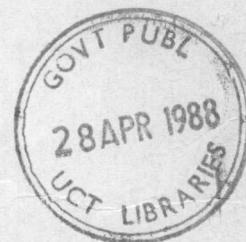




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STAATSKOERANT



VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 743.

15 April 1988

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

No. 41 van 1988: Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988.

No. 743.

15 April 1988

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

No. 41 of 1988: South African Transport Services Conditions of Service Act, 1988.

Wet No. 41, 1988

WET OP DIENSVOORWAARDES VIR DIE SUID-AFRIKAANSE
VERVOERDIENSTE, 1988

WET

Om voorsiening te maak vir sekere aangeleenthede in verband met die diensvoorwaardes van werknemers van die Suid-Afrikaanse Vervoerdienste; om voorsiening te maak vir die instelling van 'n arbeidsraad; en om voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 31 Maart 1988.)

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

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “Arbeidsraad” die Arbeidsraad van die Suid-Afrikaanse Vervoerdienste 5
bedoel in artikel 8 (1); (iv)
 - (ii) “Bestuursooreenkoms” ’n ooreenkoms tussen die Suid-Afrikaanse Vervoerdienste en sekere senior werknemers rakende diensvoorwaardes van sodanige werknemers; (v)
 - (iii) “Gekonsolideerde Diensvoorwaardes” die Gekonsolideerde Diensvoor- 10
waardes bedoel in artikel 4 (1); (i)
 - (iv) “Hoofbestuurder” die Hoofbestuurder of Waarnemende Hoofbestuurder van die Suid-Afrikaanse Vervoerdienste; (iii)
 - (v) “Minister” die Minister van Vervoerwese; (vi)
 - (vi) “staking” een of meer van die ondervermelde handelings of versuime deur 15
enige aantal werknemers—
 - (a) die weiering of versuim deur hulle om aan te hou werk (hetsy die stopsetting volkome of gedeeltelik is) of om hulle werk te hervat of om aan hulle diensvoorwaardes te voldoen, of die vertraging deur hulle van die vordering van werk of die belemmering deur hulle van werk; 20
of
 - (b) die verbreking of beëindiging deur hulle van hulle dienskontrakte, indien—
 - (i) daardie weiering, versuim, vertraging, belemmering, verbreking of beëindiging plaasvind na aanleiding van onderlinge samespanning, 25
ooreenkoms of verstandhouding, hetsy uitdruklik al dan nie, tussen hulle; en
 - (ii) die doel van daardie weiering, versuim, vertraging, belemmering, verbreking of beëindiging is om die Suid-Afrikaanse Vervoerdienste of enige ander werkgewer by wie persone in diens is of was, te beweeg of 30
te dwing om—
 - (aa) toe te stem in of te voldoen aan enige eise of voorstelle in verband met hulle diensvoorwaardes of salarisse of ander aangeleenthede wat gestel of gemaak is deur of namens werknemers of enigen van hulle of deur of namens ander persone wat in diens is of was 35
by ’n ander werkgewer as die Suid-Afrikaanse Vervoerdienste; of
 - (bb) na te laat om gevolg te gee aan enige voorneme om diensvoorwaardes of salarisse te verander, of, as so ’n verandering aangebring is, die diensvoorwaardes of salarisse wat bestaan het voordat die verandering aangebring is, te herstel; of 40

SOUTH AFRICAN TRANSPORT SERVICES CONDITIONS OF
SERVICE ACT, 1988

Act No. 41, 1988

ACT

To provide for certain matters relating to the conditions of service of employees of the South African Transport Services; to provide for the establishment of a labour council; and to provide for related matters.

(Afrikaans text signed by the State President.)
(Assented to 31 March 1988.)

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

Definitions

1. In this Act, unless the context indicates otherwise—

- 5 (i) "Consolidated Service Conditions" means the Consolidated Service Conditions referred to in section 4 (1); (iii)
- (ii) "employee" means a person in the employment of the South African Transport Services in one of the capacities referred to in section 3 (1); (viii)
- 10 (iii) "General Manager" means the General Manager or Acting General Manager of the South African Transport Services; (iv)
- (iv) "Labour Council" means the Labour Council of the South African Transport Services referred to in section 8 (1); (i)
- (v) "Management Agreement" means an agreement between the South African Transport Services and certain senior employees relating to conditions of service of such employees; (ii)
- 15 (vi) "Minister" means the Minister of Transport Affairs; (v)
- (vii) "strike" means one or more of the following acts or omissions by any number of employees—
 - 20 (a) the refusal or failure by them to continue to work (whether the discontinuance is complete or partial) or to resume their work or to comply with their conditions of service, or the retardation by them of the progress of work or the obstruction by them of work;
 - (b) the breach or termination by them of their contracts of employment, if—
 - 25 (i) that refusal, failure, retardation, obstruction, breach or termination is in pursuance of any combination, agreement or understanding between them, whether expressed or not; and
 - (ii) the purpose of that refusal, failure, retardation, obstruction, breach or termination is to induce or compel the South African Transport Services or any other employer by whom persons are or have been employed—
 - 30 (aa) to agree to or to comply with any demands or proposals concerning their conditions of service or salaries or other matters made by or on behalf of employees or any of them or by or on behalf of other persons who are or have been employed by an employer other than the South African Transport Services; or
 - 35 (bb) to fail to give effect to any intention to change conditions of service or salaries or, if such change has been made, to restore the conditions of service or salaries to those which existed before the change was made; or
 - 40

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(cc) enige persoon in diens te neem of te skors of sy diens te beëindig;
(vii)

- (vii) "vakvereniging" 'n organisasie, verteenwoordigend van werknemers, wat formeel en uitdruklik deur die Suid-Afrikaanse Vervoerdienste as 'n vakvereniging erken word asook 'n organisasie wat op die dag voor die datum van inwerkingtreding van hierdie Wet amptelik as 'n vakvereniging deur die Suid-Afrikaanse Vervoerdienste erken is; (viii) en
(viii) "werknemer" 'n persoon in diens van die Suid-Afrikaanse Vervoerdienste in een van die hoedanighede bedoel in artikel 3 (1). (ii)

Bevoegdheid van Staatspresident, Minister en Hoofbestuurder en delegasie van bevoegdheid

2. (1) (a) Die bevoegdheid om die Hoofbestuurder aan te stel en te ontslaan, om sy salaris te bepaal en om sy diensvoorwaardes neer te lê, wat nie minder gunstig as die Gekonsolideerde Diensvoorwaardes moet wees nie, berus by die Staatspresident. 15
- (b) Die bevoegdheid om die Adjunk-hoofbestuurders en Assistent-hoofbestuurders aan te stel en te ontslaan, om hulle salarisse te bepaal en om hulle diensvoorwaardes neer te lê, wat nie minder gunstig as die Gekonsolideerde Diensvoorwaardes moet wees nie, berus by die Minister.
- (c) Onderhewig aan die voorwaardes van hierdie Wet en die Gekonsolideerde Diensvoorwaardes berus die bevoegdheid om ander werknemers as diegene genoem in paragrawe (a) en (b) aan te stel en te ontslaan, en om hulle diensvoorwaardes en salarisse te bepaal, by die Hoofbestuurder, met dien verstande egter dat die Hoofbestuurder, voordat hy 'n departementshoof aanstel, met die Minister oorleg pleeg, en met dien verstande voorts dat die Minister, sonder om aan die bevoegdheid gesetel in die Hoofbestuurder afbreuk te doen, kennis van diensbeëindiging kan gee aan 'n werknemer met wie 'n Bestuursoreenkoms aangegaan is. 20
- (d) Die Hoofbestuurder kan, onderworpe aan sodanige beperkings as wat die Minister mag bepaal, diensvoorwaardes en salarisse, wat nie minder gunstig as die Gekonsolideerde Diensvoorwaardes moet wees nie, neerlê om van toepassing op bepaalde werknemers of groepe werknemers te wees. 25
- (2) Benewens die bevoegdhede genoem in subartikel (1) (c) en (d), oefen die Hoofbestuurder die verskillende bevoegdhede uit wat kragtens hierdie Wet of die Gekonsolideerde Diensvoorwaardes in die Suid-Afrikaanse Vervoerdienste gesetel is, of wat nodig of wenslik is om aan die voorwaardes van hierdie Wet of die Gekonsolideerde Diensvoorwaardes gevolg te gee. 35
- (3) Die Hoofbestuurder kan, onderhewig aan sodanige beperkings as wat hy mag bepaal, die bevoegdhede genoem in subartikels (1) (c) en (d) en (2) of aan hom ingevolge die Gekonsolideerde Diensvoorwaardes verleen, ten volle of gedeeltelik aan enige werknemer (insluitende die bekleër van tyd tot tyd van 'n bepaalde betrekking) of enige ander persoon delegeren en kan aan sodanige gedelegeerde die bevoegdheid verleen om verder te delegeren. 40
- (4) Delegasie deur die Hoofbestuurder van die bevoegdhede genoem in subartikel (3) doen nie aan sodanige bevoegdhede afbreuk nie en hy kan enige besluit geneem deur 'n werknemer of ander persoon aan wie hy bevoegdheid gedelegeer het, wysig of terugtrek, behalwe waar 'n reg as gevolg van sodanige besluit geskep is. Hierdie voorwaarde is ook *mutatis mutandis* van toepassing op 'n werknemer of persoon aan wie bevoegdheid gedelegeer is en wat daardie bevoegdheid verder delegeren. 45
- (5) Die Hoofbestuurder of sy gedelegeerde kan bevoegdheid aan meer as een werknemer of persoon gelyktydig delegeren. 50
- (6) 'n Gedelegeerde kan bevoegdheid wat aan hom gedelegeer is aan 'n ander werknemer of werknemers delegeren, met dien verstande dat die bevoegdheid om so op te tree nie deur die delegasie aan hom beperk of uitgesluit is nie.
- (7) 'n Delegasie bly van krag totdat dit teruggetrek word en word nie opgehef deur 'n wisseling in die persoon van die Hoofbestuurder of enige ander werknemer wat bevoegdheid gedelegeer het, of die aanstelling van 'n Waarnemende Hoofbestuurder of van 'n werknemer om in die betrekking van die werknemer wat bevoegdheid gedelegeer het, waar te neem, of die afwesigheid of beëindiging van die dienste van die Hoofbestuurder, Waarnemende Hoofbestuurder of werknemer wat bevoegdheid gedelegeer het nie. 60

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- (cc) to employ or to suspend or to terminate the employment of any person; (vi) and
- (viii) "trade union" means an organisation representative of employees, formally and explicitly recognised by the South African Transport Services as a trade union as well as an organisation which on the day prior to the operative date of this Act was officially recognised by the South African Transport Services as a trade union. (vii)

Powers of State President, Minister and General Manager and delegation of power

2. (1) (a) The power of appointing and discharging the General Manager, of determining his salary and of stipulating his conditions of service, which shall be not less favourable than those contained in the Consolidated Service Conditions, shall be vested in the State President.
- (b) The power of appointing and discharging the Deputy General Managers and Assistant General Managers, of determining their salaries and of stipulating their conditions of service, which shall not be less favourable than those contained in the Consolidated Service Conditions, shall be vested in the Minister.
- (c) Subject to the provisions of this Act and of the Consolidated Service Conditions, the power of appointing and discharging employees other than those referred to in paragraphs (a) and (b), and of stipulating their conditions of service and salaries, shall be vested in the General Manager, provided however that the General Manager, before appointing a head of department, shall consult the Minister, and provided further that the Minister may, without derogating from the power vested in the General Manager, give notice of termination of employment to an employee with whom a Management Agreement has been concluded.
- (d) The General Manager may, subject to such limitations as the Minister may impose, stipulate conditions of service and salaries, which shall be not less favourable than those contained in the Consolidated Service Conditions, to be applicable to specified employees or groups of employees.
- (2) In addition to the powers referred to in subsection (1) (c) and (d), the General Manager shall exercise whatever powers are vested in the South African Transport Services in terms of this Act or the Consolidated Service Conditions, or are necessary or desirable in order to give effect to the provisions of this Act or the Consolidated Service Conditions.
- (3) The General Manager may, subject to such limitations as he may prescribe, delegate in whole or in part the powers referred to in subsections (1) (c) and (d) and (2) or granted to him in terms of the Consolidated Service Conditions to any employee (including the incumbent from time to time of a specified post) or any other person and may grant such delegate the power to delegate further.
- (4) Delegation by the General Manager of the powers referred to in subsection (3) shall not derogate from such powers and he may amend or retract any decision taken by an employee or other person to whom he has delegated power, except where a right has been constituted as the result of such decision. This provision shall also apply *mutatis mutandis* to an employee or person to whom power has been delegated and who delegates that power further.
- (5) The General Manager or his delegate may delegate power to more than one employee or person at a time.
- (6) A delegate may delegate power delegated to him to another employee or other employees, provided that the power to do so is not limited or excluded by the delegation to him.
- (7) A delegation shall remain valid until it is withdrawn and shall not be suspended by a change in the person of the General Manager or other employee who delegated power, or the appointment of an Acting General Manager or of an employee acting in the post of the employee who delegated power or the absence or termination of the services of the General Manager, Acting General Manager or the employee who delegated power.

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(8) Indien 'n bevoegdheid gebruiklik deur die bekleër van 'n betrekking uitgeoefen word of indien uitoefening van 'n bevoegdheid redelikerwys by 'n bepaalde betrekking tuishoort ingevolge 'n beskrywing van die pligte daarvan opgestel deur die Hoofbestuurder, 'n werknemer aan wie gedelegeerde bevoegdheid gedelegeer is om sodanige beskrywing op te stel of die bekleër se beheerverende amptenaar, 5 word geag dat die Hoofbestuurder sodanige bevoegdheid aan die bekleër gedelegeer het.

(9) Enige bevoegdheid uitgeoefen namens die Suid-Afrikaanse Vervoerdienste deur 'n werknemer of ander persoon sonder dat hy oor die nodige magtiging beskik om so op te tree, kan deur die Hoofbestuurder of 'n werknemer wat deur middel van 10 delegasie beklee is met die bevoegdheid wat so uitgeoefen is, bekragtig word. Die gevolg van sodanige bekragtiging is dat die uitoefening van die bevoegdheid terugwerkend met regsgeldigheid beklee word asof dit deur die Hoofbestuurder of die werknemer beklee met die toepaslike gedelegeerde bevoegdheid uitgeoefen is.

(10) Geen uitoefening van bevoegdheid deur 'n werknemer of persoon wat met 15 gedelegeerde bevoegdheid optree, is nietig omdat dit nie in ooreenstemming is met 'n besluit van of beleid neergelê deur die Hoofbestuurder nie.

(11) Enige delegasie van bevoegdheid wat voor die datum van inwerkingtreding van hierdie Wet verleen is deur die Hoofbestuurder of enige gedelegeerde kragtens die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 20 van 1983), of die personeelregulasies daarkragtens uitgevaardig, bly van krag tot dit teruggetrek word asof sodanige Wet en regulasies nog van toepassing was, en enige verwysing in sodanige delegasie na die bepalings van Wet No. 16 van 1983 of die personeelregulasies word geag 'n verwysing te wees na die gelykstaande bepalings van hierdie Wet of die Gekonsolideerde Diensvoorwaardes, na gelang van die geval. 25

Kategorieë van werknemers

3. (1) 'n Werknemer kan deur die Suid-Afrikaanse Vervoerdienste in 'n ongereelde los, los, tydelike of vaste hoedanigheid of op 'n kontraktuele grondslag aangestel word.

(2) 'n Los werknemer kan sonder die formaliteite, soos in hierdie Wet of die 30 Gekonsolideerde Diensvoorwaardes neergelê, gewoonlik op 'n korttermynbasis, in verband met seisoenverkeer of 'n buitengewone situasie, of om 'n werknemer te vervang wat weens verlof, siekte of ander rede van diens afwesig is, in diens geneem word. 'n Applikant vir indiensneming, indien dit die bedoeling is om hom in tydelike diens aan te stel, kan in 'n los hoedanigheid in diens geneem word in afwagting van 35 voldoening aan formaliteite of vereistes wat vir aanstelling in 'n tydelike hoedanigheid in die Gekonsolideerde Diensvoorwaardes neergelê word. 'n Ongereelde los werknemer kan by 'n hawe ook sonder sodanige formaliteite in diens geneem word om werk van 'n ongereelde aard uit te voer.

(3) Aanstelling in tydelike diens is onderworpe aan voldoening aan die vereistes 40 vir sodanige aanstelling neergelê in die Gekonsolideerde Diensvoorwaardes, soos tydens sodanige aanstelling van toepassing.

(4) 'n Werknemer in tydelike diens word in vaste diens aangestel by voldoening aan die vereistes vir sodanige aanstelling neergelê in die Gekonsolideerde Diens- 40 voorwaardes, soos tydens sodanige aanstelling van toepassing.

(5) Die diensvoorwaardes van 'n werknemer in 'n tydelike of vaste hoedanigheid word, onderworpe aan die bepalings van artikel 2 (1), bepaal deur die Gekonsolideerde Diensvoorwaardes, soos van tyd tot tyd kragtens hierdie Wet gewysig.

(6) Die diensvoorwaardes van 'n werknemer wat op 'n kontraktuele grondslag aangestel word, word bepaal in die dienskontrak wat met hom aangegaan word, en 50 sodanige voorwaardes mag ten volle of gedeeltelik van die Gekonsolideerde Diensvoorwaardes verskil.

(7) Daar word nie, wanneer 'n aanstelling kragtens subartikels (2) tot (6) gemaak word, op grond van kleur, ras of geslag gediskrimineer nie.

(8) 'n Los of ongereelde los werknemer op die datum van inwerkingtreding van 55 hierdie Wet in diens van die Suid-Afrikaanse Vervoerdienste bly in sodanige hoedanigheid in diens totdat sy kontrak beëindig word of totdat hy in tydelike diens ingevolge die Gekonsolideerde Diensvoorwaardes aangestel word.

(9) 'n Werknemer op die datum van inwerkingtreding van hierdie Wet in diens van die Suid-Afrikaanse Vervoerdienste in 'n tydelike of vaste hoedanigheid, bly in diens 60 in daardie hoedanigheid, maar die diensvoorwaardes van sodanige werknemer,

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(8) Should a power customarily be exercised by the incumbent of a post or should the exercise of a power reasonably relate to a particular post in terms of a description of the duties thereof compiled by the General Manager, an employee vested with delegated power to compile such description or the incumbent's supervisory officer, it shall be deemed that the General Manager has delegated such power to such incumbent.

(9) Any power exercised by an employee or other person on behalf of the South African Transport Services without such employee or person having the necessary authority to do so, may be ratified by the General Manager or by an employee vested by means of delegation with the power so exercised. The effect of such ratification shall be that the exercise of the power shall have legal effect with retrospective effect as if it had been exercised by the General Manager or the employee vested with the appropriate delegated power.

(10) No exercise of power by an employee or person acting with delegated power shall be invalid because it is not in harmony with a decision of, or policy prescribed by, the General Manager.

(11) Any delegation of power by the General Manager or any delegate prior to the operative date of this Act effected in terms of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), or the Personnel Regulations promulgated in terms thereof, shall continue to have legal force and effect until withdrawn as if such Act and Regulations were still applicable, and any reference in such delegation to the provisions of Act No. 16 of 1983 or the Personnel Regulations shall be deemed to be a reference to the equivalent provisions of this Act or the Consolidated Service Conditions, as the case may be.

25 Categories of employees

3. (1) An employee may be employed by the South African Transport Services in an intermittent casual, casual, temporary or permanent capacity or on a contract basis.

(2) A casual employee may be employed without the formalities provided for in this Act or the Consolidated Service Conditions, and normally on a short-term basis, in connection with seasonal traffic or an exceptional situation, or to replace an employee absent from duty because of leave, sickness or other reason. An applicant for employment whom it is intended to appoint to temporary employment may be employed in a casual capacity pending compliance with formalities or requirements laid down for appointment in a temporary capacity in the Consolidated Service Conditions. An intermittent casual employee may be employed at a harbour, also without such formalities, to carry out work of an intermittent nature.

(3) Employment in a temporary capacity shall be dependent upon compliance with the requirements for such appointment set out in the Consolidated Service Conditions, as applicable at the time of such appointment.

(4) An employee in temporary employment shall be appointed to permanent employment upon compliance with the requirements stipulated for such appointment in the Consolidated Service Conditions, as applicable at the time of such appointment.

(5) The conditions of service of an employee in a temporary or permanent capacity shall, subject to the provisions of section 2 (1), be regulated by the Consolidated Service Conditions, as amended from time to time in terms of this Act.

(6) The conditions of service of an employee appointed on a contract basis shall be stipulated in the contract of employment entered into with him, and such conditions of service may differ in whole or in part from the Consolidated Service Conditions.

(7) There shall be no discrimination on the ground of colour, race or sex in effecting an appointment in terms of subsections (2) to (6).

(8) A casual or an intermittent casual employee in the employment of the South African Transport Services on the operative date of this Act shall continue in employment in such capacity until his contract is terminated or until he is appointed to temporary employment in terms of the Consolidated Service Conditions.

(9) An employee in the employment of the South African Transport Services in a temporary or permanent capacity on the operative date of this Act, shall continue to be employed in such capacity, but the conditions of service of such employee shall,

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ondanks enige strydige bepaling vervat in sy dienskontrak, is soos uiteengesit in die Gekonsolideerde Diensvoorwaardes, soos van tyd tot tyd kragtens hierdie Wet gewysig.

(10) Die diensvoorwaardes van 'n werknemer van die Suid-Afrikaanse Vervoerdienste in tydelike of vaste diens op die datum van inwerkingtreding van hierdie Wet 5
uiteengesit in die Gekonsolideerde Diensvoorwaardes, moet nie ongunstiger wees as die voorwaardes wat op die datum voor sodanige datum van inwerkingtreding op hom van toepassing was nie.

(11) 'n Werknemer op die datum van inwerkingtreding van hierdie Wet in diens van die Suid-Afrikaanse Vervoerdienste op 'n kontraktuele basis, anders as 'n los of 10
ongereelde los werknemer, bly in sodanige diens en sy diensvoorwaardes word steeds deur die dienskontrak bepaal wat voor sodanige datum van inwerkingtreding met hom aangegaan is, met dien verstande egter dat vir sover die Instruksies insake die Diensvoorwaardes van Kleurling-, Indiër- en Swart Werknemers, die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), 15
en die personeelregulasies daarkragtens uitgevaardig, ingevolge sodanige dienskontrak op hom van toepassing is, dit deur die ooreenstemmende voorwaardes van hierdie Wet en die Gekonsolideerde Diensvoorwaardes vervang word.

Gekonsolideerde Diensvoorwaardes

4. (1) Die Gekonsolideerde Diensvoorwaardes van toepassing op werknemers in 20
tydelike of vaste diens word, die bepalings van artikel 3 (10) in ag genome, deur die Suid-Afrikaanse Vervoerdienste in 'n Spesiale Kennisgewing gepubliseer.

(2) Die bepalings van die Gekonsolideerde Diensvoorwaardes is, onderworpe aan die bepalings van artikel 2 (1), bindend op die Suid-Afrikaanse Vervoerdienste en sy 25
werknemers in tydelike of vaste diens.

(3) Die Gekonsolideerde Diensvoorwaardes kan deur die Arbeidsraad gewysig word. Indien die Arbeidsraad nie slaag om saam te stem nie, op die grondslag van die tweederdemeerderheid genoem in artikel 14 (3), oor enige aangeleentheid in verband met sodanige wysiging, word die bepalings van artikel 8 (3) in verband met 30
die beslegting van geskille, toegepas.

(4) Wysigings aan die Gekonsolideerde Diensvoorwaardes geskied deur middel van 'n ooreenkoms soos waarvoor in artikel 15 voorsiening gemaak word of deur 'n besluit wat kragtens hierdie Wet as gelykstaande met sodanige ooreenkoms beskou word.

Betaling van geld wat werknemer toekom aan ander persoon as werknemer

5. Die Suid-Afrikaanse Vervoerdienste kan op grond van 'n verslag uitgereik deur twee geneeshere ten effekte dat 'n werknemer aan wie enige betaling kragtens hierdie Wet of die Gekonsolideerde Diensvoorwaardes verskuldig is, weens sy geestelike of liggaamlike toestand nie in staat is om sy eie sake te behartig nie, gelas dat sodanige betaling gedeeltelik of ten volle aan 'n ander persoon tot voordeel van 40
die werknemer of sy afhanklikes gemaak word, onderhewig aan sodanige voorwaardes as wat die Suid-Afrikaanse Vervoerdienste mag bepaal. Sodanige betaling word geag 'n betaling aan die werknemer te wees. Die bepalings van hierdie artikel word nie toegepas in 'n geval waar 'n *curator bonis* aangestel is nie en, in geval van die aanstelling van 'n *curator bonis* na 'n lasgewing kragtens hierdie artikel uitgereik, 45
verval sodanige lasgewing, maar nie ten opsigte van enige betaling wat reeds daarkragtens geskied het nie.

Basis van salarisaanpassings

6. Salarisaanpassings vir werknemers van die Suid-Afrikaanse Vervoerdienste (insluitende 'n aanpassing wat geskied na verwysing kragtens artikel 8 van 'n geskil 50
na bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille of kragtens artikel 20 van 'n geskil na arbitrasie) word op arbeidsmarkoorwegings gegrond, met dien verstande dat—

- (a) salarisse betaalbaar aan lede van die Staatsdiens bedoel in artikel 7 van die Staatsdienswet, 1984 (Wet No. 111 van 1984); en 55
- (b) produktiwiteit,

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notwithstanding anything to the contrary contained in his contract of service, be as set out in the Consolidated Service Conditions, as amended from time to time in terms of this Act.

(10) The service conditions of an employee of the South African Transport Services in temporary or permanent employment on the operative date of this Act set out in the Consolidated Service Conditions shall not be less favourable than those that were applicable to him on the date prior to such operative date.

(11) An employee in the employment of the South African Transport Services on a contract basis, other than a casual or an intermittent casual employee, on the operative date of this Act shall continue in such employment and his conditions of service shall continue to be governed by the terms of the contract of service entered into with him prior to such operative date, provided however that in so far as the Instructions in connection with the Service Conditions of Coloured, Indian and Black Employees, the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), and the Personnel Regulations promulgated in terms thereof are applicable, in terms of such contract of service, to him, the equivalent provisions of this Act and the Consolidated Service Conditions shall be substituted therefor.

Consolidated Service Conditions

4. (1) The South African Transport Services shall, regard being had to section 3 (10), publish in a Special Notice the Consolidated Service Conditions applicable to employees in temporary or permanent employment.

(2) The provisions of the Consolidated Service Conditions shall, subject to the provisions of section 2 (1), be binding upon the South African Transport Services and its employees in temporary or permanent employment.

(3) The Consolidated Service Conditions may be amended by the Labour Council. Should the Labour Council fail to agree, on the basis of the two-thirds majority referred to in section 14 (3), on any matter relating to such amendment, the provisions of section 8 (3) relating to the settlement of disputes shall be applicable.

(4) Amendments by the Labour Council to the Consolidated Service Conditions shall be effected in an agreement as provided for in section 15 or by a decision which, in terms of this Act, is regarded as the equivalent of such an agreement.

Payment of money due to employee to person other than employee

5. The South African Transport Services may, on the basis of a report issued by two medical practitioners that an employee to whom any payment is due in terms of this Act or the Consolidated Service Conditions is, by reason of his mental or physical condition, unable to manage his own affairs, order that such payment be made, in whole or in part, to some other person for the benefit of the employee or his dependants, under such conditions as the South African Transport Services may prescribe. Such payment shall be deemed to constitute payment to the employee. The provisions of this section shall not apply in a case in which a *curator bonis* has been appointed and, in the event of the appointment of a *curator bonis* after an order has been issued in terms of this section, such order shall lapse except in respect of any payment already made in terms thereof.

Salary adjustment basis

6. Salary adjustments for employees of the South African Transport Services (including an adjustment effected after reference of a dispute to mediation, arbitration or other dispute conciliation or settlement procedure in terms of section 8 or after reference of a dispute to arbitration in terms of section 20) shall be based on labour market considerations, provided that—

- (a) salaries payable to members of the Public Service referred to in section 7 of the Public Service Act, 1984 (Act No. 111 of 1984); and
- (b) productivity,

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onder die faktore moet wees wat in ag geneem word, en met dien verstande voorts dat die verwysing na hierdie twee faktore nie op so 'n wyse uitgelê word dat behoorlike oorweging van ander tersaaklike faktore uitgesluit word nie.

Sekere werknemers geag werksmanne te wees. Skadeloosstelling vir besering op diens aan werknemer in diens buite die Republiek

7. (1) 'n Werknemer wie se verdienste bereken kragtens artikel 41 van die Ongevalwet, 1941 (Wet No. 30 van 1941), meer bedra as die som waarvoor in artikel 3 (2) (b) van daardie Wet voorsiening gemaak word, word ondanks die bepalings van laasgenoemde artikel geag 'n werksman volgens die bedoeling van daardie Wet te wees, met dien verstande dat, ondanks die bepalings van artikel 7 van daardie Wet of van enige ander wet, waar 'n ongeval ten opsigte waarvan skadeloosstelling betaalbaar is, toe te skryf is aan die nalatigheid van 'n medewerknemer wat in die uitvoering van sy pligte optree, die werknemer of, as hy oorlede is, sy afhanklikes geregtig is op 'n toekenning gelykstaande met die geldelike verlies wat deur die ongeval veroorsaak is, min die skadeloosstelling betaalbaar kragtens daardie Wet en enige ander voordeel (behalwe die versekeringsgeld, pensioen of voordeel genoem in artikel 1 (1) van die Wet op die Berekening van Skadevergoeding, 1969 (Wet No. 9 van 1969), in die geval van 'n afhanklike se eis) wat as gevolg van die ongeval kan toeval.

(2) Wanneer die Suid-Afrikaanse Vervoerdienste kragtens die bepalings van Wet No. 30 van 1941 aan 'n werknemer of 'n afhanklike van 'n oorlede werknemer skadeloosstelling betaal het ten opsigte van 'n ongeval wat veroorsaak is onder die omstandighede bedoel in artikel 8 (1) daarvan, het hy die reg om van so 'n werknemer of afhanklike 'n sessie te aanvaar van enige vorderingsreg wat so 'n werknemer of afhanklike mag hê om skadevergoeding te verhaal op 'n derde party volgens die bedoeling van daardie subartikel, en om op so 'n sessie te dagvaar, en het so 'n werknemer of afhanklike die reg om so 'n vorderingsreg aan die Suid-Afrikaanse Vervoerdienste te sedeer.

(3) Indien 'n ongeval wat uit en in die loop van sy diens ontstaan, 'n werknemer buite die Republiek van Suid-Afrika tref en dit die arbeidsongeskiktheid of dood van so 'n werknemer tot gevolg het—

- (a) mag geen geding, hetsy volgens die gemene reg of ingevolge 'n wet van krag in die gebied waar die ongeval plaasgevind het, vir die verhaal van skadevergoeding of skadeloosstelling ten opsigte van sodanige arbeidsongeskiktheid of dood deur so 'n werknemer of enige van sy afhanklikes teen die Suid-Afrikaanse Vervoerdienste ingestel word nie; en
- (b) word daar aan so 'n werknemer of, in geval van sy dood, aan sy afhanklikes skadeloosstelling kragtens Wet No. 30 van 1941 en, indien van toepassing, 'n toekenning kragtens subartikel (1), betaal.

(4) In subartikel (3) omvat "werknemer" nie iemand wat kragtens die bepalings van artikel 3 (1) in 'n los hoedanigheid of op 'n kontraktuele grondslag in diens geneem is nie, of iemand wat nie 'n werksman is nie volgens die bedoeling van Wet No. 30 van 1941, ooreenkomstig subartikel (1) vertolk.

Stigting, oogmerke en funksies van Arbeidsraad

8. (1) 'n Arbeidsraad van die Suid-Afrikaanse Vervoerdienste word hierby ingestel.

(2) Die oogmerke van die Arbeidsraad is—

- (a) die handhawing en bevordering van arbeidsvrede; en
- (b) die voorkoming van arbeidsgeskille.

(3) Die funksies van die Arbeidsraad in die nastrewe van sy oogmerke is—

- (a) kollektiewe bedinging en die aangaan van ooreenkomste soos bedoel in artikel 15 in verband met diensvoorwaardes en salarisse van werknemers wat grade beklee wat deur vakverenigings verteenwoordig word, sowel as aangeleenthede wat in verband daarmee staan;
- (b) die verwysing, onderworpe aan die bepalings van subartikel (5), na bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille wat hy as toepaslik mag beskou, van enige aangeleentheid wat die onderwerp was van kollektiewe bedinging kragtens paragraaf (a) en ten opsigte waarvan hy nie geslaag het om 'n ooreenkoms soos bedoel in artikel 15 aan te gaan nie; en

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shall be among the factors taken into consideration, and provided further that the reference to these two factors shall not be interpreted so as to exclude proper consideration of other relevant factors.

**Certain employees deemed to be workmen. Compensation for injury on duty in case
5 of employee employed outside the Republic**

7. (1) An employee whose earnings, calculated in the manner set forth in section 41 of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), exceed the sum provided for in section 3 (2) (b) of that Act shall, notwithstanding the provisions of the latter section, be deemed to be a workman within the meaning of that Act, provided that, notwithstanding the provisions of section 7 of that Act or of any other law, where an accident in respect of which compensation is payable is due to negligence of a fellow employee acting in the course of his employment, the employee or, if he is deceased, his dependants shall be entitled to an award equivalent to the pecuniary loss caused by the accident, less the compensation payable in terms of that Act and any other benefit (other than the insurance money, pension or benefit referred to in section 1 (1) of the Assessment of Damages Act, 1969 (Act No. 9 of 1969), in the case of a dependant's claim) that may accrue as a result of the accident.

(2) When the South African Transport Services has paid compensation to an employee or any dependant of a deceased employee under the provisions of Act No. 30 of 1941, in respect of an accident which was caused under the circumstances referred to in section 8 (1) thereof, it shall be entitled to accept from such employee or dependant a cession of any right of action which such employee or dependant may have to recover damages from any third party within the meaning of that subsection, and to sue on such cession, and such employee or dependant shall have the right to cede such right of action to the South African Transport Services.

(3) If an accident to an employee arising out of and in the course of his employment, happens outside the Republic of South Africa and results in such employee's disablement or death—

(a) no action, whether at common law or under any statute in force in the territory where the accident happened, shall be brought against the South African Transport Services by such employee or any dependant of his, for the recovery of damages or compensation in respect of such disablement or death; and

(b) there shall be paid to such employee or, if he dies, to his dependants, compensation in accordance with Act No. 30 of 1941 and an award in terms of subsection (1), if applicable.

(4) In subsection (3) "employee" does not include any person employed in a casual capacity or on a contract basis as referred to in section 3 (1) or any person who is not a workman within the meaning of Act No. 30 of 1941, construed in accordance with subsection (1).

Establishment, objectives and functions of Labour Council

8. (1) A Labour Council of the South African Transport Services is hereby constituted.

(2) The objectives of the Labour Council shall be—

- (a) the maintenance and promotion of labour peace; and
- (b) the prevention of labour disputes.

(3) The functions of the Labour Council in pursuance of its objectives shall be—

(a) collective bargaining and the conclusion of agreements as referred to in section 15 in connection with conditions of service and salaries of employees occupying grades represented by trade unions, as well as matters related thereto;

(b) the referral, subject to the provisions of subsection (5), to mediation, arbitration or other dispute conciliation or settlement procedure which it may deem appropriate, of any matter which was the subject of collective bargaining in terms of paragraph (a) and in respect of which it was unable to conclude an agreement as referred to in section 15; and

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- (c) om ondersoek in te stel na en aanbevelings te maak in verband met aangeleenthede genoem in paragraaf (a), insluitende, ondanks die inhoud van subartikel (4) (b), die verteenwoordiging van werknemers deur bepaalde vakverenigings, by ontvangs van 'n geskrewe versoek van 'n vakvereniging, die Minister of die Suid-Afrikaanse Vervoerdienste om so op te tree.
- (4) Die uitdrukking "aangeleenthede wat in verband daarmee staan" gebruik in subartikel (3) (a) sluit nie—
- (a) die formele en uitdruklike erkenning deur die Suid-Afrikaanse Vervoerdienste van 'n onerkende vakvereniging of die formele en uitdruklike intrekking deur die Suid-Afrikaanse Vervoerdienste van erkenning van 'n erkende vakvereniging;
 - (b) die verteenwoordiging van werknemers deur bepaalde vakverenigings; of
 - (c) 'n dissiplinêre besluit of dissiplinêre stap in enige individuele geval,
- in nie.
- (5) Indien die Arbeidsraad in die uitoefening van die funksie bedoel in subartikel (3) (b) dit nie moontlik vind om saam te stem of daar van bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille gebruik gemaak moet word of oor watter persoon, persone of liggaam die bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille moet behartig nie, besluit die Voorsitter namens die Raad.
- (6) Enige besluit geneem as gevolg van die verwysing van 'n aangeleentheid na bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille, word beskou as gelykstaande met 'n ooreenkoms van die Arbeidsraad.
- (7) Die Arbeidsraad is aan die Minister verantwoordelik vir die bereiking van sy oogmerke en die uitoefening van sy funksies. Die Voorsitter van die Arbeidsraad stel jaarliks 'n verslag op oor die werksaamhede van die Arbeidsraad gedurende die voorafgaande 12 maande en lê dit aan die Minister voor. Elke sodanige jaarverslag word deur die Minister in die Parlement ter Tafel gelê binne 21 dae nadat die Minister dit ontvang het, indien die Parlement dan byeen is, of, indien die Parlement nie dan byeen is nie, binne 21 dae na die aanvang van sy eersvolgende sessie.
- (8) Die Arbeidsraad volg, die wenslikheid van eenvormigheid van beleid in die Suid-Afrikaanse Vervoerdienste in ag genome, 'n buigsame weg in die uitoefening van sy funksies en kan sy prosedures tot die vlak aanpas wat op elke saak wat sy aandag geniet, toepaslik is sodat—
- (a) die partye en die bedingingsvlak van geval tot geval mag verskil;
 - (b) aangeleenthede van 'n streekaard op 'n streekvlak afgehandel kan word;
 - (c) aangeleenthede waarby 'n beperkte getal partye betrokke is op die beperkte basis wat betrokke is, afgehandel kan word; en
 - (d) aangeleenthede eie aan 'n besondere afdeling van die Suid-Afrikaanse Vervoerdienste, soos spoorweë, hawens, pypleidings, padvervoer of lugdiens, deur 'n kamer van die Arbeidsraad behartig kan word, wat aangewys word om in die algemeen met sodanige afdeling of met 'n bepaalde aangeleentheid rakende daardie afdeling te handel.
- (9) Wanneer 'n aangeleentheid ingevolge subartikel (8) (b) aandag geniet, word die vakvereniging wat die betrokke werknemers verteenwoordig, toegelaat om 'n verteenwoordiger van die hoofkantoor van sodanige vakvereniging teenwoordig te hê wanneer die aangeleentheid bespreek word.

Regsaard van Arbeidsraad

9. Die Arbeidsraad is nie 'n aparte regspersoon nie, maar onderworpe aan die 50 bepalings van hierdie Wet funksioneer hy outonoom, met dien verstande dat, ondanks andersluidende bepalings in die Wet op Staatsaanspreeklikheid, 1957 (Wet No. 20 van 1957), alle regsdinge waarin die Arbeidsraad as party optree, deur of teen die Arbeidsraad in die naam van "die Arbeidsraad van die Suid-Afrikaanse Vervoerdienste" ingestel en die nodige prosessukke daarin aan die Voorsitter van 55 die Arbeidsraad beteken word.

Samestelling van Arbeidsraad en deelnemende partye

10. (1) Die Voorsitter van die Arbeidsraad word, onderworpe aan die bepalings van subartikels (2) en (5), deur die Minister aangestel en ontslaan, met dien

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- (c) the investigation of, and submission of recommendations in connection with, matters referred to in paragraph (a), including, notwithstanding the contents of subsection (4) (b), the representation of employees by particular trade unions, upon receipt of a written request from a trade union, the Minister or the South African Transport Services to do so.
- (4) The expression "matters related thereto" used in subsection (3) (a) shall not include—
- (a) the formal and explicit recognition of an unrecognised trade union or the formal and explicit withdrawal of recognition of a recognised trade union by the South African Transport Services;
 - (b) the representation of employees by particular trade unions; or
 - (c) a disciplinary decision or disciplinary action in any individual case.
- (5) Should the Labour Council in the exercise of the function referred to in subsection (3) (b) be unable to agree whether mediation, arbitration or other dispute conciliation or settlement procedure should be resorted to or as to what person, persons or body should conduct the mediation, arbitration or other dispute conciliation or settlement procedure, the Chairman shall decide on its behalf.
- (6) Any decision arrived at as the result of referral of a matter to mediation, arbitration or other dispute conciliation or settlement procedure shall be regarded as the equivalent of an agreement of the Labour Council.
- (7) The Labour Council shall be responsible to the Minister for the achievement of its objectives and the exercise of its functions. The Chairman of the Labour Council shall frame annually and submit to the Minister a report on the Labour Council's activities during the previous 12 months. Every such annual report shall be laid upon the Table in Parliament by the Minister within 21 days after it has been received by the Minister, if Parliament is then in session or, if Parliament is not then in session, within 21 days after the commencement of its next ensuing session.
- (8) The Labour Council shall, due regard being had to the desirability of uniformity of policy in the South African Transport Services, follow a flexible course in exercising its functions and may adapt its procedures to the level appropriate to each matter that engages its attention so that—
- (a) the parties and the level of bargaining may differ from case to case;
 - (b) matters of a regional nature may be dealt with on a regional basis;
 - (c) matters in which a limited number of parties are involved may be dealt with on the limited basis involved; and
 - (d) matters peculiar to a particular section of the South African Transport Services, such as railways, harbours, pipelines, road transport or airways, may be dealt with by a chamber of the Labour Council designated for the purpose of dealing with such section generally or with a specified matter relating to such section.
- (9) When a matter is dealt with in terms of subsection (8) (b), the trade union that represents the employees concerned shall be entitled to have a representative from the headquarters of such trade union present when the matter is discussed.

Legal nature of Labour Council

9. The Labour Council shall not be a separate legal person, but it shall function autonomously, subject to the provisions of this Act, provided that, notwithstanding anything to the contrary in the State Liability Act, 1957 (Act No. 20 of 1957), all legal proceedings to which the Labour Council is a party, shall be brought by or against the Labour Council in the name of "the Labour Council of the South African Transport Services" and the necessary service of process therein shall be effected on the Chairman of the Labour Council.

Composition of Labour Council and participating parties

10. (1) The Chairman of the Labour Council shall, subject to the provisions of subsections (2) and (5), be appointed and dismissed by the Minister, provided that

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verstande dat die Minister wanneer hy 'n Voorsitter aanstel in ooreenstemming met 'n aanbeveling van die Arbeidsraad optree, en voordat hy 'n Voorsitter ontslaan met die Arbeidsraad beraadslaag, en met dien verstande voorts dat indien 'n Voorsitter om enige rede nie in staat is om sy pligte uit te voer nie, die Minister 'n Waarnemende Voorsitter vir die tydperk van sodanige onvermoë mag aanstel en dat die Waarnemende Voorsitter gedurende sodanige tydperk met al die bevoegdhede bekleed word as dié waarmee die Voorsitter kragtens hierdie Wet bekleed word.

(2) Die Voorsitter moet 'n persoon wees met kennis en kundigheid op die gebied van arbeidsverhoudings en moet oor die ondervinding en eienskappe beskik wat vir die behoorlike uitvoering van sy pligte nodig is. Daar moet geen regstreekse verbintenis tussen hom en die Suid-Afrikaanse Vervoerdienste wees nie.

(3) Die ampstermyn van die Voorsitter oorskry nie drie jaar nie, met dien verstande dat 'n Voorsitter vir 'n daaropvolgende termyn of termyne aangestel kan word.

(4) Die Voorsitter besluit, onderworpe aan die bepalings van hierdie Wet en na 15 raadpleging met die Arbeidsraad, welke aangeleenthede binne die jurisdiksie van die Arbeidsraad ressorteer.

(5) Die eerste Voorsitter word deur die Minister aangestel nadat hy 'n aanbeveling ontvang het van 'n vergadering tussen, aan die een kant, die Hoofbestuurder en sodanige Adjunk- of Assistent-hoofbestuurders as wat deur die Hoofbestuurder benoem mag word en, aan die ander kant, een verteenwoordiger van elke vakvereniging. Die Hoofbestuurder is die voorsitter van die vergadering en die partye beskik oor dieselfde stemreg as wat deur artikel 14 vir die Arbeidsraad bepaal word. Die aanbeveling van die vergadering sluit in 'n aanbeveling, onderworpe aan die bepalings van subartikel (3), in verband met die ampstermyn van die eerste Voorsitter.

(6) By aanstelling begin die eerste Voorsitter onmiddellik met die nodige voorbereidingswerk vir die behoorlike funksionering van die Arbeidsraad.

(7) Voorsiening word in die konstitusie van die Arbeidsraad gemaak vir enige ander voorwaardes in verband met die Voorsitter wat as nodig beskou mag word.

(8) Die lede van die Arbeidsraad bestaan uit die Suid-Afrikaanse Vervoerdienste en die vakverenigings wat op die dag voor die datum van inwerkingtreding van hierdie Wet amptelik deur die Suid-Afrikaanse Vervoerdienste erken is.

(9) Die verteenwoordigers van die Suid-Afrikaanse Vervoerdienste in die Arbeidsraad word deur die Suid-Afrikaanse Vervoerdienste aangestel.

(10) Die verteenwoordigers van die vakverenigings in die Arbeidsraad word deur die vakverenigings aangestel.

(11) 'n Vakvereniging wat op of na die datum van inwerkingtreding van hierdie Wet formeel en uitdruklik deur die Suid-Afrikaanse Vervoerdienste erken word, kan by die Arbeidsraad aansoek doen om 'n lid daarvan te word en, indien sodanige aansoek deur 'n driekwartmeerderheid van die Arbeidsraad toegestaan word, word sodanige vakvereniging 'n lid en geregtig om verteenwoordigers daarin te benoem. Die besluit van die Arbeidsraad is finaal, met dien verstande dat, indien 'n vakvereniging se aansoek nie toegestaan word nie, hy nadat 'n tydperk van twaalf maande verstryk het, weer aansoek mag doen.

(12) 'n Vakvereniging se lidmaatskap van die Arbeidsraad word beëindig deur—

- (a) skriftelike bedanking deur die vakvereniging;
- (b) formele en uitdruklike intrekking van erkenning van die vakvereniging deur die Suid-Afrikaanse Vervoerdienste; of
- (c) enige ander grond voorgeskryf in die konstitusie van die Arbeidsraad.

(13) Voorsiening kan in die konstitusie van die Arbeidsraad gemaak word vir enige ander voorwaardes in verband met verteenwoordiging en sodanige daarmee gepaardgaande aangeleenthede as wat nodig beskou mag word.

Konstitusie

11. (1) Die Arbeidsraad stel 'n konstitusie op en mag sodanige konstitusie van tyd tot tyd wysig.

(2) Die konstitusie reguleer daardie aangeleenthede wat kragtens hierdie Wet deur die konstitusie gereuleer kan of moet word sowel as daardie aangeleenthede wat, alhoewel nie uitdruklik in hierdie Wet genoem nie, nodig is vir die uitoefening van die Arbeidsraad se funksies en bevoegdhede en die nastrewe van sy oogmerke.

(3) Die aanvaarding van die konstitusie of 'n wysiging aan die voorwaardes daarvan is onderhewig aan 'n tweederdemeerderheid van al die stemgeregtigde lede van die Arbeidsraad.

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the Minister when appointing a Chairman shall act in accordance with a recommendation of the Labour Council, and before dismissing a Chairman shall consult the Labour Council, and provided further that if a Chairman is unable, for any reason, to carry out his duties the Minister may appoint an Acting Chairman for the period of such inability and that the Acting Chairman shall be vested, during such period, with all the powers with which the Chairman is vested in terms of this Act.

(2) The Chairman shall be a person with knowledge and expertise in labour relations and shall possess the experience and qualities necessary for the proper fulfilment of his duties. He shall not be directly connected with the South African Transport Services.

(3) The term of appointment of the Chairman shall not exceed three years, provided that a Chairman may be appointed for a subsequent term or terms of office.

(4) The Chairman shall decide, subject to the provisions of this Act and after consultation with the Labour Council, what matters fall within the jurisdiction of the Labour Council.

(5) The first Chairman shall be appointed by the Minister on the recommendation of a meeting between, on the one hand, the General Manager and such Deputy or Assistant General Managers as may be nominated by the General Manager and, on the other hand, one representative of each trade union. The General Manager shall be the chairman at such meeting and the parties shall have the same voting rights as are provided for the Labour Council in section 14. The recommendation of the meeting shall, subject to the provisions of subsection (3), include a recommendation as to the term of office of the first Chairman.

(6) The first Chairman shall upon appointment forthwith proceed with the necessary preparatory work for the proper functioning of the Labour Council.

(7) Provision may be made in the constitution of the Labour Council for any other stipulations relating to the Chairman as may be considered necessary.

(8) The members of the Labour Council shall consist of the South African Transport Services and the trade unions that were officially recognised by the South African Transport Services on the day before the operative date of this Act.

(9) The representatives of the South African Transport Services on the Labour Council shall be appointed by the South African Transport Services.

(10) The representatives of the trade unions on the Labour Council shall be appointed by the trade unions.

(11) A trade union which is formally and explicitly recognised by the South African Transport Services on or after the operative date of this Act may apply to the Labour Council to become a member thereof and, if such application is granted by the Labour Council by a three-quarters majority vote, shall become a member and shall be entitled to nominate representatives thereto. The decision of the Labour Council shall be final, provided that, if a trade union's application is not accepted, it may again apply after a period of twelve months has elapsed.

(12) The membership of a trade union on the Labour Council shall be terminated by—

- (a) written resignation by the trade union;
- (b) formal and explicit withdrawal of recognition of the trade union by the South African Transport Services; or
- (c) any other ground prescribed in the constitution of the Labour Council.

(13) Provision may be made in the constitution of the Labour Council for any other stipulations in connection with representation and such related matters as may be considered necessary.

Constitution

11. (1) The Labour Council shall draw up a constitution and may amend such constitution from time to time.

(2) The constitution shall regulate those matters which in terms of this Act may or are required to be regulated by the constitution as well as those matters which, although not expressly referred to in this Act, are necessary for the exercise of the Labour Council's functions and powers and in pursuance of its objectives.

(3) The acceptance of the constitution or an amendment of its provisions shall be subject to a two-thirds majority of all voting members of the Labour Council.

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(4) Indien die Arbeidsraad dit nie moontlik vind om oor die oorspronklike konstitusie saam te stem nie, stel die eerste Voorsitter van die Arbeidsraad die konstitusie op en word sodanige konstitusie geag kragtens subartikel (1) opgestel te gewees het.

Adviserende funksie

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12. Die Arbeidsraad kan op eie inisiatief of op versoek van die Minister 'n adviserende funksie uitvoer in verband met enige aangeleentheid wat binne sy oogmerke, funksies of bevoegdhede ressorteer.

Bevoegdhede van Arbeidsraad

13. Die Arbeidsraad word in die nastrewe van sy oogmerke in die uitoefening van 10 sy funksies, met die bevoegdheid beklee om in eie naam—

- (1) bindende ooreenkomste, benewens dié genoem in artikel 15, met ander partye aan te gaan;
- (2) onroerende en roerende eiendom te verkry, te vervreem, te belas en te verhuur;
- (3) ondersoek op eie inisiatief en op versoek in te stel en om vir daardie doel getuienis en inligting in te samel;
- (4) sy eie personeel aan te stel en te ontslaan en hulle diensvoorwaardes en salarisse te bepaal;
- (5) fondse te verkry, daarvoor te beskik, daarmee te handel, boek daarvan te 20 hou en vir die ouditering daarvan te reël;
- (6) vergaderings ooreenkomstig sy konstitusie te reël, notules te hou en besluite te neem en uit te voer;
- (7) sy eie lidmaatskap, onderworpe aan die bepalings van hierdie Wet, te reguleer;
- (8) 'n dagbestuur, 'n uitvoerende komitee en subkomitees aan te stel;
- (9) spesialiskomitees op 'n basis van gelyke verteenwoordiging aan te stel, met dien verstande dat sodanige spesialiskomitees deskundiges in 'n raadge- wende hoedanigheid mag koöpteer, wat geen verbintenisse met die Suid-Afrikaanse Vervoerdienste of vakverenigings het nie, sonder dat sodanige 30 deskundiges stemreg in die komitees het; en
- (10) alle ander handeling te verrig wat in die nastrewe van sy oogmerke of die uitoefening van sy funksies redelikerwys vereis word.

Stemreg en wyse waarop besluite geneem word

14. (1) Die stemreg in die Arbeidsraad, tussen die verteenwoordigers van die 35 Suid-Afrikaanse Vervoerdienste en die verteenwoordigers van die vakvereniging of die vakverenigings, na gelang van die geval, word op 'n gelyke basis verdeel. Elke vakvereniging wat in die Arbeidsraad aan bedinging en besluitneming deelneem, beskik oor slegs een stem.

(2) Die beginsel van pariteit van stemreg word deurgaans gehandhaaf en stem- 40 verdeling in geval van ongelyke verteenwoordiging en afwesigheid van verteenwoordigers van vergaderings word, onderhewig aan hierdie beginsel, deur die konstitusie van die Arbeidsraad gereël.

(3) Onderworpe aan die bepalings van artikels 10 (11) en 15 (7), word 'n besluit van die Arbeidsraad geneem met 'n tweederdemeerderheid, 'n bindende besluit van 45 die Arbeidsraad.

(4) Die Voorsitter van die Arbeidsraad beskik oor geen stemreg nie.

Ooreenkomste

15. (1) 'n Besluit van die Arbeidsraad in verband met 'n aangeleentheid bedoel in artikel 8 (3) (a), maak 'n ooreenkoms van die Arbeidsraad uit. 50

(2) Sodanige ooreenkoms word op skrif gestel.

(3) Ondanks enige strydige bepaling in enige ander wet tans van krag of hierna gepromulgeer, of in enige kontrak, is sodanige ooreenkoms, onderworpe aan die bepalings van subartikel (7), bindend op die Suid-Afrikaanse Vervoerdienste, die betrokke vakverenigings en alle werknemers op wie dit verklaar word van toepassing 55 te wees.

(4) Indien 'n minderheid van lede van die Arbeidsraad 'n ooreenkoms van die Arbeidsraad nie aanvaar nie, is die ooreenkoms nietemin bindend op alle lede en op

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(4) Should the Labour Council be unable to agree on the original constitution, the first Chairman of the Labour Council shall draw up the constitution, and such constitution shall be deemed to have been drawn up in terms of subsection (1).

Advisory function

- 5 12. The Labour Council, may, on its own initiative or at the request of the Minister, undertake an advisory function in regard to any matter that falls within its objectives, functions or powers.

Powers of Labour Council

10 13. The Labour Council shall, in pursuance of its objectives and the exercise of its functions, be vested with power, in its own name, to—

- (1) conclude binding contracts, in addition to those referred to in section 15, with other parties;
- (2) acquire, alienate, encumber and lease movable and immovable property;
- (3) institute investigations on its own initiative and on request and to gather
15 evidence and information for that purpose;
- (4) appoint and dismiss its own personnel and determine their conditions of service and salaries;
- (5) obtain funds, dispose thereof, deal therewith, keep records thereof and arrange for the audit thereof;
- 20 (6) arrange meetings in accordance with its constitution, keep minutes and make and execute decisions;
- (7) regulate, subject to the provisions of this Act, its own membership;
- (8) appoint a management committee, an executive committee and subcommittees;
- 25 (9) appoint specialist committees on a basis of equal representation, provided that such specialist committees may co-opt experts in an advisory capacity who have no connection with the South African Transport Services or the trade unions, without such experts having votes on the committee; and
- 30 (10) perform all other actions which are reasonably required in pursuance of its objectives or in the exercise of its functions.

Voting and manner of arriving at decisions

14. (1) Voting rights on the Labour Council, as between the representatives of the South African Transport Services and the representatives of the trade union or the trade unions, as the case may be, shall be on an equal basis. Each trade union
35 participating in negotiating and decision-making on the Labour Council shall have only one vote.

(2) The principle of parity of votes shall be maintained throughout and the division of votes in cases of unequal representation and absence of representatives from meetings shall be governed, subject to this principle, by the constitution of the
40 Labour Council.

(3) Subject to the provisions of sections 10 (11) and 15 (7), a decision of the Labour Council made with a two-thirds majority shall be a binding decision of the Labour Council.

(4) The Chairman of the Labour Council shall have no vote.

45 Agreements

15. (1) A decision of the Labour Council in connection with a matter referred to in section 8 (3) (a) shall constitute an agreement of the Labour Council.

(2) Such agreement shall be reduced to writing.

(3) Notwithstanding anything to the contrary contained in any other law currently
50 in force or subsequently promulgated, or in any contract, such agreement shall, subject to the provisions of subsection (7), be binding on the South African Transport Services, the trade unions concerned and all employees to whom it is declared to be applicable.

(4) In the case of non-acceptance on the part of a minority of members of the
55 Labour Council of an agreement of the Labour Council, the agreement shall

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alle werknemers op wie dit verklaar word bindend te wees, met dien verstande dat sodanige minderheidsparty geregtig is om binne 'n bepaalde aantal dae vertoë te rig tot 'n komitee van die Arbeidsraad, onder die voorsitterskap van die Voorsitter van die Arbeidsraad, wat die geskil oorweeg en aanbevelings daarvoor doen. Hierdie aspek word in groter detail deur die konstitusie van die Arbeidsraad gereël. 5

(5) Die huidige salarisse van werknemers wat grade beklee wat deur die vakverenigings verteenwoordig word, sowel as die Gekonsolideerde Diensvoorwaardes, word geag die inhoud van die eerste ooreenkoms van die Arbeidsraad en die beginpunt vir onderhandelinge tussen die partye uit te maak.

(6) Ooreenkomste aangegaan deur die Arbeidsraad word aan elke lid van die 10 Arbeidsraad beskikbaar gestel, en elke ooreenkoms wat die Gekonsolideerde diensvoorwaardes raak, word deur die Suid-Afrikaanse Vervoerdienste in 'n Spesiale Kennisgewing gepubliseer.

(7) (a) 'n Ooreenkoms van die Arbeidsraad oor salarisse word deur die Arbeidsraad aan die Minister voorgelê. Sodanige ooreenkoms het voordat 15 dertig dae na die datum van ontvangs daarvan deur die Minister van Vervoerwese verstryk het, geen regsrag nie, met dien verstande dat die Minister binne sodanige tydperk van dertig dae die Arbeidsraad kan versoek om sy besluit te heroorweeg en, indien die Minister so sou optree, word redes deur hom vir sy versoek voorsien, en met dien verstande voorts 20 dat die gevolg van sodanige versoek is dat die ooreenkoms geen regsrag hoegenaamd besit nie. By ontvangs van sodanige versoek, heroorweeg die Arbeidsraad die aangeleentheid en indien hy na sodanige heroorweging tot 'n besluit geraak, gebaseer op die vereiste tweederdemeerderheid, maak sodanige besluit die ooreenkoms van die Arbeidsraad uit. Indien hy nie tot 25 so 'n besluit geraak nie, word gebruik gemaak van bemiddeling, arbitrasie of ander prosedure vir die versoening of beslegting van geskille kragtens artikel 8 (3) (b).

(b) Paragraaf (a) is van toepassing benewens salarisse op ander diensvoorwaardes en verwante aangeleenthede ten opsigte waarvan die Minister die 30 Arbeidsraad kennis gee dat dit van toepassing sal wees, met dien verstande dat sodanige kennisgewing geen ooreenkoms van die Arbeidsraad raak nie wat aangegaan is minder as dertig dae nadat sodanige kennisgewing deur die Arbeidsraad ontvang is.

(c) Paragraaf (a) en (b) is nie van toepassing op 'n ooreenkoms van die 35 Arbeidsraad wat aangegaan is na heroorweging van 'n aangeleentheid ingevolge paragraaf (a) op versoek van die Minister of op 'n besluit wat kragtens hierdie Wet geag word gelykstaande met 'n ooreenkoms van die Arbeidsraad te wees na verwysing van 'n aangeleentheid deur die Arbeidsraad vir bemiddeling, arbitrasie of ander prosedure vir versoening of 40 beslegting van geskille kragtens artikel 8 (3) (b) nie.

(d) Paragraaf (a), (b) of (c) is *mutatis mutandis* op 'n besluit van 'n versoeringsraad bedoel in artikel 19 (3) en (4) van toepassing.

Bevoegdheid van verteenwoordigers

16. Wanneer die Arbeidsraad 'n ooreenkoms kragtens artikel 15 aangegaan het, 45 word daar geag dat die verteenwoordigers van die Suid-Afrikaanse Vervoerdienste in die Arbeidsraad wat sodanige ooreenkoms bereik het, met die bevoegdheid beklee was om sodanige ooreenkoms op die Suid-Afrikaanse Vervoerdienste bindend te maak. Hierdie voorwaarde is ook *mutatis mutandis* op die verteenwoordigers van die betrokke vakvereniging of vakverenigings van toepassing. 50

Bestuur en administrasie

17. (1) Die Arbeidsraad word indien moontlik en so spoedig doenlik in 'n gebou gehuisves wat, van die standpunt van die Suid-Afrikaanse Vervoerdienste en die vakverenigings, neutrale grond uitmaak.

(2) Die Arbeidsraad poog om in die nastrewe van sy oogmerke en die uitoefening 55 van sy funksies sowel in feite as na beeld neutraal te wees.

(3) Die salarisse en diensvoorwaardes van die Voorsitter en lede van die sekretariaat van die Arbeidsraad moet van so 'n aard wees dat bekwame persone gewerf en behou word.

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nevertheless be binding on all members and all employees to whom it is declared to be applicable, provided that such minority party shall be entitled to make representations within a specified number of days to a committee of the Labour Council, under the chairmanship of the Chairman of the Labour Council, which shall consider the dispute and make recommendations thereon. The constitution of the Labour Council shall regulate this aspect in greater detail.

(5) The current salaries of employees occupying grades which are represented by the trade unions, as well as the Consolidated Service Conditions, shall be deemed to constitute the contents of the first agreement of the Labour Council and the starting point for negotiations between the parties.

(6) Agreements concluded by the Labour Council shall be made available to each member of the Labour Council, and the South African Transport Services shall publish in a Special Notice each agreement affecting the Consolidated Service Conditions.

(7) (a) An agreement of the Labour Council on salaries shall be submitted to the Minister by the Labour Council. Such agreement shall have no legal force and effect until thirty days have elapsed after the date of receipt by the Minister of Transport Affairs of such agreement, provided that the Minister may within such period of thirty days request the Labour Council to reconsider its decision and, should he do so, shall provide reasons for his request, and provided further that the effect of such request shall be that the agreement shall have no legal effect whatsoever. The Labour Council shall, upon receipt of such request, reconsider the matter and if it arrives at a decision after such reconsideration based on the required two-thirds majority, such decision shall constitute the agreement of the Labour Council. If it does not arrive at such a decision, mediation, arbitration or other dispute conciliation or settlement procedure shall be resorted to in terms of section 8 (3) (b).

(b) Paragraph (a) shall apply, in addition to salaries, to other service conditions and related matters in respect of which the Minister gives the Labour Council notice that it shall apply, provided that such notice shall not affect any agreement of the Labour Council arrived at less than thirty days after such notice is received by the Labour Council.

(c) Paragraphs (a) and (b) shall not apply to an agreement of the Labour Council concluded after reconsideration of a matter at the Minister's request in terms of paragraph (a) nor to a decision that is regarded in terms of this Act as the equivalent of an agreement of the Labour Council after reference of a matter by the Labour Council to mediation, arbitration or other dispute conciliation or settlement procedure in terms of section 8 (3) (b).

(d) Paragraphs (a), (b) and (c) shall be applicable *mutatis mutandis* to a decision of a conciliation board referred to in section 19 (3) and (4).

Authority of representatives

16. When the Labour Council has concluded an agreement in terms of section 15, the representatives of the South African Transport Services on the Labour Council who reached such agreement shall be deemed to have been vested with the authority necessary to render such agreement binding on the South African Transport Services. This provision shall also apply *mutatis mutandis* to the representatives of the trade union or unions involved.

50 Management and administration

17. (1) The Labour Council shall be accommodated if possible and as soon as practicable in a building that shall constitute, from the point of view of the South African Transport Services and the trade unions, neutral ground.

(2) The Labour Council shall strive, in pursuance of its objectives and the exercise of its functions, to be neutral both in fact and in appearance.

(3) The salaries and the service conditions of the Chairman and members of the secretariat of the Labour Council shall be of such a nature that competent persons are recruited and retained.

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18. (1) Die Arbeidsraad oefen beheer oor sy eie fondse uit, en die fondse van die Arbeidsraad word ingesamel deur middel van bydraes op 'n gelyke basis van elke werknemer (ongereelde los werknemers en los werknemers uitgesluit) van die Suid-Afrikaanse Vervoerdienste wat jaarliks gedurende April gevorder word. Die Suid-Afrikaanse Vervoerdienste dra 'n bedrag by gelyk aan die bedrag wat so ingesamel word en betaal die totale bedrag teen die einde van Mei elke jaar aan die Arbeidsraad oor.

(2) Die bedrag wat van salarisse van werknemers afgetrek word, word van jaar tot jaar bepaal na gelang van die behoeftes van die Arbeidsraad soos deur die Arbeidsraad vasgestel en aan die Suid-Afrikaanse Vervoerdienste oorgedra.

(3) Die finansies van die Arbeidsraad word in ooreenstemming met aanvaarde sake- en rekeningkundige beginsels bestuur, beheer en geadministreer, 'n bankrekening word geopen, finansiële state word gehou en finansiële en ouditkundige verslae word aan lede en die Minister gestuur.

(4) 'n Nie-terugbetaalbare aanvangsbedrag wat voldoende is om die Arbeidsraad in staat te stel om met sy werksaamhede te begin, word deur die Suid-Afrikaanse Vervoerdienste aan die Arbeidsraad beskikbaar gestel.

Aanstelling van versoeningsraad

19. (1) Wanneer vertoë deur 'n vakvereniging tot die Suid-Afrikaanse Vervoerdienste gerig word in verband met diensvoorwaardes of salarisse van werknemers wat deur sodanige vakvereniging verteenwoordig word, of verwante aangeleenthede, en dit nie moontlik is om tot 'n ooreenkoms te kom nie, word 'n versoeningsraad, ondanks die bepalinge van artikels 8 tot 18, so gou as wat redelik moontlik is, deur die Suid-Afrikaanse Vervoerdienste aangestel, indien die vakvereniging wat betrokke is so versoek. Sodanige raad, wat bestaan uit hoogstens drie verteenwoordigers benoem deur die vakvereniging en 'n gelyke getal benoem deur die Suid-Afrikaanse Vervoerdienste, insluitende 'n voorsitter, ondersoek die saak en besluit daaroor. Die uitdrukking "verwante aangeleenthede" gebruik in hierdie subartikel is onderworpe aan die beperkinge genoem in artikel 8 (4). Daarbenewens is hierdie subartikel nie van toepassing nie op vertoë wat strydig is met 'n ooreenkoms van die Arbeidsraad of 'n besluit wat kragtens hierdie Wet as gelykstaande met so 'n ooreenkoms geag word, tensy 'n tydperk van twaalf maande verstryk het sedert sodanige ooreenkoms of besluit bereik is.

(2) 'n Versoeningsraad rig sy verslag aan die Hoofbestuurder. Die Hoofbestuurder kan 'n versoeningsraad binne dertig dae na die ontvangs van die verslag versoek om sy besluit te heroorweeg, en in so 'n geval dien die versoeningsraad na sodanige heroorweging 'n verdere verslag in.

(3) 'n Besluit van 'n versoeningsraad gesteun deur 'n tweederdemeerderheid van die lede word geag, onderworpe aan subartikel (2) en artikel 15 (7) (d), met 'n ooreenkoms van die Arbeidsraad gelykstaande te wees.

(4) Wanneer vertoë tot die Suid-Afrikaanse Vervoerdienste deur 'n groep werknemers wat nie 'n vakvereniging uitmaak nie, gerig word in verband met hulle diensvoorwaardes of salarisse en dit nie moontlik gevind word om tot 'n ooreenkoms te kom nie, kan die Suid-Afrikaanse Vervoerdienste, nadat hy 'n toepaslike opdrag opgestel het, 'n versoeningsraad aanstel. Die bepalinge van subartikel (1) in verband met die lidmaatskap en voorsitter van die versoeningsraad waarna daarin verwys word, word *mutatis mutandis* toegepas. Die raad ondersoek die saak en besluit daaroor. Sodanige besluit, indien gesteun deur 'n tweederdemeerderheid van die lede van die raad, word, onderworpe aan die bepalinge van artikel 15 (7) (d), geag met 'n ooreenkoms van die Arbeidsraad gelykstaande te wees. Hierdie subartikel is egter nie van toepassing nie op vertoë wat strydig is met 'n ooreenkoms van die Arbeidsraad of 'n besluit wat kragtens hierdie Wet as gelykstaande met so 'n ooreenkoms geag word, tensy 'n tydperk van twaalf maande verstryk het sedert sodanige ooreenkoms of besluit bereik is.

Verwysing na arbitrasie van aangeleenthede wat nie deur versoeningsraad afgehandel word nie

20. (1) Wanneer dit nie moontlik gevind word om tot 'n ooreenkoms in verband met enige aangeleentheid deur middel van 'n versoeningsraad kragtens artikel 19 te

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Finance

18. (1) The Labour Council shall control its own finances, and the funds of the Labour Council shall be raised by means of contributions by every employee (excluding intermittent casual and casual employees) of the South African Transport Services on an equal basis to be collected annually during April. The South African Transport Services shall contribute an amount equal to the amount thus collected and pay the total amount to the Labour Council at the end of May every year.

(2) The amount to be deducted from employees' salaries shall be determined from year to year according to the needs of the Labour Council as determined by the Labour Council and communicated to the South African Transport Services.

(3) The finances of the Labour Council shall be managed, controlled and administered in accordance with accepted business and accounting principles, a bank account shall be opened, financial statements shall be kept and financial and audit reports shall be submitted to the members and the Minister.

(4) The South African Transport Services shall make an initial non-refundable amount available to the Labour Council sufficient to enable it to commence its activities.

Appointment of conciliation board

19. (1) Whenever representations are made to the South African Transport Services by a trade union in connection with conditions of service or salaries of employees who are represented by such union, or related matters, and it is not found possible to reach agreement, the South African Transport Services shall, notwithstanding the provisions of sections 8 to 18, should the trade union concerned so request, as soon as reasonably possible, appoint a conciliation board. Such board, which shall consist of not more than three representatives nominated by the trade union and an equal number nominated by the South African Transport Services, which shall include a chairman, shall investigate the matter and decide thereon. The expression "related matters" used in this subsection shall be subject to the limitations referred to in section 8 (4). This subsection shall furthermore not be applicable to representations in conflict with an agreement of the Labour Council or a decision, regarded in terms of this Act as being equivalent to such an agreement, unless a period of twelve months has expired since such agreement or decision was arrived at.

(2) A conciliation board shall make its report to the General Manager. The General Manager may, within thirty days of the receipt of the report, request the conciliation board to reconsider its decision, and in that event the conciliation board shall, after such reconsideration, submit a further report.

(3) A decision of a conciliation board subscribed to by a two-thirds majority of the members shall, subject to subsection (2) and section 15 (7) (d), be regarded as the equivalent of an agreement of the Labour Council.

(4) Whenever representations are made to the South African Transport Services by a group of employees who do not constitute a trade union, in connection with their conditions of service or salaries and it is not found possible to reach agreement, the South African Transport Services may, after having compiled appropriate terms of reference, appoint a conciliation board. The provisions of subsection (1) as to the membership and chairman of the conciliation board referred to therein shall *mutatis mutandis* apply. The board shall investigate the matter and decide thereon. Such decision, if subscribed to by a two-thirds majority of the members of the board, shall, subject to the provisions of section 15 (7) (d), be regarded as the equivalent of an agreement of the Labour Council. This subsection shall however not be applicable to representations in conflict with an agreement of the Labour Council or a decision regarded in terms of this Act as being equivalent to such an agreement, unless a period of twelve months has expired since such agreement or decision was arrived at.

55 Referral to arbitration of matters not disposed of by conciliation board

20. (1) Whenever it has not proved possible to reach agreement by means of a conciliation board in terms of section 19 on any matter, the matter shall be referred

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geraak nie, word die aangeleentheid deur die versoeningsraad na arbitrasie verwys. Die arbiter, arbiters of die liggaam om die arbitrasie te behartig, word deur die versoeningsraad op die basis van 'n tweederdemeerderheid gekies. Indien die raad dit nie moontlik vind om te besluit of 'n arbiter, arbiters of arbitrasieliggaam gebruik moet word of, indien dit op 'n arbiter, arbiters of arbitrasieliggaam sou besluit, wie die arbiter, arbiters of arbitrasieliggaam moet wees nie, besluit die Voorsitter van die Arbeidsraad namens die raad.

(2) Die besluit van die arbiter, arbiters of die liggaam om die arbitrasie te behartig, word geag met 'n ooreenkoms van die Arbeidsraad gelykstaande te wees.

Verbod op stakings

21. (1) Geen werknemer of ander persoon mag 'n staking aanstig of 'n werknemer aanhits om aan 'n staking deel te neem of dit voort te sit nie, en geen werknemer mag aan 'n staking of aan die voortsetting van 'n staking deelneem nie.

(2) 'n Werknemer of ander persoon wat die bepalinge van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens 15 eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sowel daardie boete as daardie gevangenisstraf.

(3) (a) Wanneer in strafregtelike verrigtings teen 'n werknemer wat in 'n bepaalde departement, vertakking of afdeling van die Suid-Afrikaanse Vervoerdienst 20 ste werksaam is, op grond daarvan dat hy, in stryd met subartikel (1), deelgeneem het aan 'n staking of aan die voortsetting van 'n staking, daar bewys word dat sodanige gesamentlike optrede as wat in paragraaf (b) omskryf word, in daardie departement, vertakking of afdeling plaasgevind het gedurende die tydperk deur die aanklag gedek, en dat die beskuldigde 25 te eniger tyd gedurende daardie tydperk besig was met werk of 'n soort werk met betrekking tot die verrigting waarvan so 'n afwyking van standarde, metodes, prosedures of gebruike soos in paragraaf (b) (i) bedoel, plaasgevind het, word sodanige gesamentlike optrede geag neer te kom op 'n vertraging van die vordering van werk of 'n belemmering van 30 werk ooreenkomstig die bedoeling van die omskrywing van "staking" vervat in artikel 1.

(b) Die gesamentlike optrede bedoel in paragraaf (a) is enige gesamentlike optrede van die kant van enige aantal werknemers—

- (i) waarby daar betrokke is 'n afwyking van standarde, metodes, pro- 35 sedures of gebruike wat daardie werknemers voorheen as hul normale en gereelde roetine nagekom, gehandhaaf of gevolg het by of in verband met die verrigting van hulle werk;
- (ii) wat tot gevolg gehad het 'n vermindering in werkproduksie of 'n afname in die tempo van werk of 'n verlenging van die tyd wat 40 normaalweg met die verrigting van bepaalde take in beslag geneem word in die betrokke departement, vertakking of afdeling; en
- (iii) wat as gevolg van enigeen van die omstandighede bedoel in subparagraaf (ii), 'n nadelige uitwerking gehad het, of waarskynlik sou gehad het indien dit voortgeduur het, op die stiptheid, gereeldheid of 45 veelvuldigheid van enigeen van die Suid-Afrikaanse Vervoerdienste se vervoerdienste of op die doeltreffendheid van die Suid-Afrikaanse Vervoerdienste in die algemeen.

(4) Wanneer 'n werknemer of ander persoon kragtens hierdie artikel aangekla word weens aanstigting van 'n staking of weens aanhitsing van 'n werknemer om aan 50 'n staking deel te neem of dit voort te sit, of weens deelname aan 'n staking of die voortsetting van 'n staking, en 'n weiering, versuim, vertraging, belemmering, verbreking of beëindiging soos bedoel in die omskrywing van "staking" vervat in artikel 1 (soos aangevul deur subartikel (3) van hierdie artikel), en in die aanklag vermeld, bewys word, word vermoed, totdat die teendeel bewys word, dat daardie 55 weiering, versuim, vertraging, belemmering, verbreking of beëindiging plaasgevind het na aanleiding van onderlinge samespanning, ooreenkoms of verstandhouding en vir so 'n doel soos in daardie omskrywing bedoel en in die aanklag vermeld word.

(5) Indien die Suid-Afrikaanse Vervoerdienste in die geval van 'n staking besluit dat 'n werknemer of 'n groep werknemers aan sodanige staking deelneem of 60 deelgeneem het, verleen die Suid-Afrikaanse Vervoerdienste, as vervanging vir die gewone dissiplinêre prosedure of optrede, aan die betrokke werknemer of groep

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by the conciliation board to arbitration. The arbitrator, arbitrators or arbitrating body shall be selected by the conciliation board on the basis of a two-thirds majority. Should the board be unable to decide whether an arbitrator, arbitrators or arbitration body should be used or, if it decides on an arbitrator, arbitrators or arbitration body, who the arbitrator, arbitrators or arbitration body should be, the Chairman of the Labour Council shall make the decision on behalf of the board.

(2) The decision of the arbitrator, arbitrators or the arbitrating body shall be regarded as equivalent to an agreement of the Labour Council.

Prohibition of strikes

10 21. (1) No employee or other person shall instigate a strike, or incite any employee to take part in or to continue a strike, and no employee shall take part in a strike or in the continuation of a strike.

(2) An employee or other person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one 15 thousand rand or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(3) (a) Whenever in any criminal proceedings against an employee employed in a particular department, branch or section of the South African Transport Services for having taken part, in contravention of subsection (1), in a strike or in the continuation of a strike, it is proved that such concerted action as is described in paragraph (b) took place in that department, branch or division during the period covered by the charge, and that at any time during that period the accused was engaged upon work or a type of work with respect to the performance of which such a departure from standards, methods, procedures or practices as is referred to in paragraph 25 (b) (i) had occurred, such concerted action shall be deemed to constitute a retardation of the progress of work or an obstruction of work within the meaning of the definition of "strike" contained in section 1.

30 (b) The concerted action referred to in paragraph (a) is any concerted action on the part of any number of employees which—

(i) involves a departure from standards, methods, procedures or practices which were previously observed, maintained or adopted by those employees as their normal and regular routine in or in connection with the performance of their work;

35 (ii) has resulted in a diminution in the output or a reduction in the tempo of work or a prolongation of the time normally taken to perform particular tasks in the department, branch or section concerned; and

40 (iii) by reason of any circumstances referred to in subparagraph (ii) has had, or was likely to have if continued, a detrimental effect upon the punctuality, regularity or frequency of any of the South African Transport Services' transport services or upon the efficiency of the South African Transport Services in general.

(4) Whenever an employee or other person is charged under this section with 45 having instigated a strike, or with having incited an employee to take part in or to continue a strike, or with having taken part in a strike or in the continuation of a strike, and refusal, failure, retardation, obstruction, breach or termination such as is referred to in the definition of "strike" contained in section 1 (as amplified by subsection (3) of this section) and stated in the charge, is proved, it shall be 50 presumed, until the contrary is proved, that the refusal, failure, retardation, obstruction, breach or termination was in pursuance of a combination, agreement or understanding and for a purpose such as is referred to in the said definition and stated in the charge.

(5) Should the South African Transport Services in the event of a strike decide that 55 an employee or a group of employees is participating or has participated in such strike, it shall, by means of a notice, in substitution for normal disciplinary procedure or action, extend to the employee or group of employees concerned an opportunity

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werknemers deur middel van 'n kennisgewing '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 mag geskied mondelings, by wyse van brief, by wyse van publikasie of deur die aanbring van kennisgewings op die werknemer of groep werknemers se vaste werkplek of, indien hy of hulle nie 'n vaste 5 werkplek het nie, op die plek waar hy of hulle vir diens aanteken of aanmeld. Die aanbring van kennisgewings op die vaste werkplek, indien van toepassing, word geag voldoende kennisgewing te wees. By verstryking van sodanige tydperk oorweeg die Suid-Afrikaanse Vervoerdienste enige voorleggings wat op sodanige wyse gemaak is, en daarna beskik die Suid-Afrikaanse Vervoerdienste oor die reg om die diens 10 van sodanige werknemer of groep werknemers te beëindig.

Hoe daar met dissiplinêre oortreding gehandel kan word

22. (1) Een van die ondervermelde strawwe (waarvan dié wat in paragraaf (a) vermeld word, nie aangeteken word nie, en dié wat in paragraaf (b) vermeld word, aangeteken word) kan weens 'n dissiplinêre oortreding na die toepassing van die 15 dissiplinêre voorwaardes van die Gekonsolideerde Diensvoorwaardes opgelê word—

- (a) (i) 'n waarskuwing of 'n berisping; of
- (ii) 'n boete van minder as tien rand, verhaalbaar by wyse van aftrekking van salaris; of 20
- (b) (i) 'n boete van minstens tien rand, verhaalbaar in paaielemente of andersins by wyse van aftrekking van salaris; of
- (ii) terughouding van skaalverhogings in salaris vir 'n bepaalde tydperk; of
- (iii) vermindering van salaris vir 'n bepaalde tydperk; of
- (iv) verlaging in rang, graad of klas, met of sonder vermindering van 25 salaris, vir 'n bepaalde tydperk; of
- (v) verlaging in rang, graad of klas, met of sonder vermindering van salaris, vir 'n onbepaalde tydperk; of
- (vi) gedwonge bedanking, waaronder verstaan word outomatiese diensbeëindiging vanaf die datum vermeld in die bevel om te bedank; of 30
- (vii) ontslag vanaf die datum van skorsing of, as die werknemer nie onder skorsing is op die datum waarop hy aan die dissiplinêre oortreding skuldig bevind word nie, dan vanaf die datum waarop die kennisgewing van dissiplinêre straf aan hom oorhandig word.

(2) Voorsiening kan in die Gekonsolideerde Diensvoorwaardes gemaak word vir 35 die rojering, onderworpe aan sodanige voorwaardes as wat bepaal mag word, van aangetekende strawwe daarin gespesifiseer.

Toewysing van boetes en onopgeëiste salaris aan sekere fondse

23. Alle boetes deur die Suid-Afrikaanse Vervoerdienste ontvang kragtens hierdie Wet of die Gekonsolideerde Diensvoorwaardes, of onopgeëiste salaris of toelaes van 40 watter aard ook al aan werknemers verskuldig, word in gelyke dele aan die Hulpfonds en die Suid-Afrikaanse Vervoerdienste se Instituutfonds betaal en kan aangewend word vir die doeleindes van daardie fondse soos van tyd tot tyd deur die Minister bepaal, met dien verstande dat sodanige betaling nie 'n werknemer verhinder om sodanige onopgeëiste salaris of toelaes regtens te verhaal nie en, 45 indien sy vordering bewys word, die verskuldigde bedrag aan hom betaal kan word.

Voortbestaan van Siekefonds, instelling en beheer van apteke, en sessie van reg deur 'n verskaffer van 'n diens

24. (1) Die Siekefonds van die Suid-Afrikaanse Spoorweë en Hawens ingestel deur regulasies opgestel kragtens artikel 32 (1) (g) van die Wet op Spoorweg- en 50 Hawediens, 1960 (Wet No. 22 van 1960), bly onder die naam "die Mediese Skema van die Suid-Afrikaanse Vervoerdienste" voortbestaan.

(2) Die Suid-Afrikaanse Vervoerdienste word hierby gemagtig om apteke vir die doeleindes van die Mediese Skema van die Suid-Afrikaanse Vervoerdienste in te stel en te beheer, en bestaande apteke wat vir die doeleindes van die Siekefonds genoem 55 in subartikel (1) ingestel is, bly voortbestaan as apteke van sodanige Mediese Skema.

(3) Daar word met die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling oorleg gepleeg alvorens enige nuwe apteek kragtens subartikel (2) ingestel word.

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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 fixed place of work or, if he does or they do not have a fixed place of work, at the place where he or they sign on or report for duty. The affixing of notices at the fixed place of work, if applicable, shall be deemed to be due notice. Upon the expiry of such period, the South African Transport Services shall take into account any representations so made, and shall thereafter have the right to terminate the services of such employee or employees.

How disciplinary infringement may be dealt with

22. (1) One of the following punishments (of which those mentioned in paragraph (a) shall not be recorded and those mentioned in paragraph (b) shall be recorded) may be imposed for a disciplinary infringement upon the application of the disciplinary provisions of the Consolidated Service Conditions—
- (a) (i) a caution or a reprimand; or
 - (ii) a fine of less than ten rand, recoverable by deduction from salary; or
 - (b) (i) a fine of not less than ten rand, recoverable in instalments or otherwise, by deduction from salary; or
 - (ii) stoppage of increments in salary for a specified period; or
 - (iii) reduction of salary for a specified period; or
 - (iv) reduction in rank, grade or class, with or without reduction of salary, for a specified period; or
 - (v) reduction in rank, grade or class, with or without reduction of salary, for an unspecified period; or
 - (vi) enforced resignation, which shall mean the automatic termination of service from the date stated in the order to resign; or
 - (vii) dismissal from the date of suspension or, if the employee is not under suspension on the date on which he is found guilty of the disciplinary infringement, then as from the date on which the notification of punishment is handed to him.
- (2) Provision may be made in the Consolidated Service Conditions for the expunging, subject to such conditions as may be stipulated, of recorded punishments specified therein.

Appropriation of fines and unclaimed salary to certain funds

23. Any fines received by the South African Transport Services under this Act or the Consolidated Service Conditions or any unclaimed salary or allowances of whatever kind due to employees shall be paid to the Benevolent Fund and the South African Transport Services Institutes Fund in equal proportions and may be used for the purpose of those funds as determined from time to time by the Minister, provided that such payment shall not prevent an employee from recovering such unclaimed salary or allowances according to law and, if his claim is established, the amount due may be paid to him.

Continuation of Sick Fund, establishment and management of dispensaries, and cession of right by a supplier of a service

24. (1) The South African Railways and Harbours Sick Fund constituted in terms of regulations framed under section 32 (1) (g) of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), shall continue in existence under the name of the "South African Transport Services Medical Scheme".
- (2) The South African Transport Services is hereby empowered to establish and manage dispensaries for the purposes of the South African Transport Services Medical Scheme, and existing dispensaries established for the purpose of the Sick Fund referred to in subsection (1) shall continue in existence as dispensaries of such Medical Scheme.
- (3) The Minister of National Health and Population Development shall be consulted before any new dispensary is established in terms of subsection (2).

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(4) Geen sessie deur 'n verskaffer van 'n diens van enige reg op betaling, ten opsigte van 'n diens wat deur hom aan 'n lid of voordeeltrekker van die Mediese Skema van die Suid-Afrikaanse Vervoerdienste verskaf is of verskaf mag word, aan 'n ander party, is op die betrokke lid, voordeeltrekker of sodanige Mediese Skema bindend nie. 'n Diens beteken vir die doel van hierdie subartikel enige voordeel 5
waarvoor daar in die regulasies genoem in artikel 25 voorsiening gemaak word.

Regulasies vir die instelling en bestuur van 'n mediese skema

25. (1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, met betrekking tot die instelling van 'n mediese skema en die bestuur daarvan 10
uitvaardig.

(2) Enige regulasie wat kragtens hierdie artikel uitgevaardig word en enige wysiging daaraan kan met terugwerkende krag uitgevaardig word vanaf 'n datum wat nie vroeër is nie as 1 April 1960 en kan voorsiening maak vir die uitoefening van 'n diskresie deur die Hoofbestuurder of enige werknemer, of raad wat kragtens die regulasies aangestel word. 15

(3) Enige regulasie met betrekking tot die instelling van 'n mediese skema en die bestuur daarvan wat uitgevaardig is kragtens 'n wet wat deur hierdie Wet herroep word, word geag kragtens subartikel (1) uitgevaardig te gewees het.

Dissiplinêre aanklagte en dissiplinêre en ander appêlle

26. (1) 'n Dissiplinêre aanklag wat, voor die datum van inwerkingtreding van 20
hierdie Wet, kragtens die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), en die personeelregulasies daarkragtens uitgevaardig op 'n werknemer beteken is, word, onderworpe aan die bepalings van subartikels (2) en (3), kragtens sodanige wet en regulasies behandel asof hierdie Wet nie uitgevaardig was nie. 25

(2) 'n Appêl wat voortvloei uit 'n dissiplinêre aanklag genoem in subartikel (1) wat voor die datum van inwerkingtreding van hierdie Wet ingedien is, maar wat nie voor daardie datum afgehandel is nie, word behandel asof hierdie Wet nie uitgevaardig was nie.

(3) 'n Appêl wat voortvloei uit 'n dissiplinêre aanklag genoem in subartikel (1) wat 30
op of na die datum van inwerkingtreding van hierdie Wet ingedien word, word ingevolge artikel 22 en die Gekonsolideerde Diensvoorwaardes behandel.

(4) 'n Appêl wat kragtens personeelregulasie 27 voor die datum van inwerkingtreding van hierdie Wet deur 'n werknemer ingedien is, maar wat nie voor daardie datum afgehandel is nie, word behandel asof hierdie Wet nie uitgevaardig was nie. 35
Indien sodanige appêl misluk, word die werknemer se verdere regte van appêl deur die Gekonsolideerde Diensvoorwaardes bepaal.

Herroeping van wette

27. Die wette uiteengesit in die Bylae by hierdie Wet word hierby herroep 40
sover in die derde kolom daarvan aangedui word.

Kort titel en inwerkingtreding

28. Hierdie Wet heet die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae**WETTE HERROEP**

No. en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 65 van 1981	Suid-Afrikaanse Vervoerdienstewet, 1981	Artikel 5 (1) (g)
Wet No. 16 van 1983	Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983	Die geheel
Wet No. 5 van 1984	Suid-Afrikaanse Vervoerdienstewysigingswet, 1984	Artikels 11 en 12
Wet No. 44 van 1985	Suid-Afrikaanse Vervoerdienstewysigingswet, 1985	Artikels 22 tot en met 29
Wet No. 91 van 1987	Suid-Afrikaanse Vervoerdienstewysigingswet, 1987	Artikels 5 en 6

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(4) No cession by a supplier of a service of any right to payment, in respect of a service which has been or may be supplied by him to a member or beneficiary of the South African Transport Services Medical Scheme, to another party shall be binding on the member or beneficiary concerned or such Medical Scheme. A service shall mean, for the purpose of this subsection, any benefit for which provision is made in the regulations referred to in section 25.

Regulations for the establishment and management of a medical scheme

25. (1) The Minister may make regulations not inconsistent with this Act with respect to the establishment of a medical scheme and the management thereof.
- 10 (2) Any regulation made in terms of this section and any amendment thereof may be made with retrospective effect from a date not earlier than 1 April 1960 and may make provision for the exercise of a discretion by the General Manager or an employee, or any board appointed in terms of the regulations.
- 15 (3) Any regulation promulgated in respect of the establishment of a medical scheme and the management thereof in terms of a law repealed by this Act, shall be deemed to have been promulgated in terms of subsection (1).

Disciplinary charges and disciplinary and other appeals

26. (1) A disciplinary charge served upon an employee prior to the operative date of this Act in terms of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), and the Personnel Regulations promulgated in terms thereof, shall, subject to the provisions of subsections (2) and (3), be dealt with in terms of such Act and Regulations as if this Act had not been promulgated.
- 25 (2) An appeal resulting from a disciplinary charge referred to in subsection (1) lodged before, but not disposed of before, the operative date of this Act shall be dealt with as if this Act had not been promulgated.
- (3) An appeal resulting from a disciplinary charge referred to in subsection (1) lodged on or after the operative date of this Act shall be dealt with in terms of section 22 and the Consolidated Conditions of Service.
- 30 (4) An appeal lodged in terms of Personnel Regulation 27 by an employee before, but not disposed of before, the operative date of this Act shall be dealt with as if this Act had not been promulgated. Should such appeal fail, the employee's further rights of appeal shall be governed by the provisions of the Consolidated Conditions of Service.

35 Repeal of laws

27. The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

Short title and commencement

28. This Act shall be called the South African Transport Services Conditions of Service Act, 1988, and shall come into operation on a date to be stipulated by the State President by proclamation in the *Gazette*.

Schedule
LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 65 of 1981	South African Transport Services Act, 1981	Section 5 (1) (g)
Act No. 16 of 1983	Conditions of Employment (South African Transport Services) Act, 1983	The whole
Act No. 5 of 1984	South African Transport Services Amendment Act, 1984	Sections 11 and 12
Act No. 44 of 1985	South African Transport Services Amendment Act, 1985	Sections 22 to 29 inclusive
Act No. 91 of 1987	South African Transport Services Amendment Act, 1987	Sections 5 and 6

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(4) No reason by a supplier of a service of any right to payment, in respect of a service which has been or may be supplied by him to a member or beneficiary of the South African Transport Services Medical Scheme, to another party shall be binding on the member or beneficiary concerned or such Medical Scheme. A service shall mean, for the purpose of this subsection, any benefit for which provision is made in the regulations referred to in section 25.

Regulations for the establishment and management of a medical scheme

25. (1) The Minister may make regulations not inconsistent with this Act with respect to the establishment of a medical scheme and the management thereof.
 (2) Any regulation made in terms of this section and any amendment thereof may be made with retrospective effect from a date not earlier than 1 April 1989 and may make provision for the exercise of a discretion by the General Manager or an employee, or any board appointed in terms of the regulations.
 (3) Any regulation promulgated in respect of the establishment of a medical scheme and the management thereof in terms of a law repealed by this Act, shall be deemed to have been promulgated in terms of subsection (1).

Disciplinary charges and disciplinary and other appeals

26. (1) A disciplinary charge served upon an employee prior to the operative date of this Act in terms of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), and the Personnel Regulations promulgated in terms thereof, shall, subject to the provisions of subsections (2) and (3), be dealt with in terms of such Act and Regulations as if this Act had not been promulgated.
 (2) An appeal resulting from a disciplinary charge referred to in subsection (1) lodged before, but not disposed of before, the operative date of this Act shall be dealt with as if this Act had not been promulgated.
 (3) An appeal resulting from a disciplinary charge referred to in subsection (1) lodged on or after the operative date of this Act shall be dealt with in terms of section 22 and the Consolidated Conditions of Service.
 (4) An appeal lodged in terms of Personnel Regulation 22 by an employee before, but not disposed of before, the operative date of this Act shall be dealt with as if this Act had not been promulgated. Should such appeal fail, the employee's further rights of appeal shall be governed by the provisions of the Consolidated Conditions of Service.

Repeal of laws

27. The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

Short title and commencement

28. This Act shall be called the South African Transport Services Conditions of Service Act, 1988, and shall come into operation on a date to be stipulated by the State President by proclamation in the Gazette.

Schedule

Laws Repealed

No. and year of law	Short title	Extent of repeal
Act No. 65 of 1981	South African Transport Services Act, 1981	Section 2 (1) (c)
Act No. 16 of 1983	Conditions of Employment (South African Transport Services) Act, 1983	The whole
Act No. 2 of 1984	South African Transport Services Amendment Act, 1984	Sections 11 and 12
Act No. 44 of 1985	South African Transport Services Amendment Act, 1985	Sections 22 to 29 inclusive
Act No. 91 of 1987	South African Transport Services Amendment Act, 1987	Sections 2 and 6