming met die doelwitte van die Trust vir die bevordering van die wintergraanbedryf."

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 1207

4 October 2002

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

**BUILDING INDUSTRY BARGAINING COUNCIL (CAPE OF GOOD HOPE):
EXTENSION OF COLLECTIVE AGREEMENT TO NON-PARTIES**

The following corrections to Government Notice No. R. 1055 appearing in Government Gazette No. 22772 of 1 November 2001, are hereby published for general information:

1. In the English text of the Schedule:

CLAUSE 25. RESOLUTION OF DISPUTES

- (1) In sub-clause (1)(m)(b)(i), delete the words "or Table Two".
- (2) In sub-clause (1)(m)(b)(ii), insert the words "or Table Two" after the words "Table One".

2. In the Afrikaans text of the Schedule:

KLOUSULE 25. BESLEGTING VAN GESKILLE

In sub-clause (1)(m)(b)(ii), insert the words "of Tabel Twee" after the words "Tabel Een".

No. R. 1207

4 Oktober 2002

WET OP ARBEIDSVARHOUDINGE, 1995**VERBETERINGSKENNISGEWING****BEDINGINGSRAAD VIR DIE BOUNYWERHEID (KAAP DIE GOEIE
HOOP): UITBREIDING VAN KOLLEKTIEWE OOREENKOMS NA NIE-
PARTYE**

Onderstaande verbeterings aan Goewermmentskennisgewing No. R. 1055 wat in Staatskoerant No. 22772 van 1 November 2001 verskyn, word hierby vir algemene inligting gepubliseer:

1. In die Engelse teks van die Bylae:

CLAUSE 25. RESOLUTION OF DISPUTES

- (1) In sub-klousule (1)(m)(b)(i), skrap die woorde "or Table Two".
- (2) In sub-klousule (1)(m)(b)(ii), voeg die woorde "or Table Two" in na die woorde "Table One".

2. In die Afrikaanse teks van die Bylae:

KLOUSULE 25. BESLEGTING VAN GESKILLE

In sub-klousule (1)(m)(b)(ii), voeg die woorde "of Tabel Twee" in na die woorde "Tabel Een".

No. R. 1224

4 October 2002

**MANPOWER TRAINING ACT; 1981 READ WITH ITEM 4 OF SCHEDULE 2
OF THE SKILLS DEVELOPMENT ACT, 1998.****CLOTHING, TEXTILE, FOOTWEAR AND LEATHER SECTOR
EDUCATION AND TRAINING AUTHORITY-CTFL****AMENDMENT OF CONDITIONS OF TEXTILE INDUSTRY
APPRENTICESHIP**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour; acting in terms of section 13 of the Manpower Training Act, 1981, hereby amend, with effect from the date of publication of this notice, Government Notice No. R.2708 of 15 November 1991, as amended by Government Notices No.R.1943 of 10 July 1992, R.2780 of 2 October 1992, R.719 of 30 April 1993, R.1420 of 6 August 1993, R.1962 of 15 October 1993, R.2531 of 31 December 1993, R.1404 of 31 October 1997, R.348 of 13 March 1998 and R.850 of 26 June 1998 by the substitution of clause 3 (1) of the Conditions of Apprenticeship of the following:

“3(1) An employer shall pay an apprentice monthly or weekly in accordance with the apprentice’s year of recognized level of development, at not less than rates specified below:

Accredited level of development in accordance with the training schedules:

| | <i>Per week</i> |
|--------------|-----------------|
| First Level | R465, 00 |
| Second Level | R513, 00 |
| Third Level | R610, 00” |



M.M.S.MDLADLANA
Minister of Labour

No. R. 1215**4 October 2002**

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICES

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA:
AGREEMENT FOR THE GENERAL GOODS AND HANDBAG SECTION**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1316 of 6 November 1998, R. 288 of 12 March 1999, R. 1273 of 29 October 1999, R. 46 of 28 January 2000, R. 647 of 30 June 2000, R. 1173 of 24 November 2000, R. 388 of 18 May 2001, R. 1223 of 30 November 2001 and R. 692 of 17 May 2002 with effect from 14 October 2002.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1215**4 Oktober 2002**

WET OP ARBEIDSVERHOUDINGE, 1995

INTREKKING VAN GOEWERMENSKENNISGEWINGS

**NASIONALE BEDINGINGSRAAD VIR DIE LEERNYWERHEID VAN SUID-AFRIKA:
OOREENKOMS VIR DIE ALGEMENE GOEDERE EN HANDSAKSEKSIE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32(7) van die Wet op Arbeidsverhoudinge, 1995, Goewermenskennisgewings Nos. R. 1316 van 6 November 1998, R. 288 van 12 Maart 1999, R. 1273 van 29 Oktober 1999, R. 46 van 28 Januarie 2000, R. 647 van 30 Junie 2000, R. 1173 van 24 November 2000, R. 388 van 18 Mei 2001, R. 1223 van 30 November 2001 en R. 692 van 17 Mei 2002 in, met ingang van 14 Oktober 2002.

M. M. S. MDLADLANA

Minister van Arbeid

No. R. 1216**4 October 2002**

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF COLLECTIVE
RE-ENACTING AND AMENDING AGREEMENT FOR THE GENERAL GOODS AND HANDBAG SECTION 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 Leather Industry of South Africa 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 14 October 2002 and for the period ending 30 June 2003.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1216**4 Oktober 2002**

WET OP ARBEIDSVERHOUDINGE, 1995

**NASIONALE BEDINGINGSRAAD VIR DIE LEERNYWERHEID VAN SUID-AFRIKA: UITBREIDING VAN KOLLEKTIEWE
HERBEKRAGTIGING- EN WYSIGINGSOOREENKOMS VIR DIE ALGEMENE GOEDERE- EN HANDSAKSEKSIE 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 Engelse Bylae hiervan verskyn en wat in die Bedingingsraad vir die Leernywerheid van Suid-Afrika 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 14 Oktober 2002, en vir die tydperk wat op 30 Junie 2003 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

Nota: 'n Afrikaanse vertaling van die Bylae by die Engelse kennisgewing, is beskikbaar by die Raad.

SCHEDULE**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA****GENERAL GOODS AND HANDBAG SECTION****COLLECTIVE AGREEMENT**

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

- (a) Association of South African Manufacturers of Luggage, Handbags and General Goods (hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the
 - (b) National Union of Leather and Allied Workers (N.U.L.A.W.)
 - and
 - (c) Southern African Clothing and Textile Workers' Union
- (hereinafter referred to as the "employees" or the "trade union"), of the other part, being the parties to the National Bargaining Council of the Leather Industry of South Africa.

1. SCOPE OF APPLICATION OF AGREEMENT

Substitute the following for Scope of Application of Agreement:

- (1) The terms of this Agreement shall be observed in the General Goods and Handbag Section of the Leather Industry:
 - (a) in the Republic of South Africa, which includes the former Republic of Transkei, the former Republic of Bophuthatswana, the former Republic of Venda and the former Republic of Ciskei, as well the former self-governing territories of Kwa-Zulu, Qwa-Qwa, Lebowa, Gazankulu, KaNgwane and KwaNdebele.
 - (b) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions who are engaged or employed in the above section of the Leather Industry, respectively;
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to the employees for whom wages are prescribed in Annexure C to the Agreement, and to the employers of such employees.
- (3) The terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (b), 2 and 3.

2. PERIOD OF OPERATION

This Agreement shall come into operation on such date as the Minister of Labour extends the Agreement to non-parties and shall remain in force for the period ending 30 June 2003.

3. SPECIAL PROVISIONS

The provisions contained in clauses 13 and 25 of the Agreement published under Government Notice No. R. 1316 of 6 November 1998, as amended and renewed by Government Notices No. R. 288 of 12 March 1999, R. 1273 of 29 October 1999, R. 46 of 28 January 2000, R. 647 of 30 June 2000, R. 1173 of 24 November 2000, R. 388 of 18 May 2001, R. 1223 of 30 November 2001 and R. 692 of 17 May 2002 (hereinafter referred to as the "Former Agreement"), as further amended, re-enacted and renewed from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 12 and 14 to 24 of the Former Agreement (as further amended, re-enacted and renewed from time to time, shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

- (1) Substitute the following for the definition of "General Goods Section":

"General Goods and Handbag Section" of the Leather Industry means that part of the industry in which employers and employees are associated for the manufacture of—

- (a) travel goods and requisites, including suitcases, trunks, travelling, folding, sling, shopping, knitting and school bags, satchels, rucksacks, attaché, brief and vanity cases, and other similar containers;
- (b) harnesses, saddlery, bridles, saddle-bags, girths, leggings, stirrup straps and other similar equipment, wallets, purses, tobacco pouches, cases and boxes for jewellery, musical instruments, binoculars, arms, footwear, bottles, cigarettes, cigars and pipes, dog-collars and leads, watch straps, rug straps, belts, braces, suspenders, garters, armlets (excluding belts, braces, suspenders, garters, armlets manufactured from cloth), and other similar articles designed as substitutes;
- (c) handbags and other bags, and containers designed to hold ladies' and gentlemen's personal effects;
- (d) footballs, punchballs, netball balls and boxing gloves;
- (e) hockey and cricket balls; provided that the activities listed under subparagraphs (a) and (b) shall not include —
 - (aa) the manufacture of metal components and/or attachments;

- (bb) the manufacture of canvas bank bags, canvas kitbags, canvas rucksacks, canvas haversacks, canvas sampling bags and canvas explosives bags;
- (cc) the manufacture of any article from rubber;
- (dd) the manufacture of any article or the practice of any trade or occupation covered by the "Printing Industry" which, without in any way limiting the generally accepted meaning of the term, means the industry or undertaking in which employers and employees are associated for the production of printed matter of any nature whatsoever;
- (ee) the manufacture of any article from metal or any kind of container (with or without metal parts) from fibre and/or cardboard (corrugated or otherwise) and/or paper or any compound of paper and/or any like material, a constituent part of which is fibre and/or cardboard and/or paper and/or any constituent of paper and/or plastic, but excluding the manufacture wholly or mainly from fibre or plastic sheeting material of trunks, attaché cases, bags and all similar containers designed to hold personal effects, musical instruments and sporting kit.

The word "plastic" in the paragraph directly above means any of the group of materials which consists of or contains as an essential ingredient an organic substance of a large molecular mass, and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shapes by flow, usually through the application singly or together of heat and pressure.

(2) Delete the definition of "Handbag Section"

(3) Substitute the following for the definition "Industry" or "Leather Industry":

"Industry" or "Leather Industry" means the industry in which employers and their employees are associated for one or more of the following purposes:

1. The manufacture of—

- (a) footwear, excluding bespoke footwear;
- (b) travel goods and requisites, including suitcases, trunks, travelling, folding, sling, shopping, knitting and school bags, satchels, rucksacks, attaché, brief and vanity cases, and other similar containers;
- (c) harnesses, saddlery, bridles, saddle-bags, girths, leggings, stirrup straps and other similar equipment, wallets, purses, tobacco pouches, cases and boxes for jewellery, musical instruments, binoculars, arms, footwear, bottles, cigarettes, cigars and pipes, dog-collars and leads, watch-straps, rug straps, belts, braces, suspenders, garters, armlets, (excluding belts, braces, suspenders, garters, armlets (excluding belts, braces, suspenders, garters, armlets manufactured from cloth), and other similar articles designed as substitutes;
- (d) handbags and other bags, and containers designed to hold ladies' and gentlemen's personal effects;
- (e) footballs, punchballs, netball balls and boxing gloves;
- (f) hockey and cricket balls.

2. (a) For the tanning, dressing and fellmongering of hides and skins; and

- (b) (i) preparation of cured or uncured hides and/or skins for tanning: for this purpose "preparation of hides and/or skins for tanning" without detracting from its ordinary or technical meaning, includes the following: washing, soaking, fleshing, deburring, liming, unhairing, dewooling, the removal of scales, deliming, bating and pickling; and
- (ii) tanning of the cured or uncured hides and/or skins; and/or
- (iii) retanning and/or dyeing and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or the combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and
- (iv) cutting of upholstery panels from leather: Provided that, for the purposes of subparagraphs (i) to (iii) "Hides and Skins", includes the following:

Pelts with or without the fur on; sheepskins with or without the wool on; game and goat skins with or without the hair on; all types of reptile skins, and bird skins with or without the feathers attached: Provided that the activities listed under subparagraph (1) (b) and (c) shall not include—

- (aa) the manufacture of metal components and/or attachments;
- (bb) the manufacture of canvas bank bags, canvas kitbags, canvas rucksacks, canvas haversacks, canvas sampling bags and canvas explosives bags;
- (cc) the manufacture of any article from rubber;
- (dd) the manufacture of any article or the practice of any trade or occupation covered by the "Printing Industry" which, without in any way limiting the generally accepted meaning of the term, means the industry or undertaking in which employers and employees are associated for the production of printed matter of any nature whatsoever;

- (ee) the manufacture of any article from metal or any kind of container (with or without metal parts) from fibre and/or cardboard (corrugated or otherwise) and/or paper or any compound of paper and/or any like material a constituent part of which is fibre and/or cardboard and/or paper and/or any constituent of paper and/or plastic, but excluding the manufacture wholly or mainly from fibre or plastic sheeting material of trunks, attaché cases, bags and all similar containers designed to hold personal effects, musical instruments and sporting kit.

The word "plastic" in the paragraph directly above means any of the group of materials which consist of or contain as an essential ingredient an organic substance of a large molecular mass, and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shapes by flow, usually through the application singly or together of heat and pressure.

6. CLAUSE 4: WAGES, RATES AND REMUNERATION

Insert the following new subclause (15):

(15) Phasing-in Period:

Non-party employers who previously operated outside the Council's geographical scope as at 8 February 2001 and who are paying wages at less than the wages prescribed in Annexure C of the Agreement, will be granted a concession allowing these employers to adjust the difference between the wage currently being paid and the wage prescribed in Annexure C in terms of the undermentioned time frame:

From 1 July 2002 by 33 $\frac{1}{3}$ % of the difference.

From 1 July 2003 by 50% of the balance of the difference.

From 1 July 2004 compliance with prescribed rate.

Employers requiring further exemption, will have to apply for such in terms of the provisions of clause 23.

7. CLAUSE 8: PUBLIC HOLIDAYS, ANNUAL HOLIDAYS, MATERNITY AND SICK LEAVE

Substitute the following for subclause 11 Family Responsibility Leave:

(11) Family Responsibility Leave

Employees shall be entitled to one day's paid and two day's unpaid Family Responsibility Leave. Employees may be required to submit proof of the event as specified in the Basic Conditions of Employment Act, 1997, in respect of payment for such leave.

8. CLAUSE 10: TERMINATION OF EMPLOYMENT

(1) Delete subclause (6) Termination of Contract due to Short-time.

(2) Re-number subclause (7) Service Certificates to read (6) Service Certificates.

9. ANNEXURE C

Substitute the following for Annexure C:

ANNEXURE C

Nothing in this Agreement shall operate to reduce any time wage at present being paid which is more favourable to an employee than that laid down in this Agreement for such employees while he remains in the service of the same employer.

1. WAGE RATES

| | Column A Per Week | Column B Per Week |
|---|----------------------|----------------------|
| (A) The following wage rates shall be paid to employees engaged in the General Goods & Handbag Section of the Industry: | | |
| (i) Foreman | 647,13 | 711,84 |
| (ii) Charge Hand/Team Leader | 491,68 | 540,85 |
| (iii) Despatch Clerk | 414,04 | 455,44 |
| (iv) Driver of a motor vehicle authorised to carry or haul a payload of— | | |
| (a) under 2 722 kg | 429,13 | 472,04 |
| (b) 2 722 kg and over | 491,68 | 540,85 |
| (v) General worker | 320,25 | 352,28 |
| (vi) Night-watchman | 348,38 | 383,22 |
| (vii) Packer | 320,25 | 352,28 |
| (viii) Storeman | 414,04 | 455,44 |

| | Column A Per Week | Column B Per Week |
|---|----------------------|----------------------|
| (B) The following wage rates shall be paid to qualified employees engaged in the manufacture of travelling requisites, saddlery, harnesses, braces, personal goods and handbags: | | |
| (i) Grade A1 | 320,25 | 352,28 |
| (ii) Grade A2 | 348,38 | 383,22 |
| (iii) Grade A3 | 414,04 | 455,44 |
| (iv) Grade B1 | 429,13 | 472,04 |
| (v) Grade B2 | 491,68 | 540,85 |
| (vi) Grade B3 | 538,38 | 592,22 |
| (C) The following wage rates shall be paid to qualified employees engaged in the manufacture of balls in the Magisterial Districts of Bellville, Goodwood and Durban and cricket and hockey balls in the Magisterial District of Wynberg: | | |
| (i) Grade A1 | 320,25 | 352,28 |
| (ii) Grade A2 | 348,38 | 383,22 |
| (iii) Grade A3 | 414,04 | 455,44 |
| (iv) Grade B1 | 429,13 | 472,04 |
| (v) Grade B2 | 491,68 | 540,85 |
| (vi) Grade B3 | 538,38 | 592,22 |
| (D) The following wage rates shall be paid to Learners, other than those referred to in subclause (A): | | |
| During the first six months of experience | 226,15 | 248,77 |
| During the second six months of experience | 259,61 | 285,57 |
| During the third six months of experience | 309,91 | 340,90 |
| Provided that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience. | | |

2. PROPORTION AND RATIO OF EMPLOYEES

(1) Travelling Requisites:

- (a) Not less than one foreman shall be employed in every establishment.
- (b) In each of the wage categories listed in paragraphs (i), (ii), (iii), (iv), (v) and (vi) of subclause (C) not more than one learner may be employed for every qualified employee employed in that category.

(2) Saddlery:

- (a) Not less than one foreman shall be employed in every establishment.
- (b) In each of the wage categories listed in paragraphs (ii), (iii), (iv), (v) and (vi) of sub-clause (C), not more than one learner may be employed for every qualified employee employed in that category.

(3) Harness:

- (a) Not less than one foreman shall be employed in each establishment.
- (b) For each employee receiving a wage of not less than R352,28 per week during the period ending 30 June 2003, not more than one employee may be employed at a wage less than R352,28 per week during the period ending 30 June 2002: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be employed.

(4) Braces:

For each employee receiving a wage of not less than R352,28 per week during the period ending 30 June 2003, not more than one employee may be employed at a wage of less than R352,28 per week during the period ending 30 June 2003: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be employed.

(5) Personal Goods:

For each employee receiving a wage of not less than R352,28 per week during the period ending 30 June 2003, not more than one employee may be employed at a wage of less than R352,28 per week during the period ending 30 June 2003: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be employed.

(6) Handbags:

- (a) Not less than one Foreman shall be employed in each establishment.

- (b) The number of learners employed in each establishment shall not exceed three such employees to every qualified employee employed in such establishment.
- (c) Notwithstanding the provisions of subclause (a), the following departmental ratios shall be observed:
 - (i) Cutting Department—No more than three learner cutters shall be employed to every two qualified cutters employed in each establishment.
 - (ii) Machining Department—Not more than three learner machinists shall be employed to every two qualified machinists employed in each establishment.
 - (iii) Handbag Framing Department—Not more than three learner handbag framers shall be employed to every two qualified handbag framers employed in each establishment.

Signed by the parties at Port Elizabeth on this 25th day of July 2002.

F.G. DAVIDSON:

(Member of the Council)

M. PAULSEN:

(Member of the Council)

W. VAN DER RHEEDE:

(Member of the Council)

L.M. VAN LOGGERENBERG:

(General Secretary of the Council)

No. R. 1222

4 October 2002

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA: EXTENSION OF PROVIDENT FUND COLLECTIVE AGREEMENT FOR THE SERVICING SECTION CAPE (REGION D) 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 National Bargaining Council for the Electrical Industry of South Africa 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 14 October 2002, and for the period ending 31 May 2004.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1222

4 Oktober 2002

WET OP ARBEIDSVERHOUDINGE, 1995

NASIONALE BEDINGINGSRAAD VIR DIE ELEKTROTEGNIËSE NYWERHEID VAN SUID-AFRIKA: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE OOREENKOMS VIR DIE BEDIENINGSEKSIE KAAP (STREEK D) 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 Engelse Bylae hiervan verskyn en wat in die Nasionale Bedingingsraad vir die Elektrotegniese Nywerheid 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 14 Oktober 2002, en vir die tydperk wat op 31 Mei 2004 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA

SERVICING SECTION

PROVIDENT FUND COLLECTIVE AGREEMENT

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

Electrical Engineering and Allied Industries' Association

Employers' Organisation for the Electrical Servicing and Engineering Industry

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

National Employees' Trade Union
South African Electrical Workers' Association
Metal and Electrical Workers' Union of South Africa
National Union of Metalworkers of South Africa
 and the
Electronic and Metal Workers' Union of South Africa

(hereinafter referred to as the "employees" or "trade unions"), of the other part, being parties to the National Bargaining Council for the Electrical Industry of South Africa.

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Electrical Servicing Industry (Cape)—
 - (a) by all employers and employees who are members of the employers' organisations and the trade unions, respectively;
 - (b) in the Magisterial Districts of Bellville, Caledon, Clanwilliam, Grabouw, Hermanus, Malmesbury, Montagu, Paarl, Robertson, Simonstown, Somerset West, Stellenbosch, Strand, Swellendam, The Cape and Wynberg.
- (2) The terms of this agreement shall not apply—
 - (a) to employers and employees engaged or employed in the Electrical Contracting Section of the Industry;
 - (b) to any employee who, on 1 May 1991 was, or thereafter becomes a participant in and member of any other fund providing provident and/or pension benefits, which was in existence on the said date and in which the employer of that employee was on the said date a participant or to the employer of that employee during such period only as such other fund continues to operate and both employer and employee are participants therein: Provident that a fund which provides solely for payment of benefits on death shall not be deemed to be a pension or provident fund for purposes of this Agreement.
- (3) Notwithstanding the provisions of subclause (2) (b), the terms of this Agreement shall apply to employers and employees in respect of any employee who is not covered by, or ceases to be covered by a fund referred to in that subclause.
- (4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subclause (2)(b) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in clause 6 of this Agreement, subject to any such amendment being retroactive to the date of coming into operation of this Agreement.
- (5) The terms of this Agreement shall not apply to an employer and his employee who are governed by and fall within the scope of application of the Electrical Industry (Cape) Pension Fund Collective Agreement for the Servicing Section.
- (6) Clauses 1 (1) (a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions respectively.

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 Labour Relations Act, 1995, and shall remain in force until 31 May 2004.

3. DEFINITIONS

Any expression used in this Agreement that is defined in the Labour Relations Act, 1995, shall have the same meaning as in that Act, and any reference to an Act shall include any amendments to such Act; further, unless inconsistent with the context—

"agreement" means an agreement as defined in the Labour Relations Act, 1995, operative in the Servicing Section of the Electrical Industry, and shall include any succeeding agreement and/or any extensions and/or amendments thereof, and shall further include any agreements as defined in the said Act if such agreement has expired but was operative at the date of coming into operation of this Agreement or became operative after the date of coming into operation of this Agreement;

"apprentice" means an employee serving under a written contract of apprenticeship recognised by the Council or a contract of apprenticeship registered under the Manpower Training Act, 1981, or employed under any pre-apprenticeship arrangement;

"Council" means the National Bargaining Council for the Electrical Industry of South Africa (Cape Region), registered in terms of section 29 of the Act;

"Electrical Industry" or **"Industry"** means, without in any way limiting the ordinary meaning of the expression, the Industry in which the employers and employees are associated for any of all of the following:

- (a) The design, preparation, erection, installation, repair and maintenance of all electrical equipment forming an integral and permanent part of buildings and/or structures including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere;

- (b) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the purpose for which a building and/or structures are used including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere;

"employee" means an employee, including an apprentice, whose minimum rate of pay is scheduled in any agreement as defined above in the Servicing Section of the Electrical Industry;

"establishment" means any premises wherein or whereon the industry, or part thereof, as herein defined, is carried on;

- (c) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the construction, alteration, repair and maintenance of buildings and/or structures including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere;
- (d) the design, preparation, erection, installation, repair and maintenance of all electrical equipment not covered by (a), (b) or (c) above, including any wiring, cable jointing and laying and electrical overhead line construction, and all other jointing and laying and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere;

and further, for the purpose of this definition "design, preparation, erection, installation, repair and maintenance" shall not include—

- (i) the manufacture and/or assembly of the aforementioned equipment or component parts thereof;
- (ii) the wiring or installation in motor vehicles of lighting, heating or other equipment or fixtures whether permanent or otherwise;
- (iii) the manufacture, repair and servicing of motor vehicle batteries;
- (iv) the manufacture, repair and servicing of typewriter and office appliances;
- (v) the manufacture and/or assembly and/or installation and/or repair and/or maintenance of lifts and/or escalators;

"law" includes the common law;

"Main Agreement" means the Main Collective Agreement published under a Government Notice for the Servicing Section of the Electrical Industry or any succeeding agreement and includes any amendment, re-enactment or extension thereof, and further includes the Main Agreement during any period that it is expired;

"Management Committee" means the Management Committee appointed by Council in terms of its constitution;

"Pension Fund" means the Metal Industries Group Pension Fund, established on 7 February 1966 in terms of Government Notice No. R. 141 of 28 January 1966;

"pensionable remuneration" means the actual wages payable to an employee by the employer each week in respect of the ordinary hours worked by such employee in the shifts of the establishment concerned during such week, including monies payable in terms of any agreement or under any law, but excluding amounts paid in respect of overtime, shift and other allowances and holiday leave bonuses, but including amounts paid in respect of overtime hours worked to make up lost ordinary hours, and for the purposes of this definition—

- (a) in the case of a monthly-paid employee, his pensionable remuneration shall be the amount determined as above, converted on the basis that one month equals 4 1/3 weeks;
- (b) "shift" means that period of work ordinarily worked by an employee in any period of 24 hours;

"Permanent Disability Scheme" means the Permanent Disability Scheme constituted to organise and provide permanent disability benefits for the employees of employers in the group of industries known as the Iron, Steel, Engineering and Metallurgical Industries in the Republic of South Africa and such other industry/industries in the Republic as may from time to time be admitted to participate in the Scheme by the Board of Management in terms of the constitution of the Scheme;

4. CONTINUATION OF THE FUND

(1) The Metal Industries' Provident Fund (hereinafter referred to as the "Fund"), established in terms of Government Notice No. R. 624 of 19 April 1991, is hereby continued.

(2) The Fund shall consist of—

- (a) all monies and assets standing to the credit of the fund as at the date of coming into operation of the Agreement;
- (b) all contributions paid by employers and members in accordance with clause 6 of this Agreement;
- (c) all investment income derived from the investment of any monies of the fund; and
- (d) any other monies to which the fund may become entitled.

5. MEMBERSHIP

(1) Each employee who becomes an employee falling within the scope of this Agreement on or after the date of coming into operation of this Agreement shall be required to choose either to become a member of this Fund or a member of the Engineering Industries' Pension Fund. Such choice shall be made on the date on which he becomes an employee falling within the scope of this Agreement. Membership of the relevant Fund shall commence on that date.

(2) If an employee to whom subclause (1) applies does not choose either to become a member of this Fund or a member of the Engineering Industries' Pension Fund on the date on which he becomes an employee falling within the scope of this Agreement, he shall be required to become a member of either this Fund or the Engineering Industries' Pension Fund, depending on his wages, as follows:

- (a) Employees earning in excess of the amount stipulated in the Main Agreement as the minimum wage of an employee in job category DDD shall be deemed to be members of the Engineering Industries' Pension Fund.
- (b) All other employees shall be deemed to be members of this Fund: Provided that where the Main Agreement has expired, the last reference shall be to the most recently expired Main Agreement.

(3) An employee to whom subclause (1) and/or (2) applies shall be entitled for a period of three months from the date on which he becomes an employee falling within the scope of this Agreement to withdraw from membership of this Fund in order to become a member of the other Fund.

In such case, membership of the Fund to which the employee transfers shall be made retrospective to the date on which contributions commenced to this Fund, and the benefits earned in the name of the employee concerned shall be transferred to the Fund chosen in terms hereof. There shall be no refund of contributions to either the employee or employer. The right of an employee to transfer membership in terms of this subclause shall terminate on the expiry of the above three-month period.

(4) If an employee who has become a member of this Fund ceases to fall within the scope of this Agreement as a result of his ceasing to be in service in the Industry or as a result of a specific exemption under clause 9 of this Agreement, but subsequently falls within the scope of this Agreement, then—

- (a) if his benefit under this Fund or the Group Pension Fund (prior to 1 May 1991) has not been paid out, he shall have the choice provided for in subclause (1);
- (b) if his benefit under this Fund or the Group Pension Fund (prior to 1 May 1991) has not been paid out, he shall not have the choice provided for in subclause (1) but shall automatically become a member of the Fund of which he was previously a member.

(5) If an employee terminated his membership of this Fund or the Engineering Industries' Pension Fund prior to 1 May 1991 and subsequently falls within the scope of this Agreement, or the Engineering Industries Pension Fund Agreement, then regardless of whether or not his benefit under the above funds have been paid out, he shall have the choice provided for in subclause (1).

(6) The provisions of subclauses (2) and (3) shall also apply to an employee referred to in subclauses (4) (a) and (5).

(7) Except as provided in this clause, an employee who remains in service in the Industry and continues to fall within the scope of this Agreement may not withdraw from membership of the Pension Fund or Provident Fund unless specifically exempted under clause 9 of this Agreement.

6. CONTRIBUTIONS

(1) Contributions, as hereinafter provided for, shall be made by employees and employers as from the date of coming into operation of this Agreement.

(2) Contributions in respect of this Fund and the Metal and Engineering Industries' Permanent Disability Scheme (hereinafter referred to as the "Scheme"):

- (a) The employer shall each week deduct from the earnings of his employees an amount equal to 6,6% of the pensionable remuneration of such employees, being contributions to this Fund as determined in clause 5.
- (b) Contributions calculated in accordance with the provisions of paragraph (a) may, at the discretion of the employer, be deducted from the earnings of any other employees who request in writing to become members of this Fund: Provided that the membership provisions of clause 5 shall *mutatis mutandis* apply to such employees.
- (c) The employer shall pay to the Fund an amount equal to the deductions made from each employee's earnings under paragraph (a) and (b) which shall be apportioned as follows:
 - (i) an amount equal to 1,5% of the pensionable remuneration of each of the employees concerned shall be paid to the Scheme;
 - (ii) a further amount shall, in the sole discretion of the Board, be allocated by it from time to time towards the costs of administration of the Fund; and
 - (iii) the balance shall be the employer's contribution to the Fund.

(3) No deductions shall be made or contributions paid in respect of periods of absence on unpaid leave, and absences owing to sickness, injury on duty and military service where no payment is due to the employee by the employer in terms of an agreement or under any law.

(4) Every employer in the Industry shall forward the total amount payable each month in terms of subclause (2) to the Council, together with a statement in such form as may from time to time be specified, by not later than 15th day of the month immediately following and shall be addressed to: The Secretary, 504 Monte Carlo Building, Heerengracht, Foreshore, Cape Town, 8001.

(5) Notwithstanding the provisions of this clause, failure on the part of the employer to make the deduction of employees' contributions which he is required to make shall not absolve the employer from having to submit the total amount of the employees' contributions and his own contributions to the Council.

(6) All contributions received by the Council shall be paid to the Provident Fund and the Scheme within seven days of receipt of such monies by the Council.

(7) (a) If any amount that falls due in terms of this clause is not received in full by the Council by the 15th day of the month following the month for which the amount is payable, then the employer shall be liable to pay interest in accordance with the following provisions:

- (i) The interest payable shall accrue on the balance of the amount outstanding from time to time from that 15th day until the full amount is received by the Council.
- (ii) The interest shall accrue at the same effective rate as the applicable maximum annual finance charge rate as if the amount outstanding were a 'credit transaction' for the purposes of the Act; and for purposes of calculating the interest, the provisions of section 2 (2) of the Act shall *mutatis mutandis* apply.
- (iii) The Council shall, in its absolute discretion, be entitled to waive payment by the employer of any interest that accrues in terms of this subclause.
- (iv) In addition to the provisions of section 2 (2) of the Act, all the other provisions of the Act that are relevant for the purposes of calculating any interest payable by the employer in terms of this subclause shall *mutatis mutandis* apply for these purposes.

(b) For the purposes of this subclause "the Act" means the Usury Act, 1968.

(8) In the event of the Council incurring any costs or becoming obliged to pay any collection commission by reason of the failure of the employer to make any payment on or before the due date, the employer shall then be liable to pay forthwith all such costs of whatever nature as between attorney and client and all such collection commission.

7. ADMINISTRATION

(1) The Fund and the Scheme shall be administered in accordance with their constitutions and rules. Such constitutions and rules shall not be inconsistent with this agreement or the provisions of the Labour Relations Act, 1995. Copies of the constitutions and rules of the Fund and the Scheme and amendments thereto shall be lodged with the Director-General of Labour.

(2) In the event of the dissolution of the Council or in the event of its ceasing to function during the currency of this Agreement, the Boards of Management of the Provident Fund and the Scheme appointed in terms of their constitutions shall take over the functions of the Council in respect of this Agreement, and if for any reason the Boards of Management should be unable or unwilling to perform such duties, the Registrar of Labour Relations may appoint trustees to perform the Council's functions. The Boards of Management or trustees so appointed shall have all the powers vested in the Council for the purposes of this Agreement. Payment (if any) for the services of the trustees shall be borne by the Fund and the Scheme, as the case may be.

8. DESIGNATED AGENTS

The Council shall request the Minister in terms of section 33 of the Labour Relations Act, 1995, to appoint persons as designated agents to assist in giving effect to this Agreement. A designated agent shall have the powers conferred upon him in terms of section 142 of the Act, except the powers conferred by section 142 (1) (c) and (d).

9. EXEMPTIONS

(1) The Council shall consider all applications for exemption from any of the provisions of this Agreement for any good and sufficient reason.

(2) All applications for exemption to be considered by the Council shall be in writing (on an application form as provided by the Council) and shall be addressed to the Secretary of the Council for the Cape Region (hereinafter for the purposes of this clause be referred to as "the secretary of the Council").

(3) All applications for exemption shall be substantiated, and such substantiation shall include the following details:

- (a) the period for which the exemption is required;
- (b) the Agreement and clauses or subclauses of the Agreement from which the exemption is required;
- (c) proof that the exemption applied for has been discussed by the employer, his employees and their respective representatives. The response resulting from such consultation, either in support of or against the application, are to be included with the application.

(4) The Secretary of the Council shall in the first instance place the applications for exemption on the agenda of the next Council meeting, for consideration.

(5) The Secretary shall provide the Council with details of all the applications for exemption.

(6) The Council shall consider and decide on all written applications and, when requested by the applicants or objectors to do so, may interview applicants or any objectors at its following meeting: Provided that the Council may defer a decision of a following meeting if additional substantiation, information or verbal representations are considered necessary to decide on the application for exemption.

(7) Once the Council has decided to grant an exemption, the Secretary shall issue a certificate and advise the applicant(s) within 14 days of the date of the decision.

(8) When the Council decides against granting an exemption or part of an exemption requested, it shall advise the applicant(s) within 14 days of the date of such decision and shall provide the reason or reasons for not granting an exemption.

(9) **Exemption criteria:** The Council shall consider all applications for exemption with reference to the following criteria:

- (a) the written and verbal substantiation provided by the applicant;
- (b) the extent of consultation with and the petition for or against granting the exemption as provided by employers or employees who are to be affected by the exemption if granted;
- (c) the terms of the exemption;
- (d) the infringement of basic conditions of employment rights;
- (e) the fact that a competitive advantage is not created by the exemption;
- (f) the effect of the exemption on any employee benefit fund or training provision in relation to the alternative comparable bona fide benefit or training provision, including the cost to the employee, transferability; administration management and cost, growth and stability;
- (g) the extent to which the proposed exemption undermines collective bargaining and labour peace in the electrical industry;
- (h) any existing special economic other other circumstances which warrant the granting of the exemption;
- (i) reporting requirements by the applicant and monitoring and re-evaluation processes; and
- (j) cognisance of the recommendations contained in the Report of the Presidential Commission to Investigate Labour Market Policy.

(10) In terms of section 32 of the Act, the Council hereby establishes an Independent Appeal Body to hear and decide as soon as possible, any appeal brought against—

- (a) the Council's refusal of an application for exemption from the provisions contained in the Agreement;
- (b) the withdrawal of such exemption by the Council.

(11) The Secretary shall, upon receipt of a written application for an appeal, forward the application together with the original application for exemption and all supporting documents to the Independent Appeal Body for a decision.

(12) The Independent Appeal Body shall consider all application with reference to the criteria set out in subclause (9) above and shall ensure that the applications are not in conflict with the primary objects of the Act.

10. INTERPRETATION AND/OR APPLICATION DISPUTES

(1) In the event of any dispute arising which relates to the interpretation and/or application of this Agreement it shall be processed in terms of this clause.

(2) A party wishing to lodge such a dispute shall notify the Council in writing setting out the details of the dispute, having served a copy of such notification on all other parties to the dispute. Proof of such service shall be provided to the Council, and may include service by means of telefax, hand delivery or registered post. The Council shall arrange a meeting of the parties to the dispute within 10 working days of the dispute having been referred in terms of this clause, unless otherwise agreed between the parties.

(3) If the dispute is not resolved at the meeting referred to in subclause (2) above, it shall be referred to arbitration in terms of this clause, unless otherwise agreed between the parties.

Arbitration in terms of this clause shall be of an expedited nature and the Regional Council shall appoint an arbitrator who is available to commence the arbitration within 10 (ten) working days, and the arbitration shall take place accordingly. The arbitrator shall be granted the power to determine the procedure to be followed at the arbitration and to regulate any other matter incidental thereto.

The arbitrator shall normally be required to make determination within 5 (five) working days after the completion of the hearing.

(4) Subject to subclause (3) any arbitration in terms of that clause shall be in accordance with clause 11.

11. CONCILIATION

(1) Any referral to conciliation in terms of this dispute procedure shall be referred in terms of this clause. Subject thereto, any conciliation proceedings shall be regulated by the Act.

(2) The Council shall establish a panel of conciliators, to whom matters shall be allocated at the discretion of the Secretary of the Council, provided that—

- (a) in the event of the Council having a direct interest in any dispute being processed, it shall be conciliated by a member of the panel who is independent of the Council; and
- (b) in the event of the dispute involving a non-party to the Council, the Council shall ensure that the accreditation requirements of the Act are complied with.

(3) Any conciliator appointed in terms of this clause shall have the powers granted to a Commissioner who is empowered to conciliate in terms of the Act. Any conciliator so appointed must determine a process to attempt to resolve the dispute which may include—

- (a) mediating the dispute; or

(b) conducting a fact-finding exercise; or

(c) making a recommendation to the parties, which may be in the form of an advisory arbitration award.

(4) In any conciliation proceedings, a party to the dispute may appear in person or be represented by a representative of his choice.

(5) By no later than the end of the 30 day period calculated from the appointment of the conciliator, or any further period agreed between the parties, the conciliator must provide all parties to the dispute with a copy of a certificate stating whether or not the dispute has been resolved: Provided that the conciliator may prior to the expiry of this period confirm that conciliation has failed, in the event that he believes no further purpose would be gained by continuing with the process.

12. EXHIBITION OF AGREEMENT

Every employer shall affix and keep affixed in some conspicuous place upon his premises, a copy of this Agreement, in legible characters.

13. TERMINATION OF EMPLOYMENT OF MEMBERS

On termination of employment of a member of the Fund his employer shall complete the details on a form as specified in Annexure A to this Agreement and hand it to the member.

Supplies of the specified forms are available from the regional council.

The employer shall be required to maintain a permanent record of the permanent home address of the member.

ANNEXURE A

METAL INDUSTRIES' PROVIDENT FUND

(Form to be completed by employer and handed to members of the Metal Industries' Provident Fund on termination of employment.)

Members Rights to Benefits

- (1) A lump sum benefit on retirement at the age of 65 or later, or on early retirement from the age of 55 up to 65.
- (2) A permanent disability benefit owing to permanent disability/incapacity in terms of the rules of the Provident Fund and the rules of the Permanent Disability Scheme.
- (3) Death benefits: A lump sum benefit as if the member had retired on date of death PLUS a lump sum of three years' salary on—
 - (a) death in service of a contributing member before the age of 65;
 - (b) death before the age of 65 where death occurs within six weeks of ceasing employment, if ex-member was unemployed for such period and had been a member of the Fund for a consecutive period of not less than two years prior to such unemployment;
 - (c) death before the age of 65 where death occurs within six months of ceasing employment owing to sickness or a works accident, and ex-member was unemployed owing to such sickness or works accident until the date of death.

Note: The lump sum of three years' salary is reduced if the member or ex-member first joined the Fund after the age of 55. The benefit is then based on the period of membership.

- (4) A lump sum benefit on retrenchment/redundancy, before the age of 65, as if the member had retired on date of retrenchment/redundancy. The Fund will aim to pay the benefit within six weeks after cessation of service in the industry: Provided that the member has not returned to employment in the industry within that period.
- (5) A lump sum of ceasing service in the industry for reasons other than in (1) to (4) above. The lump sum is a refund of the member's own contributions, PLUS interest, PLUS a share of the employer's contributions, less costs, according to length of continuous service, and is payable not less than eight weeks after the cessation of service in the industry.

To be completed by employer:

- (a) Name of employee (surname first)
- (b) I.D./Ref. No. Works No.
- (c) Period of service (from) to
- (d) Reason for termination of employment:
 - Retrenchment
 - Redundancy
 - Resignation
 - Permanent disability/incapacity
 - Other
- (e) In cases of retrenchment and/or redundancy, state the name of the regional office of the council and date on which notification of retrenchment was given.

Regional Council:

Date:

- (f) The appropriate form for benefits has been handed to the employee.

Date:

For and on behalf of the employer

Notes:

- (i) Claim forms for the various benefits are available from the regional office of the council or from the offices of the Metal Industries' Provident fund.
- (ii) It should be ensured that the employee has been handed his membership card and any brochures or other information relating to the Fund.
- (iii) The employer is required to maintain a permanent record of the permanent address (i.e. residential address) of each employee.

Thus signed at Cape Town, for and on behalf of the parties, this 2nd day of October 2001.

D. VAN DEVENTER


Chairperson of the Council

J. MAUSLING

Party to the Council

G. FISHER

Secretary of the Council



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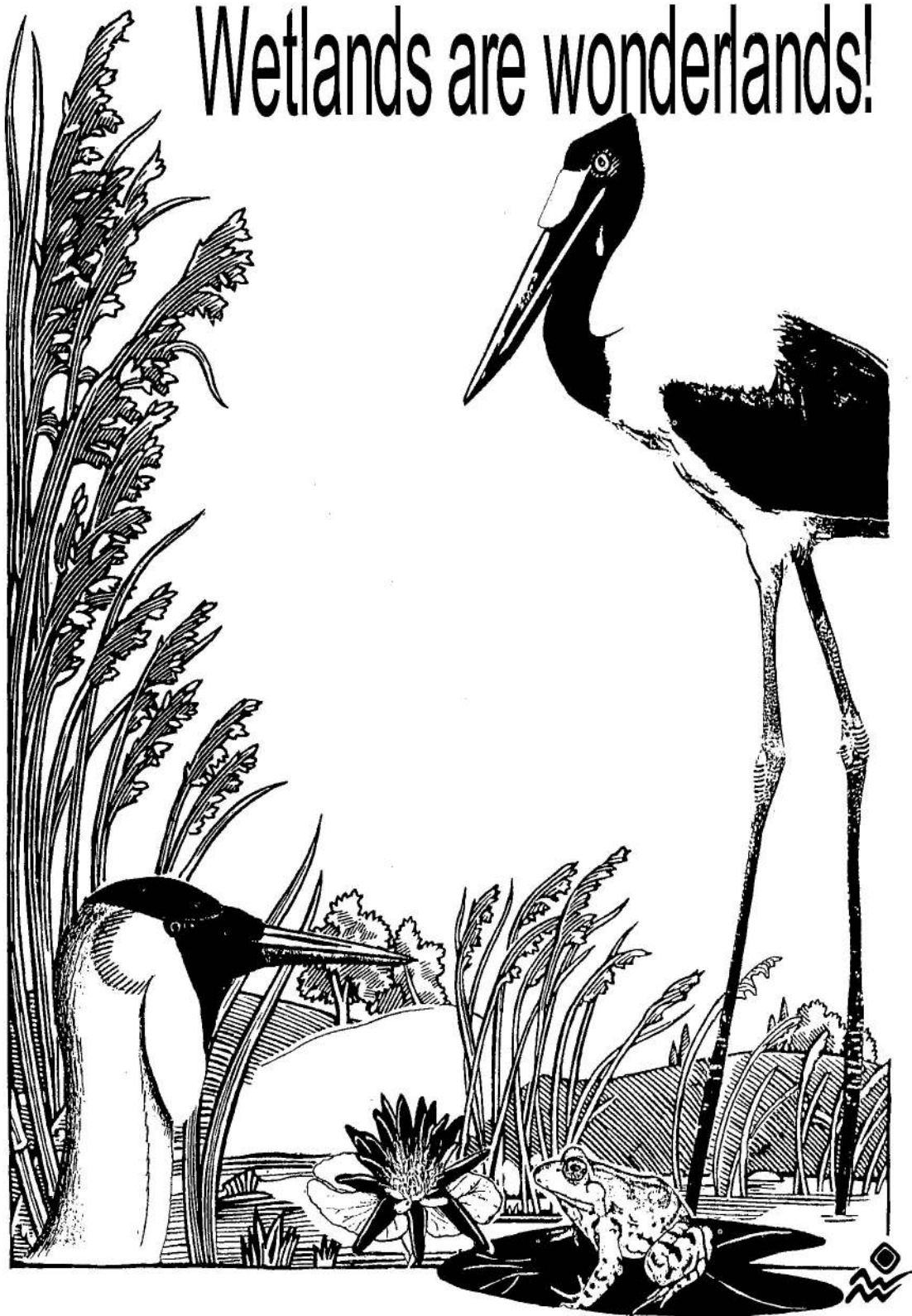
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