

EXTRAORDINARY



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DEPARTMENT OF LABOUR.

[2nd December, 1960.]

The following Bill which the Minister of Labour proposes introducing during the next session of Parliament is published for general information.

DEPARTEMENT VAN ARBEID.

[2 Desember 1960.]

Die volgende Wetsontwerp wat die Minister van Arbeid voornemens is om gedurende die volgende Parlementsitting in te dien, word vir algemene inligting gepubliseer.

BILL

To amend the Industrial Conciliation Act, 1956.

(To be introduced by the MINISTER OF LABOUR.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 4 of Act
28 of 1956.

1. Section *four* of the Industrial Conciliation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (c) of sub-section (3) of the following paragraph:

“(c) If an objection to the registration of a trade union, the membership of which is in terms of its constitution limited to white persons, is lodged by a trade union, the membership of which is open to both white persons and coloured persons, and the first-mentioned union satisfies the registrar that at the date on which its application for registration was lodged, the number of its members in good standing employed in the undertaking, industry, trade or occupation and in the area or any portion of the area in respect of which it seeks registration and in respect of which the objecting union is registered exceeded one half of the number of white persons who at that date were employed in such undertaking, industry, trade or occupation and in that area or portion of the area, such objection shall not be taken into consideration by the registrar.”;

(b) by the substitution in the proviso to paragraph (b) of sub-section (4) for the word “may” of the word “shall”; and

(c) by the deletion of paragraph (c) of sub-section (4).

Amendment of
section 13 of Act
28 of 1956.

2. Section *thirteen* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) When a registered trade union or employers' organization is to be wound up, the registrar may—

(a) to the extent that he considers the provisions of the constitution in regard to winding-up to be inadequate; or

(b) if he is satisfied that it is not possible to give effect to the provisions of the constitution relating to winding-up,

issue such directions as he deems necessary to ensure that the union or organization is wound up with due regard to the interests of the parties concerned, and may for this purpose appoint any person as liquidator subject to such conditions as he may determine.”; and

(b) by the insertion in paragraph (a) of sub-section (3) after the word “of”, where it occurs for the first time, of the words “the constitution or of”.

Amendment of
section 16 of Act
28 of 1956.

3. Section *sixteen* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (2) for the word “fourteen” of the word “thirty”; and

(b) by the addition at the end of sub-section (5) of the following paragraph:

“(c) The provisions of paragraph (c) of sub-section (2) and sub-section (3) shall *mutatis mutandis* apply in respect of any appeal under this sub-section.”.

Amendment of
section 35 of Act
28 of 1956.

4. Section *thirty-five* of the principal Act is hereby amended by the insertion after sub-section (3) of the following sub-section:

WETSONTWERP

Tot wysiging van die Wet op Nywerheidsversoening, 1956.

(Ingedien te word deur die MINISTER VAN ARBEID.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel vier van die Wet op Nywerheidsversoening, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 4 van Wet 28 van 1956.

 - (a) deur paragraaf (c) van sub-artikel (3) deur die volgende paragraaf te vervang:

“(c) Indien ’n beswaar teen die registrasie van ’n vakvereniging waarvan die lidmaatskap ingevolge sy konstitusie beperk is tot blankes, ingedien word deur ’n vakvereniging waarvan die lidmaatskap oop is vir beide blankes en gekleurd, en eersgenoemde vereniging die registrateur oortuig dat op die datum waarop sy aansoek om registrasie ingedien is die getal van sy volwaardige lede wat in diens is in die onderneming, nywerheid, bedryf of beroep en in die gebied of enige gedeelte van die gebied ten opsigte waarvan hy registrasie verlang en ten opsigte waarvan die vereniging wat beswaar maak, geregistreer is meer as die helfte is van die getal blankes wat op daardie datum in diens was in daardie onderneming, nywerheid, bedryf of beroep en in daardie gebied of gedeelte van die gebied, word daardie beswaar nie deur die registrateur in aanmerking geneem nie.”;
 - (b) deur in die voorbehoudsbepaling by paragraaf (b) van sub-artikel (4) die woord „kan” deur die woord „moet” te vervang; en
 - (c) deur paragraaf (c) van sub-artikel (4) te skrap.
2. Artikel dertien van die Hoofwet word hierby gewysig—

Wysiging van artikel 13 van Wet 28 van 1956.

 - (a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

“(2) Wanneer ’n geregistreerde vakvereniging of werkgewersorganisasie gelikwadeer moet word, kan die registrateur—

 - (a) vir sover hy die bepalings van die konstitusie met betrekking tot likwidasie as onvoldoende beskou; of
 - (b) indien hy oortuig is dat dit nie moontlik is nie om gevolg te gee aan die bepalings van die konstitusie betreffende likwidasie, sodanige lasgewings uitreik as wat hy nodig ag om te verseker dat die vereniging of organisasie met behoorlike inagneming van die belange van die betrokke partye gelikwadeer word en kan hy vir daardie doel enige persoon as likwidateur aanstel onderhewig aan sodanige voorwaardes as wat hy bepaal.”; en
 - (b) deur in paragraaf (a) van sub-artikel (3) na die woord „ingevolge” die woorde „die konstitusie of” in te voeg.
3. Artikel sestien van die Hoofwet word hierby gewysig—

Wysiging van artikel 16 van Wet 28 van 1956.

 - (a) deur in paragraaf (a) van sub-artikel (2) die woord „veertien” deur die woord „dertig” te vervang; en
 - (b) deur aan die end van sub-artikel (5) die volgende paragraaf by te voeg:

“(c) Die bepalings van paragraaf (c) van sub-artikel (2) en sub-artikel (3) is *mutatis mutandis* van toepassing ten opsigte van ’n appèl kragtens hierdie sub-artikel.”.
4. Artikel vyf-en-dertig van die Hoofwet word hierby gewysig deur na sub-artikel (3) die volgende sub-artikel in te voeg:

Wysiging van artikel 35 van Wet 28 van 1956.

"(3)*bis* The Minister may in his discretion, from time to time by writing under his hand delegate his powers in regard to the fixing of such further period or periods to any officer and may at any time withdraw any such delegation."

Amendment of
section 53 of Act
28 of 1956.

5. Section *fifty-three* of the principal Act is hereby amended—

- (a) by the insertion at the end of paragraph (b) of sub-section (2) of the word "or" and the following paragraph:
- "(c) to any matter referred to in paragraph (q) or (r) of sub-section (1) of section *twenty-four*,";
- (b) by the insertion in paragraph (a) of sub-section (8) after the word "person", where it occurs for the first time, of the words "or to such industrial council or to any fund referred to in paragraph (r) of sub-section (1) of section *twenty-four*"; and
- (c) by the insertion in the said paragraph (a) after the word "person", where it occurs for the second time, of the words "or fund or (where necessary) the industrial council".

Amendment of
section 54 of Act
28 of 1956.

6. Section *fifty-four* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the word "inspector" of the words "or of an industrial council on its own behalf or on behalf of any fund referred to in paragraph (r) of sub-section (1) of section *twenty-four*"; and
- (b) by the substitution in the said sub-section (2) for the word "such amount" of the words "amount referred to in sub-section (1)".

Amendment of
section 55 of Act
28 of 1956.

7. Section *fifty-five* of the principal Act is hereby amended by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* The whole of any amount paid to the specified officer pursuant to any order made under section *fifty-four* against an employer in respect of a contravention or failure such as is referred to in paragraph (c) of sub-section (2) of section *fifty-three* shall be paid to the industrial council or fund referred to in paragraph (r) of sub-section (1) of section *twenty-four*, concerned."

Amendment of
section 76 of Act
28 of 1956, as
amended by
section 13 of Act
41 of 1959.

8. Section *seventy-six* of the principal Act is hereby amended—

- (a) by the insertion after the word "or" at the end of paragraph (a) of sub-section (1) of the following paragraph:
 - "(a)*bis* Whether any class of business or work or any operation or process falls or fell within a particular undertaking, industry, trade or occupation; or"; and
 - (b) by the addition at the end of sub-section (5) of the following proviso:
- "Provided that if, having regard to the limited scope of the investigation required for the purpose of making a determination, the tribunal is of the opinion that publication of a notice in the *Gazette* is unnecessary, it may in lieu of the publication of such notice cause a like notice to be sent by letter to such persons as in its opinion should be consulted."

Short title.

9. This Act shall be called the Industrial Conciliation Amendment Act, 1961.

„(3)*bis* Die Minister kan, na goeëdunke, van tyd tot tyd skriftelik onder sy handtekening sy bevoegdhede met betrekking tot die vasstelling van sodanige verdere tydperk of tydperke aan enige amptenaar deleger en kan te eniger tyd so 'n delegasie intrek.”

5. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 53 van Wet 28 van 1956.

(a) deur aan die end van paragraaf (b) van sub-artikel (2) die woord „of” en die volgende paragraaf in te voeg:

„(c) tot enige in paragraaf (q) of (r) van sub-artikel (1) van artikel *vier-en-twintig* bedoelde aangeleentheid.”;

(b) deur in paragraaf (a) van sub-artikel (8) na die woord „persoon”, waar dit die eerste keer voorkom, die woorde „of aan sodanige nywerheidsraad of aan 'n in paragraaf (r) van sub-artikel (1) van artikel *vier-en-twintig* bedoelde fonds” in te voeg; en

(c) deur in genoemde paragraaf (a) na die woord „persoon”, waar dit die tweede keer voorkom, die woorde „of fonds of (waar nodig) die nywerheidsraad” in te voeg.

6. Artikel *vier-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 54 van Wet 28 van 1956.

(a) deur in sub-artikel (2) na die woord „inspekteur” die woorde „of van 'n nywerheidsraad ten behoeve van homself of ten behoeve van 'n in paragraaf (r) van sub-artikel (1) van artikel *vier-en-twintig* bedoelde fonds” in te voeg; en

(b) deur in genoemde sub-artikel (2) die woorde „so 'n bedrag” deur die woorde „'n in sub-artikel (1) bedoelde bedrag” te vervang.

7. Artikel *vyf-en-vyftig* van die Hoofwet word hierby gewysig deur na sub-artikel (4) die volgende sub-artikel in te voeg: Wysiging van artikel 55 van Wet 28 van 1956.

„(4)*bis* Die hele bedrag wat aan die aangewese amptenaar betaal word ooreenkomstig 'n bevel wat kragtens artikel *vier-en-vyftig* teen 'n werkgewer uitgevaardig word ten opsigte van 'n in paragraaf (c) van sub-artikel (2) van artikel *drie-en-vyftig* bedoelde oortreding of versuim, moet aan die betrokke nywerheidsraad of in paragraaf (r) van sub-artikel (1) van artikel *vier-en-twintig* bedoelde fonds, betaal word.”

8. Artikel *ses-en-sewentig* van die Hoofwet word hierby gewysig— Wysiging van artikel 76 van Wet 28 van 1956, soos gewysig deur artikel 13 van Wet 41 van 1959.

(a) deur na die woord „of” aan die end van paragraaf (a) van sub-artikel (1) die volgende paragraaf in te voeg:

„(a)*bis* of enige klas van besigheid of werk of enige werksaamheid of proses binne 'n bepaalde onderneming, nywerheid, bedryf of beroep val of geval het; of”; en

(b) deur aan die end van sub-artikel (5) die volgende voorbehoudbepaling by te voeg:

„Met dien verstande dat as die nywerheidshof, met inagneming van die beperkte omvang van die ondersoek wat nodig is om 'n vasstelling te maak, van mening is dat publikasie van 'n kennisgewing in die *Staatskoerant* onnodig is, hy in plaas van die publikasie van sodanige kennisgewing 'n dergelike kennisgewing aan sodanige persone as wat na sy mening geraadpleeg behoort te word, per brief kan laat stuur.”

9. Hierdie Wet heet die Wysigingswet op Nywerheidsversoening, 1961. Kort titel.