



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1882.

16 September 1981.

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

No. 62 van 1981: Wet op Voorligting en Indiensplasing, 1981.

No. 1882.

16 September 1981.

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

No. 62 of 1981: Guidance and Placement Act, 1981.

ACT

To provide for the establishment and control of guidance and placement centres and advisory employment boards; for the registration and control of private employment offices; and for matters connected therewith.

(English text signed by the State President.)
(Assented to 25 August 1981.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “board” means an advisory employment board established under section 9; (ix) 5
 - (ii) “centre” means a guidance and placement centre established by virtue of section 2; (xi)
 - (iii) “designated officer”, in relation to a centre, means the officer designated or person authorized under section 3 to perform functions in relation to that centre; (i) 10
 - (iv) “Director-General” means the Director-General: Manpower and includes any officer acting under the control or direction of that Director-General; (iii)
 - (v) “employer” means any person whomsoever who employs or provides work for any person and who remunerates or expressly or tacitly undertakes to remunerate him; (xiii) 15
 - (vi) “inspector” means any officer designated or person authorized under section 16; (vi)
 - (vii) “Minister” means the Minister of Manpower; (vii) 20
 - (viii) “officer” means an officer as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957); (ii)
 - (ix) “principal”, in relation to a school, means the person in charge of or immediately responsible for the management and control of the school; (v) 25
 - (x) “private employment office” means any business carried on for gain in which situations are found for workseekers or in which workseekers are found for employers or in which advice in regard to the procurement of employment or of workseekers is given to workseekers or employers, as the case may be, but excluding any nursing agency as defined in section 1 of the Nursing Act, 1978 (Act No. 50 of 1978); (viii)
 - (xi) “regulation” means a regulation made under section 20; (x) 35

WET

Om voorsiening te maak vir die instelling van en beheer oor voorligting- en indiensplasingssentrums en adviserende indiensplasingrade; vir die registrasie van en beheer oor private werkverskaffingskantore; en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1981.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woord-
omskrywing.

- 5 (i) „aangewese beampte”, met betrekking tot ’n sentrum, die beampte of persoon wat kragtens artikel 3 aangewys of gemagtig is om met betrekking tot daardie sentrum werksaamhede te verrig; (iii)
- 10 (ii) „beampte” ’n beampte soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (viii)
- (iii) „Direkteur-generaal” die Direkteur-generaal: Mannekrag en ook ’n beampte wat onder beheer of op las van daardie Direkteur-generaal optree; (iv)
- 15 (iv) „hierdie Wet” ook enige regulasie daarkragtens uitgevaardig; (xiii)
- (v) „hoof”, met betrekking tot ’n skool, die persoon wat belas is met of direk verantwoordelik is vir die bestuur en beheer van die skool; (ix)
- 20 (vi) „inspekteur” ’n beampte of persoon wat kragtens artikel 16 aangewys of gemagtig is; (vi)
- (vii) „Minister” die Minister van Mannekrag; (vii)
- 25 (viii) „private werkverskaffingskantoor” ’n saak vir wins gedryf waarin betrekkings vir werksoekers gevind word of waarin werksoekers vir werkgewers gevind word of waarin raad in verband met die vind van werk of van werksoekers aan werksoekers of werkgewers, na gelang van die geval, gegee word, maar uitgesonderd ’n verplegingsagentskap soos omskryf in artikel 1 van die Wet op Verpleging, 1978 (Wet No. 50 van 1978); (x)
- 30 (ix) „raad” ’n adviserende indiensplasingraad kragtens artikel 9 ingestel; (i)
- (x) „regulasie” ’n regulasie kragtens artikel 20 uitgevaardig; (xi)
- 35 (xi) „sentrum” ’n voorligting- en indiensplasingssentrum uit hoofde van artikel 2 ingestel; (ii)
- (xii) „skool” ook enige skool, hetsy dit uit openbare fondse opgerig is of daaruit in stand gehou of gesteun word, of met private middele deur ’n private persoon of
- 40

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- (xii) "school" includes any school whether established, maintained or aided out of public funds or managed and controlled by a private person or association of private persons out of private resources; (xii)
- (xiii) "this Act" includes any regulation made thereunder; 5
- (iv)
- (xiv) "workseeker" means a person over the age of 15 years who, whether or not unemployed or not *bona fide* engaged in any business, trade, profession or other remunerative activity, is seeking employment, is not 10 required by law to attend school and is not a pupil or student at, or awaiting admission to, a school or other educational institution. (xiv)

Establishment of
guidance and
placement centres.

2. (1) The Minister may authorize the establishment of a guidance and placement centre by the Director-General for any 15 area and workseekers within that area.

(2) The Minister may at any time withdraw or amend any such authorization.

Functions in
relation to centres.

3. The Minister or an officer authorized thereto by him may designate any officer or authorize any person to perform in 20 relation to a centre the following functions; namely—

- (a) providing for guidance to any person in regard to choice of vocation, by means of the collection and communication of relevant information and the furnishing of advice; 25
- (b) maintaining a register of workseekers registered at the centre and recording therein the information and particulars referred to in section 4 (1);
- (c) placing workseekers in employment; and
- (d) rendering assistance to employers in connection with 30 the selection of staff.

Registration of
workseekers.

4. (1) Any workseeker in respect of whom a centre has been established may be registered for the purposes of this Act at that centre by the designated officer concerned, on furnishing such officer with his name and address and with such other 35 particulars as may be prescribed by regulation.

(2) The designated officer shall issue a registration card in the form prescribed by regulation to any workseeker so registered.

Workseeker who
obtains
employment or who
remains
unemployed to
notify designated
officer.

5. (1) Any workseeker registered under section 4 at a centre shall within seven days of obtaining employment for a con- 40 tinuous period of at least seven days—

- (a) notify the designated officer concerned that he has obtained employment;
- (b) return to that officer the registration card issued to him in terms of section 4 (2); and 45
- (c) supply the said officer with such particulars as may be prescribed by regulation.

(2) A workseeker registered under section 4 at a centre shall for as long as he is seeking employment—

- (a) notify the designated officer concerned in the manner 50 prescribed by regulation, on or before the tenth day of each month succeeding the month during which he was so registered, that he is still seeking employment; and
- (b) notify that officer in such manner of any change of address within seven days of such change. 55

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vereniging van private persone bestuur en beheer word; (xii)

(xiii) „werkgewer” enige persoon hoegenaamd wat enige persoon in diens het of aan hom werk verskaf en wat daardie persoon beloon of uitdruklik of stilswyend onderneem om hom te beloon; (v)

(xiv) „werksoeker” iemand bo die ouderdom van 15 jaar wat, hetsy hy werkloos is of nie *bona fide* 'n besigheid dryf, 'n bedryf of beroep beoefen of hom met 'n ander winsgewende bedrywigheid besig hou nie, al dan nie, diensgeleentheid soek, nie by die een of ander wet verplig is om skool by te woon nie en nie 'n leerling of student aan 'n skool of ander opvoedkundige inrigting is of wag op toelating tot 'n skool of ander opvoedkundige inrigting nie. (xiv)

2. (1) Die Minister kan die instelling van 'n voorligting- en indiensplasing-sentrum deur die Direkteur-generaal vir enige gebied en werksoekers binne daardie gebied goedgekeur.

Instelling van voorligting- en indiensplasing-sentrums.

(2) Die Minister kan so 'n goedkeuring te eniger tyd intrek of wysig.

3. Die Minister of 'n beamppte deur hom daartoe gemagtig, kan 'n beamppte aanwys of iemand magtig om met betrekking tot 'n sentrum die volgende werksaamhede te verrig, naamlik—

Werksaamhede met betrekking tot sentrums.

- (a) voorsiening maak vir leiding aan enige persoon in verband met beroepskeuse, deur middel van die insameling en bekendmaking van tersaaklike inligting en die verstrekking van advies;
- (b) 'n register byhou van werksoekers by die sentrum geregistreer en die inligting en besonderhede in artikel 4 (1) bedoel, daarin aanteken;
- (c) werksoekers in diens plaas; en
- (d) hulpverlening aan werkgewers in verband met die keuring van personeel.

4. (1) 'n Werksoeker ten opsigte van wie 'n sentrum ingestel is, kan vir die doeleindes van hierdie Wet deur die betrokke aangewese beamppte by daardie sentrum, by die verstrekking aan dié beamppte van sy naam en adres en van die ander besonderhede by regulasie voorgeskryf, geregistreer word.

Registrasie van werksoekers.

(2) Die aangewese beamppte moet aan 'n werksoeker wat aldus geregistreer is 'n registrasiekaart in die vorm by regulasie voorgeskryf, uitreik.

5. (1) 'n Werksoeker wat kragtens artikel 4 by 'n sentrum geregistreer is, moet binne sewe dae nadat hy werk vir 'n onafgebroke tydperk van minstens sewe dae gekry het—

Werksoeker wat werk kry of werkloos bly, moet aangewese beamppte in kennis stel.

- (a) die betrokke aangewese beamppte in kennis stel dat hy werk gekry het;
 - (b) die registrasiekaart ingevolge artikel 4 (2) aan hom uitgereik, aan daardie beamppte terugstuur; en
 - (c) die besonderhede by regulasie voorgeskryf, aan genoemde beamppte verstrek.
- (2) 'n Werksoeker kragtens artikel 4 by 'n sentrum geregistreer, moet, solank hy werk soek—

- (a) die betrokke aangewese beamppte op of voor die tiende dag van elke maand na die maand waarin hy aldus geregistreer is, op die wyse by regulasie voorgeskryf in kennis stel dat hy nog werk soek; en
- (b) daardie beamppte binne sewe dae vanaf enige adresverandering, van sodanige verandering op sodanige wyse in kennis stel.

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Employer to notify designated officer of engagement of workseeker.

6. (1) Any employer who engages a workseeker referred to him for employment by the designated officer of a centre shall within seven days of the date on which the workseeker entered his employment notify the designated officer concerned that he has engaged the workseeker and supply that officer with such particulars as may be prescribed by regulation. 5

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Employers to furnish particulars.

7. (1) Any person who employs any other person in an area in respect of which a centre has been established shall, at such times as the Minister may determine, furnish the designated officer concerned with such particulars regarding the persons employed by him in that area and the number of persons he may be able to employ at any particular time in that area.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Information to be supplied by principals of schools.

8. (1) The principal of any school situated within an area in respect of which a centre has been established shall at the request of the designated officer concerned give to that designated officer information in the manner prescribed by regulation in respect of any pupil whose attendance at a school ceases by law to be compulsory, and who—

- (a) has left school permanently; or
- (b) has notified his intention of leaving school permanently during or at the end of the current term of the school. 25

(2) Any person who, being the principal of a school managed and controlled by a private person or association of private persons out of private resources, contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence. 30

Establishment of advisory employment boards.

9. (1) The Minister may by notice in the *Gazette* establish for any specified area an advisory employment board to perform functions in relation to matters affecting the employment, welfare and supervision of any specified category of workseeker within that area. 35

(2) The Minister may in like manner cancel or amend any such notice.

(3) (a) If any board has failed or ceased to perform all or any of its functions, the Minister may by notice in the *Gazette* discharge the members of the board from office, and order that the functions of the board shall, for a period specified in the notice, be performed by a person specified in the notice. 40

(b) The Minister may by notice in the *Gazette* withdraw or from time to time amend such notice by extending any period specified under paragraph (a) or specifying another person in the place of any person specified under that paragraph. 45

(4) The Minister or an officer authorized thereto by him may assign to any board an officer, or authorize any person, to act as secretary of that board. 50

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6. (1) 'n Werkgewer wat 'n werksoeker wat na hom deur die aangewese beampte van 'n sentrum vir werk verwys is, in sy diens neem, moet binne sewe dae vanaf die datum waarop die werksoeker by hom diens aanvaar het die betrokke aangewese beampte in kennis stel dat hy die werksoeker in sy diens geneem het en aan daardie beampte die besonderhede by regulasie voorgeskryf, verstrekk.

Werkgewer moet aangewese beampte in kennis stel van indiensneming van werksoeker.

(2) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

7. (1) Iemand wat in 'n gebied ten opsigte waarvan 'n sentrum ingestel is 'n ander persoon in sy diens het, moet dié besonderhede aangaande die persone in sy diens in daardie gebied en die getal persone wat hy op 'n bepaalde tyd in staat mag wees om in daardie gebied in sy diens te neem, op dié tye wat die Minister bepaal, aan die betrokke aangewese beampte verstrekk.

Werkgewers moet besonderhede verstrekk.

(2) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

8. (1) Die hoof van enige skool wat geleë is binne 'n gebied ten opsigte waarvan 'n sentrum ingestel is, moet op versoek van die betrokke aangewese beampte aan daardie aangewese beampte inligting op die wyse by regulasie voorgeskryf, verstrekk ten opsigte van enige leerling wat nie langer volgens die reg verplig is om skool by te woon nie, en wat—

(a) die skool vas verlaat het; of

(b) sy voorneme om die skool gedurende of aan die einde van die lopende termyn van die skool vas te verlaat, te kenne gegee het.

Inligting wat deur hoofde van skole verstrekk moet word.

(2) Iemand wat die hoof is van 'n skool wat met private middele deur 'n private persoon of vereniging van private persone bestuur en beheer word en die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

9. (1) Die Minister kan by kennisgewing in die *Staatskoerant* vir enige vermeldde gebied 'n adviserende indiensplatingsraad instel om werksaamhede te verrig betreffende aangeleenthede aangaande die indiensplasing en welsyn van en toesig oor 'n vermeldde kategorie werksoeker binne daardie gebied.

Instelling van adviserende indiensplatingsrade.

(2) Die Minister kan op soortgelyke wyse enige sodanige kennisgewing intrek of wysig.

(3) (a) Indien 'n raad versuim het of opgehou het om al of enige van sy werksaamhede te verrig, kan die Minister by kennisgewing in die *Staatskoerant* die lede van die raad uit hulle amp ontslaan, en gelas dat die werksaamhede van die raad vir 'n tydperk in die kennisgewing vermeld, verrig word deur iemand in die kennisgewing vermeld.

(b) Die Minister kan by kennisgewing in die *Staatskoerant* so 'n kennisgewing intrek, of van tyd tot tyd wysig deur 'n tydperk kragtens paragraaf (a) vermeld, te verleng of 'n ander persoon in die plek van iemand kragtens daardie paragraaf vermeld, te vermeld.

(4) Die Minister of 'n beampte deur hom daartoe gemagtig, kan aan 'n raad 'n beampte toewys, of iemand magtig, om as sekretaris van daardie raad op te tree.

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Constitution of
boards.

10. (1) A board shall consist of a number of members to be determined by the Minister, not being less than six or more than eighteen and appointed by the Minister, of whom—

- (a) one-third shall be persons whose names appear on a list of persons whose names have been submitted for the purpose of such appointment by organizations which, in the opinion of the Minister, are competent to represent the interests of employers; 5
- (b) one-third shall be persons whose names appear on a list of persons whose names have been submitted for the purpose of such appointment by organizations which, in the opinion of the Minister, are competent to represent the interests of employees; and 10
- (c) one-third shall be persons whose names appear on a list of persons whose names have been submitted for the purpose of such appointment by organizations which, in the opinion of the Minister, are competent to represent educational and social interests. 15

(2) If, after the expiry of a period of one month from the date on which the Director-General in writing requested the organizations referred to in subsection (1) (a), (b) or (c) to submit a list of names as contemplated in that subsection, such organizations have not yet submitted such list to the Director-General or have submitted a list defective in some or other respect or have submitted a list containing the name of any person who in the opinion of the Minister is incompetent to be a member of the board, the Minister shall appoint any suitable person or persons as a member or as members of the board in the place of the person or persons he would have appointed if such organizations had not failed to submit a list or had not submitted a list defective in some or other respect or containing the name of an incompetent person. 25 30

(3) For every member of a board an alternate member may be appointed by the Minister or an officer authorized thereto by him, in the same manner as such member of the board. 35

(4) An alternate member so appointed may attend any meeting of the board and participate in the proceedings there, but shall have the power to vote at any such meeting only if the member in respect of whom he has been appointed as an alternate member is absent from such meeting. 40

(5) (a) The members and alternate members of a board shall hold office for a period of three years on such conditions as the Minister may on the dates of their appointments determine.

(b) The Minister may, after consultation with or at the request of the organizations concerned, at any time cancel the appointment of any member or alternate member of a board if in his opinion there are good reasons therefor. 45

(6) If the office of a member or alternate member of a board becomes vacant, such vacancy shall be filled, in the case of a member, by the appointment by the Minister, and in the case of an alternate member, by the appointment by the Minister or by an officer authorized thereto by the Minister, and with due regard to the provisions of subsections (1), (2) and (3), of a person as successor to such member or alternate member for the unexpired period of office of such member or alternate member. 50

(7) The Minister or an officer authorized thereto by him may, on the recommendation of a board, appoint an assessor member with the right to attend any meeting of the board and discuss or advise on any matter being dealt with at the meeting, but such a member shall not be entitled to vote. 60

(8) Any member, assessor member or alternate member of a board or a member of a committee appointed under section 12 who is not an officer shall in respect of his services as such 65

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10. (1) 'n Raad bestaan uit die getal lede deur die Minister bepaal, wat nie minder as ses of meer as agtien is nie en wat deur die Minister aangestel word en van wie—

Samestelling van
rade.

- 5 (a) een derde persone is wie se name voorkom op 'n lys van persone wie se name vir die doel van sodanige aanstelling voorgelê is deur organisasies wat na die oordeel van die Minister bevoeg is om die belange van werkgewers te verteenwoordig;
 - 10 (b) een derde persone is wie se name voorkom op 'n lys van persone wie se name vir die doel van sodanige aanstelling voorgelê is deur organisasies wat na die oordeel van die Minister bevoeg is om die belange van werknemers te verteenwoordig; en
 - 15 (c) een derde persone is wie se name voorkom op 'n lys van persone wie se name vir die doel van sodanige aanstelling voorgelê is deur organisasies wat na die oordeel van die Minister bevoeg is om opvoedkundige en maatskaplike belange te verteenwoordig.
- (2) Indien na die verstryking van 'n tydperk van 'n maand 20 vanaf die datum waarop die Direkteur-generaal die organisasies bedoel in subartikel (1) (a), (b) of (c) skriftelik versoek het om 'n lys van name soos beoog in daardie subartikel voor te lê, daardie organisasies nog nie sodanige lys aan die Direkteur-generaal voorgelê het nie of 'n lys voorgelê het wat in een of 25 ander opsig gebrekkig is of 'n lys voorgelê het wat die naam van iemand bevat wat na die oordeel van die Minister onbevoeg is om 'n lid van die raad te wees, moet die Minister enige geskikte persoon of persone as lid of lede van die raad aanstel in die plek van die persoon of persone wat hy sou aangestel het indien 30 daardie organisasies nie in gebreke gebly het om 'n lys voor te lê nie of nie 'n lys voorgelê het wat om een of ander rede gebrekkig is of die naam van 'n onbevoegde persoon bevat het nie.
- (3) Vir elke lid van 'n raad kan daar 'n plaasvervangende lid op 35 dieselfde wyse as bedoelde lid van die raad deur die Minister of 'n beampte deur hom daartoe gemagtig, aangestel word.
- (4) 'n Plaasvervangende lid aldus aangestel, kan 'n vergadering van die raad bywoon en aan die verrigtinge daar deelneem, maar kan slegs op enige sodanige vergadering stem wanneer die 40 lid ten opsigte van wie hy as plaasvervangende lid aangestel is van daardie vergadering afwesig is.
- (5) (a) Die lede en plaasvervangende lede van 'n raad beklee hulle ampte vir 'n tydperk van drie jaar op die 45 voorwaardes wat die Minister op die datums van hulle aanstellings bepaal.
- (b) Die Minister kan te eniger tyd na oorlegpleging met of op versoek van die betrokke organisasies die aanstelling van enige lid of plaasvervangende lid van 'n raad 50 intrek indien daar volgens sy oordeel gegronde redes daarvoor bestaan.
- (6) Indien die amp van 'n lid of plaasvervangende lid van 'n raad vakant raak, moet bedoelde vakature gevul word, in die geval van 'n lid, deur die aanstelling deur die Minister en, in die geval van 'n plaasvervangende lid, deur die aanstelling deur die 55 Minister of deur 'n beampte deur die Minister daartoe gemagtig, en met inagneming van die bepalings van subartikels (1), (2) en (3), van iemand vir die onverstreke ampstermyn van daardie lid of plaasvervangende lid as opvolger van daardie lid of plaasvervangende lid.
- (7) Die Minister of 'n beampte deur hom daartoe gemagtig, 60 kan op aanbeveling van 'n raad 'n assessorlid aanstel wat die reg het om 'n vergadering van die raad by te woon en enige aangeleentheid wat op die vergadering behandel word, te bespreek of daaroor advies te gee, maar so 'n lid is nie geregtig 65 om 'n stem uit te bring nie.
- (8) Aan 'n lid, assessorlid of plaasvervangende lid van 'n raad of 'n lid van 'n komitee kragtens artikel 12 aangestel wat nie 'n beampte is nie, word ten opsigte van sy dienste as

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member, assessor member or alternate member be paid such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance determine.

Meetings of boards

11. (1) The first meeting of a board shall be held at a time and place determined by the Minister, and all subsequent meetings of the board shall be held at such times and places as the board may from time to time determine. 5

(2) The members of a board shall appoint a chairman, a vice-chairman and an executive committee at the first meeting of the board and thereafter at the first meeting in each calendar year. 10

(3) The chairman or, in his absence, the vice-chairman shall preside at all meetings of a board, and in the absence of both the chairman and the vice-chairman from a meeting, the members present, including any alternate members entitled to vote at that meeting, shall elect from among themselves a person to preside at that meeting. 15

(4) The decision of a majority of the members of a board present at a meeting of the board, including any alternate members entitled to vote at the meeting in question, constitutes a decision of the board, and in the case of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote. 20

(5) No decision of a board or act performed under the authority of a board shall be invalid merely by reason of a vacancy on the board in question or the fact that any person not entitled to sit as a member or an alternate member of the board in question, sat as a member or an alternate member when such a decision was taken or such act was authorized, if such decision was taken or such act was authorized by the majority of the members and alternate members of the board in question then present and entitled to vote in connection therewith. 25

(6) An officer or any other person authorized thereto by the Director-General may attend any meeting of a board and may take part in the proceedings of any such meeting, but shall not be entitled to vote. 30

Committees.

12. A board may at any time appoint from among its members and alternate members a committee to investigate any matter determined by the board and to report to the board thereon, and may empower such committee to co-opt as members of the committee persons who are not members of the board. 40

Powers and functions of boards.

13. A board—

- (a) shall take such steps as may be approved by the Minister for exercising a general and continuing supervision over workseekers within the area for which it has been established and belonging to the category of workseeker in respect of which it has been established; 45
- (b) shall report on any matter concerning the provision of employment to and the training, welfare and supervision of workseekers referred to it by the Minister; and 50
- (c) may on its own initiative make such investigation as it may deem expedient as to any other matter regarding the category of workseeker in respect of which it has been established, and shall report to the Minister or the Director-General as to the result of the investigation. 55

Secrecy.

14. Any member or alternate member of a board or any member of a committee appointed under section 12 or any person allowed to be present at any meeting of a board or of any such committee who discloses to any person except to the Minister or

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sodanige lid, assessorlid of plaasvervangende lid die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

11. (1) Die eerste vergadering van 'n raad word gehou op 'n Vergaderings
5 tyd en plek wat die Minister bepaal, en alle daaropvolgende van rade.
vergaderings van die raad word gehou op die tye en plekke wat die raad van tyd tot tyd bepaal.

(2) Op die eerste vergadering van 'n raad en daarna op die eerste vergadering in elke kalenderjaar stel die lede van die
10 raad 'n voorsitter, 'n ondervoorsitter en 'n uitvoerende komitee aan.

(3) Die voorsitter of, indien hy afwesig is, die ondervoorsitter moet op alle vergaderings van 'n raad voorsit, en indien die voorsitter sowel as die ondervoorsitter van 'n vergadering
15 afwesig is, kies die aanwesige lede, met inbegrip van enige plaasvervangende lede wat geregtig is om op daardie vergadering te stem, iemand uit hulle midde om op daardie vergadering voor te sit.

(4) Die beslissing van 'n meerderheid van die lede van 'n raad
20 wat op 'n vergadering van die raad aanwesig is, met inbegrip van enige plaasvervangende lede wat geregtig is om op die betrokke vergadering te stem, maak 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraad-
25 slagende stem ook 'n beslissende stem.

(5) Geen besluit van 'n raad of handeling wat op gesag van 'n raad verrig is, is ongeldig nie bloot vanweë 'n vakature in die betrokke raad of omdat iemand wat nie geregtig was om as lid of plaasvervangende lid van die betrokke raad sitting te neem
30 nie, as sodanige lid of plaasvervangende lid sitting geneem het toe daardie besluit geneem of daardie handeling gemagtig is, indien daardie besluit geneem of daardie handeling gemagtig is deur die meerderheid van die lede en plaasvervangende lede van die betrokke raad wat toe aanwesig was en geregtig was om
35 daaroor te stem.

(6) 'n Beampte of enige ander persoon deur die Direkteur-generaal daartoe gemagtig, kan enige vergadering van 'n raad bywoon en kan aan die verrigtings van so 'n vergadering deelneem, maar is nie geregtig om 'n stem uit te bring nie.

40 12. 'n Raad kan te eniger tyd uit sy lede en plaasvervangende Komitees.
lede 'n komitee aanstel om ondersoek in te stel na, en aan die raad verslag te doen oor, 'n aangeleentheid deur die raad bepaal, en kan aan sodanige komitee die bevoegdheid verleen om persone wat nie lede van die raad is nie te koopteer as lede
45 van die komitee.

13. 'n Raad—

Bevoegdhede en
werksaamhede
van rade.

(a) moet die stappe doen wat deur die Minister goedgekeur word vir die uitoefening van algemene en voortdurende toesig oor werksoekers binne die gebied
50 waarvoor die raad ingestel is en behorende tot die kategorie werksoeker ten opsigte waarvan hy ingestel is;

(b) moet verslag doen oor enige aangeleentheid deur die Minister na hom verwys aangaande werkverskaffing aan en die opleiding en welsyn van en toesig oor
55 werksoekers; en

(c) kan op eie inisiatief die ondersoek instel wat hy dienstig ag aangaande enige ander aangeleentheid rakende die kategorie werksoeker ten opsigte waarvan hy ingestel is, en moet aan die Minister of die
60 Direkteur-generaal verslag doen aangaande die uitslag van die ondersoek.

14. 'n Lid of plaasvervangende lid van 'n raad of 'n lid van 'n Geheimhouding.
komitee kragtens artikel 12 aangestel of iemand wat toegelaat
65 word om by 'n vergadering van 'n raad of van so 'n komitee aanwesig te wees, wat aan iemand behalwe die Minister of die

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the Director-General or except for the purpose of the performance of his duties or the exercise of his powers in terms of this Act, or when it is required by order of any competent court or in terms of any law, any information in relation to the business of any person that may come to his knowledge in the performance of his duties or the exercise of his powers under this Act, or while attending any such meeting, as the case may be, shall be guilty of an offence. 5

Registration and
regulation of
private employment
offices.

15. (1) Subject to the provisions of any law to the contrary, no person shall keep or conduct or hold himself out as keeping or conducting a private employment office, or charge or recover any payment or reward for or in connection with procuring employment or procuring a workseeker through a private employment office, unless that private employment office is registered under this Act. 15

(2) Application for the registration of a private employment office shall be made in the manner prescribed by regulation, and the Director-General may in his discretion grant the application and issue to the applicant a certificate of registration for such period, area and category of persons or labour and subject to 20 such conditions as he may specify therein, or refuse the application.

(3) The Director-General may at any time cancel or amend any certificate of registration issued by him in respect of any private employment office, if the provisions of this Act or the 25 conditions subject to which the certificate was issued are not or have not been complied with.

(4) (a) Any person aggrieved by a decision of the Director-General in regard to—

- (i) an application for the registration of a private 30 employment office; or
- (ii) the cancellation or amendment of a certificate of registration issued in respect of a private employment office,

may appeal to the Minister against such decision, 35 provided such appeal is lodged in writing within 30 days of the date on which he is notified of the decision.

(b) The Minister may confirm or set aside the decision of the Director-General or may give such other decision as in his opinion the Director-General should have 40 given, and such other decision shall be deemed to be the decision of the Director-General.

(5) Any person who keeps or conducts a private employment office registered under this section shall retain any record which by regulation he is required to keep, or a microfilm or other 45 microform reproduction thereof, for a period of three years subsequent to the occurrence of the event recorded, and shall on demand by an inspector made at any time during the said period of three years, produce the said record or such reproduction thereof for inspection, and shall at any time furnish such 50 information as to the business carried on thereat as the inspector may require him to furnish.

(6) No person shall charge or receive from a workseeker in respect of anything done or to be done at a private employment office fees or any other payment or reward at a higher rate than 55 is prescribed by regulation from time to time for any particular area and class of business, or charge a fee or receive any fee or any other payment or reward from a workseeker in respect of anything done or to be done thereat if no such rate has been so prescribed. 60

(7) The provisions of subsection (6) do not apply to the performance for gain, by any person registered under the Medical, Dental and Supplementary Health Service Professions

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Direkteur-generaal of behalwe met die doel om sy pligte of bevoegdhede ingevolge hierdie Wet te verrig of uit te oefen of wanneer dit op bevel van 'n bevoegde geregshof of ingevolge 'n wet vereis word, enige inligting openbaar met betrekking tot die sake van enige persoon wat by die verrigting van sy pligte of die uitoefening van sy bevoegdhede ingevolge hierdie Wet of terwyl hy so 'n vergadering bywoon, na gelang van die geval, tot sy kennis kom, is aan 'n misdryf skuldig.

15 15. Behoudens andersluidende bepalinge van die een of ander wet mag niemand 'n private werkverskaffingskantoor voortsit of in bedryf hou nie of voorgee dat hy 'n private werkverskaffingskantoor voortsit of in bedryf hou nie, of vir of in verband met die vind van werk of die vind van 'n werksoeker deur 'n private werkverskaffingskantoor enige betaling of beloning vorder of invorder nie, tensy daardie private werkverskaffingskantoor kragtens hierdie Wet geregistreer is.

Registrasie en
reëling van private
werkverskaffings-
kantore.

(2) Aansoek om die registrasie van 'n private werkverskaffingskantoor moet op die wyse by regulasie voorgeskryf, gedoen word, en die Direkteur-generaal kan die aansoek na goeddunke toestaan en aan die aansoeker 'n registrasiesertifikaat uitreik vir die tydperk, gebied en kategorie persone of arbeid en onderworpe aan die voorwaardes wat hy daarin vermeld, of die aansoek weier.

(3) Die Direkteur-generaal kan te eniger tyd 'n registrasiesertifikaat wat hy ten opsigte van 'n private werkverskaffingskantoor uitgereik het, intrek of wysig indien die bepalinge van hierdie Wet of die voorwaardes onderworpe waaraan die sertifikaat uitgereik is, nie nagekom word of is nie.

(4) (a) Iemand wat hom veronreg voel deur 'n beslissing van die Direkteur-generaal in verband met—

- (i) 'n aansoek om die registrasie van 'n private werkverskaffingskantoor; of
- (ii) die intrekking of wysiging van 'n registrasiesertifikaat ten opsigte van 'n private werkverskaffingskantoor uitgereik,

kan na die Minister teen sodanige beslissing appelleer, mits bedoelde appèl binne 30 dae na die datum waarop hy van die beslissing in kennis gestel word, skriftelik ingedien word.

(b) Die Minister kan die beslissing van die Direkteur-generaal bekragtig of tersyde stel of die ander beslissing gee wat die Direkteur-generaal na sy mening behoort te gegee het, en sodanige ander beslissing word geag die beslissing van die Direkteur-generaal te wees.

(5) Iemand wat 'n private werkverskaffingskantoor wat kragtens hierdie artikel geregistreer is, voortsit of in bedryf hou, moet die aantekening wat hy by regulasie vereis word om te hou of 'n mikrofilm- of ander mikroformreproduksie daarvan vir 'n tydperk van drie jaar nadat die opgetekende gebeurtenis plaasgevind het, behou, en moet op versoek van 'n inspekteur te eniger tyd gedurende bedoelde tydperk van drie jaar gedoen, bedoelde aantekening of sodanige reproduksie daarvan vir insae voorlê, en moet te eniger tyd die inligting aangaande die sake wat daar gedoen word, verstrek wat die inspekteur hom aansê om te verstrek.

(6) Niemand mag ten opsigte van enigiets wat by 'n private werkverskaffingskantoor gedoen is of gedoen gaan word, gelde of enige ander betaling of beloning teen 'n hoër skaal van 'n werksoeker vorder of ontvang as dié wat van tyd tot tyd vir 'n bepaalde gebied en klas van besigheid by regulasie voorgeskryf is of gelde vorder of enige gelde of ander betaling of beloning van 'n werksoeker ontvang ten opsigte van enigiets wat daar gedoen is of gedoen gaan word as so 'n skaal nie aldus voorgeskryf is nie.

(7) Die bepalinge van subartikel (6) is nie van toepassing nie op die verrigting vir wins deur iemand wat as 'n sielkundige, psigotegnikus of psigometris kragtens die Wet op Geneeshere,

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Act, 1974 (Act No. 56 of 1974), as a psychologist, psycho-technician or psychometrist, of any act which is deemed within the meaning of that Act to pertain specially to the profession of a psychologist, or to pertain to the profession of a psycho-technician or psychometrist, as the case may be. 5

(8) Any private registry office registered under the Labour Relations Act, 1956 (Act No. 28 of 1956), shall, until the expiry of the period for which a certificate of registration was issued in respect thereof under that Act, be deemed to be a private employment office registered under this Act. 10

(9) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Inspectors.

16. The Director-General may designate an officer as an inspector, or authorize any person, to exercise, subject to the directions and control of the Director-General, the powers of an 15 inspector under section 17.

Powers of inspectors.

17. (1) An inspector may conduct an investigation in order to ascertain whether the provisions of section 15 or any condition referred to in section 15 (2) is being or has been complied with, and may for that purpose— 20

(a) at any reasonable time enter any place or upon any premises in respect of which he has reason to believe that they are used for or connected with the finding of employment for workseekers or the finding of work-seekers for employers; 25

(b) question any person whom he finds at such place or on such premises, either in private or in the presence of any other person;

(c) examine any book, document or writing found at such place or on such premises and which he has reason to 30 believe refers to the procuring, at such place or on such premises, of employment or of workseekers, or in writing direct any person having in his possession or under his control any book, document or writing referring to such procuring of employment or of 35 workseekers, to produce within a reasonable time specified in such direction such book, document or writing for examination;

(d) make copies of or take extracts from any book, document or writing referred to in paragraph (c). 40

(2) An inspector who exercises any power under this section shall at the request of any person affected thereby, produce such proof of his identity as may be prescribed by regulation.

(3) Any person who—

(a) fails to produce a book, document or writing in 45 compliance with a direction under subsection (1) (c);

(b) hinders or obstructs any inspector in the exercise of his powers under this section; or

(c) falsely represents himself to be an inspector, shall be guilty of an offence. 50

Exemption from provisions of Act.

18. (1) The Minister may, if in his opinion special circumstances exist which justify exemption, by notice in the *Gazette* exempt any category of employers, principals of schools, private employment offices or workseekers specified in the notice, either generally or with such restrictions as he may deem fit and 55 subject to any conditions he may specify in the notice, from any of or all the provisions of this Act.

(2) The Minister may at any time by like notice withdraw or amend any exemption granted under subsection (1) or withdraw or amend the conditions subject to which it was granted. 60

(3) The Minister may, if in his opinion special circumstances exist which justify exemption, exempt any person, either generally or with such restrictions as he may deem fit and

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Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is, van enige handeling wat ooreenkomstig die bedoeling van daardie Wet geag word 'n handeling te wees wat by uitstek by die beroep van sielkundige, 5 of by die beroep van psigotegnikus of psigometris, na gelang van die geval, tui shoort.

(8) Enige private registrasiekantoor wat kragtens die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), geregi- 10 streer is, word, totdat die tydperk verstryk het waarvoor 'n registrasiesertifikaat ten opsigte daarvan kragtens daardie Wet uitgereik is, geag 'n private werkverskaffingskantoor kragtens hierdie Wet geregistreer, te wees.

(9) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

15 16. Die Direkteur-generaal kan 'n beampte aanwys as 'n Inspekteurs. inspekteur, of iemand magtig, om, onderworpe aan die voor- skrifte en beheer van die Direkteur-generaal, die bevoegdhede van 'n inspekteur kragtens artikel 17 uit te oefen.

17. (1) 'n Inspekteur kan ondersoek instel ten einde vas te stel 20 of die bepalings van artikel 15 of enige voorwaarde in artikel 15 Bevoegdhede van inspekteurs.

(2) bedoel, nagekom word of is, en kan vir daardie doel—

(a) te eniger redelike tyd enige plek of perseel betree of 25 binnegaan ten opsigte waarvan hy rede het om te glo dat dit gebruik word vir of in verband staan met die vind van werk vir werksoekers of die vind van werksoekers vir werkgewers;

(b) iemand wat hy op daardie plek of perseel aantref of 30 alleen of in die teenwoordigheid van iemand anders ondervra;

(c) 'n boek, stuk of geskrif wat op daardie plek of perseel 35 gevind word en wat hy rede het om te glo betrekking het op die vind, op daardie plek of perseel, van werk of van werksoekers, ondersoek, of iemand in wie se besit of onder wie se beheer 'n boek, stuk of geskrif is wat betrekking het op sodanige vind van werk of van werksoekers, skriftelik gelas om daardie boek, stuk of geskrif binne 'n redelike tyd in bedoelde lasgewing 40 vermeld vir ondersoek oor te lê;

(d) afskrifte van of uittreksels uit 'n boek, stuk of geskrif 40 in paragraaf (c) bedoel, maak.

(2) 'n Inspekteur wat 'n bevoegdheid kragtens hierdie artikel 45 uitoefen, moet op versoek van iemand wat daardeur geraak word, die bewys van sy identiteit by regulasie voorgeskryf, toon.

(3) Iemand wat—

45 (a) versuim om 'n boek, stuk of geskrif ter voldoening aan 'n lasgewing kragtens subartikel (1) (c) oor te lê;

(b) 'n inspekteur by die uitoefening van sy bevoegdhede kragtens hierdie artikel hinder of dwarsboom; of

50 (c) homself valslik as 'n inspekteur voordoen, is aan 'n misdryf skuldig.

18. (1) Die Minister kan, indien daar na sy mening spesiale 55 omstandighede bestaan wat vrystelling regverdig, by kennisge- wing in die *Staatskoerant* enige kategorie werkgewers, hoofde van skole, private werkverskaffingskantore of werksoekers in die wat hy goe vind en onderworpe aan die voorwaardes wat hy in die kennisgewing meld, van die een of ander bepaling of al die bepalings van hierdie Wet vrystel. Vrystelling van bepalings van Wet.

(2) Die Minister kan te eniger tyd by dergelike kennisgewing 60 'n vrystelling wat kragtens subartikel (1) verleen is, intrek of wysig of die voorwaardes onderworpe waaraan dit verleen is, intrek of wysig.

(3) Die Minister kan, indien daar na sy mening spesiale 65 omstandighede bestaan wat vrystelling regverdig, enigiemand of in die algemeen of met die beperkings wat hy goe vind en onderworpe aan die voorwaardes wat hy oplê en vir die tydperk

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subject to any conditions he may impose and for such period as he may specify, from any of or all the provisions of this Act.

(4) The Minister may at any time as he deems fit amend or withdraw any exemption granted under subsection (3).

Penalties.

19. Any person shall be liable on conviction of—

5

(a) any offence under section 8 (2), to a fine not exceeding R100;

(b) any offence under section 6 (2), 7 (2), 14 or 17 (3), to a fine not exceeding R200 or to imprisonment for a period not exceeding 60 days;

10

(c) any offence under section 15 (9), to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Regulations.

20. (1) The Minister may make regulations in regard to any matter which he considers it necessary to prescribe in order to give effect to the objects of this Act, including regulations as to any matter which in terms of this Act is required or permitted to be prescribed by regulation.

(2) Regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of R200 or imprisonment for a period of 60 days.

Repeal of Act 34 of 1945.

21. The Registration for Employment Act, 1945, is hereby repealed.

25

Short title and commencement.

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

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deur hom vermeld, vrystel van die een of ander bepaling of al die bepalings van hierdie Wet.

(4) Die Minister kan 'n vrystelling kragtens subartikel (3) verleen te eniger tyd na goeëdunke wysig of intrek.

5 19. Iemand is by skuldigbevinding weens—

Strawwe.

- (a) 'n misdryf kragtens artikel 8 (2), strafbaar met 'n boete van hoogstens R100;
- (b) 'n misdryf kragtens artikel 6 (2), 7 (2), 14 of 17 (3), strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens 60 dae;
- 10 (c) 'n misdryf kragtens artikel 15 (9), strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.

15 20. (1) Die Minister kan regulasies uitvaardig met betrekking tot enige aangeleentheid wat hy nodig ag om voor te skryf ten einde aan die oogmerke van hierdie Wet gevolg te gee, met inbegrip van regulasies aangaande enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word.

Regulasies.

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe voorskryf vir die oortreding daarvan of versuim om daaraan te voldoen wat 'n boete van R200 of gevangenisstraf vir 'n tydperk van 60 dae nie oorskry nie.

25 21. Die Wet op Registrasie vir Werk, 1945, word hierby herroep.

Herroeping van Wet 34 van 1945.

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

Kort titel en inwerkingtreding.

