

REPUBLIC
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

GOVT PUBL
26 JUL
OCT LIB

Staatskoerant Government Gazette

Vol. 349

PRETORIA, 15 JULIE
JULY 1994

No. 15872

PROKLAMASIE

*van die
President*

van die Republiek van Suid-Afrika

No. 128, 1994

RASIONALISERING VAN STAATSADMINISTRASIE Kragtens die Grondwet van die Republiek van Suid-Afrika, 1993: WYSIGING VAN DIE WET OP ARBEIDSVERHOUDINGE IN DIE ONDERWYS, 1993

Kragtens artikel 237 (3) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), wysig ek hierby die Wet op Arbeidsverhoudinge in die Onderwys, 1993 (Wet No. 146 van 1993), soos uiteengesit in die Bylae hierby.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyfde dag van Julie Eenduisend Negehoonderd Vier-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

S. M. E. BENGU,
Minister van die Kabinet.

BYLAE

WYSIGING VAN WET OP ARBEIDSVERHOUDINGE IN DIE ONDERWYS, 1993

Wysiging van lang titel van Wet 146 van 1993

1. Die lang titel van die Wet op Arbeidsverhoudinge in die Onderwys, 1993 (hieronder die Hoofwet genoem), word hierby deur die volgende lang titel vervang:

“Om voorsiening te maak vir die reëling van arbeidsverhoudinge in die onderwys, met inbegrip van kollektiewe bedinging, in die hele nasionale

PROCLAMATION

*by the
President*

of the Republic of South Africa

No. 128, 1994

RATIONALISATION OF PUBLIC ADMINISTRATION UNDER THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993: AMENDMENT OF THE EDUCATION LABOUR RELATIONS ACT, 1993

Under section 237 (3) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby amend the Education Labour Relations Act, 1993 (Act No. 146 of 1993) as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town, this Fifth day of July, One thousand Nine hundred and Ninety-four.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

S. M. E. BENGU,
Minister of the Cabinet.

SCHEDULE

AMENDMENT OF EDUCATION LABOUR RELATIONS ACT, 1993

Amendment of long title of Act 146 of 1993

1. The following long title is hereby substituted for the long title of the Education Labour Relations Act, 1993 (hereinafter referred to as the principal Act):

“To provide for the regulation of labour relations in education, including collective bargaining, in the whole of the national territory of the Republic of

grondgebied van die Republiek van Suid-Afrika, die instelling van 'n Raad vir Arbeidsverhoudinge in die Onderwys, die registrasie van sekere organisasies in die onderwysprofessie, hul toelating tot genoemde Raad, en die voorkoming en beslegting van geskille; en om voorsiening te maak vir aanleentheid wat daarmee in verband staan."

Wysiging van artikel 1 van Wet 146 van 1993

2. Artikel 1 van die Hoofwet word hierby gewysig deur die omskrywing van "Staatsdienswet" deur die volgende omskrywing te vervang:

" 'Staatsdienswet' die Staatsdienswet, 1994;".

Wysiging van artikel 3 van Wet 146 van 1993

3. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Hierdie Wet is van toepassing in die hele nasionale grondgebied van die Republiek van Suid-Afrika soos omskryf in artikel 1 (2) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), op werkgewers en werknemers, werkgewerorganisasies, werknemerorganisasies en die Raad: Met dien verstande dat hierdie Wet nie van toepassing is nie op 'n werkgewer wat 'n private skool is, en op 'n werknemer wat deur 'n private skool in diens gehou word, tot tyd en wyl die President by proklamasie in die *Staatskoerant* verklaar dat dit op hulle van toepassing is."

Wysiging van artikel 13 van Wet 146 van 1993

4. Artikel 13 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) van subartikel (4) deur onderskeidelik die volgende paragrawe te vervang:

"(b) ingevolge artikel 15 (3) van die Staatsdienswet, die nodige personeel vir die administrasie van die Raad of enige van sy kamers of komitees, indien daar is, vir 'n bepaalde diens of vir 'n vermelde tydperk, tot sy beskikking stel; en

(c) ingevolge artikel 32 van die Staatsdienswet, 'n beampte of 'n werknemer bedoel in genoemde Wet en onder sy beheer, gelas om tydelik die pligte van sekretaris van die Raad te verrig of ander pligte te verrig wat noodsaaklik is vir die administrasie van die Raad of enige van sy kamers of komitees, indien daar is."

Herroeping van artikel 22 van Wet 146 van 1993

5. Artikel 22 van die Hoofwet word hierby herroep.

Invoeging van artikel 23A in Wet 146 van 1993

6. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg:

"Herroeping van Wet 19 van 1991 (kwaNdebele) en voorbehoude

23A. (1) Behoudens die bepalings van subartikel (2) word die kwaNdebele Wet op Arbeidsverhoudinge, 1991 (Wet No. 19 van 1991), in soverre dit betrekking het op die onderwysprofessie hierby herroep.

South Africa, the establishment of an Education Labour Relations Council, the registration of certain organisations in the teaching profession, their admission to the said Council, and the prevention and settlement of disputes; and to provide for matters connected therewith."

Amendment of section 1 of Act 146 of 1993

2. Section 1 of the principal Act is hereby amended by the substitution for the definition of "Public Service Act" of the following definition:

" 'Public Service Act' means the Public Service Act, 1994;".

Amendment of section 3 of Act 146 of 1993

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) This Act shall, in the whole of the national territory of the Republic of South Africa as defined in section 1 (2) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), apply to employers and employees, employer organisations, employee organisations and the Council: Provided that this Act shall not apply to an employer which is a private school and to an employee employed by a private school, until such time as it is applied to them by the President by proclamation in the *Government Gazette*."

Amendment of section 13 of Act 146 of 1993

4. Section 13 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (4) of the following paragraphs, respectively:

"(b) in terms of section 15 (3) of the Public Service Act, place at its disposal for a particular service or for a stated period the required personnel for the administration of the Council or any of its chambers or committees, if any; and

(c) direct, in terms of section 32 of the Public Service Act, an officer or an employee contemplated in the said Act and under his control, temporarily to perform the duties of secretary of the Council or other duties necessary for the administration of the Council or any of its chambers or committees, if any."

Repeal of section 22 of Act 146 of 1993

5. Section 22 of the principal Act is hereby repealed.

Insertion of section 23A in Act 146 of 1993

6. The following section is hereby inserted in the principal Act after section 23:

"Repeal of Act 19 of 1991 (kwaNdebele) and savings

23A. (1) Subject to the provisions of subsection (2), the kwaNdebele Labour Relations Act, 1991 (Act No. 19 of 1991), in so far as it applies to the teaching profession, is hereby repealed.

(2) Ondanks die herroeping van die Wet bedoel in subartikel (1)—

- (a) word enigiets gedoen kragtens daardie Wet wat kragtens 'n bepaling van hierdie Wet gedoen kan word, geag kragtens sodanige bepaling gedoen te gewees het; en
- (b) word enige verrigtinge kragtens daardie Wet begin, voortgesit en afgehandel asof daardie Wet nie herroep is nie.”.

Kort titel

7. Hierdie Proklamasie heet die Wet op Arbeidsverhoudinge in die Onderwys Wysigingsproklamasie, 1994

(2) Notwithstanding the repeal of the Act referred to in subsection (1)—

- (a) anything done under that Act which is capable of being done under a provision of this Act, shall be deemed to have been done under such provision; and
- (b) any proceedings commenced under that Act, shall be continued and concluded as if that Act had not been repealed.”.

Short title

7. This proclamation shall be called the Education Labour Relations Act Amendment Proclamation, 1994

INHOUD			CONTENTS		
No.		Bladsy No. Koerant No.	No.		Page No. Gazette No.
PROKLAMASIE			PROCLAMATION		
128	Grondwet van die Republiek van Suid-Afrika (200/1993): Rasionalisering van staatsadministrasie: Wysiging van die Wet op Arbeidsverhoudinge in die Onderwys, 1993.....	1 15872	128	Constitution of the Republic of South Africa (200/1993): Rationalisation of public administration: Amendment of the Education Labour Relations Act, 1993.....	1 15872