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STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2304.

16 October 1987

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

No. 91 of 1987: South African Transport Services Amendment Act, 1987.

No. 2304.

16 Oktober 1987

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

No. 91 van 1987: Suid-Afrikaanse Vervoerdienstewysingswet, 1987.

Act No. 91, 1987

SOUTH AFRICAN TRANSPORT SERVICES AMENDMENT ACT,  
1987**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

**ACT**

To amend section 1 and to repeal section 16 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to effect parity in pension benefits for all races; to amend section 4 of the South African Transport Services Act, 1981, so as to grant the Minister statutory authority in determining the service conditions of members of the South African Transport Services Board; to amend section 9 of the said Act so as to enable the South African Transport Services to establish or acquire interests in companies in the Republic or elsewhere; to amend section 26 of the Conditions of Employment (South African Transport Services) Act, 1983, so as to provide for steps which may be taken by the General Manager in the case of an illegal strike; to insert section 32A in the said Act so as to provide for parity in service conditions for employees of all races in the South African Transport Services; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 6 October 1987.)*

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

Amendment of section 1 of Act 43 of 1974, as amended by section 2 of Act 89 of 1976, section 18 of Act 67 of 1980, section 19 of Act 29 of 1981, section 9 of Act 60 of 1981, section 9 of Act 6 of 1982, section 4 of Act 5 of 1984 and section 8 of Act 44 of 1985.

Repeal of section 16 of Act 43 of 1974.

Amendment of section 4 of Act 65 of 1981.

1. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended by the substitution for the definition of "employee" of the following definition:

"'employee' means any person exclusively employed by the South African Transport Services;"

2. Section 16 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby repealed.

3. Section 4 of the South African Transport Services Act, 1981, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) The salaries and other service conditions of the commissioners shall be fixed by the **[State President]** Minister and their salaries shall not be reduced during their respective terms of office."

## ALGEMENE VERDUIDELIKENDE NOTA:

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

**\_\_\_\_\_** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot wysiging van artikel 1 en herroeping van artikel 16 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, ten einde pariteit in pensioenvoordele vir alle rasse te werkstellig; tot wysiging van artikel 4 van die Suid-Afrikaanse Vervoerdienstewet, 1981, ten einde aan die Minister regsbevoegdheid te verleen by die bepaling van die diensvoorwaardes van lede van die Raad van Suid-Afrikaanse Vervoerdienste; tot wysiging van artikel 9 van gemelde Wet ten einde die Suid-Afrikaanse Vervoerdienste in staat te stel om maatskappye in die Republiek of elders op te rig of belange daarin te verkry; tot wysiging van artikel 26 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, ten einde voorsiening te maak vir stappe wat deur die Hoofbestuurder gedoen kan word in die geval van 'n onwettige staking; tot invoeging van artikel 32A in gemelde Wet ten einde vir pariteit in diensvoorwaardes vir werknemers van alle rasse in die Suid-Afrikaanse Vervoerdienste voorsiening te maak; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 6 Oktober 1987.)*

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

1. Artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby gewysig deur die omskrywing 5 van "werknemer" deur die volgende omskrywing te vervang:  
"werknemer" iemand in die uitsluitende diens van die Suid-Afrikaanse Vervoerdienste."

Wysiging van artikel 1 van Wet 43 van 1974, soos gewysig deur artikel 2 van Wet 89 van 1976, artikel 18 van Wet 67 van 1980, artikel 19 van Wet 29 van 1981, artikel 9 van Wet 60 van 1981, artikel 9 van Wet 6 van 1982, artikel 4 van Wet 5 van 1984 en artikel 8 van Wet 44 van 1985.

2. Artikel 16 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby herroep.

Herroeping van artikel 16 van Wet 43 van 1974.

- 10 3. Artikel 4 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van artikel 4 van Wet 65 van 1981.

- 15 "(5) Die salarisse en ander diensvoorwaardes van die kommissarisse word deur die [Staatspresident] Minister vasgestel en hulle salarisse word nie tydens hulle onderskeie ampstermyne verminder nie."

## Act No. 91, 1987

SOUTH AFRICAN TRANSPORT SERVICES AMENDMENT ACT,  
1987

Amendment of  
section 9 of  
Act 65 of 1981,  
as amended by  
section 10 of  
Act 13 of 1983,  
section 6 of  
Act 5 of 1984,  
section 15 of  
Act 44 of 1985  
and section 1 of  
Act 46 of 1986.

4. Section 9 of the South African Transport Services Act, 1981, is hereby amended by the insertion after subsection (26) of the following subsection:

“(27) to establish or acquire interests in companies for the performance or promotion of the general powers of the South African Transport Services in the Republic or elsewhere, and to participate in such companies and to finance them: Provided that the South African Transport Services shall submit to the Auditor-General any financial accounts, records, books, documents and other information that may be required by him in connection with the establishment of, management of or acquisition of interests in such companies, for incorporation in the Auditor-General's report to Parliament: Provided further that the Auditor-General shall limit such information in his report to the extent that he, after consultation with the Minister and the Minister of Finance, may determine.”

Amendment of  
section 26 of  
Act 16 of 1983.

5. Section 26 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the insertion after subsection (4) of the following subsection:

“(5) If the General Manager, in the event of a strike, considers that an employee or a group of employees is participating or has participated in such strike, he shall, in substitution for normal disciplinary procedure or action, extend to the employee or group of employees concerned an opportunity of providing, within three days, a written explanation for not complying with his or their normal duties. Such notice may be made by means of verbal communication, letter, publication or the affixing of notices at his or their place of work and the affixing of notices at the place of work shall be deemed to be due notice. Upon the expiry of such period, the General Manager shall take into account any representations so made, and shall thereafter have the right to terminate the services of such employee or employees.”

Insertion of  
section 32A in  
Act 16 of 1983.

6. The following section is hereby inserted after section 32 of the Conditions of Employment (South African Transport Services) Act, 1983:

“Parity of  
service con-  
ditions.

**32A.** The Minister may, notwithstanding any provision in this Act or any other law to the contrary, make regulations in connection with the appointment to temporary or permanent employment with effect from a date to be stipulated by him, which date may be retrospective, of such casual and regular employees in employment on that date in terms of section 6 (2) (a) as may be necessary to achieve parity of service conditions for all races, the dispensing with the requirements stipulated in this Act and the regulations promulgated in terms thereof for such appointment, the substitution in such cases of the legal relationship flowing from such appointment for the contracts of service of the employees concerned without the necessity of concluding new contracts of service, the disposal of disciplinary charges and appeals, and other appeals, that might be affected by such change of status and the effecting of an equivalent change in the conditions of service of other contract employees, other than casual or regular employees, in employment on such date in terms of section 6 (2) (a).”

## SUID-AFRIKAANSE VERVOERDIENSTEWYSIGINGSWET, 1987

Wet No. 91, 1987

4. Artikel 9 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur na subartikel (26) die volgende subartikel in te voeg:

Wysiging van artikel 9 van Wet 65 van 1981, soos gewysig deur artikel 10 van Wet 13 van 1983, artikel 6 van Wet 5 van 1984, artikel 15 van Wet 44 van 1985 en artikel 1 van Wet 46 van 1986.

“(27) om in die Republiek of elders maatskappye op te rig of belange daarin te verkry vir die verrigting of bevoordeling van die algemene bevoegdhede van die Suid-Afrikaanse Vervoerdienste, en om aan sodanige maatskappye deel te neem en hulle te finansier: Met dien verstande dat die Suid-Afrikaanse Vervoerdienste enige state, rekords, boeke, dokumente en ander inligting wat die Ouditeur-generaal mag vereis in verband met die oprigting van, bedryf van of verkryging van belange in sodanige maatskappye, aan die Ouditeur-generaal moet voorlê vir inlywing in die Ouditeur-generaal se verslag aan die Parlement: Met dien verstande voorts dat die Ouditeur-generaal sodanige inligting in sy verslag beperk in die mate wat hy na raadpleging met die Minister en die Minister van Finansies mag bepaal.”

5. Artikel 26 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur na subartikel (4) die volgende subartikel in te voeg:

Wysiging van artikel 26 van Wet 16 van 1983.

“(5) Indien die Hoofbestuurder, in die geval van 'n staking, van mening is dat 'n werknemer of 'n groep werknemers aan sodanige staking deelneem of deelgeneem het, verleen die Hoofbestuurder, as vervanging vir die gewone dissiplinêre prosedure of optrede, aan die betrokke werknemer of groep werknemers 'n geleentheid om binne drie dae 'n skriftelike verduideliking te verskaf waarom nie aan sy of hulle gewone pligte voldoen is of word nie. Sodanige kennisgewing van die Hoofbestuurder mag mondelings, by wyse van brief, by wyse van publikasie of deur die aanbring van kennisgewings by die werknemer of groep werknemers se werkplek geskied en die aanbring van kennisgewings by die werkplek word geag voldoende kennisgewing te wees. By verstryking van sodanige tydperk oorweeg die Hoofbestuurder enige voorleggings wat op sodanige wyse gemaak is en daarna beskik die Hoofbestuurder oor die reg om die diens van sodanige werknemer of groep werknemers te beëindig.”

6. Die volgende artikel word hierby na artikel 32 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, ingevoeg:

Invoeging van artikel 32A in Wet 16 van 1983.

“Pariteit van diensvoorwaardes. 32A. Die Minister kan, ondanks enige ander bepaling tot die teendeel in hierdie Wet of enige ander wet, regulasies uitvaardig met betrekking tot die aanstelling in tydelike of vaste diens met ingang vanaf 'n datum deur hom bepaal, welke datum terugwerkend kan wees, van sodanige los en gereelde werknemers op daardie datum ingevolge artikel 6 (2) (a) in diens, vir sover dit nodig is om pariteit van diensvoorwaardes van alle rasse te bereik, die afsien van die vereistes neergelê in hierdie Wet en die regulasies ingevolge daarvan gepromulgeer vir sodanige aanstelling, die vervanging in sodanige gevalle van die dienskontrakte van die betrokke werknemers met die regsverhouding wat uit sodanige aanstelling ontstaan sonder die noodsaaklikheid om nuwe dienskontrakte te sluit, die hantering van dissiplinêre aanklagte en appêlle, sowel as ander appêlle, wat deur sodanige verandering in status geraak mag word en die bewerkstelling van 'n ooreenstemmende verandering in die diensvoorwaardes van ander kontrakwerknemers as los of gereelde werknemers, wat op sodanige datum ingevolge artikel 6 (2) (a) in diens is.”

**Act No. 91, 1987****SOUTH AFRICAN TRANSPORT SERVICES AMENDMENT ACT,  
1987**

Application of  
Act to South  
West Africa.

7. This Act and any amendment thereof shall apply also in the territory of South West Africa.

Short title.

8. This Act shall be called the South African Transport Services Amendment Act, 1987, and shall come into operation on the date on which it appears in the *Gazette*, except that the provisions of sections 1 and 2 shall be deemed to have come into operation on 16 June 1987. 5

## SUID-AFRIKAANSE VERVOERDIENSTEWYSIGINGSWET, 1987

Wet No. 91, 1987

7. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing. Toepassing van Wet op Suidwes-Afrika.

8. Hierdie Wet heet die Suid-Afrikaanse Vervoerdienstewysigingswet, 1987, en tree in werking op die datum waarop dit in die *Staatskoerant* verskyn, behalwe dat die bepalings van artikels 1 en 2 geag word op 16 Junie 1987 in werking te getree het. Kort titel.

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