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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

TDA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 7509

KANTOOR VAN DIE EERSTE MINISTER

No. 627.

27 Maart 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 48 van 1981: Loonwysigingswet, 1981.

OFFICE OF THE PRIME MINISTER

No. 627.

27 March 1981.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 48 of 1981: Wage Amendment Act, 1981.

Act No. 48, 1981

WAGE AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- _____** Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the Wage Act, 1957, so as further to define or to replace certain expressions; to make further provision for the establishment of divisions of the wage board; to further regulate the conducting of investigations by the said board in terms of the said Act; to extend the provisions regarding the observing of secrecy; to discontinue the publication of recommendations of the said board; to further regulate the granting of exemption from determinations in terms of the said Act, and the appointment of inspectors under the said Act; to do away with the registration of employers; and to provide for the admissibility of certain reproductions of certain records and the availability of copies of the said determinations at the premises of employers; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(Assented to 3 March 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 5 of 1957.

1. Section 1 of the Wage Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister of **[Labour]** Manpower Utilization;".

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Amendment of
section 2 of
Act 5 of 1957.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) This Act shall not apply to persons in respect of 10 their employment in farming operations, or in domestic service in private households, nor to officers of Parliament in respect of their employment as such, nor to persons employed by the State in respect of their employment as such, nor to the performance of work in a charitable 15 institution for which the persons performing it receive no remuneration, nor to persons employed by any organization registered or deemed to be registered as a welfare organization in terms of section 13 of the National Welfare Act, 1978 (Act No. 100 of 1978), which receives financial aid from the State, in respect of their employment as such, nor to work in or in connection with any university, college, school or other educational institution maintained wholly or partly from public funds, as part of the education or training of the persons performing it, nor to university 25 students in respect of their employment in any trade as part of their university training if such employment is required for the completion of their curricula."

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ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Loonwet, 1957, ten einde sekere uitdrukings nader te omskryf of te vervang; verdere voorsiening te maak vir die instelling van afdelings van die loonraad; die instelling van ondersoeke deur genoemde raad ingevolge genoemde Wet verder te reël; die bepalings betreffende geheimhouding uit te brei; die publikasie van aanbevelings van genoemde raad op te hef; die verlening van vrystelling van vasstellings ingevolge genoemde Wet, en die aanstelling van inspekteurs kragtens genoemde Wet, verder te reël; met die registrasie van werkgewers weg te doen; en voorsiening te maak vir die toelaatbaarheid van sekere reproduksies van sekere aantekeninge en die beskikbaarheid van afskrifte van genoemde vasstellings by die persele van werkgewers; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1981.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Loonwet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „Minister” deur die volgende omskrywing te vervang: „Minister” die Minister van **[Arbeid]** Mannekragbenutting;—
- Wysiging van artikel 1 van Wet 5 van 1957.
2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
- 10 „(2) Hierdie Wet is nie van toepassing op persone ten opsigte van hul diens in boerderybedrywighede of in huishoudelike diens in private huishoudings nie, nog op amptenare van die Parlement ten opsigte van hul diens as sodanig, nog op persone in diens van die Staat ten opsigte van hul diens as sodanig nog op die verrigting van werk in 'n liefdadigheidsinrigting waarvoor die persone wat dit verrig geen beloning ontvang nie, nog op persone in diens van enige organisasie wat ingevolge artikel 13 van die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), as 'n welsynsorganisasie geregistreer is of geag word as 'n welsynsorganisasie geregistreer te wees en wat geldelike hulp van die Staat ontvang, ten opsigte van hul diens as sodanig, nog op werk wat aan of in verband met enige universiteit, kollege, skool of ander opvoedkundige inrigting wat geheel en al of gedeeltelik uit staatsfondse onderhou word, verrig word as deel van die opvoeding of opleiding van die persone wat dit verrig, nog op universiteitstudente ten opsigte van hul diens in enige bedryf as deel van hul universiteitsopleiding as daardie diens vereis word vir die voltooiing van hul leergange.”.
- Wysiging van artikel 2 van Wet 5 van 1957.
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Act No. 48, 1981**WAGE AMENDMENT ACT, 1981**

Amendment of
section 3 of
Act 5 of 1957.

- 3. Section 3 of the principal Act is hereby amended—**
- (a) by the substitution for paragraphs (a) and (b) of subsection (5) of the following paragraphs, respectively:
 - "(a) The **[Minister]** chairman or the temporary chairman of the board may at any time, if **[after consultation with the chairman of the board]** he deems it expedient to do so, establish a division of the board for the purpose of performing such function of the board as the **[Minister]** chairman or the temporary chairman of the board may assign to it.
 - (b) Any division shall consist of three members to be appointed by the **[Minister]** chairman or the temporary chairman of the board, of whom at least one shall be a member (other than an additional member) of the board, and such member or, if two or more such members have been appointed, then such one of them as the **[Minister]** chairman or the temporary chairman of the board may designate, shall be the chairman of the division, unless the chairman or the temporary chairman of the board is a member of the division, in which event he shall be the chairman of the division."; and
 - (b) by the substitution in subsection (9) for the words "Public Service Commission" of the words "Commission for Administration".

Amendment of
section 4 of
Act 5 of 1957.

- 4. Section 4 of the principal Act is hereby amended—**
- (a) by the substitution for subsection (3) of the following subsection:
 - "(3) In specifying any class of employees under subsection (2) (b) the Minister may apply any method of differentiation **[or discrimination based on age, sex, experience, length of employment or type of work or type or class of premises or the area on or in which work is performed or any other method]** he may deem advisable: Provided that the Minister shall not differentiate **[or discriminate]** on the basis of sex, race or colour.";
 - (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
 - "(a) The chairman or the temporary chairman of the board may **[unless the Minister has directed otherwise]** decide that any investigation and report in pursuance of a request under subsection (1) shall be carried out and made by any member of the board (other than an additional member), either alone or in conjunction with any additional member, as the board may decide."; and
 - (c) by the substitution for subsection (5) of the following subsection:
 - "(5) (a) If, after consultation with the board, the Minister is of the opinion **[a]** that any investigation in respect of which a request has been made to the board under subsection (1) should not be proceeded with, **[or**
 - (b)** that the terms of reference determined under subsection (2) should be amplified or altered in any respect] he may withdraw the request made to the board in respect of such investigation **[and in the case of a withdrawal in pursuance of paragraph (b), make a new request to the board].**
 - (b) The Minister may, after consultation with the board, amplify or alter the terms of reference determined under subsection (2)."

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3. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragrawe (a) en (b) van subartikel (5) deur onderskeidelik die volgende paragrawe te vervang:

Wysiging van artikel 3 van Wet 5 van 1957.

- 5 „(a) Die **[Minister]** voorsitter of die tydelike voorsitter van die raad kan te eniger tyd, indien hy **[na oorlegpleging met die voorsitter van die raad]** dit raadsam ag om dit te doen, 'n afdeling van die raad instel met die doel om sodanige werkzaamheid van die raad te verrig as wat die **[Minister]** voorsitter of die tydelike voorsitter van die raad aan hom opdra.
- 10 (b) 'n Afdeling bestaan uit drie lede wat deur die **[Minister]** voorsitter of die tydelike voorsitter van die raad aangestel word, van wie minstens een 'n lid (behalwe 'n addisionele lid) van die raad moet wees, en daardie lid of, indien twee of meer sodanige lede aangestel is, dan dié een van hulle wat die **[Minister]** voorsitter of die tydelike voorsitter van die raad aanwys, is die voorsitter van die afdeling, **tensy die voorsitter of die tydelike voorsitter van die raad 'n lid van die afdeling is, in welke geval hy die voorsitter van die afdeling is.**"; en
- 15 (b) deur in subartikel (9) die woord „Staatsdienskommisie" deur die woorde „Kommissie vir Administrasie" te vervang.

4. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 4 van Wet 5 van 1957.

- 30 „(3) By die vermelding van 'n klas werknemers kragtens subartikel (2) (b) kan die Minister enige metode van differensiasie **[of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van dienstyd of soort werk of soort van klas perseel of die gebied waarop of waarin werk verrig word of enige ander metode]** wat hy raadsam ag, toepas: Met dien verstande dat geen differensiasie **[of diskriminasie]** op grond van geslag, ras of kleur deur die Minister gemaak mag word nie.";
- 35 (b) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
- 40 „(a) Die voorsitter of die tydelike voorsitter van die raad kan **[tensy die Minister anders gelas het]** besluit dat 'n ondersoek en verslag na aanleiding van 'n versoek kragtens subartikel (1), deur 'n lid van die raad (behalwe 'n addisionele lid), hetsy alleen of tesame met 'n addisionele lid, soos die raad besluit, ingestel en gedoen word."; en
- 45 (c) deur subartikel (5) deur die volgende subartikel te vervang:
- 50 „(5) (a) Indien die Minister, na oorlegpleging met die raad, van oordeel is **[(a)]** dat 'n ondersoek ten opsigte waarvan 'n versoek kragtens subartikel (1) aan die raad gedoen is, nie voortgesit behoort te word nie, **[of**
- 55 (b) **dat die kragtens subartikel (2) bepaalde opdrag in enige opsig aangevul of gewysig behoort te word]** kan hy die versoek wat aan die raad ten opsigte van so 'n ondersoek gedoen is, terugtrek **[en, in die geval van 'n terugtrekking ingevolge paragraaf (b), 'n nuwe versoek aan die raad doen].**
- 60 (b) Die Minister kan, na oorlegpleging met die raad, die opdrag kragtens subartikel (2) bepaal, **aanvul of wysig.**"

Act No. 48, 1981**WAGE AMENDMENT ACT, 1981**

Substitution of
section 5 of
Act 5 of 1957.

5. The following section is hereby substituted for section 5 of the principal Act:

"Contents
of report.

5. A report submitted in connection with any investigation made under section 4, shall contain such information as at the time of the investigation is in the opinion of the board relevant to the investigation." 5

Amendment of
section 7 of
Act 5 of 1957.

6. Section 7 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) any information made available to it in relation to the trade concerned, by the Board of Trade and Industries, the **[Industrial Tribunal]** industrial court established under the Industrial Conciliation Act, any department of State or any similar authority;".

Amendment of
section 8 of
Act 5 of 1957.

7. Section 8 of the principal Act is hereby amended— 15

- (a) by the deletion of paragraph (n) of subsection (1);
- (b) by the substitution for subsection (4) of the following subsection:

"(4) For the purposes of this section, 'class of employees' and 'class of his employees' include such group or section or type of employees as may be specified or defined by the board, and the board may, in so specifying or defining, apply any method of differentiation **[or discrimination based on age, sex, experience, length of employment or type of work or type or class of premises or the area on or in which work is performed or any other method]** it may deem advisable: Provided that the board shall not differentiate **[or discriminate]** on the basis of sex, race or colour."; and 30

- (c) by the addition of the following subsection:

"(5) The proviso to subsection (4), in so far as it prohibits differentiation on the basis of sex, shall not apply in respect of requests made to the board under section 4 (1) or 15 (2) prior to the commencement of 35 this subsection".

Amendment of
section 11 of
Act 5 of 1957.

8. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:

"(3) The board shall as soon as possible submit to the Minister every report or recommendation in pursuance of any request or direction under this Act, and shall transmit with such report or recommendation any report or reservation referred to in the proviso to subsection (1) together with its observations thereon: 45 Provided that the board may at any time **[prior to the publication under section thirteen of]** before any determination is made under section 14 (1) in accordance with any recommendation made by it, alter that recommendation."; and 50

- (b) by the deletion of subsection (7).

Amendment of
section 12 of
Act 5 of 1957.

9. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person who is or was a member of the board or any officer **or any assessor appointed in terms of section 3** 55

(8) or any interpreter or assistant referred to in section 27

(1) who discloses, except to the Minister or to an officer or to the board or to the Board of Trade and Industries or to the **[Industrial Tribunal]** industrial court established under the Industrial Conciliation Act or any similar body which is concerned with the matter or to a court of law, or, save for the purposes of this Act or any other law, to any other 60

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5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 5 van Wet 5 van 1957.

- „Inhoud van verslag.
5 5. 'n Verslag wat in verband met 'n ingevolge artikel 4 ingestelde ondersoek voorgelê word, moet die gegewens bevat wat ten tyde van die ondersoek na die raad se oordeel by die ondersoek ter sake is.'

6. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 7 van Wet 5 van 1957.

- 10 „(c) enige gegewens wat in verband met die betrokke bedryf tot sy beskikking gestel word deur die Raad van Handel en Nywerheid, die **[Nywerheidshof nywerheidshof** kragtens die Wet op Nywerheidsversoening ingestel, enige Staatsdepartement of enige soortgelyke owerheid;”.

7. Artikel 8 van die Hoofwet word hierby gewysig—

Wysiging van artikel 8 van Wet 5 van 1957.

- (a) deur paragraaf (n) van subartikel (1) te skrap;
(b) deur subartikel (4) deur die volgende subartikel te vervang:

- 20 „(4) By die toepassing van hierdie artikel beteken 'klas werknekemers' en 'klas van sy werknekemers' ook die groep of afdeling of soort werknekemers wat deur die raad vermeld of omskrywe word, en by so 'n vermelding van omskrywing kan die raad enige metode van differensiasie **[of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van dienstyd of soort werk of soort of klas perseel of die gebied waarop of waarin werk verrig word of enige ander metode]** wat hy raadsaam ag, toepas: Met dien verstande dat geen differensiasie **[of diskriminasie]** op grond van geslag, ras of kleur deur die raad gemaak mag word nie.”; en
25 (c) deur die volgende subartikel by te voeg:
„(5) Die voorbehoudbepaling by subartikel (4) is, vir sover dit differensiasie op grond van geslag verbied, nie van toepassing nie ten opsigte van versoek wat voor die inwerkingtreding van hierdie subartikel ingevolge artikel 4 (1) of 15 (2) aan die raad gerig is.”.

8. Artikel 11 van die Hoofwet word hierby gewysig—

Wysiging van artikel 11 van Wet 5 van 1957.

- 40 (a) deur subartikel (3) deur die volgende subartikel te vervang:
„(3) Die raad moet so gou doenlik iedere verslag of aanbeveling na aanleiding van 'n versoek of lasgewing kragtens hierdie Wet aan die Minister voorlê, en moet met so 'n verslag of aanbeveling enige in die voorbehoudbepaling by subartikel (1) bedoelde verslag of voorbehoudbepaling tesame met sy opmerkings daaroor, deurstuur: Met dien verstande dat die raad te eniger tyd voor **[die publikasie kragtens artikel dertien van] 'n vasstelling kragtens artikel 14 (1) gemaak word ooreenkomsdig 'n aanbeveling deur hom gedoen, daardie aanbeveling kan wysig.”; en
50 (b) deur subartikel (7) te skrap.**

9. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 12 van Wet 5 van 1957.

- 55 „(1) Iemand wat 'n lid van die raad is of was of 'n amptenaar of enige assessor ingevolge artikel 3 (8) aangeset of 'n in artikel 27 (1) bedoelde tolk of assistent wat, behalwe aan die Minister of aan 'n amptenaar of aan die raad of aan die Raad van Handel en Nywerheid of aan die **[Nywerheidshof] nywerheidshof** kragtens die Wet op Nywerheidsversoening ingestel of enige soortgelyke liggaam wat by die aangeleentheid betrokke is of aan 'n gereghof, of, behalwe vir die doeleindes van hierdie Wet of enige

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Repeal of
section 13 of
Act 5 of 1957.

Amendment of
section 14 of
Act 5 of 1957.

Amendment of
section 15 of
Act 5 of 1957.

Amendment of
section 19 of
Act 5 of 1957.

Amendment of
section 20 of
Act 5 of 1957.

Amendment of
section 21 of
Act 5 of 1957.

Amendment of
section 22 of
Act 5 of 1957.

Amendment of
section 23 of
Act 5 of 1957.

person, any information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence.”.

10. Section 13 of the principal Act is hereby repealed. 5

11. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Upon consideration of a recommendation the Minister may, if he deems it expedient to do so, make a determination, which shall be in accordance with the 10 recommendation.”.

12. Section 15 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) If the board has, under subsection (4), recommended to the Minister an amendment of any determination, the Minister may, if he deems it expedient to do so, act in accordance with the provisions of [section thirteen and of] section 14 (1) as if the reference in those provisions to a determination were a reference to an amendment of a determination, and he may thereafter by notice in the 20 Gazette amend the relevant determination in accordance with the board’s recommendation [or amended recommendation, as the case may be].”.

13. Section 19 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: 25

“(6) For the purposes of this section, ‘class of persons’ includes such group or section or type of persons as may be specified or defined in the licence of exemption, and in the making of any such specification or definition any method of differentiation [or discrimination based on age, sex, 30 experience, length of employment or type of work or type or class of premises or the area on or in which work is performed, or any other method] which is deemed to be advisable, may be applied: Provided that no differentiation on the basis of sex, race or colour shall be made.”. 35

14. Section 20 of the principal Act is hereby amended by the substitution in subsection (8) for the words “Secretary for Labour” and “Consolidated Revenue Fund”, where they occur in paragraphs (b) and (c), of the words “Director-General: Manpower Utilization” and “State Revenue Fund”, respectively. 40

15. Section 21 of the principal Act is hereby amended by the substitution in subsection (3) for the word “Union” of the word “Republic”.

16. Section 22 of the principal Act is hereby amended by the 45 substitution in subsections (3) and (4) for the words “Consolidated Revenue Fund” of the words “State Revenue Fund”.

17. Section 23 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph: 50

“(a) the employee produces to the court a certificate signed by the attorney-general of [the province in which is situate the area of jurisdiction of the court, or where that area of jurisdiction is situate within the area of jurisdiction of the Eastern Districts Local Division of the Supreme Court of South Africa, by the solicitor-general] the area in respect of which the court has jurisdiction, stating that he declines to prosecute in

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ander wetsbepalings, aan enige ander persoon enige gegewens openbaar wat hy by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet verkry het met betrekking tot die sake van enige persoon, firma of besigheid, is aan 'n misdryf skuldig.".

- 10. Artikel 13 van die Hoofwet word hierby herroep.** Herroeping van artikel 13 van Wet 5 van 1957.
- 11. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:** Wysiging van artikel 14 van Wet 5 van 1957.
- 10 „(1) Na oorweging van 'n aanbeveling kan die Minister, as hy dit dienstig ag om dit te doen, 'n vasstelling maak wat ooreenkomsdig die aanbeveling is.”
- 12. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:** Wysiging van artikel 15 van Wet 5 van 1957.
- 15 „(6) As die raad ingevolge subartikel (4) by die Minister 'n wysiging van 'n vasstelling aanbeveel het, kan die Minister, as hy dit dienstig ag om dit te doen, handel volgens die bepalings van **[artikel dertien en van]** artikel 14 (1) asof die verwysing in daardie bepalings na 'n vasstelling 'n verwysing was na 'n wysiging van 'n vasstelling, en hy kan daarna by kennisgewing in die *Staatskoerant* die toepaslike vasstelling ooreenkomsdig die raad se aanbeveling **[of gewysigde aanbeveling, na gelang van die geval]** wysig.”.
- 13. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:** Wysiging van artikel 19 van Wet 5 van 1957.
- 25 „(6) By die toepassing van hierdie artikel beteken 'klas persone' ook die groep of afdeling of soort persone wat in die vrystellingsertifikaat vermeld of omskrywe word en by die maak van so 'n vermelding of omskrywing kan enige 30 metode van differensiasie **[of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van dienstyd of soort werk of soort van perseel of die gebied waarop of waarin werk verrig word, of enige ander metode]** wat raadsaam geag word, toegepas word: Met dien verstande dat geen 35 differensiasie op grond van geslag, ras of kleur gemaak mag word nie.”.
- 14. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (8) die woorde „Sekretaris van Arbeid” en „Gekonsolideerde Inkomstefonds” waar hulle in paragraue (b) en (c) 40 voorkom, deur onderskeidelik die woorde „Direkteur-generaal: Mannekragbenutting” en „Staatsinkomstefonds” te vervang.** Wysiging van artikel 20 van Wet 5 van 1957.
- 15. Artikel 21 van die Hoofwet word hierby gewysig deur in subartikel (3) die Woord „Unie” deur die woord „Republiek” te vervang.** Wysiging van artikel 21 van Wet 5 van 1957.
- 45 **16. Artikel 22 van die Hoofwet word hierby gewysig deur in subartikels (3) en (4) die woorde „Gekonsolideerde Inkomstefonds” deur die woord „Staatsinkomstefonds” te vervang.** Wysiging van artikel 22 van Wet 5 van 1957.
- 50 **17. Artikel 23 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:** Wysiging van artikel 23 van Wet 5 van 1957.
- 55 „(a) die werknemer aan die hof 'n sertifikaat voorlê, onderteken deur die prokureur-generaal van **[die provinsie waarin die regssgebied van die hof geleë is, of waar daardie regssgebied binne die regssgebied van die Plaaslike Afdeling Oostelike Distrikte van die Hooggereghof van Suid-Afrika geleë is, deur die solisiteur-generaal]** die gebied ten opsigte waarvan die hof met regssbevoegdheid beklee is, waarin gemeld word dat hy weier om te vervolg ten opsigte van die oortreding of

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WAGE AMENDMENT ACT, 1981

Amendment of
section 24 of
Act 5 of 1957.

respect of the contravention or failure upon which the employee proposes to base his cause of action; or".

18. Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No agreement, express or implied, including **[a 5 labour tenant contract or]** any service contract, **[in terms of the Black Service Contract Act, 1932 (Act No. 24 of 1932)]** whether entered into before or after the coming into operation of any determination that is binding in terms of this Act or the grant of any licence of exemption, shall 10 operate to permit of the payment to any employee of remuneration less than that prescribed by that determination or licence, or the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so 15 prescribed, nor shall it effect any waiver by an employee of the application to him of any provision of that determination, or licence, and any **[Any]** person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be 20 guilty of an offence, and every such agreement shall be void.".

Amendment of
section 25 of
Act 5 of 1957.

19. Section 25 of the principal Act is hereby amended—

(a) by the substitution for the words "three hundred pounds" of the expression "R600"; and **25**
 (b) by the addition of the following subsection, the existing section becoming subsection (1) thereof:
"(2) For the purposes of this section 'trade union' has the meaning assigned thereto in section 1 of the Industrial Conciliation Act." **30**

Amendment of
section 26 of
Act 5 of 1957.

20. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister or an officer designated by him for that purpose may, subject to the laws governing the public service, appoint any person as an inspector under this **35** Act.".

Repeal of
section 28 of
Act 5 of 1957.

21. Section 28 of the principal Act is hereby repealed.

Amendment of
section 29 of
Act 5 of 1957.

22. Section 29 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Every person who in terms of subsection (1) or (2) is required to keep a record of any event, shall retain such record or a microfilm or other microform reproduction thereof for a period of three years subsequent to the occurrence of that event, and shall on demand by an inspector made at any time during the said period of three **45** years produce the said record or such reproduction thereof for inspection.".

Substitution of
section 30 of
Act 5 of 1957.

23. The following section is hereby substituted for section 30 of the principal Act:

"Determination to be kept by employer.

30. (1) Every employer upon whom any determination is binding in terms of this Act shall at all times keep a copy of such determination available on his premises and shall upon request of an employee make the determination available to such employee. **50**

(2) Any employer who fails to comply with any provision of this section shall be guilty of an offence.".

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versuim waarop die werknemer voornemens is om sy grond van aksie te baseer; of'.

- 18. Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- 5 „,(1) Geen ooreenkoms, uitdruklik of stilswyend, met inbegrip van 'n **[plakkerdienskontrak of]** dienskontrak, **[ingevolge die Swart Dienskontrak Wet, 1932 (Wet No. 24 van 1932)]** het sy dit aangegaan is voordat of nadat 'n vasstelling wat ingevolge hierdie Wet bindend is, in werking getree het, of 'n vrystellingsertifikaat uitgereik is, het die uitwerking dat dit die betaling aan 'n werknemer van minder beloning as dié wat deur daardie vasstelling of sertifikaat voorgeskryf word, of die toepassing op 'n werknemer van enige behandeling of die toekekening aan hom van enige voordele wat vir hom minder gunstig is as die aldus voorgeskrewe behandeling of voordele, veroorloof nie, nog bewerkstellig dit 'n afstand deur enige werknemer van die toepassing van enige bepaling van daardie vasstelling of sertifikaat op hom nie, **en iemand [Iemand]** wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekekening heet te veroorloof of om so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en so 'n ooreenkoms is nietig.”.
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- 19. Artikel 25 van die Hoofwet word hierby gewysig—**
- (a) deur die woorde „driehonderd pond” deur die uitdrukking „R600” te vervang; en
- (b) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) daarvan word:
- 30 „,(2) By die toepassing van hierdie artikel beteken 'vakvereniging' dieselfde as wat dit in artikel 1 van die Wet op Nywerheidsversoening beteken.”.
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- 20. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- „,(1) Die Minister of 'n amptenaar deur hom vir dié doel aangewys, kan, met inagneming van die wetsbepalings op die staatsdiens, enige persoon as 'n inspekteur kragtens hierdie Wet aanstel.”.
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- 35
- 21. Artikel 28 van die Hoofwet word hierroep.**
- Herroeping van artikel 28 van Wet 5 van 1957.
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- 22. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:**
- „,(3) Elke persoon wat ingevolge subartikel (1) of (2) 'n aantekening van 'n gebeurtenis moet hou, moet daardie aantekening of 'n mikrofilm- of ander mikrovormreproduksie daarvan behou vir 'n tydperk van drie jaar na daardie gebeurtenis plaasgevind het, en moet op versoek van 'n inspekteur te eniger tyd binne bedoelde tydperk van drie jaar gedoen, bedoelde aantekening of sodanige reproduksie daarvan vir insae voorlê.”.
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- 23. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:**
- „Vasstelling deur werkgewer gehou te word.
- 55
30. (1) Elke werkgewer vir wie 'n vasstelling ingevolge hierdie Wet bindend is, moet te alle tye 'n afskrif van sodanige vasstelling op sy perseel beskikbaar hê en moet op versoek van 'n werknemer die vasstelling aan sodanige werknemer beskikbaar stel.
- (2) 'n Werkgewer wat versuim om aan 'n bepaling van hierdie artikel te voldoen, is aan 'n misdryf skuldig.”.
- 50
- 55
- Wysiging van artikel 24 van Wet 5 van 1957.
- Wysiging van artikel 25 van Wet 5 van 1957.
- Wysiging van artikel 26 van Wet 5 van 1957.
- Wysiging van artikel 29 van Wet 5 van 1957.
- Vervanging van artikel 30 van Wet 5 van 1957.

Act No. 48, 1981**WAGE AMENDMENT ACT, 1981**

Amendment of
section 34 of
Act 5 of 1957.

24. Section 34 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer, principal or contractor, or by his manager, agent or employee, or found upon or in any premises occupied by, or upon any vehicle used in the business of, that employer, principal or contractor, and any copy or reproduction (whether obtained by microfilming or any other process) of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, principal or contractor, or by any manager, agent or employee of that employer, principal or contractor in the course of his work as manager or in the course of his agency or employment.”.

Amendment of
section 36 of
Act 5 of 1957.

25. Section 36 of the principal Act is hereby amended by the substitution in subsection (1) for the word “Governor-General” of the words “State President”.

Amendment of
section 37 of
Act 5 of 1957.

26. Section 37 of the principal Act is hereby amended—
(a) by the substitution in subsection (1) for the words “one hundred pounds” of the expression “R200”; and
(b) by the deletion of subsections (2), (3) and (4).

Substitution of
section 39 of
Act 5 of 1957.

27. The following section is hereby substituted for section 39 of the principal Act:

“Section 57 of Act 51 of 1977 not to apply to certain offences under this Act.

39. The provisions of section [three hundred and fifty-one of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)] 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of any offence which consists of a contravention or failure referred to in section 20 (2) or (3).”.

Continuation of determination.

28. The provisions of a determination published in terms of the principal Act prior to the commencement of this Act, which differentiates on the basis of sex, shall remain in force until those provisions are amended or the determination is cancelled or replaced in terms of the principal Act.

Short title and commencement.

29. This Act shall be called the Wage Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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24. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

„(5) By enige verrigtinge ingevolge hierdie Wet is 'n verklaring van inskrywing wat voorkom in enige boek of stuk wat deur 'n werkgewer, prinsipaal of aannemer of deur sy bestuurder, agent of werknemer gehou word, of wat gevind word op of in 'n perseel wat deur daardie werkgewer, prinsipaal of aannemer geokkupeer word, of op of in 'n voertuig wat in die besigheid van daardie werkgewer, prinsipaal of aannemer gebruik word, en enige afskrif of reproduksie (het sy deur middel van mikroverfilming of 'n ander proses verkry) van so 'n verklaring of inskrywing, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer, prinsipaal of aannemer of deur 'n bestuurder, agent of werknemer van daardie werkgewer, prinsipaal of aannemer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.”.

25. Artikel 36 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang:

26. Artikel 37 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) die woorde „honderd pond” deur die uitdrukking „R200” te vervang; en
 (b) deur subartikels (2), (3) en (4) te skrap.

27. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:

„Artikel 57 van Wet 51 van 1977 nie van toepassing op sekere oortredings volgens hierdie Wet nie.”.

39. Die bepalings van artikel 【driehonderd-een-en-vyftig van die Strafproseswet, 1955 (Wet No. 56 van 1955)】 57 van die Strafproseswet, 1977 (Wet No. 51 van 1977), is nie ten opsigte van 'n misdryf wat bestaan uit 'n in artikel 20 (2) of (3) bedoelde oortreding of versum van toepassing nie.”.

28. Die bepalings van 'n vasstelling wat kragtens die Hoofwet voor die inwerkingtreding van hierdie Wet gepubliseer is en wat op grond van geslag differensieer, bly van krag totdat daardie bepalings gewysig of die vasstelling ingetrek of vervang word ingevolge die Hoofwet.

29. Hierdie Wet heet die Loonwysigingswet, 1981, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

the Chinese in Canada. This is the first time I have had the opportunity of writing on this subject and I hope it will not be the last. In my opinion, the Chinese in Canada are a people who have come here to work and to live, and who have no desire to remain here permanently. They are not a people who have come here to settle down, but rather to earn money and go back to their native land. They are not a people who have come here to stay, but rather to earn money and go back to their native land. They are not a people who have come here to stay, but rather to earn money and go back to their native land. They are not a people who have come here to stay, but rather to earn money and go back to their native land. They are not a people who have come here to stay, but rather to earn money and go back to their native land. They are not a people who have come here to stay, but rather to earn money and go back to their native land.

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1940-1941. In 1940, the first year of the study, the average number of eggs per nest was 3.6. This increased to 4.2 in 1941.

