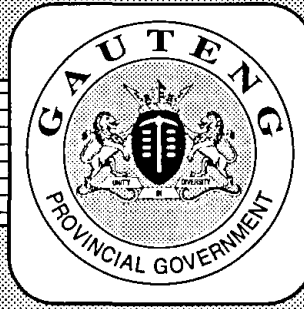


GTGN0497  
GTAK 0497

28/9

THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price: R2,00 ◇ Other countries: R2,25  
Verkoopprys: R2,00 ◇ Buitelands: R2,25

R.P.

Vol. 3

PRETORIA, 5 AUGUST  
AUGUSTUS 1997

No. 380

## GENERAL NOTICE

### NOTICE 2404 OF 1997

In terms of Rule 132(1)(i) of the Standing Rules of the Gauteng Provincial Legislature the Gauteng Local Government Ordinance Amendment Bill is hereby published for general information.

Any person or organisation wishing to comment on the said Bill, may lodge his or her written comment with me before **22 August 1997** by—

(a) *posting it to:*

The MEC for Development Planning and Local Government  
Private Bag X86  
MARSHALLTOWN  
2107

(b) *delivering it at:*

17th Floor  
Corner House  
corner of Commissioner and Sauer Streets  
JOHANNESBURG

or

(c) *fax to:*

(011) 355-5401/2.

S. SHICEKA

MEC: Development Planning and Local Government.

# GAUTENG LOCAL GOVERNMENT ORDINANCE AMENDMENT BILL

To provide for the amendment of section 79*ter* and the repeal of section 79*quat* of the Local Government Ordinance, 1939, in order to rationalise the authority to local governments to establish pension and gratuity funds for their employees

**B**E IT ENACTED by the Gauteng Provincial Legislature as follows:—

1. The Local Government Ordinance, 1939, is hereby amended as follows:

(1) By the substitution for section 79*ter* of the following section:

***“Power of Local Authorities to establish Municipal Pension Funds or Joint Municipal Pension Funds***

79*ter* (1) A local authority may on its own, or jointly with one of more other local authorities, establish a pension or gratuity fund or a joint pension or gratuity fund for the benefit of its employees and retired employees and the dependents of such employees and retired employees.

(2) Employees of a local authority and such a local authority may by means of collective bargaining in terms of the Labour Relations Act, 1995, resolve to be associated with any pension or gratuity fund or joint pension or gratuity fund established in terms of subsection (1), or any other fund already established, or a fund established in terms of the Labour Relations Act, 1995: Provided that a local authority may, subject to the approval of the MEC, limit the number of pension funds with which its employees may be associated with and restrict the period in which transfers of membership may be effected.

(3) Every pension fund or gratuity fund contemplated in subsections (1) and (2) shall be registered with the Registrar of Pension Funds in terms of the Pension Funds Act, 1956, and shall be subject to all provisions of the said Act.

(4) Local authorities may contribute to the subscriptions payable by its employees or retired employees to any pension or gratuity fund contemplated in subsections (1), (2) and (3).”.

(2) By the repeal of section 79*quat*.

2. This Bill shall be called the **Gauteng Local Government Ordinance Amendment Bill**.

## EXPLANATORY MEMORANDUM

### 1. BACKGROUND

- 1.1 In terms of section 79*ter* and 79*quat* of the Local Government Ordinance, 1939, the Premier may establish joint municipal pension funds respectively for white and non-white employees of local governments.
- 1.2 With a few exceptions, all local authorities were obliged to be associated with the funds so established by the Premier.
- 1.3 The Labour Relations Act, 1995, allows local authorities and their employees to address pension and gratuity fund matters as part of the negotiating process between employer and employee.
- 1.4 The Pension Funds Act, 1956, makes proper provision for effective control, supervision and management of pension funds and it is considered that further control by the Premier is unnecessary.

### 2. PURPOSE OF BILL

- 2.1 The purpose of the Bill is to do away with the existing racially based enactments and to enable local authorities to be associated with such pension or gratuity funds as may be negotiated in terms of the Labour Relations Act, 1995.
- 2.2 In order to ensure proper control such funds must, however, be registered with the Registrar of Pension Funds in terms of the Pension Funds Act, 1956.

### 3. CLAUSE-BY-CLAUSE DESCRIPTION

#### 3.1 Section 1 (1)

This section substitutes section 79*ter* of the Local Government Ordinance, 1939.

##### 3.1.1 *Subsection (1)*

It empowers local authorities to establish pension and gratuity funds on its own or jointly with other local authorities.

##### 3.1.2 *Subsection (2)*

The decision as to which pension or gratuity funds employees may be associated with is left to the bargaining process in terms of the Labour Relations Act, 1995, but for administrative purposes local authorities are allowed the right to restrict the number of pension funds and the periods of transfers to other funds. Such restrictions are made subject to the approval of the MEC for Local Government.

##### 3.1.3 *Subsection (3)*

In order to ensure proper control over pension and gratuity funds, all such funds for municipal employees must be registered with the Registrar of Pension Funds in terms of the Pension Funds Act, 1956.

##### 3.1.4 *Subsection (4)*

In terms of this subsection local authorities are authorised to contribute to the subscriptions payable to pension or gratuity funds by their employees.

#### 3.2 Section 1 (2)

Section 79*quat* of the principal Ordinance is repealed by this section.

#### 3.3 Section 2

This section contains the title of the Bill.

## ALGEMENE KENNISGEWING

### KENNISGEWING 2404 VAN 1997

Ingevolge Reël 132(1)(i) van die Staande Reëls van die Gautengse Provinsiale Wetgewer word die Ordonnansie op Plaaslike Bestuur Wysigingswetsontwerp hiermee vir algemene kennisname gepubliseer.

Enige persoon of organisasie wat kommentaar op die gemelde wetsontwerp wil lewer kan sy of haar skriftelike kommentaar voor **22 Augustus 1997** by my indien deur dit:

(a) *te pos aan:*

Die LUR vir Ontwikkelingsbeplanning en Plaaslike Regering  
Privaatsak X86  
MARSHALLTOWN  
2107

*of*

(b) *af te lewer by:*

17de Verdieping  
Corner House  
hoek van Sauer- en Commissionerstaat  
JOHANNESBURG

*of*

(c) *te faks na:*

(011) 355-5401/2

S. SHICEKA

LUR: Ontwikkelingsbeplanning en Plaaslike Regering

## GAUTENG ORDONNANSIE OP PLAASLIKE BESTUUR WYSIGINGSWETSONTWERP

Om voorsiening te maak vir die wysiging van artikel 79*ter* en die herroeping van artikel 79*quat* van die Ordonnansie op Plaaslike Bestuur, 1939, ten einde die magtiging aan plaaslike besture om pensioen- en gratifikasiefondse vir werknemers te stig te rasionaliseer

**D**aar word hiermee deur die Provinsiale Wetgewer van Gauteng soos volg VERORDEN:—

1. Die Ordonnansie op Plaaslike Bestuur, 1939, word hiermee soos volg gewysig:

(1) Deur artikel 79*ter* deur die volgende artikel te vervang:

***"Magtiging van Plaaslike Besture om Munisipale Pensioenfondse of  
Gesamentlike Munisipale Pensioenfondse te stig***

79*ter* (1) 'n Plaaslike Bestuur kan afsonderlik, of gesamentlik met een of meer ander plaaslike besture, 'n pensioen- of gratifikasiefonds instel vir die voordeel van sy werknemers en die afhanklikes van sodanige werknemers.

- (2) Werknemers van 'n plaaslike bestuur en die plaaslike bestuur kan deur middel van kollektiewe bedinging ingevolge die Wet op Arbeidsverhoudinge, 1995, besluit om toe te tree tot enige pensioen- of gratifikasiefonds of gesamentlike pensioen- of gratifikasiefonds ingestel kragtens subartikel (1), of enige ander fonds wat reeds gestig is, of 'n fonds wat ingevolge die Wet op Arbeidsverhoudinge, 1995, gestig is: Met dien verstande dat 'n plaaslike bestuur, met die toestemming van die LUR, die getal pensioenfondse waarmee sy werknemers mag assosieer mag beperk asook die tydperke waarbinne lidmaatskap oorgedra mag word.
- (3) Elke pensioen- of gratifikasiefonds soos bedoel in subartikels (1) en (2) moet by die Registrateur van Pensioenfondse, ingevolge die Wet op Pensioenfondse, 1956, geregistreer wees en sal onderworpe wees aan al die bepalings van die gemelde Wet.
- (4) Plaaslike besture mag bydra tot die subskripsiegelde wat deur werknemers of afgetrede werknemers betaalbaar is aan enige pensioen- of gratifikasiefonds soos bedoel in subartikels (1), (2) en (3)."

(2) Deur artikel 79*quat* te herroep.

2. Hierdie Wysigingswetsontwerp sal bekend staan as die **Gauteng Ordonnansie op Plaaslike Bestuur Wysigingswetsontwerp.**

## VERKLARENDE MEMORANDUM

### 1. AGTERGROND

- 1.1 Ingevolge artikels 79*ter* en 79*quat* van die Ordonnansie op Plaaslike Bestuur, 1939, mag die Premier onderskeidelik munisipale pensioenfondse instel vir blanke en nie-blanke werknemers van plaaslike regerings.
- 1.2 Met 'n paar uitsonderings, was alle plaaslike regerings verplig om te assosieer met die fondse wat volgens die gemelde bepalings deur die Premier ingestel is.
- 1.3 Die Wet op Arbeidsverhoudinge, 1995, magtig plaaslike regerings en werknemers om as deel van die bedingingsproses ooreenkomste te sluit in verband met pensioen- en gratifikasiefondse.
- 1.4 Die Wet op Pensioenfondse, 1956, maak verder behoorlik voorsiening vir die doeltreffende beheer oor en bestuur van pensioenfondse en die mening word gehuldig dat verdere beheer deur die Premier onnodig is.

### 2. OOGMERKE VAN WETSONTWERP

- 2.1 Die doel van die Wetsontwerp is om weg te doen met die bestaande rassistiese bepalings en om plaaslike regerings toe te laat om te assosieer met sodanige pensioen- of gratifikasiefondse as wat ingevolge die Wet op Arbeidsverhoudinge, 1995, onderhandel mag word.

- 2.2 Ten einde behoorlike beheer te bewerkstelling, moet sodanige fondse egter by die Registrateur van Pensioenfondse ingevolge die Wet op Pensioenfondse, 1956, geregistreer word.

### 3. PER KLOUSULE-UITEENSETTING

- 3.1 Hierdie artikel vervang artikel 79ter van die Ordonnansie op Plaaslike Bestuur, 1939.

3.1.1 *Subartikel (1)*

Plaaslike regerings word gemagtig om afsonderlik of gesamentlik met ander plaaslike regerings, pensioen- en gratifikasiefondse in te stel.

3.1.2 *Subartikel (2)*

Die besluit oor tot welke pensioen- en gratifikasiefondse werknemers mag toetree word oorgelaat aan die bedingingsproses ingevolge die Wet op Arbeidsverhoudinge, 1955. Vir administratiewe doeleindes word die bevoegdheid egter aan plaaslike regerings gegee om die getal pensioenfondse en die tydperke waarbinne lidmaatskap oorgedra mag word te beperk. Sulke beperkings is onderworpe aan die goedkeuring van die LUR vir Plaaslike Regering.

3.1.3 *Subartikel (3)*

Ten einde behoorlike beheer oor pensioen- en gratifikasiefondse te bewerkstellig, moet alle sodanige fondse by die Registrateur van Pensioenfondse ingevolge die Wet op Pensioenfondse, 1956, geregistreer word.

3.1.4 *Subartikel (4)*

Plaaslike Regerings word ingevolge hierdie subartikel gemagtig om by te dra tot die subskripsiegelde betaalbaar aan pensioen- of gratifikasiefondse deur werknemers.

3.2 *Artikel 1 (2)*

Artikel 79quat van die Hoofordonnansie word deur hierdie artikel herroep.

3.3 *Artikel 2*

Hierdie artikel bevat die titel van die Wysigingswetsontwerp.

## PEGO KA KAKARETŠO

### PEGO 2404 YA 1977

Go ya ka Molao 132(1)(i) wa Melao yeo e sa fegilwego ya Mmušo wa Profense ya Gauteng, Pili ya Phetošo ya Molawana wa Mmušo wa Segae wa Gauteng, o phatlalatšwa go fa melaetša ka kakaretšo.

Motho goba mokgahlo ofe kapa ofe woo o ratago go ntšha maikutlo ka ga Pili yeo e boletšwego, a ka hlagiša maikutlo a gagwe ka go ngwala pele ga **22 Agostose 1997** ka:

(a) *go romela ka poso go:*

The MEC for Development Planning and Local Government  
Private Bag X86  
MARSHALLTOWN  
2107

*goba*

(b) *go tliša go:*

17th Floor  
Corner House  
corner of Commissioner and Sauer Streets  
JOHANNESBURG

*goba*

(c) *go romela fax go:*

(011) 355-5401/2.

S. SHICEKA

MEC: Development Planning and Local Government.

## PILI YA PHETOŠO YA MOLAWANA WA MMUŠO WA SEGAE WA GAUTENG

Go tšweletša phetošo ya karolo 79ter le phedišo ya karolo 79quat ya Molawana wa Mmušo wa Segae, 1939, gore go kaonafatšwe bolaodi bja mebušo ya segae, gore e hlome ditefelo tša phenšene (motlaodutše) le ditefelo tša ditshenyagalelo tša bašomi

**E**TLA PHETHWA KE MMUŠO WA PROFENSE YA GAUTENG KA TSELA YE:—

1. Molawana wa Mmušo wa Segae, 1939, o fetošwa ka tsela ye e latelago:

(1) Ka go šuthiša karolo 79ter ya karolo ye e latelago:

***"Maatla le Bolaodi bja Gae go hloma Ditefelo tša Phenšene tša Masepala, goba Ditefelo tša Phenšene tša Masepala tša Mohlakanelwa***

79ter (1) Bolaodi bja Segae ka bobona, goba ka go kgokagana le bolaodi bjo bongwe, bo ka hloma tefelo ya phenšene goba ya ditshenyegelo, goba tefelo ya mohlakanelwa ya phenšene goba tshenyagelo go thuša bašomi ba bjona, le bašomi bao ba ikhuditšego, le bafepša ba bašomi bao le bašomi bao ba khuditšego

- (2) Bašomi ba bolaodi bja segae, le bolaodi bjo o bja segae ka go ikgokaganya le bangwe go ya ka Molao wa Tswalano ya Mošomo, 1995, ba ka kgetha go ikgokaganya le tefelo efe kapa efe ya phenšene goba ditshenyegelo, goba tefelo ya phenšene le tshenyegelo ya mohlakanelwa yeo e hlomilwego go ya ka karolwana (1), goba tefelo efe kapa efe yeo e šetšego e hlomilwe, goba tefelo yeo e hlomilwego go ya Molao wa Tswalano ya Mošomo, 1995: Ge eba bolaodi bjo o bja segae, ka tlase ga tumelelo ya MEC, bo ka laola palo ya ditefelo tša phenšene tšeo bašomedi ba bjona ba ka tswalanago le tšona, gomme bja laola nako yeo diphetišetšo tša go ba leloko di phethwelego ka yona.
- (3) Tefelo efe kapa efe ya phenšene goba tshenyegelo yeo e boletšwego go karolo (1) le (2) e tla ngwadišwa le Mongwadiši wa Ditefelo tša Phenšene go ya ka Molao wa Ditefelo tša Phenšene, 1956, gomme e tla ba ka tlase ga Molao woo.
- (4) Bolaodi bja segae bo ka tsenya letsogo Ditefelong tseo di dirwago ke bašomedi ba bjona, goba bašomedi bao ba khuditšego go tefelo efe kapa efe ya phenšene goba tshenyegelo yeo e boletšwego karolwaneng (1), (2) le (3)."

(2) Ka go fediša karolo 79<sup>quat</sup>.

2. Pili ye e tla bitšwa Pili ya Phetošo ya Molawana wa Mmušo wa segae wa Gauteng

## MEMORANTAMO WA TLHALOSO

### 1. BOITHEKGO

- 1.1 Go ya ka Karolo 79<sup>ter</sup> le 79<sup>quat</sup> ya Molawana wa Mmušo wa Gae, 1939, Tona a ka hloma ditefelo tša phenšene tša masepala tša mohlakanelwa, tša makgowa le bathobaso ba mmušo wa segae.
- 1.2 Bolaodi bja segae bo be bo gapeletšwa go itswalanya le ditefelo tšeo di hlomilwego ka tsela yeo ke Tona, le ge mo le mola seo se be se sa latelewe.
- 1.3 Molao wa Tswalano ya Mošomo, 1995, o dumelela bolaodi bja segae le bašomedi ba wona go lekola ditaba tša ditefelo tša phenšene le tshenyegelo bjalo ka karolo ya tsela ya dipoledišano magareng ga bengmošomo le bašomedi.
- 1.4 Molao wa Ditefelo tša Phenšene, e dira ditšweletšo tša maleba go thuša taolo le tlhahlo ditefelong tša phenšene. Go šeditšwe gore taolo yeo e išago pele ke Tona ga e bohlokwa.

### 2. MOHOLA WA PILI

- 2.1 Mohola wa pili ke go fediša merero ya kgetholla ya merafe le go kgontšha bolaodi bja segae go tswalana le ditefelo tša phenšene le ditshenyegelo, tšeo di kan ahlahlwago go ya ka Molao wa Ditefelo tša Mošomo, 1995.



- 2.2 Go kgonthiŝiŝa taolo ya maleba, ditefelo tŝeo di tlamegile go ngwadiŝwa go Mongwadiŝi wa Ditefelo tŝa Phenŝene go ya ka Molao wa Ditefelo tŝa Phenŝene, 1956.

### 3. TLHALOSO KGATO KA KGATO

#### 3.1 Karolo 1 (1)

Karole ye e emetŝe Karolo 79ter ya Molawana wa Mmuŝo wa Segae, 1939

##### 3.1.1 *Karolwana (1)*

E fa maatla go bolaodi bja segae go hloma ditefelo tŝa phenŝene le ditshenyegelo ka boyona, goba ka go ikgokaganya le bolaodi bja gae bjo bongwe.

##### 3.1.2 *Karolwana (2)*

Sepheho ka go gore na ke ditefelo dife tŝa phenŝene goba ditshenyegelo tŝeo baŝomedi ba ka itswalanyago le tŝona, e tlogelelwa tsela ya dipoelo go ya ka Molao wo Tswalano ya Moŝomo, 1995. Efela mabakeng a kamogelo, bolaodi bja segae bo dumeletŝwe tokelo ya go laola palo ya ditefelo tŝa phenŝene, le dinako tŝa go fetiŝetŝa ditefelo tŝeo. Ditaolo tŝeo tŝa palo di dirwa ka tlase ga kamogelo ya MEC wa Mmuŝo wa Segae.

##### 3.1.3 *Karolo (3)*

Go kgonthiŝiŝa gore taolo ya maleba go ditefelo tŝa phenŝene le tshenyegelo, ditefelo tŝeo ka moka tŝa baŝomedi ba masepala di tlamegile go ngwadiŝwa go Mongwadiŝi wa Ditefelo tŝa Phenŝene go ya ka Molao wa Ditefelo wa Phenŝene, 1956.

##### 3.1.4 *Karolwana (4)*

Go ya ka karolwana ye, bolaodi bja segae bo dumeletŝwe go tsenya letsogo ditefelong tŝa phenŝene ka baŝomedi.

#### 3.2 Karolo 1 (2)

Karolo 79quat ya Molawana wo mogolo e phumulwa ke karolo ye.

#### 3.3 Karolo 2

Karolo ye e swere sehlogo sa Pili.

## INOTHISI KAWONKE-WONKE

### INOTHISI 2404 KA 1997

Ngokomthetho 132(1)(i) Wemithetho Esebenzayo Emisiweyo YeSishayamthetho sesifunda saseGauteng, Umthethosivivinyo oshintsha (ochibiyela) Umthetho kaHulumeni Wasekhaya uyaziswa/uyakhishwa lapha, ukhishelwa wonke umuntu ukuthi awazi.

Noma ubani noma yiyiphi inhlango efa ukubeka imibono yayo ngalo Mthethosivivinyo okukhulunywa ngawo, ingabhala phansi imibono yayo iyithumele kimi, ngaphambi komhlaka 22 Agasti 1997:

(a) *Ngokuyiposela kulelikheli:*

The MEC for Development Planning and Local Government  
Private Bag X86  
MARSHALLTOWN  
2107

*Noma*

(b) *Ngokuyithumela mathupha:*

e17th Floor  
Corner Commissioner and Sauer Streets  
JOHANNESBURG

*Noma*

(c) *Ngokuyithumela ngefeksi kulenombolo:*

(011) 355-5401/2

**S. SHICEKA**

**MEC: Development Planning and Local Government**

## UMTHETHOSIVIVINYO WOKUCHIBIYELA (WOKUSHINTSHA) UMTHETHO KAHULUMENI WASEKHAYA WASEGAUTENG

Ukuhlinzekela ngokushintshwa kwesigaba 79 kanye nokuchithwa nokupheliswa kwesihloko sigaba 79 soMthetho kaHulumeni Wasekhaya ka 1939, ukuze kucatshangelwe kuboniswe ngokulunga amandla ohulumeni basekhaya ukuthi baqalise ngezikhwama zempesheni nezokubonga (zesihle) zabasebenzi bakaHulumeni Wasekhaya

**U**MA UMISIWE yiSishayamthetho seSifunda saseGauteng kanje:—

1. uMthetho kaHulumeni Wasekhaya iLocal Government Ordinance, ka 1939 lapha uyashintshwa kanje:

- (1) Ngokuguquelela isigaba 79 sesigaba esilandelayo:

*“Amandla eziphathimandla zasekhaya ukuqalisa (ukuqamba) izikhwama zempesheni zikamasipala noma izikhwama zempesheni zikamasipala ezihlanganyelwe*

79ter (1) iLocal Authority (Iziphathimandla zasekhaya) izimele yodwa noma ngokuhlanganyela namanye amaLocal

Authority, ingaqalisa isikhwama sempesheni noma esokubonga abasebenzi (esesihle), ukusiza abasebenzi bayo kanye nalabo basebenzi asebethathe umhlalaphansi nokuhlinzekela nokusiza labo abondliwa abasebenzi bakamasipala wasekhaya (beLocal Authority) nalabo abondliwa abasebenzi beLocal Authority asebethathe umhlalaphansi.

- (2) Abasebenzi beLocal Authority kanye (iziphathimandla zasekhaya) nalowomasipala wasekhaya (iziphathimandla zasekhaya) ngokuvumelana ndawonye ngokoMthetho Wezokuphathwa kwabasebenzi iLabour Relations Act, ka 1995, inganquma ukusebenzisana nanoma yisiphi isikhwama sempesheni noma esokubonga abasebenzi noma yinasiphi isikhwama Esihlanganyelwe esiqanjiwe ngokuhambisana nesigatshana (1), noma yisiphi esinye isikhwama esesibunjwe/esesikhona, noma isikhwama esiqaliswe noma esibunjwe ngokoMthetho Wezokuphathwa kwabasebenzi iLabour Relations Act ka 1995: Inqobo nje iziphathimandla zasekhaya zingalinganisela (zinqumele umkhawulo) isibalo sezikhwama zempesheni ezingasetshenziswa ngabasebenzi bazo, futhi zinqumele isikhathi okungashintshelwa ngaso ubulungu noma kuqaliswe ngaso ubulungu besikhwama uma umsebenzi eshintshela kwesinye isikhwama. Loko iziphathimandla zasekhaya, iLocal Authority, zingakwenza ngokuvunyelwa nguMEC.
- (3) Noma yisiphi isikhwama Sempesheni noma esokubonga abasebenzi esicatshangelwayo okukhulunywa ngaso ezigatsheni (1) naku (2) kuyomele sibhaliswe kuMbhali Wezikhwama zempesheni ngokoMthetho Wezikhwama zempesheni ka 1956, futhi lesosikhwama siyosebenza ngokwemiyalo yaloyomthetho oshwoyo.
- (4) AmaLocal Authority angafakela (anikelele) abasebenzi bawo kunoma yisiphi isikhwama sempesheni nakuleso sokubonga Abasebenzi (Gratuity Fund) njengaloko kushwo ezigatshaneni (1) (2) no (3).".

(2) Ngokuchithwa kwesihloko sesigaba 79.

2. Lomthethosivivinyo uyokwaziwa ngokuthi umthethosivivinyo ochibiyela umthetho kaHulumeni Wasekhaya waseGauteng.

## **UMBIKO OCACISAYO WOKUKHUMBUZANA NGEZINDIKIMBA**

### **1. INGQIKITHI EWUMLANDO**

- 1.1 Ngokwesigaba 79ter kanye nesigaba 79qat zoMthetho kaHulumeni Wasekhaya iLocal Government Ordinance, ka 1939, uNdunankulu angaqalisa izikhwama zikamasipala zempesheni ezihlanganyelayo ezehlukene ezenzela abasebenzi abamhlophe nabaMnyama ngokwehlukana.

- 1.2 Ngaphandle kweziphathimandla zasekhaya ezimbalwa, zonke iziphathimandla zasekhaya ziphoqelelwe ngokomthetho ukuba zisebenzisane nezikhwama zempesheni eziqaliswe zabunjwa uNdunankulu.
- 1.3 uMthetho wezokuphathwa kwabasebenzi ka 1995, iLabour Relations Act, ivumela iziphathimandla zasekhaya kanye nabasebenzi bazo ukuthi badlulisele noma bakhulume izindaba zezezimpesheni nezezimali zokubongwa njengengxenye yokubonisana phakathi komqashi nomsebenzi.
- 1.4 Umthetho Wezikhwama Zempesheni iPension Funds Act, ka 1956, uhlinzekela kahle ngokuphathwa okufanele kwezikhwama zempesheni, futhi kuyanakekelwa kuboniswa ukuthi ukuphatha nokusingatha kukuNdunankulu akudingeki.

## 2. INJONGO YOMTHETHOSIVIVINYO

- 2.1 Injongo yoMthethosivivinyo ukususa izimiso ezibandlulula ngokwebala ezikhona nokunikeza amandla iziphathimandla zasekhaya ukuthi zisebenzisane nezikhwama zempesheni nezokubong ezishiwoyo njengaloko kungaboniswa ngokoMthetho Wezokuphathwa kwabasebenzi ka 1995; iLabour Relations Act ka 1995.
- 2.2 Ukuze kuqinisekise ukuphathwa okuyiko kwalezikhwama, lezikhwama kumele zirejiste kumbhali (iRejistra) Wezikhwama zempesheni ngokoMthetho Wezikhwama zempesheni ka 1956.

## 3. INCAZELO YEZIGABA NGEZIGABA

### 3.1 Isigaba 1 (1)

Lesigaba siguqula isigaba 79*ter* soMthetho kaHulumeni Wasekhaya ka 1939 (iLocal Government Ordinance, 1939).

#### 3.1.1 *Isigatshana (1)*

Sinikeza amandla iziphathimandla zasekhaya ukuthi zikwazi ukuqalisa ngezikhwama zezimpesheni nezokubong abasebenzi bazo ngokwazo zizodwa noma zihlanganyele nezinye iziphathimandla zasekhaya ekuqaliseni lezikhwama.

#### 3.1.2 *Isigatshana (2)*

Isinqumo sokuthi yisiphi isikhwama sempesheni/sokubonga abasebenzi esingasebenzisana nabasebenzi kushiyelwe ekubonisaneni ndawonye ngokoMthetho Wezokuphathwa kwabasebenzi, iLabour Relations Act ka 1995, kodwa ngokokusebenzisana nokuphathwa, iziphathimandla zasekhaya zivunyelwe, ukuba zibe negunya lokulinganisela inani lezikhwama zempesheni nezikhathi zokuphuma kwesinye isikhwama uye kwesinye. Loku kulinganiselwa nokubekwa kwemikhawulo kwenziwa uma sekuvume uMEC kaHulumeni Wasekhaya.

#### 3.1.3 *Isigatshana (3)*

Ukuze kuqinisekise ukuphathwa nokwenganyelwa ngendlela kwezikhwama zempesheni nezokubonga Abasebenzi, zonke lezikhwama ezinje zabasebenzi bakaMasipala kufanele zirejiste noRejistra Wezikhwama zempesheni ngokoMthetho Wezikhwama zempesheni ka 1956.

**3.1.4 Isigatshana (4)**

Ngokwalesigatshana, iziphathimandla zasekhaya zinikwe amandla, zivunyelwe ukunikelela abasebenzi bazo ezikhwameni zempesheni nakulezo zokubonga Abasebenzi, zinikele ngaleyo mali enokukhokhelwa ekhishelwa izikhwama.

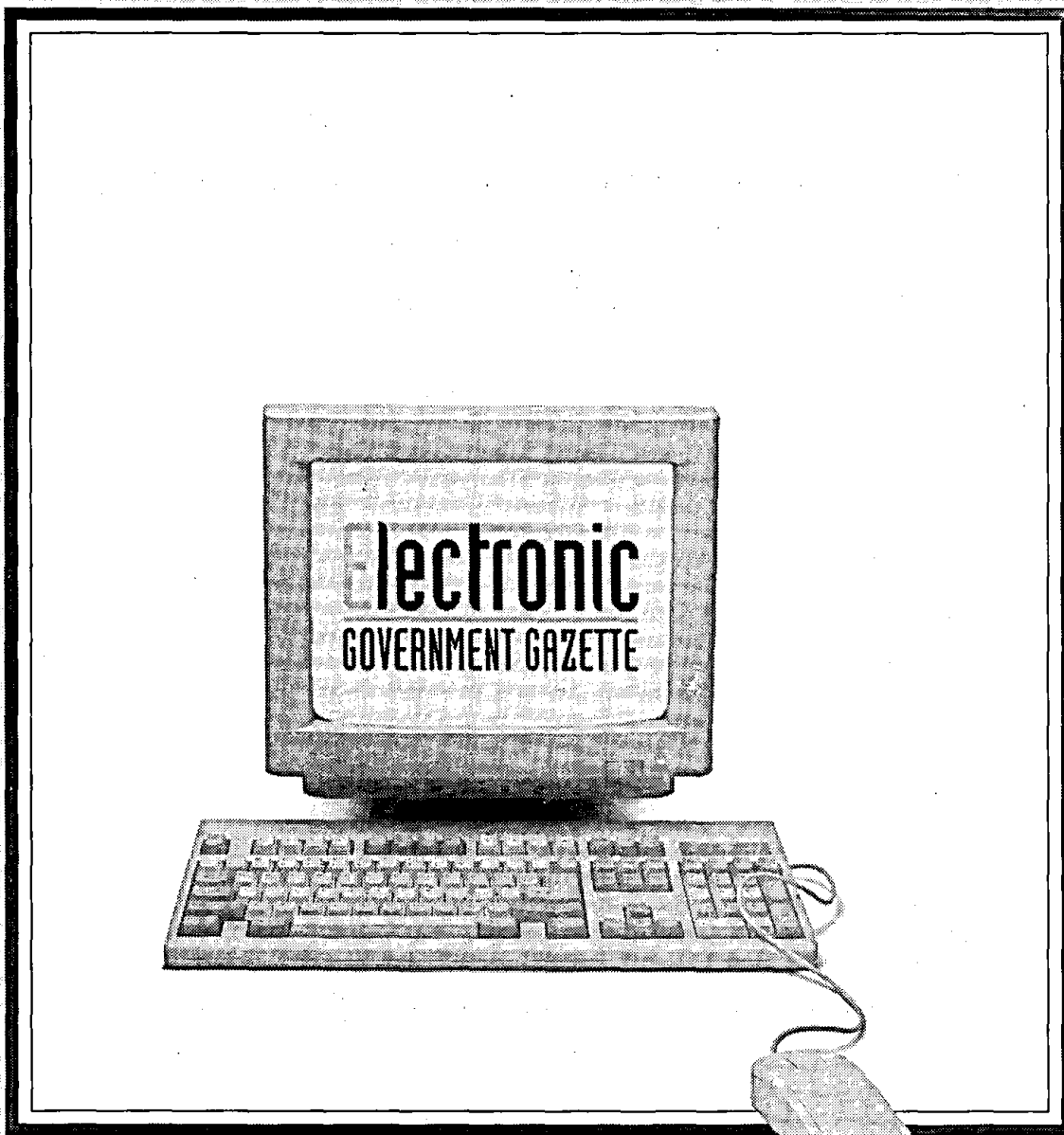
**3.2 Isigaba 1 (2)**

Isigaba 79qat soMthetho sichithwa yilesigaba.

**3.3 Isigaba 2**

Lesigaba siqukethe isihloko somthethosivivinyo.

---



**LET YOUR MOUSE DO THE WALKING**

Subscribe to our full-text, Electronic Government Gazette and cut hours off the time you spend searching for information. Just point and click and within seconds, you can let your computer do the searching. Data is available within two days after publication and we can now also offer the full-text of the nine provincial gazettes. Contact us today and save time, space and paper.

tel:(012) 663-4954 fax:(012) 663-3543 toll free tel:0800 11 11 73  
e-mail:info@sabinet.co.za www:http://www.sabinet.co.za



*The proven source of information*

*Looking for back copies and out of print issues of  
the Government Gazette and Provincial Gazettes?*

## The State Library has them!

Let us make your day with the information you need ...

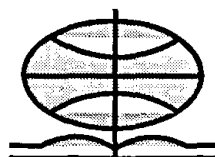
The State Library Reference and Information Service

PO Box 397

0001 PRETORIA

Tel./Fax (012) 321-8931

E-mail: [infodesk@statelib.pwv.gov.za](mailto:infodesk@statelib.pwv.gov.za)



*Soek u ou kopieë en uit druk uitgawes van die  
Staatskoerant en Provinsiale Koerante?*

## Die Staatsbiblioteek het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Die Staatsbiblioteek Naslaan- en Inligtingdiens

Posbus 397

0001 PRETORIA

Tel./Faks (012) 321-8931

E-pos: [infodesk@statelib.pwv.gov.za](mailto:infodesk@statelib.pwv.gov.za)

**CONTENTS**

**INHOUD**

| <i>No.</i>  | <i>Page<br/>No.</i> | <i>Gazette<br/>No.</i> | <i>No.</i>  | <i>Bladsy<br/>No.</i> | <i>Koerant<br/>No.</i> |
|---|---------------------|------------------------|---|-----------------------|------------------------|
| <b>GENERAL NOTICE</b>   |                     |                        | <b>ALGEMENE KENNISGEWING</b>  |                       |                        |
| 2404  |                     |                        | 2404  | 4                     | 380                    |
| Gauteng Local Government Ordinance<br>Amendment Bill: For general information |                     |                        | Gauteng Ordonnansie op Plaalike<br>Bestuur Wysigingswetsontwerp: Vir<br>algemene kennisname ..... |                       |                        |
|   | 1                   | 380                    |   |                       |                        |

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001, for the **Gauteng Provincial Administration**, Johannesburg  
 Gedruk deur die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001, vir die **Gauteng Provinsiale Administrasie**, Johannesburg