



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

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*Regulasiekoerant*

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**No. 24068**



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## RECTIFICATION

Notice is hereby given that the **regulation number** in the preamble of *Government Gazette* No. 24008 of 1 November 2002, was incorrectly published. The number should have read: **Regulation Gazette No. 7497.**

## REGSTELLING

Hiermee word bekendgemaak dat die **regulasienommer** in die aanhef van *Staatskoerant* No. 24008 van 1 November 2002 foutief gereproduceer is. Die nommer moes lees: **Regulasiekoerant No. 7497.**

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

**No. R. 1444****22 November 2002**

MANPOWER TRAINING ACT, 1981 READ WITH ITEM 4 OF SCHEDULE 2 OF THE SKILLS DEVELOPMENT ACT, 1998

#### MINING QUALIFICATION AUTHORITY SETA (MQA)

#### AMENDMENT OF CONDITIONS OF MINING SUB SECTOR APPRENTICESHIP

I, Membathisi Mphumzi Shepherd Mdadlana, 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. 1273 of 16 June 1989, as amended by Government Notices Nos. R. 2821 of 2 December 1989, R. 2411 of 12 October 1990, R. 2707 of 15 November 1991, R. 196 of 14 February 1992, R. 3058 of 6 November 1992, R. 2189 of 15 December 1994, R. 406 of 17 March 1995, R. 1857 of 1 December 1995, R. 638 of 2 May 1997, R. 29 of 9 January 1998, R. 139 of 18 February 2000 and R. 54 of 25 January 2002, by the substitution of clause 3 of the conditions for paragraph (a) of subclause (1) of the following paragraph:

- "(a) an employer shall pay an apprentice monthly in accordance with the apprentice's year of recognized service, at not less than rates specified below:

#### ACHIEVED YEAR OF TRAINING

First year.....	R1 810 per month
Second year.....	R2 0831 per month
Third year.....	R2 397 per month
Fourth year.....	R2 750 per month
Fifth year.....	R3 164 per month
Sixth year.....	R3 630 per month
Seventh.....	R4 175 per month"

**M. M. S. MDLADLANA****Minister of Labour****No. R. 1445****22 November 2002**

MANPOWER TRAINING ACT, 1981 READ WITH ITEM 4 OF SCHEDULE 2 OF THE SKILLS DEVELOPMENT ACT, 1998

#### MINING QUALIFICATION AUTHORITY SETA (MQA)

#### AMENDMENT OF CONDITIONS OF JEWELLERY SUB SECTOR APPRENTICESHIP

I, Membathisi Mphumzi Shepherd Mdadlana, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby amend, with effect from the date of this notice, Government Notice No. R. 808 of 14 June 2002, by the substitution of clause 3 of the conditions for paragraph (a) of subclause (1) of the following paragraph:

- "(a) an employer shall pay an apprentice weekly in accordance with the apprentice's achieved year of training, at not less than rates specified below:

#### ACHIEVED YEAR OF TRAINING

First year.....	R323 per week
Second year.....	R484 per week
Third year.....	R565 per week
Fourth year.....	R726 per week"

**M. M. S. MDLADLANA****Minister of Labour**

No. R. 1446

22 November 2002

## LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF THE SICK BENEFIT FUND COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT TO NON-PARTIES**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of 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 2 December 2002 and for the period ending 10 May 2005.

**M. M. S. MDLADLANA**

Minister of Labour

No. R. 1446

22 November 2002

## UMTHETHO WOBUDLELWANO KWEZEMISEBENZI, KA 1995

**UMKHANDLU WOKUXOXISANA WOMKHAKHA WEZIMBONI ZEZIKHUMBA ENINGIZIMU AFRIKA: UKWELULWA KWESIVULMELWANO SIKAWONKEWONKE SINEZELELA KWINGXENYE YESIKHWAMA SOKUKHOKHELA IZIGULI KULABO ABENGEWONA AMALUNGA**

Mina Membathisi Mphumzi Shepherd Mdladlana uNgqongqoshe wezemiSebenzi, ngokwesigaba 32 (2) soMthetho wobuDlelwano kwezemiSebenzi, ka 1995, (Labour Relations Act, 1995), ngiyamemezela ukuthi iSivumelwano sika Wonkewonke esinezelelwa kwiSheduli yeSingisi exhunyiwe lapha, esahlangiswa emkhandlwini kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibhobo ngokwesigaba 31 soMthetho wobuDlelwano kwezemiSebenzi, ka 1995, (Labour Relations Act, 1995) kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezibomi, kusekela ngomhlaka 2 December 2002 nangesikhathi sonke esiyophela mhla ziwu 10 May 2005.

**M. M. S. MDLADLANA**

Ungqongqoshe Wezemisebenzi

*Qaphela:* Amakhophi alesi sivumelwano esiZulu ayatholakala uma eceliwe eMkhandlwini kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika.

**SCHEDULE****NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA****SICK BENEFIT FUND COLLECTIVE AGREEMENT**

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

- (a) Southern African Footwear and Leather Industries Association (SAFLIA),
- (b) Association of South African Manufacturers of Luggage, Handbags and General Goods,
- (c) South African Tanning Employers' Organisation (SATEO)

and

- (d) Association of Small and Medium Manufacturers of Footwear and Allied Products

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

- (e) National Union of Leather and Allied Workers (NULAW)

and

- (f) Southern African Clothing and Textile Workers' Union

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

being parties to the National Bargaining Council of the Leather Industry of South Africa.

**1. SCOPE OF APPLICATION OF AGREEMENT**

- (1) The terms of this Agreement shall be observed in the Leather Industry—
  - (a) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions and who are engaged and employed in the Leather Industry;
  - (b) in the Republic of South Africa, as it existed prior to the promulgation of the Constitution of the Republic of South Africa (Act No. 200 of 1993):

Provided that, on the operations set forth in paragraph (6) of the definition of "Leather Industry" as contained in clause 3 of the Agreement, it shall be observed only in the Magisterial Districts of Bellville (including that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville). The Cape, Goodwood and Durban (including that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, but excluding that portion of the Magisterial District of Durban which, prior to the publication of Government Notices Nos 1939 and 2067 of 10 September 1982 and 1 October 1982, respectively, fell within the Magisterial District of Inanda) and Johannesburg:

Provided further that on the operations set forth in paragraph (7) (a) of the definition of "Leather Industry" as contained in clause 3 of the Agreement, it shall be observed only in the Magisterial Districts of Bellville (including that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville). The Cape, Goodwood and Durban (including that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, but excluding that portion of the Magisterial District of Durban which, prior to the publication of Government Notices Nos 1939 and 2067 of 10 September 1982 and 1 October 1982, respectively, fell within the Magisterial District of Inanda):

Provided further that on the operations set forth in paragraph (7) (b) of the definition of "Leather Industry" as contained in clause 3 of the Agreement, it shall be observed only in the Magisterial District of Wynberg:

Provided further that on the operations set forth in paragraph (8) of the definition of "Leather Industry", it shall be observed in the Magisterial Districts of Bellville (including that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville), Germiston, Goodwood, Johannesburg, Middelburg (Mpumalanga), Pretoria, Roodepoort and the Cape:

Provided further that on the operations set forth in paragraph (9) of the definition of "Leather Industry", it shall be observed in the Magisterial Districts of Bellville, (including those portions of the Magisterial Districts of Goodwood and Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville), Paarl, Oudtshoorn, Wellington, George, Uitenhage, Port Elizabeth, King Williamstown and Pietermaritzburg.

- (c) Notwithstanding the provisions of subclause (1) (a), the terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (a) and 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 10 May 2005.

## 3. SPECIAL PROVISIONS

The provisions contained in clauses 13 of the Agreement published under Government Notice No. R. 1319 of 6 November 1998, as amended and renewed by Government Notices No. R. 289 of 12 March 1999, R. 1018 of 27 August 1999, R. 1103 of 17 September 1999, R. 422 of 28 April 2000, and R. 1340 of 8 December 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 of the Former Agreement (as further amended, re-enacted and renewed from time, shall apply to employers and employees.

## 5. CLAUSE 4: MEMBERSHIP OF THE FUND

Substitute the following for subclause (2):

- "(2) Subject to any exemptions in terms of this Agreement, or by decision of the Management Committee of the Fund, all employees whose wages are prescribed in any Agreement of the Council shall become members of the Fund. Membership of the Fund shall be extended to include dependants of a member in terms of the rules of the fund and for the purposes of this subclause dependant means the legal or lawful spouse or child of a member, and includes ethnic, tribal or common-law spouse (which includes same-sex partners), legally adopted children and lawful stepchildren. The age limit of the child shall be 18 years, except in the case of a child attending full-time tertiary education, where the age limit shall be extended to 23 years. Termination of a dependant's membership by a member shall be subject to a notice period of one calendar month."

## 6. CLAUSE 11: EXEMPTIONS

Substitute the following for clause 11, exemptions:

### "11. EXEMPTIONS

- (1) Any party falling within the Council's registered scope may apply to the Bargaining Council for exemption from any or all of the provisions of this Agreement.

- (2) All applications for exemption from any of the provisions of this Agreement shall be in writing on an application form as provided by the Council, and lodged with the Council for consideration by the Management Committee.
- (3) The Management Committee shall hear and decide applications for exemption in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
- (4) Exemption criteria: The Management Committee, when considering an application, must take into account the following criteria (the order not indicating any form of priority):
  - (a) Any written and/or verbal substantiation provided by the applicant;
  - (b) fairness to the employer, its employees and other employers and employees in the Industry;
  - (c) whether an exemption, if granted, would undermine this Agreement or the collective bargaining process;
  - (d) whether it will make a material difference to the viability of a new business, or a business previously outside the jurisdiction of the Council;
  - (e) unexpected economic hardship occurring during the currency of the Agreement and job creation and/or loss thereof;
  - (f) the infringement of basic conditions of employment rights;
  - (g) the fact that a competitive advantage might be created by the exemption;
  - (h) comparable benefits or provisions, where applicable;
  - (i) the applicant's compliance with other statutory requirements, such as the Occupational Injuries and Diseases Act or the unemployment Insurance Act; or
  - (j) any other factor which is considered appropriate.
- (5) The Management Committee, on approving an application, shall, within 14 days, advise the applicant on such decision, and issue a Licence of Exemption setting out the following:
  - (a) The full name of the person or enterprise concerned;
  - (b) the provisions of this Agreement from which exemption has been granted;
  - (c) the conditions subject to which exemption is granted;
  - (d) the period of the exemption;
  - (e) the date from which the exemption shall operate.
- (6) The Management Committee may, on good cause shown, give the holder of a Licence of Exemption one week's notice of withdrawal of the exemption granted.
- (7) The Management Committee, on not approving an exemption or part of an exemption, shall advise the applicant(s) thereof within fourteen (14) days of the date of such decision, providing the reason or reasons for not granting an exemption.
- (8) **APPEALS:**

An independent body entitled the "Independent Appeal Body" shall be appointed in accordance with the provisions of section 32 (3) (e) and (f) of the Act to hear and decide any appeal brought by a non-party against—

  - (a) the Management Committee's refusal of an application for exemption from the provisions contained in this Agreement; or
  - (b) the withdrawal of an exemption by the Management Committee.
- (9) The Council or the General Secretary shall, on receipt of a written application for an appeal, forward the application, together with the original application for exemption and all supporting documentation to the Independent Appeal Body for a decision.
- (10) The Independent Appeal Body shall hear and decide appeals in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
- (11) The Independent Appeal Body shall consider all applications with reference to the criteria contained in subclause (4).
- (12) The Independent Appeal Body shall advise the Council and the applicant(s) of their decision within fourteen (14) days, providing full reasons for the decision. Should the Independent Appeal Body reverse the decision of the Management Committee, the Council shall issue the applicant with a licence of exemption in accordance with subclause (5)."

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

**D. J. F. LINDE**

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. 1447**

**22 November 2002**

LABOUR RELATIONS ACT, 1995

**SOUTH AFRICAN COTTON TEXTILE PROCESSING AND MANUFACTURING BARGAINING COUNCIL:  
EXTENSION OF MAIN COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the South African Cotton Textile Processing and Manufacturing Bargaining Council 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 2 December 2002 and for the period ending 30 June 2003.

**M. M. S. MDLADLANA**

Minister of Labour

**No. R. 1447**

**22 November 2002**

WET OP ARBEIDSVERHOUDINGE, 1995

**BEDINGINGSRAAD VIR DIE SUID-AFRIKAANSE KATOENTEKSTIEL VERWERKINGS- EN VERVAARDIGINGS-  
NYWERHEID: UITBREIDING HOOF KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingsraad vir die Suid-Afrikaanse Katoentekstielverwerkings- en Vervaardigingsnywerheid 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 2 Desember 2002, en vir die tydperk wat op 30 Junie 2003 eindig.

**M. M. S. MDLADLANA**

Minister van Arbeid

**SCHEDULE**

**SOUTH AFRICAN COTTON TEXTILE PROCESSING AND MANUFACTURING BARGAINING COUNCIL  
AMENDING AGREEMENT**

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

**South African Cotton Textile Processing Employers' Association**

and

**Thread Manufacturing and Processing Employers' Association**

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

**Southern African Clothing and Textile Workers' Union**

(herein referred to as the "employees" or the "trade union"), of the other part, being parties to the South African Cotton Textile Processing and Manufacturing Bargaining Council,

to amend the Agreement published under Government Notice No. R. 582 of 15 June 2000, as amended and renewed by Government Notice Nos. R. 1336 of 8 December 2000, R. 1379 of 21 December 2001, R. 323 of 22 March 2002 and R. 1079 of 23 August 2002.

**PART A: APPLICATION****1. SCOPE OF APPLICATION**

This Agreement applies to all employers and all employees who are members of the parties to this Agreement and who are engaged in the Cotton Textile Processing and Manufacturing Industry as defined in this Agreement.

**2. PERIOD OF OPERATION**

2.1 This Agreement comes into operation—

- (a) In respect of the parties to the Agreement, on the date of signature;
- (b) In respect of non-parties, 10 days after the date of publication in the *Gazette*.

2.2 The Agreement shall remain in force until 30 June 2003.

**3. EXCEPTIONS**

This Agreement does not apply to—

- 3.1 employees whose wages are not prescribed in Annexure A to this Agreement; and
- 3.2 non-parties in respect of the clause 2 and items 9 and 10 of Annexure A.

4. Substitute the following for the existing ANNEXURE A:

**“1. WAGE SCHEDULE—**

GRADE	OLD RATE	INCREASE	NEW RATE
1	10,59	70c	11,29
2	10,79	72c	11,51
3	11,09	74c	11,83
4	11,56	77c	12,33
5	12,15	81c	12,96

**2. ANNUAL BONUS**

2.1 An employee who has worked continuously for an employer for a full year as at December 2002 shall receive a minimum annual bonus equivalent to three weeks' basic wage or the existing annual bonus, whichever is the greater.

**3. ORDINARY HOURS OF WORK (Clause 12):**

The maximum ordinary hours of work that an employer may require or permit an employee to work in 45 hours in a week.

**4. ANNUAL LEAVE (Clause 18):**

An employee is entitled to 15 working days' leave per annum, paid at the employee's basic wage. Public holidays are to be paid in addition to annual leave.

**5. MATERNITY LEAVE (Clause 20):**

A female employee who is pregnant is entitled to six months' maternity leave, four months of which is to be paid at 33,2% of her basic wage. The remaining two months, if taken, shall be unpaid.

**6. PROVIDENT FUND (Clause 22):**

6.1 Every employer and every employee must contribute a minimum amount equivalent to 5,5% of the employee's basic wage to a registered retirement fund.

6.2 Where an employer is paying a provident fund contribution in excess of 7,5%, the current rand amount as at 30 June 2002, will continue to be paid for the duration of the Agreement.

**7. NIGHT SHIFT ALLOWANCE (Clause 6):**

7.1 An employer must pay a minimum night shift allowance of 5% of the basic hourly rate of pay for work performed between 18:00 and 06:00.

7.2 Where an employer currently pays a more favourable shift allowance, that employer shall be allowed to adjust such allowance to ensure that, on aggregate, it is no less favourable than any current shift allowance and/or shift premium currently being paid.

**8. COUNCIL LEVIES (Clause 31):**

For the purpose of providing funding for council activities, a levy of 70c (seventy cents) must be deducted from the weekly wage of each employee, to which amount, the employer must add the equal amount of 70c, in terms of clause 31.

**9. SHOP STEWARDS**

Each shop steward in an establishment covered by the scope of the Agreement is entitled to paid leave as indicated herewith:

- From 1 July 2002 to 30 June 2003: 7 days
- From 1 July 2003 to 30 June 2004: 8 days
- From 1 July 2004 to 30 June 2005: 9 days
- From 1 July 2005 to 30 June 2006: 10 days

In addition, one shop steward per plant will be allocated a further once-off 5 days' paid training, if required by the trade union, in terms of the HIV/AIDS counsellor training. Such training shall form part of the Employers' Workplace Skills Development Plan, and shall be accredited with the SETA. Employers disclaim any liability, which could emanate from the counselling offered by the trade union.

**10. HIV/AIDS**

For the purposes of providing for a fund to provide education and awareness each employer shall contribute 10c per week per employee towards the SACTWU HIV/AIDS Project. This contribution shall be paid over directly to the SACTWU Finance Department (Head Office Account), on a monthly basis, by no later than the 15th of each month."

Signed in Durban this 27th day of May 2002.

**N. RADEMAN**

Chairman

**A. T. PARKINSON**

Secretary

**S. NAIDOO**

Witness

**DEPARTMENT OF MINERALS AND ENERGY  
DEPARTEMENT VAN MINERALE EN ENERGIE**

**No. R. 1449**

**22 November 2002**

MINES AND WORKS ACT, 1956 (ACT No. 27 OF 1956)

**DECLARATION OF WORK IN THE NATIONAL INTEREST**

Under section 9 (1) (f) of the Mines and Works Act, 1956 (Act No. 27 of 1956). I, Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, hereby declare that in my opinion the performance on Sundays of work, details of which appear in the Schedule hereto, is necessary in the national interest for a period of one year from 1 September 2002.

**P. MLAMBO-NGCUKA**

Minister of Minerals and Energy

**SCHEDULE**

*Description of work*

All mining operations.

*Description of mine*

The mine known as Baken, situated on the farm Richtersveld 11, in the Magisterial District of Namaqualand, Northern Cape Region and being worked by Trans Hex Group Limited, P O Box 191, Alexanderbay, 8290.

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# Wetlands are wonderlands!

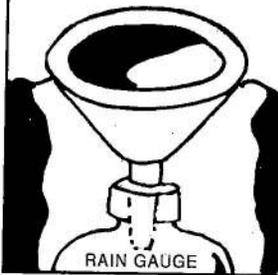
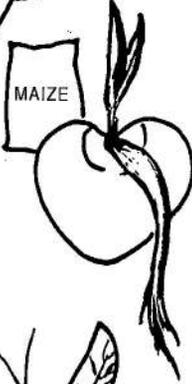


Department of Environmental Affairs and Tourism



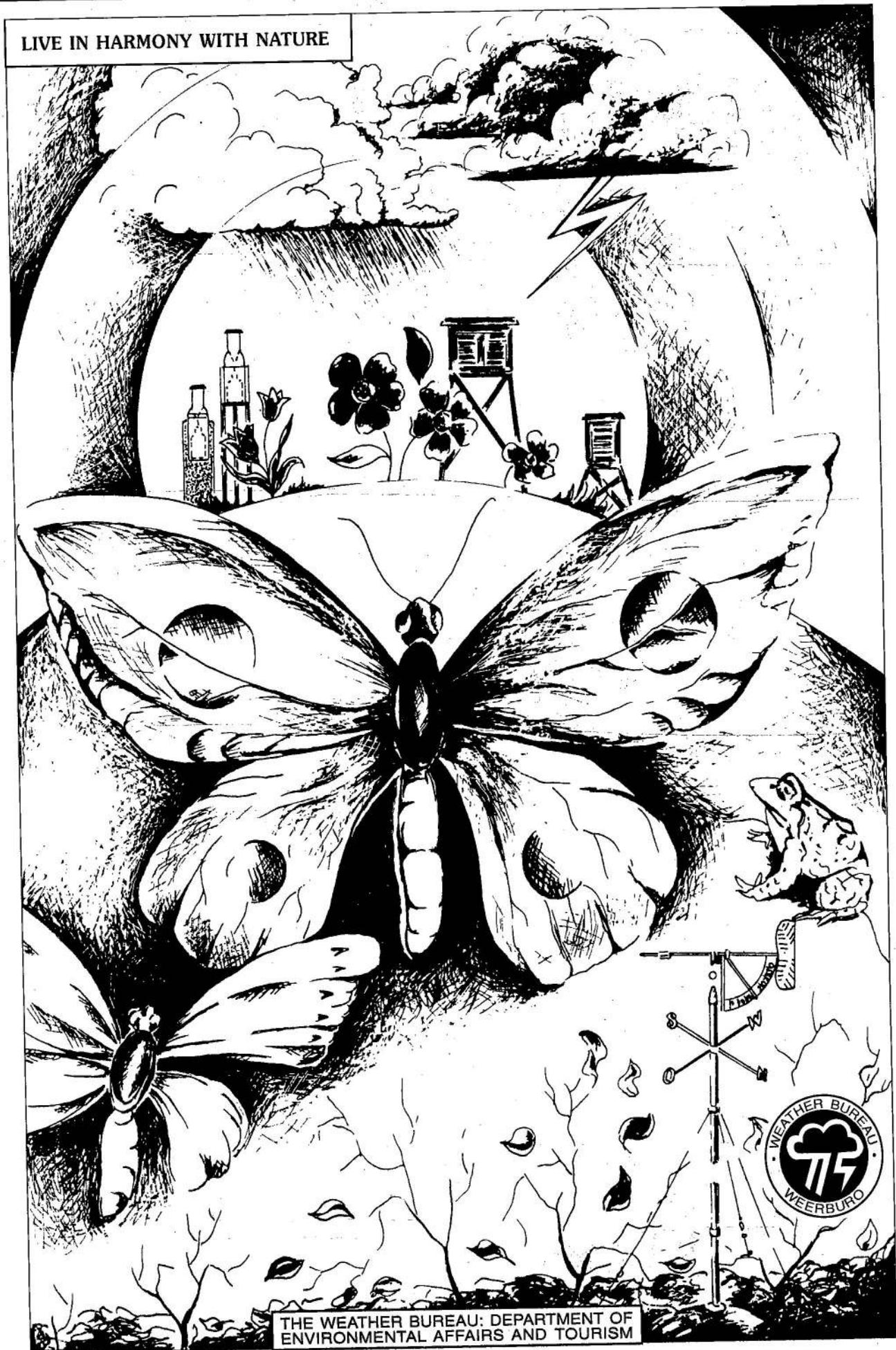
THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

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