

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8876

Regulasiekoerant

Vol. 514

Pretoria, 18 April 2008

No. 30969

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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for GOVERNMENT NOTICES, GENERAL NOTICES, REGULATION NOTICES **2008** AND PROCLAMATIONS

The closing time is 15:00 sharp on the following days:

- ▶ 22 April, Tuesday, for the issue of Wednesday 30 April 2008
- ▶ 30 April, Wednesday, for the issue of Friday 9 May 2008
- ▶ 12 June, Thursday, for the issue of Friday 20 June 2008
- ▶ 26 June, Thursday, for the issue of Friday 4 July 2008
- ▶ 18 September, Thursday, for the issue of Friday 26 September 2008
- ▶ 11 December, Thursday, for the issue of Friday 19 December 2008
- ▶ 15 December, Monday, for the issue of Wednesday 24 December 2008
- ▶ 19 December, Friday, for the issue of Friday 2 January 2009

Late notices will be published in the subsequent issue. If under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE Government Gazette must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir GOEWERMENTS-, ALGEMENE- & REGULASIEKENNISGEWINGS **2008** ASOOK PROKLAMASIES

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ 22 April, Dinsdag, vir die uitgawe van Woensdag 30 April 2008
- ▶ 30 April, Woensdag, vir die uitgawe van Vrydag 9 Mei 2008
- ▶ 12 Junie, Donderdag, vir die uitgawe van Vrydag 20 Junie 2008
- ▶ 26 Junie, Donderdag, vir die uitgawe van Vrydag 4 Julie 2008
- ▶ 18 September, Donderdag, vir die uitgawe van Vrydag 26 September 2008
- ▶ 11 Desember, Donderdag, vir die uitgawe van Vrydag 19 Desember 2008
- ▶ 15 Desember, Maandag, vir die uitgawe van Woensdag 24 Desember 2008
- ▶ 19 Desember, Vrydag, vir die uitgawe van Vrydag 2 Januarie 2009

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE Staatskoerant verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 413

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR OPTOMETRY AND DISPENSING OPTICIANS

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Optometry and Dispensing Opticians established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 13 members who permanently reside in South Africa:

- (a) six optometrists, of whom at least five shall be from designated groups and at least two shall be women, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of optometrists;
- (b) two dispensing opticians, of whom at least one shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of dispensing opticians;
- (c) one person registered with the board, who shall be appointed by the Minister of education to represent the educational institutions accredited by the board;
- (d) one person representing the department of health, who shall be appointed by the Minister; and
- (e) three community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Optometry and Dispensing Opticians published under Government Notice No. R. 1064 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 414

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR RADIOGRAPHY AND CLINICAL TECHNOLOGY**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No.29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Radiography and Clinical Technology established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 13 members who permanently reside in South Africa:

- (a) five radiographers, of whom at least four shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of –
 - (i) radiographers;
 - (ii) assistant radiographers;
 - (iii) supplementary diagnostic radiographers;
 - (iv) restricted supplementary diagnostic radiographers;
 - (v) radiation laboratory technologists; or
 - (vi) supplementary radiation technologists;
- (b) three graduate clinical technologists, of whom at least two shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of -
 - (i) graduate clinical technologists;
 - (i) clinical technologists;
 - (iii) supplementary clinical technologists;
 - (iv) assistant clinical technologists;
 - (v) electro-encephalographic technicians; or
 - (vi) supplementary electro-encephalographic technicians
- (c) one person registered with the board, who shall be appointed by the Minister of Education to represent educational institutions accredited by the board;
- (d) one person representing the department of health, who shall be appointed by the Minister; and
- (e) three community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Radiography and Clinical Technology published under Government Notice No. R. 1067 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 415

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR SPEECH, LANGUAGE AND HEARING PROFESSIONS**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Speech, Language and Hearing Professions established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 10 members who permanently reside in South Africa:

- (a) four speech therapists and audiologists, of whom three shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of speech therapists, speech therapist and audiologist or audiologists;
- (b) one hearing aid acoustician, who shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of hearing aid acousticians ;
- (c) one person whose name appears on either the register of audiometrician, community speech and hearing worker, speech and hearing correctionist, or speech and hearing assistant, who shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the same register as the person nominated;
- (d) one person registered with the board, who shall be appointed by the Minister of Education to represent educational institutions accredited by the board;
- (e) one person representing the department of health, who shall be appointed by the Minister; and
- (f) two community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Speech, Language and Hearing Professions published under Government Notice No. R.1068 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 416

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE MEDICAL AND DENTAL PROFESSIONS BOARD**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Medical and Dental Professions Board established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 45 members who permanently reside in South Africa:

- (a) twenty-five medical practitioners, of whom at least seventy-five percent shall be from designated groups with at least forty percent women and at least nine provincial representatives, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of medical practitioners;

- (b) five dentists, of whom at least seventy five percent shall be from designated groups with at least forty percent women and not more than one may reside in the same province, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of dentists;
- (c) one person whose name appears on either the register of anaesthetist's assistants, biomedical engineers, clinical biochemists, genetic counselors, clinical associates, medical physicists, medical biological scientists, or supplementary medical scientists, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the same register as the person nominated;
- (d) three medical practitioners who shall be appointed by the South African Universities Vice-Chancellors Association to represent universities with faculties or schools of medicine;
- (e) one person representing colleges of medicine, who shall be appointed by the Forum of South African Colleges of Medicine
- (f) one dentist representing the universities with faculties or schools of dentistry, who shall be appointed by the South African Universities Vice-Chancellors Association to represent universities with faculties or schools of dentistry;
- (g) one person representing the department of health, who shall be appointed by the Minister; and
- (h) eight community representatives, who shall be appointed by the Minister, of whom at least two shall be persons versed in law.

Repeal

3. The Regulations relating to the Constitution of a Medical and Dental Professional Board published under Government Notice No. R. 1061 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 417

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD
FOR PSYCHOLOGY**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **“the Act”** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

“board” means the Professional Board for Psychology established in terms of section 15 of the Act;

“designated groups” means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

“section” means a section of the Act.


Constitution of the board

2. The board shall consist of the following 20 members who permanently reside in South Africa:

- (a) twelve psychologists, of whom ten shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of psychologists;
- (b) one registered counselor, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of registered counselors;
- (c) one psychometrist, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of psychometrists;
- (d) one person registered with the board, who shall be appointed by the Minister of Education to represent educational institutions accredited by the board;
- (e) one person representing the department of health, who shall be appointed by the Minister; and
- (f) four community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Psychology published under Government Notice No. R. 1066 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 418

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE NOMINATIONS AND APPOINTMENTS OF MEMBERS OF A PROFESSIONAL BOARD**

The Minister of Health intends, under section 15(5), read with section 61(1), of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested person are invited to submit any substantiated comments or representations in writing on the proposed draft regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice

SCHEDULE**1. Definitions**

In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context indicates otherwise -

"board" means a professional board established in terms of section 15 of the Act;

"category" means a category of historically disadvantaged individuals, race, gender, provincial representation or permanent residential requirements;

"member" means a member of a board;

"nominee" means a person nominated for possible appointment as a member of the board; and

"valid nomination" means a nomination which complies with the requirements of these regulations.

2. Returning Officer and request for nominations

- (1) The registrar shall be the Returning Officer at the nomination of members of a board.
- (2) The Returning Officer shall, six months prior to the date of expiry of the term of office of members of a board, by notice in the *Gazette* in the form set out in Annexure A to these regulations, invite the submission of nominations during a period of not less than one month after publication of such notice.

3. Requirements for valid nominations

- (1) A nomination shall be made on a nomination form, in the format set out in Annexure B to these regulations, which must be duly completed.
- (2) The nomination form must be signed by a person registered under the Act and eligible to participate in the nominations in terms of the regulations relating to the constitution of the relevant professional board.
- (3) Each nomination form must propose only one person as a nominee.
- (4) The nominee must signify to the Returning Officer his or her acceptance of the nomination on the nomination form or by letter or facsimile transmission not later than the date referred to in regulation 2 (2).
- (5) Nominees must fall into one or more of the categories required for members of the board for which they are nominated.
- (6) A person shall not be considered for nomination if he or she has served two consecutive terms of office on a professional board: Provided that the board shall, for continuity purpose, comprise of at least twenty five percent of the members of the outgoing board.
- (7) No person shall be eligible for nomination and subsequent appointment as a member of the board if -
 - (a) - he or she is not registered with the council;
 - (b) he or she is not a South African citizen and is not permanently resident in South Africa;
 - (c) he or she has entered into a composition with the creditors of his or her estate, or whose estate has been sequestrated;
 - (d) he or she is disqualified under the Act from practising his or her profession;
 - (e) he or she has been found guilty of improper or disgraceful conduct at an inquiry held under Chapter IV of the Act;
 - (f) he or she is a patient as defined in section 1 of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
 - (g) he or she has been convicted of an offence in respect whereof he or she was sentenced to imprisonment without the option of a fine or in the case of fraud, a fine or imprisonment;
 - (h) he or she is a member of a municipal council, provincial legislature or parliament; or
 - (i) he or she is a provincial or national office bearer or employee of any party, organization or body of a political nature.
- (8) A person eligible to nominate shall only nominate and sign up to three nomination forms.

- (9) A nominee may at any time prior to the date referred to in regulation 2(2) notify the Returning Officer in writing of the withdrawal of his or her candidature.

4. Selection process

- (1) The Returning Officer shall, no later than 21 days after the close of nominations, submit a slate of all valid nominations to the Minister.
- (2) The Minister must appoint a panel/s comprising of at least four people, of whom at least two shall be persons registered in terms of the Act and who shall not have already been nominated, to consider and advise the Minister on the nominations received.
- (3) The Minister shall have the power to call for further nominations if the names of persons validly nominated are less than the required number or if the nominated persons do not meet the requirements contemplated in sub-regulation 5.
- (4) The Returning Officer must within seven days of the date on which nominations close, publish by way of a notice in the *Gazette* -
- (a) the names of the validly nominated persons; and
 - (b) a date, not less than one month after publication of the notice, on which the panel shall select and recommend candidates for appointment as members of the boards.
- (5) In recommending the candidates for appointment to the boards, the panel must take into account the following factors:-
- (a) the number of candidates to be appointed on the basis of nominations in terms of the regulations relating to the constitution of each board;
 - (b) relevant expertise and experience in the profession for which the nominee is nominated;
 - (c) expertise in the provision of health services;
 - (d) expertise in policy formulation or in education and training of professionals within the profession;
 - (e) ethical standing of the nominee;
 - (f) distribution of nominees in terms of provinces, rural and urban areas;
 - (g) knowledge and experience in regulatory affairs, governance and professional ethics;
 - (h) representivity in terms of race, gender and disabilities; and
 - (i) any other relevant factor.
- (6) The panel may use a screening process and interviews of nominees in selecting candidates to be recommended for appointment by the Minister.


- (7) The panel must submit a report of the recommended candidates together with the list of nominees and supporting documents to the Minister for consideration of appointment to the boards.
- (8) The Minister's powers to appoint members of the board shall not be limited to the recommended candidates.

5. Publication of names of the appointed members of the board

- (1) The Minister must publish the names of the appointed members and the date of commencement of their term of office in the Gazette as soon as possible.
- (2) The Minister shall keep all valid nomination papers for a period of six months from the date on which the appointments were published in terms of sub-regulation (1).

6. Repeal

The regulations published as Government Notice No. R. 1055 of 23 July 2003 under Government Gazette No. 25235 are hereby repealed.


MINISTER OF HEALTH
DATE: 8-4-2008

ANNEXURE A**NOTICE OF NOMINATION****NOMINATION OF MEMBERS OF THE *.....**

(1) Notice is hereby given in terms of the provisions of the Regulations relating to the nomination of Members of the *..... that an appointment of **..... members of such board to serve during the period ending the day of 2..... is about to be made, as follows:

(2) ***.....

(3) Any person whose name appears on the relevant register or registers kept under section 18 of Act 56 of 1974-

- (a) who has not entered into a composition with the creditors of his or her estate, or whose estate has not been sequestrated;
- (b) who is not disqualified under the Act from practising his or her profession;
- (c) who is registered with the council under the Act;
- (d) who is a South African citizen and is permanently resident in South Africa;
- (e) who is not a patient as defined in section 1 of the Mental Health Act, 1973;
- (f) who has not been found guilty of improper or disgraceful conduct at an inquiry held under Chapter IV of the Act;
- (g) who has not been convicted of an offence in respect whereof he or she was sentenced to imprisonment without the option of a fine;
- (h) who is not a member of a municipal council, provincial legislature or parliament; or
- (i) who is not a provincial or national office bearer or employee of any party, organization or body of a political nature,

is eligible for nomination.

(4) Each nominee must be nominated on a separate nomination form, and any person entitled to nominate in the nomination process shall only nominate and sign up to three nomination forms for any number of nominees to be appointed.

(5) Each nomination form must -

- (a) state the first names and the surname of the person nominated;
- (b) state the nominee's registered profession and professional category, if any;

- (c) state the other details of the nominee as required in the nomination form, including a brief curriculum vitae of the nominee and a written motivation by the nominee outlining his or her vision for the profession, contribution he or she made to the profession and future contribution he or she intends to make towards the development of the profession, including his or her actual or potential leadership qualities and the ability to assume the responsibilities and functions entrusted under the Act;
 - (d) be signed by two persons whose names appear in the register or registers referred to in paragraph (2) above; and
 - (e) be signed by the nominee confirming that he or she consents to his or her nomination, while also declaring under oath, that he or she will execute the functions of the council and ensure adherence to the Act and any other applicable prescript if appointed.
- (6) If the person nominated is unable to sign the nomination form, he or she may inform the returning officer by letter or facsimile transmission that he or she consents to his or her nomination and attach the required declaration under oath.
- (7) Every nomination form must reach the returning officer, from whom nomination forms may be obtained on application, at the address given below not later than ****
.....
- (e) Every nomination form in respect of which any of these provisions has not been complied with, or which is not received by the aforesaid date and time at the address given below, will be invalid.

.....
Returning Officer

Street address: 553 Vermeulen Street
Arcadia
PRETORIA

Postal address: PO Box 205
PRETORIA
0001

Date:

- (ε) Insert the name of the board concerned
- ** Insert how many members are to be appointed
- *** Insert details of persons to be nominated and by whom
- **** Insert the date and time

ANNEXURE B

NOMINATION FORM

NOMINATION OF A MEMBER OF THE *

I/We, the undersigned, registered ** hereby nominate
.....(first names and surname),
who is a registered as a **, and a South African citizen
who is permanently residing in South Africa, as a nominee for appointment by the Minister as a
member of the board and motivate for his or her nomination and subsequent appointment as follows:

Motivation

[illegible]

Expertise and experience in the profession

[illegible][illegible]

Knowledge and experience in regulatory affairs, governance and professional ethics

.....

.....

.....

.....

.....

.....

.....

References in relation to experience and/or expertise**1. Name:****Institution:****Position:****Relationship to nominee:****Contact details:****2. Name:****Institution:****Position:****Relationship to nominee:****Contact details:**

Signature

First names and surname (in block letters)

.....

Registered as **

Registration number

Registered postal address

.....

Tel. No.: Cell No.:

Fax No.: E-mail:

Signature.....

First names and surname (in block letters)

.....

Registered as **

Registration number

Registered postal address

.....

Tel. No.: Cell No.:

Fax No.: E-mail:

(3) I,, the undersigned, hereby declare under oath as follows:

(a) I consent to my nomination as a candidate for appointment as a member of the *
..... and undertake to
execute the functions of the board and council and to adhere to the Act and any other
applicable prescript if appointed;

(b) My registered postal address is:

.....

.....

Tel. No.: Cell No.:

Fax No.: E-mail:

(c) Gender ☐ Male ☐ Female

(d) Race ☐ Black ☐ White

☐ Coloured ☐ Indian

(e) Disability ☐ Yes ☐ No

.....

Signature

.....

Date

Thus done and signed before me at _____ on this ____ day of _____ 2____, the deponent having acknowledged that he/she understands the contents hereof, that he has no objection in taking the prescribed, and that the said is binding on his/her conscience.

COMMISSIONER OF OATHS

* Insert the name of the board concerned

** Insert designation of profession for which registered and professional category, if any

NB The postal addresses given in this form must in every case correspond with the postal addresses registered with the council.

No. R. 419

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR DIETETICS**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974), as amended by Act 29 of 2007 and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Dietetics established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; ; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

No. R. 420

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR ENVIRONMENTAL HEALTH PRACTITIONERS**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No.29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Environmental Health Practitioners established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent;and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 13 members who permanently reside in South Africa:

- (a) eight environmental health practitioners, of whom at least seven shall be from designated groups and at least three shall be women, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of environmental health practitioners;
- (b) one person registered with the board, who shall be appointed by the Minister of Education to represent educational institutions accredited by the board;
- (c) one person representing the department of health, who shall be appointed by the Minister; and
- (d) three community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Environmental Health Officers published under Government Notice No. R. 1060 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH
DATE 8-4-2008

No. R. 421

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR PHYSIOTHERAPY, PODIATRY AND BIOKINETICS**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Physiotherapy, Podiatry and Biokinetics established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) Women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

No. R. 422

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR OCCUPATIONAL THERAPY, MEDICAL ORTHOTICS/PROSTHETICS AND ARTS THERAPY**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No. 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Occupational Therapy, Medical Orthotics/Prosthetics and Arts Therapy established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) Men of African, Asian or coloured descent;
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 14 members who permanently reside in South Africa:

- (a) four occupational therapists, of whom at least three shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of occupational therapists or supplementary occupational therapists;

- (b) two medical orthotists/prosthetists, of whom at least one shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of medical orthotists/prosthetists or supplementary medical orthotists/prosthetists;
- (c) one occupational therapy assistant or occupational therapy technician, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of occupational therapy assistants or occupational therapy technicians;
- (d) one assistant medical orthotist/prosthetist, leatherworker, orthopaedic footwear technician or orthopaedic technical assistant, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the registers of assistant medical orthotists/prosthetists, leatherworkers, orthopaedic footwear technicians or orthopaedic technical assistants;
- (e) one arts therapist, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of arts therapists;
- (f) one person registered with the board, who shall be appointed by the Minister of education to represent educational institutions accredited by the board;
- (g) one person representing the department of health, who shall be appointed by the Minister; and
- (h) three community representatives, who shall be appointed by the Minister, of whom at least one person shall be a disabled person.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Occupational Therapy and Medical Orthotics/Prosthetics published under Government Notice No. R. 1063 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH
DATE 8-4-2008

No. R. 423

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD FOR MEDICAL TECHNOLOGY**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No.29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No.29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Medical Technology established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following 10 members who permanently reside in South Africa:

- (a) five medical technologists, of whom at least four shall be from designated groups, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in Republic and whose names appear in the register of medical technologists;
- (b) one medical technician who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in Republic and whose names appear in the register of medical technicians;
- (c) one person registered with the board, who shall be appointed by the Minister of education to represent educational institutions accredited by the board;
- (d) one person representing the department of health, who shall be appointed by the Minister; and
- (e) two community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Medical Technology published under Government Notice No. R. 1062 of 28 July 2003 are hereby repealed.



MINISTER OF HEALTH

DATE 8-4-2008

No. R. 424

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL
BOARD FOR EMERGENCY CARE PRACTITIONERS**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act No.29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Emergency Care Practitioners established in terms of section 15 of the Act;

"designated groups" means black people, women and persons with disabilities who, for the purposes of these regulations, shall be protected and advanced in the following order of the levels of disadvantage of the past, which must be taken into consideration in the appointment process:

- (a) women;
- (b) men of African, Asian or coloured descent; and
- (c) disabled persons, irrespective of descent; and

"section" means a section of the Act.

Constitution of the board

2. The board shall consist of the following eighteen 18 members who permanently reside in South Africa:

- (a) six advanced life support emergency care practitioners, of whom at least five shall be from designated groups and at least one shall be a woman, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in-
 - (i) the register of paramedics; or
 - (ii) any other register falling within the profession of advanced life support emergency care;
- (b) four intermediate life support emergency care practitioners, of whom at least three shall be from designated groups and at least one shall be a woman, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in-
 - (i) the register of ambulance emergency assistants;
 - (ii) the register of operational emergency care orderlies; or
 - (iii) any other register falling within the profession of intermediate life support emergency care.
- (c) three basic life support emergency care practitioners, of whom at least two shall be from designated groups and at least one shall be a woman, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in -
 - (i) the register of basic ambulance assistants;
 - (ii) the register of emergency care assistants; or
 - (iii) any other register falling within the profession of basic life support emergency care.
- (d) one person registered with the board, appointed by the Minister of Education to represent educational institutions accredited by the board;
- (e) one person representing the department of health, who shall be appointed by the Minister; and
- (f) three community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Emergency Care Personnel published under Government Notice No. R. 1059 of 28 July 2003 are hereby repealed.

**MINISTER OF HEALTH****DATE 8-4-2008**

No. R. 425

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE CONSTITUTION OF THE PROFESSIONAL BOARD
FOR DENTAL THERAPY AND ORAL HYGIENE**

The Minister of Health intends, in terms of section 15 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and on the recommendations of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended by Act 29 of 2007, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"board" means the Professional Board for Dental Therapy and Oral Hygiene established in terms of section 15 of the Act; and

"section" means a section of the Act.

Constitution of the board

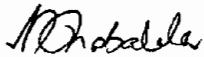
2. The board shall consist of the following 12 members who permanently reside in South Africa:

- (a) three dental therapists, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of dental therapists;
- (b) three oral hygienists, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of oral hygienists;

- (c) two dental assistants, who shall be appointed by the Minister on the basis of nominations by persons with registered postal addresses in the Republic and whose names appear in the register of dental assistants
- (d) one person registered with the board, appointed by the Minister of Education to represent educational institutions accredited by the board;
- (e) one person representing the department of health, who shall be appointed by the Minister; and
- (f) two community representatives, who shall be appointed by the Minister.

Repeal

3. The Regulations relating to the Constitution of a Professional Board for Dental Therapy and Oral Hygiene published under Government Notice No. R. 1056 of 28 July 2003 are hereby repealed.

**MINISTER OF HEALTH****DATE 8-4-2008**

No. R. 426

18 April 2008

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES INTO ALLEGED UNPROFESSIONAL CONDUCT UNDER THE HEALTH PROFESSIONS ACT, 1974**

The Minister of Health intends, under section 61(1)(h), read with section 61(4) of the Health Professions Act, 1974 (Act No. 56 of 1974)(as amended by Act 29 of 2007), and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management Services) within three months from date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations “**the Act**” means the Health Professions Act, 1974 (Act No. 56 of 1974), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning, and unless the context otherwise indicates -

“**appellant**” means a registered person who is aggrieved by a decision of a committee of preliminary inquiry, or a practitioner or *pro forma* complainant who is aggrieved by a decision of a professional conduct committee or a professional board and who has submitted an appeal to the appeal committee;

“**committee of preliminary inquiry**” means a committee established by a professional board under section 15 of the Act for the preliminary investigation of complaints and to inquire into minor transgressions including cases of contempt of council and to make determinations thereof;

“complainant” means any person (natural or juristic), group, professional body (including a professional association or society, teaching or training institution, or any other health care or related facility), or the office of the registrar who lodged a complaint against a registered person pertaining to unprofessional conduct;

“complaint” means any information in writing regarding the alleged unprofessional conduct by a person registered under the Act, which comes to the attention of the registrar or the council or a professional board or ombudsman, or a complaint, charge or allegation of unprofessional conduct against such person;

“appeal committee” means an *ad hoc* committee established by council under section 10(2) of the Act;

“inquiry” means an inquiry held by a professional board or a professional conduct committee of the professional board under Chapter IV of the Act and these Regulations to inquire into a complaint or charge against a registered person;

“legal assessor” means a person versed in law appointed by the registrar to guide the professional conduct committee at the inquiry hearing on any matter of law and procedure;

“minor transgression” means conduct which, in the opinion of the committee of preliminary inquiry from the documents presented before such committee, is unprofessional, but minor in nature to warrant the holding of a formal professional conduct inquiry;

“ombudsman” means a person appointed by the council to deal with complaints received and categorise them according to significance and the seriousness thereof, and refer cases not falling within the jurisdiction of council to appropriate bodies or tribunals and, where appropriate, to mediate and adjudicate on minor cases such as issues of miscommunication between registered practitioners and complainants;

“performance assessment” means an assessment conducted by a performance assessment committee to inquire into and make determinations on the clinical and other related performance issues of a practitioner against whom evidence or a pattern of poor clinical or other related performance issues was detected by a committee of preliminary inquiry in cases of minor transgressions or a professional conduct committee for serious transgressions referred for inquiry;

“performance assessment committee” means an *ad hoc* committee established by a professional board under section 15B of the Act to inquire into and make determinations on the clinical or other related performance issues of a practitioner against whom evidence or a pattern of poor clinical or other related performance issues was detected by the committee of preliminary inquiry in cases of minor transgressions or a professional conduct committee for serious transgressions referred for inquiry;

“poor performance” means conduct on the part of a practitioner which falls short of the required standards or generally acceptable norms in health care, but not amounting to negligence, due to a lack of clinical or other related performance skills or adequate knowledge in the management of patients or a particular health condition;

“preliminary inquiry” means an inquiry held in terms of these regulations by a committee of preliminary inquiry to consider a complaint against a registered person, in order to make a determination on the appropriate manner in which to deal with such a complaint;

“professional conduct committee” means a committee established by a professional board under section 15 of the Act to conduct a professional conduct inquiry;

“pro forma complainant” means a person appointed by the registrar to represent the complainant and to present the complaint to a professional conduct committee; and

“respondent” means a person registered under the Act whose conduct is the subject of a complaint or an inquiry under Chapter IV of the Act and these Regulations, or a person opposing an appeal in terms of these Regulations.

Lodging of complaints

2. (1) A complaint must be in writing and be addressed to the ombudsman, the registrar, the council or to a professional board.
- (2) Where a complaint is addressed to and received by the council, a professional board or the registrar, such complaint must be submitted to the ombudsman within 24 hours of its receipt.

Ombudsman**3. (1) The ombudsman must –**

- (a) categorise complaints received according to significance, the seriousness thereof, those which are for mediation and adjudication and those which do not fall within the jurisdiction of council;
- (b) refer significant and serious complaints to the registrar for preliminary investigations within three working days from date of receipt;
- (c) mediate and adjudicate on minor cases such as issues of miscommunication between practitioners and complainants with a view to resolving such matters;
- (d) refer cases which could not be resolved through mediation and adjudication to the registrar for preliminary investigation within three working days from date of deadlock; and
- (e) refer matters not falling within the jurisdiction of the council to appropriate bodies or tribunals and inform the complainant of such referral.

(2) The ombudsman may, within seven working days from date of receipt of a complaint for mediation and adjudication, call for any information in any manner deemed appropriate from any person that, in his or her opinion, may assist in the mediation and adjudication to resolve such matter.

(3) The ombudsman must, on receipt of the information referred to in sub-regulation (2), make a determination on the matter, advise the parties of the resolution from such determination and require them to indicate whether they will abide by such resolution or not.

(4) If the parties agree to abide by the resolution of the ombudsman, such resolution shall be confirmed in writing by the ombudsman and shall be binding on both parties as a final resolution on the matter.

(5) The information obtained by the ombudsman in terms of sub-regulation (2) is confidential and privileged and cannot be considered by the committee of preliminary inquiry if a matter is referred for preliminary investigation in terms of sub-regulation (1) (d).

Preliminary investigation**4. (1) The registrar may, -**

- (a) within seven working days after he or she has received a complaint from the ombudsman, call for further information or an affidavit with further information from the complainant;**
- (b) subject to paragraph (a), within seven working days after he or she received a complaint from the ombudsman, notify the respondent about the complaint and forward a copy of the complaint as well as copies of any further information or affidavit referred to in paragraph (a) to him or her-**
 - (i) requesting a written response from such respondent within 40 working days or within such further period as may be reasonably allowed by the registrar from date of receipt of such notification, failing which the complaint as well as any further information or affidavit referred to in paragraph (a) must be forwarded to the committee of preliminary inquiry without such written response;**
 - (ii) warning him or her that failure to respond to the notification or the complaint referred to in subparagraph (i) shall constitute a contempt of council, and that a response includes a written communication to indicate the right to remain silent; and**
 - (iii) warning him or her that the written response referred to in subparagraph (i) may be used as or in evidence against him or her: Provided that a notification referred to in paragraph (b) shall be deemed to have been received -**
 - (aa) on the day such notification is hand delivered to the registered address of the respondent; or**
 - (bb) if such notification is sent by registered mail, on the seventh day following the date on which it was mailed;**
- (c) refer the case directly to the committee of preliminary inquiry or the chairperson of such committee;**

- (d) direct that an investigation in terms of section 41A of the Act be conducted.
- (2) On receipt by the registrar of the further information and a written response referred to in sub-regulation (1) (a) and (b), he or she must submit the complaint, such further information and the written response to the committee of preliminary inquiry, and if no further information or written response is received, the registrar must record this fact and report to the committee of preliminary inquiry.
- (3) The committee of preliminary inquiry may, after due consideration of the matter referred to it in terms of sub-regulation (2), direct the registrar to issue a notice in writing to the respondent, to be delivered in the manner contemplated in the proviso to sub-regulation (1) (b) (iii), instructing him or her to appear before the committee of preliminary inquiry at its next meeting to inquire why he or she did not respond to council correspondence and to give his or her explanation to the complaint or exercise his or her right to remain silent.
- (4) If the committee of preliminary inquiry decides, after due consideration of the explanation by the respondent for failure to respond to council correspondence, that the respondent is in contempt of council, it must-
- (a) make a finding of guilty for contempt of council and impose one or more of the penalties provided for in section 42 (1) (a) and (d) of the Act;
 - (c) order the respondent to submit his or her written explanation to the complaint or a written communication to indicate the right to remain silent within such period as may be determined by the committee; and
 - (d) direct the registrar to confirm its decision in writing to the respondent stating the reason(s) for such a decision.
- (5) If the respondent fails to attend the meeting of the committee of preliminary inquiry after having been duly sent a written notice to appear before such a committee, the committee may-
- (a) make a finding of guilty for contempt of council and impose one or more of the penalties provided for in section 42 (1) (a) and (d) of the Act;

- (b) order the respondent to submit his or her written explanation to the complaint or a communication to indicate the right to remain silent within such period as may be determined by the committee; and
 - (c) direct the registrar to confirm its decision in writing to the respondent stating the reason(s) for such a decision.
- (6) The finding made and the penalty imposed by the committee of preliminary inquiry in terms of sub-regulation (4) and (5) is of immediate force and effect.
- (7) If a committee of preliminary inquiry decides, after due consideration of the complaint, any further information which may have been obtained in terms of sub-regulation (1) (a) and the explanation of the respondent, that there are no grounds for taking further action on the matter, it must note and accept the explanation and give reasons for noting and accepting the explanation and direct the registrar to communicate its decision in writing to the complainant and the respondent stating the reason(s) for such a decision.
- (8) If a committee of preliminary inquiry decides, after due consideration of the complaint, any further information which may have been obtained in terms of sub-regulation (1) (a) and the explanation of the respondent or no explanation, that there are grounds for the holding of a professional conduct inquiry into the conduct of the respondent, it must direct that an inquiry be held and may allow for an admission of guilt fine to be paid in terms of section 42 (8) and (9) of the Act, and that the registrar communicate its decision in writing to the complainant and the respondent and arrange for the holding of such inquiry.
- (9) If a committee of preliminary inquiry decides, after due consideration of the complaint, any further information which may have been obtained in terms of sub-regulation (1) (a) and the explanation of the respondent, that the respondent acted unprofessionally, but the conduct in question constitutes a minor transgression, it must determine as a suitable penalty to be imposed one or more of the penalties provided for in section 42 (1) (a) and (d) of the Act and direct the registrar to communicate its decision and the charges in writing to the respondent, stipulating that the penalty must be accepted or rejected within 14 days from date of receipt of the communication: Provided that if the penalty-

- (a) is accepted by the respondent, proof of compliance with such penalty must accompany the notice of acceptance to the registrar and such penalty must be regarded as penalty imposed by the committee of preliminary inquiry, upon which the matter will be regarded as finalized; or
 - (b) is rejected by the respondent or no response is received by the due date, the registrar must arrange for the holding of a professional conduct inquiry into the conduct of the respondent and the penalty so rejected or not responded to and the charges as formulated may no longer be applicable to the matter.
- (10) If a committee of preliminary inquiry decides, after due consideration of the complaint, any further information which may have been obtained in terms of sub-regulation (1) (a) and the explanation of the respondent, that the conduct complained of constitutes a minor transgression which also reveals evidence or a pattern of poor performance on the part of the respondent, it may in addition to the resolution contemplated in sub-regulation (9), direct that the matter be referred for a performance assessment by a performance assessment committee to enquire into the performance of the respondent and make a determination on the appropriate management of the respondent and direct the registrar to communicate its decision in writing to the respondent, stipulating that the decision must be accepted or rejected within 14 days from date of receipt of the communication: Provide that if the decision is:
 - (a) accepted by the respondent, the registrar must arrange for the conducting of the assessment and the respondent shall be obliged to submit himself or herself to such assessment and comply with such directives as may be determined by the performance assessment committee; or
 - (b) rejected by the respondent or no response is received by the due date, the registrar must arrange for the matter to be heard by a professional conduct committee.

Appeal

- 5. (1) The respondent may appeal against the finding or penalty of the committee of preliminary inquiry or both such finding and such penalty made in terms of regulation 4 (4) and (5) to the appeal committee.

- (2) The appellant must notify the registrar in writing of his or her intention to appeal within 21 days from the date of receipt of the communication referred to in regulation 4 (4) and (5): Provided that an appeal lodged after 21 days may only be considered if accompanied by an application for indulgence stating the reasons for the late submission of the notice of appeal, which must be considered by the appeal committee before the appeal on the merits on the date set down for the hearing of the appeal.
- (3) The registrar must provide the appellant with copies of the documents that served before the committee of preliminary inquiry, the relevant extract of the minutes of the meeting and written reasons for the decision in terms of regulation 4 (4) or (5) within 14 days from the date on which the registrar received a written notice of appeal.
- (4) The appellant must, within 21 days from the date on which he or she received copies of the documents referred to in sub-regulation (3), submit to the registrar six copies of his or her papers and one copy to the respondent setting out the grounds for appeal and containing his or her summary of argument.
- (5) The chairperson of the committee of preliminary inquiry must, within 14 days from the date on which the appellant submitted his or her papers with the registrar, submit six copies of the documents referred to in sub-regulation (3) and the reply to the grounds of appeal and summary of argument referred to in sub-regulation (4) with the registrar and one copy to the appellant.
- (6) The registrar must, after the expiry of the 14 days referred to in sub-regulation (5), advise both parties in writing of the date on which the appeal will be heard by the appeal committee.
- (7) The appeal committee must consider the appeal on papers referred to in sub-regulations (4) and (5), allow for oral representations and arguments by both parties or their legal representatives, deliberate on the matter in camera and advise the parties of its findings within such period as may be determined by the committee.

- (8) Unless determined otherwise by the appeal committee, its decision is of immediate force and effect and may be set aside by the High Court if approached in terms of section 20 of the Act.

Arrangement for inquiry hearing

6. (1) On receipt of a directive referred to in regulation 4(8), a notice, no response rejecting the penalty or directives in terms of regulation 4(9)(b) or 4(10)(b) respectively, the registrar must issue a notice, which is attached hereto and essentially in the form of Annexure A, addressed to the respondent, stating the time and place where the inquiry will be held and enclosing a charge sheet as formulated by the *pro forma* complainant.
- (2) The notices referred to in sub-regulation (1) must be served on the respondent by hand or mailed to him or her at his or her registered address by a registered mail, at least 60 days prior to the date of the inquiry.

Constitution of professional conduct committee

7. (1) The registrar must, with the approval of the chairperson of a professional board, appoint a professional conduct committee at least seven days before the inquiry.
- (2) The professional conduct committee must comprise of, at least the following persons-
- (a) two public representatives, of whom one must be the chairperson;
 - (b) two persons registered in the profession in which the respondent is registered, and at least one of them registered in the same discipline as the respondent;
 - (c) one member of the board; and
 - (d) one person versed in law with at least five years' experience in the legal field, as a legal assessor

- (3) A person who served as a member of a committee of preliminary inquiry that referred a matter to an inquiry may not be appointed to the professional conduct committee to preside over that same matter.

Request for further particulars

8. (1) A request by the respondent or his or her legal representative for further particulars to the charge sheet as formulated by *pro forma* complainant must be received by the *pro forma* complainant at least 30 days before the date of the inquiry.
- (2) The *pro forma* complainant must furnish his or her written reply to a request for further particulars referred to in subregulation (1) to the respondent or his or her legal representative within 14 days from date of receipt of the request.
- (3) Any request for further particulars received by the *pro forma* complainant less - than 30 days before the inquiry may not be responded to.

Pre-inquiry conference

9. (1) In order to determine the issues in dispute at an inquiry, the *pro forma* complainant must, at least seven days prior to the inquiry, arrange a pre-inquiry conference which must be attended by both parties or their legal representatives, if any, at a mutually convenient time and venue, where -
 - (a) the respondent or his or her legal representative must indicate the exceptions, objections (including the objection to jurisdiction of a professional conduct committee to inquire into the matter) or points *in limine* he or she intends to raise;
 - (b) the respondent or his or her legal representative must indicate how he or she intends to plead to the charge sheet;
 - (c) copies of all documents, reports, notes, X-rays and any other exhibits which a party intends using at the inquiry are furnished to the other party;

- (d) perusal of the originals of the documents, reports, notes, X-rays and other exhibits referred to in paragraph (c) is allowed;
 - (e) admissions are made by both parties with regard to allegations or evidence;
 - (f) a summary of the opinion of an expert witness that a party intends using at the inquiry must be furnished to the other party; and
 - (g) any other aspect concerning the inquiry is resolved.
- (2) A pre-inquiry minute must be kept and signed by both parties or their legal representatives for submission to the professional conduct committee at the hearing.
- (3) The professional conduct committee may order a party who failed to attend a pre-inquiry conference to attend such conference and also to pay the wasted costs of - the day for the hearing.

Procedure at inquiry

10. (1) The chairperson of the professional conduct committee must request the respondent or his or her legal representative, if represented, to plead to the charge, which plea must be recorded.
- (2) If the respondent, or his or her legal representative, refuses or fails to plead to the charge sheet, the chairperson of the professional conduct committee must record such refusal or failure, and a plea of not guilty must be entered.
- (3) If the respondent pleads guilty to the charge(s), the professional conduct committee may ask the respondent questions to clarify that all the elements of the charge(s) are admitted.
- (4) If the professional conduct committee is satisfied that all the elements of the charge(s) are admitted, the *pro forma* complainant must address the professional conduct committee and indicate whether the plea of guilty is accepted.

- (5) If the plea of guilty is accepted, the chairperson of the professional conduct committee must make a finding of guilty and allow the parties to address the committee in terms of sub-regulation (22).
- (6) If the respondent pleads not guilty or a plea of not guilty is recorded in terms of sub-regulation (2), the *pro forma* complainant may address the professional conduct committee and lead evidence in support of his or her case.
- (7) The respondent or his or her legal representative may apply for his or her discharge after the *pro forma* complainant has closed his or her case.
- (8) The *pro forma* complainant must be given an opportunity to reply to the application for a discharge by the respondent or his or her legal representative.
- (9) The professional conduct committee must then consider the application in camera and thereafter give its decision to the parties.
- (10) If the application for a discharge is dismissed, the respondent or his or her legal representative may address the professional conduct committee and lead evidence in support of his or her case.
- (11) The professional conduct committee may, on application, allow any of the parties to lead further evidence or to recall a witness after their cases have been closed, and the other party must be given an opportunity to cross-examine such witness.
- (12) The chairperson of the professional conduct committee and the other members of the professional conduct committee may ask a witness questions for clarity purposes relating to the issues arising out of such witness' evidence.
- (13) Further cross-examination and re-examination of a witness must be allowed on matters arising from the questions by the chairperson and other members of the professional conduct committee.
- (14) After all the evidence has been adduced, the *pro forma* complainant and the respondent or his or her legal representative may, respectively address the professional conduct committee on the evidence and the legal position.

- (15) The *pro forma* complainant may reply to any matter of law raised by the respondent or his or her legal representative in his or her address and may, with leave of the professional conduct committee, reply to any matter raised by the respondent or his or her legal representative in his or her address.
- (16) If the respondent is not present at the inquiry after having been duly notified, the inquiry may proceed in his or her absence and a plea of not guilty must be entered, unless the respondent has in writing pleaded guilty: Provided that the professional conduct committee may consider the postponement of the inquiry if the respondent's absence is due to bona fide circumstances.
- (17) All oral evidence must be taken on oath or affirmation administered by the chairperson of the professional conduct committee.
- (18) Evidence on affidavit is admissible: Provided that the opposing party may require the deponent of such affidavit to be present for purposes of cross-examination.
- (19)
 - (a) The record, or any portion thereof, of a lawfully constituted court, inquest court or any disciplinary tribunal from any jurisdiction is acceptable as *prima facie* evidence if it has been certified to be a true copy by that court or disciplinary tribunal.
 - (b) If it is practicable and appears just, the professional conduct committee may, for the purpose of cross-examination, order the attendance of a witness whose evidence appears in a record of a court or disciplinary tribunal and which is presented as *prima facie* evidence.
- (20) Upon the conclusion of a case, the professional conduct committee must deliberate thereon in camera and must inform the parties of its findings within such period as may be determined by the committee.
- (21) The findings of the professional conduct committee may include a referral of part of or all the complaints to the performance assessment committee to determine the appropriateness of the performance on the part of the respondent, in which case the committee must require the *pro forma* complainant and the respondent or his or her legal representative to address the committee on the appropriateness of complete or partial referral of the matter to a performance

assessment committee to enquire into the performance of the respondent and make determination on the appropriate management of the respondent.

- (22) The professional conduct committee may make a finding of not guilty even where the respondent has pleaded guilty, if the committee is not satisfied from the evidence that the respondent is guilty.
- (23) (a) If the respondent is found guilty of unprofessional conduct, the *pro forma* complainant must furnish details of previous unprofessional conduct by the respondent under the Act, if any, to the professional conduct committee.
- (b) The *pro forma* complainant may address the professional conduct committee and lead evidence regarding a suitable penalty to be imposed.
- (c) The respondent or his or her legal representative may thereafter address the professional conduct committee and lead evidence in mitigation of the penalty to be imposed, whereafter the *pro forma* complainant may reply in aggravation of the penalty.
- (d) The professional conduct committee must deliberate in camera on the appropriate penalty to be imposed, whereafter the chairperson of the professional conduct committee must inform the parties of the penalty decided on.
- (f) The finding made and penalty imposed by the professional conduct committee is of immediate force and effect, unless determined otherwise by the professional conduct committee.
- (24) If the professional conduct committee finds that the evidence before it points to some elements of poor performance on the part of the respondent, it may, in addition to imposing a penalty where the evidence also points to unprofessional conduct, impose practice restrictions and refer the matter to a performance assessment committee to enquire into the performance of the respondent and make a determination on the appropriate management of the respondent and direct the registrar to arrange for conducting of the performance assessment.

Arrangement for a performance assessment

11. (1) On receipt of a directive referred to in regulation 4(10)(a) or 10(24), the registrar must in consultation with the Chairperson of the professional board appoint a performance assessment committee comprising of three registered practitioners falling within the same discipline as the respondent and issue a notice, which is attached hereto and essentially in the form of Annexure C, addressed to the respondent stating the time and place where the assessment will be held and the areas where a lack of professional skills to be assessed has been identified by the committee of preliminary inquiry or professional conduct committee and any other area of lack of professional skills as may be identified during the assessment.
- (2) The notice referred to in sub-regulation (1) must be served on the respondent by hand or mailed to him or her at his or her registered address by a registered mail at least 21 working days prior to the date of the performance assessment.
- (3) The performance assessment committee must determine the manner of conducting the assessment and the duration thereof, which must be communicated to the respondent together with the notice referred to in sub-regulation (1).
- (4) Upon conclusion of the assessment, the committee must make a determination on the appropriate management of the respondent and impose directives to be adhered to by the respondent to improve on his or her identified lack of skills within a specified period as may be determined by the committee, and submit reports as may be required by the committee to make a final determination on the performance of the respondent.
- (5) The respondent must adhere to the directives imposed by the performance assessment committee, failing which, the committee may direct the registrar to suspend the respondent from practising his or her profession until such time that compliance with the directives has been fully achieved.
- (6) Upon completion of the directives and receipt of the required reports referred to in sub-regulation (4), the performance assessment committee must consider the reports to ascertain if the respondent has acquired the required performance

skills to enable him or her to perform optimally in the practice of his or her profession.

- (7) If the performance assessment committee is satisfied from the reports submitted that the respondent has acquired the required performance skills and is fit and proper to practice his or her profession, it may direct the registrar to uplift the practice restrictions as imposed by the professional conduct committee under regulation 10 (24) and finalize the matter.
- (8) If the performance assessment committee is not satisfied from the reports submitted that the respondent has acquired the required performance skills and therefore is not fit and proper to practice his or her profession, it must direct him or her to submit to a further performance assessment until such time that the required performance skills are acquired and the respondent is fit and proper person to practice his or her profession.

Appeal

- 12. (1) The respondent or *pro forma* complainant may appeal to the appeal committee against the findings or penalty of the professional conduct committee or both such finding and penalty.
- (2) The appellant must submit the written notice of his or her intention to appeal to the registrar within 21 days from the date of the decision of the professional conduct committee: Provided that a notice of intention to appeal submitted after 21 days may only be considered by the appeal committee if accompanied by an application for indulgence stating the reasons for the delay, and such application must be considered by the appeal committee before the appeal on merits on the date set down for the appeal.
- (3) The registrar must provide the appellant with a copy of a transcript of the proceedings at the inquiry within 60 days from the date on which the registrar received a written notice of appeal referred to in sub-regulation (2): Provided the appellant pays the costs of making such a copy of the transcript.
- (4) The appellant must submit six copies of his or her papers setting out the grounds of appeal and containing summary of arguments by hand or registered mail with

the registrar and one copy with the respondent within 30 days from the date on which he or she received a copy of the transcript referred to in subregulation (3).

- (5) The respondent must submit six copies of his or her reply to the appellant's papers referred to in subregulation (4) with the registrar and one copy to the appellant by hand or registered mail within 30 days from the date on which the appellant submitted his or her papers with the registrar.
- (6) The appellant must, within 14 days from the date on which the respondent submitted his or her reply, submit six copies of his or her reply to that of the respondent with the registrar and one copy with the respondent.
- (7) If no reply is submitted by the appellant within the period referred to in subregulation (6), the registrar must then advise both parties in writing of the date on which the matter will be heard by the appeal committee.
- (8) The appeal committee must consider the appeal on the papers referred to in subregulation (4), (5) and (6), allow for representations and arguments from both parties, deliberate on the matter in camera and thereafter advise the parties of its findings.
- (9) Each party is responsible for his or her own costs occasioned by the preparation for and finalization of the appeal.
- (10) Unless determined otherwise by the appeal committee, its decision is of immediate force and effect and may be set aside by the High Court if approached in terms of section 20 of the Act.

Continuation of inquiry

- 13. (1) If one or more members of the professional conduct committee is unable to serve at any time after a plea has been tendered, the inquiry must proceed provided that at least four of the original members are available to continue with the inquiry.

- (2) If a chairperson is unable to serve at any time after a plea has been tendered, the matter may proceed with the remaining public representative assuming the chairmanship.

Accessibility of inquiry

- 14. (1) The proceedings at an inquiry are open to the public.
- (2) Notwithstanding subregulation (1) -
 - (a) any decision of the professional conduct committee in respect of any point arising in connection with, or in the course of an inquiry may be arrived at in camera;
 - (b) any evidence adduced during an inquiry may on good cause shown or in the discretion of the professional conduct committee be heard in camera; and
 - (c) the professional conduct committee may, on good cause shown, order that no person may at any time and in any manner publish any information which is likely to reveal the identity of any particular person other than that of the respondent.
- (3) Any person who infringes or fails to comply with an order made in terms of subregulation (2) (c) is guilty of an offence and liable on conviction in a court of law to a fine not exceeding R5000 or imprisonment not exceeding six months or both such a fine and imprisonment.
- (4) Recordings of all inquiries must be kept by the council and upon written request, a typed written copy of such recordings must be made available to the complainant, respondent or any other party who in the opinion of the registrar has a substantial interest in the matter upon payment of the actual cost for making such a copy.

Publication in the Government Gazette

15. The registrar must, upon finalization of the matter in terms of these regulations, publish in the Government Gazette the name of the respondent, charge(s) on which he or she has been found guilty and the penalty that has been imposed.

Subpoena

16. A summons for attendance as a witness before a professional conduct committee to give oral evidence or to produce any book, record, document or thing must substantially be in the form as set out in Annexure B attached hereto.

Repeal

17. (1) The regulations published under Government Notice No. R. 765 of 24 August 2001 are hereby repealed.
- (2) An inquiry or appeal, in terms of the Regulations referred to in subregulation (1), pending before a professional conduct committee of a professional board or disciplinary appeal committee of council respectively, immediately prior to the commencement of these Regulations must be conducted and finalized under the procedures prescribed by those regulations as if such regulations had not been repealed.

**MINISTER OF HEALTH****DATE: 8-4-2008**

ANNEXURE A**NOTICE TO APPEAR BEFORE A PROFESSIONAL CONDUCT COMMITTEE OF THE
PROFESSIONAL BOARD FOR**

.....
(name of person and his or her address)

is hereby given notice that an inquiry into your professional conduct will be held by the professional
conduct committee of the Professional Board for

..... at

.....(place)

on(date and time).

The charge sheet as formulated by the pro forma complainant is enclosed.

You may be legally represented at the inquiry. You should, however, timeously make
arrangements in this regard. If you and/or your legal representative fail to attend the inquiry on the
stipulated date, the inquiry may proceed in your absence.

Given under the hand of the Registrar, this

day of 20.....

.....
REGISTRAR

ANNEXURE B

**SUMMONS TO APPEAR BEFORE A PROFESSIONAL CONDUCT COMMITTEE OF THE
PROFESSIONAL BOARD FOR**

.....
(name of person summoned and his or her address)

is hereby summoned to appear at(place) on
..... (date and time) before the professional conduct
committee of the Professional Board for
established in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), to give evidence in
respect of.....

.....
.....
.....
(if the person summoned is to produce any book, record, document or thing, add)
and you are hereby directed to produce:

.....
.....
(specify the book, record, document or thing concerned)

Given under the hand of the Registrar, this..... day of
.....

.....
REGISTRAR

ANNEXURE C**NOTICE TO APPEAR BEFORE A PERFORMANCE ASSESSMENT COMMITTEE OF THE
PROFESSIONAL BOARD FOR**

.....
(name of person and his or her address)

is hereby given notice that a performance assessment into your professional skills will be
conducted by the performance assessment committee of the Professional Board for

..... at

.....(place)

on(date and time).

The following professional skills or any other skills which may be identified by the committee during
assessment in your performance shall be assessed:

.....
.....
.....
.....
.....

Given under the hand of the Registrar, this

day of 20.....

.....
REGISTRAR

No. R. 427

18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT 56 of 1974)**REGULATIONS RELATING TO THE QUALIFICATIONS FOR REGISTRATION OF FOREIGN QUALIFIED HEALTH PRACTITIONERS**

The Minister of Health intends, in terms of section 25 of the Health Professions Act, 1974 (Act No. 56 of 1974)(as amended by Act 29 of 2007), and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management), within three month of the date of publication of this notice.

SCHEDULE**Definitions**

1. In these regulations, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and unless the context otherwise indicates-

"board" means a professional board established in terms of section 15(1) of the Act;

"foreign qualification" means a qualification obtained at an educational institution outside the Republic of South Africa;

"foreign qualified person" means a person who obtained a qualification for purposes of registration as a health practitioner at an educational institution outside the Republic of South Africa;

"independent practice" means the practising of a registered health profession by a registered health practitioner for his or her own account either in *solus* practice, or as a partner in a partnership with other health practitioner(s), or as an associate in an incorporated association with other health practitioners, or as a director of a company exempted from the provisions of the Act in terms of Section 54A of the Act;

"military health service" means a health service rendered by the South African National Defence Force;

"public service" means a health service rendered by the State at the National, Provincial and local level of government, and includes organizations which function under the auspices or are largely subsidized by the state or recognized by the council for the purpose of these regulations;

"the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974); and

"volunteer service" means a health service rendered by a South African healthcare provider agency recognized by the council for the purpose of healthcare relief or assistance programmes.

Registration in the categories internship, public service, education, postgraduate study, military health service, and volunteer service

2. (1) The registrar may register a foreign qualified person who does not have any proof of having completed internship or a similar training elsewhere, as an intern in any of the professions registered under the Act and for which internship applies, if the education and training standard of such person's qualification is approved by the council as being equivalent to the education and training standard of approved South African educational institutions: Provided that in the case of an application for registration that is based on a qualification not referred to in this sub-regulation, the applicant shall, before registration:-
 - (a) furnish the council with authoritative information on the education and training required for such a qualification, and if the standard of such education and training is considered satisfactory by the council, such qualification may be approved by the council; and
 - (b) pass an examination in terms of section 25 (2) of the Act in the profession for which he or she applies for registration or an assessment as may be determined by the council from time to time.
- (2) The registrar may register a foreign qualified person in the category public service in any of the professions registered under the Act, if the education and training standard of such qualification is approved by the council as being equivalent to the education and training standard of approved South African educational institutions: Provided that in the case of an application for registration that is based on a qualification not referred to in this sub-regulation, the applicant shall, before registration:-
 - (a) furnish the council with authoritative information on the education and training required for such a qualification, and if the standard of such education and training is considered satisfactory by the council, the council may approve such qualification; and
 - (b) pass an examination in terms of section 25 (2) of the Act in the profession for which he or she applies for registration or an appropriate assessment as may be determined by the council from time to time.
- (3) In the case of a South African citizen with a foreign qualification contemplated in subregulation (2), such foreign qualified person must provide proof of having complied with section 24A of the Act before the registrar may register him or her.
- (4) The registrar may register a foreign qualified person in the category public service in terms of a government-to-government agreement entered into by the Republic of South Africa and the country of the applicant: Provided that the registration thereof shall be limited to a period as agreed upon by the two countries and the field of practice as stipulated in the registration certificate.
- (5) The registrar may register a foreign qualified person in the category education in any of the professions registered under the Act if such a person is to be employed

as a lecturer, tutor or researcher by a higher education or research institutions approved by the board for teaching, training or research purposes.

(6) The registrar may register a foreign qualified person in the category postgraduate study in any of the professions registered under the Act, if such a person is to be enrolled for postgraduate study and research as the holder of an appointment that is of a temporary and supernumerary nature for a period not exceeding five years.

(7) The registrar may register a foreign qualified person in the category military health service in any of the professions registered under the Act, if such a person is to participate in any military operation at the recommendation of the Surgeon General of the South African National Defence Force.

(8) The registrar may register a foreign qualified person in the category volunteer service in any of the professions registered under the Act, if such a person is to participate in health care relief or assistance programmes of a temporary nature authorised by the Director-General of Health in consultation with the relevant professional board of the Council.

Registration in the category independent practice

3. (1) The registrar may register a foreign qualified person in the category independent practice in any of the professions registered under the Act and for which independent practice applies, if such a person has:-

- (a) complied with the qualification requirements for registration referred to in regulation 2(2) of these regulations;
- (b) complied with the requirements of the Immigration Act, 2002 pertaining to permanent residence status in, or citizenship of the Republic; and
- (c) passed the relevant examination for registration in the category independent practice.

(2) In the case of a foreign qualified person who is a South African citizen, such person must have complied with subregulation (1)(a) and (c) of this regulation, and also provide proof of having complied with the requirements of section 24A of the Act.

Application for registration


4. An application for registration as a health practitioner in any of the professions registered under the Act by any foreign qualified practitioner shall be made on the prescribed application form obtainable from the professional board concerned, and shall be accompanied by:-

- (a) a certified copy of the applicant's identity document/passport or such other proof of his or her age and correct names as may be acceptable to the registrar;
- (b) a copy of the degree certificate or other basic qualification certified by a Notary Public and a sworn translation thereof into English;
- (c) A certified copy of the official and detailed curriculum of the applicant's course of study, specific courses, content of education (theory) and training (practical/clinical), duration and the mode of examination or evaluation;
- (d) a verification of credentials as may be required by the board;

- (e) in the case of an application for registration in a profession for which internship training is a requirement, a certificate of completed training as an intern or of similar training or experience obtained elsewhere;
- (f) in the case of an application for registration in the category independent practice, proof of compliance with the requirements of regulation 3 of these regulations;
- (g) an original certificate of good standing, which must not be more than six months old, issued by the foreign registration authority where the applicant is currently registered or was registered;
- (h) a letter of endorsement issued by the Director-General: Health or the relevant institution for registration in terms of regulation 2(1) to (8) confirming employability or placement of the applicant, or letter of exemption from the category public service or community service where the National Department of Health cannot provide for posts in the public service; and
- (i) the prescribed registration fee.

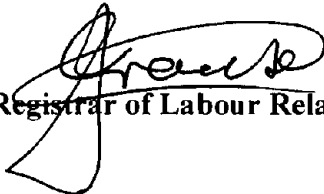
Repeal

5. These regulations shall, from date of publication repeal any provision in any of the professional boards regulations dealing with the qualifications for registration of foreign qualified practitioners and the regulations published under Government Notice No R.1203 of 28 November 2000.


Minister of Health
Date 8-4-2008

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 428****18 April 2008****LABOUR RELATIONS ACT, 1995****CANCELLATION OF REGISTRATION OF A BARGAINING COUNCIL -
BARGAINING COUNCIL FOR THE NON-EUROPEAN PASSENGERS
TRANSPORTATION TRADE (DURBAN)**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 61(7) of the Labour Relations Act, 1995, that I have cancelled the registration of the **Bargaining Council for the Non-European Passengers Transportation Trade (Durban)** by removing the name of the council from the register of councils with effect from 9 April 2008.



Registrar of Labour Relations

No. R. 428**18 April 2008****WET OP ARBEIDSVERHOUDINGE, 1995****INTREKKING VAN REGISTRASIE VAN 'N BEDINGINGSRAAD -
BEDINGINGSRAAD VIR DIE NON-EUROPEAN PASSENGERS
TRANSPORTATION TRADE (DURBAN)**

Ek, Johannes Theodorus Crouse, Registrateur van Arbeidsverhoudinge, maak hierby, ingevolge artikel 61(7) van die Wet op Arbeidsverhoudinge, 1995, bekend dat die registrasie van die **Bedingingsraad vir die Non-European Passengers Transportation Trade (Durban)** met ingang van 9 April 2008 ingetrek is deur die naam van die bedingingsraad te verwyder van die register van bedingingsrade.



Registrateur van Arbeidsverhoudinge

No. R. 429

18 April 2008

LABOUR RELATIONS ACT, 1995**CANCELLATION OF REGISTRATION OF A BARGAINING COUNCIL -
BARGAINING COUNCIL FOR THE MEAT TRADE OF THE MAGISTERIAL
DISTRICT OF EAST LONDON**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 61(7) of the Labour Relations Act, 1995, that I have cancelled the registration of the **Bargaining Council for the Meat Trade of the Magisterial District of East London** by removing the name of the council from the register of councils with effect from 9-4-08



Registrar of Labour Relations

No. R. 429

18 April 2008

WET OP ARBEIDSVERHOUDINGE, 1995**INTREKKING VAN REGISTRASIE VAN 'N BEDINGINGSRAAD -
BEDINGINGSRAAD VIR DIE VLEISBEDRYF, OOS-LONDON**

Ek, Johannes Theodorus Crouse, Registrateur van Arbeidsverhoudinge, maak hierby, ingevolge artikel 61(7) van die Wet op Arbeidsverhoudinge, 1995, bekend dat die registrasie van die **Bedingingsraad vir die Vleisbedryf, Oos-London** met ingang van 9-4-08 ingetrek is deur die naam van die bedingingsraad te verwyder van die register van bedingingsrade.



Registrateur van Arbeidsverhoudinge

No. R. 430

18 April 2008

LABOUR RELATIONS ACT, 1995**NATIONAL TEXTILE BARGAINING COUNCIL: EXTENSION TO NON-PARTIES OF THE MAIN COLLECTIVE AMENDING AGREEMENT**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the National Textile Bargaining Council, and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 28 April 2008 and for the period ending 31 December 2008.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE**NATIONAL TEXTILE BARGAINING COUNCIL****AMENDING MAIN COLLECTIVE AGREEMENT FOR THE TEXTILE
INDUSTRY OF THE REPUBLIC OF SOUTH AFRICA**

in accordance with the provisions of the Labour Relations Act, 1995 (as amended),
made and entered into by and between the

**South African Cotton Textile Processing Employers' Association
(SACTPEA)**

South African Carpet Manufacturing Employers' Association (SACMEA)

National Manufactured Fibres Employers' Association (NMFEA)

National Association of Worsted Textile Manufacturers (NAWTM)

Woven Crochet and Knitted Narrow Fabric Manufacturers' Association

**South African Wool and Mohair Processors' Employers' Organisation
(SAWAMPEO)**

National Textile Manufacturers' Association (NTMA)

**South African Home Textiles Manufacturers Employers' Organisation
(HOMETEX)**

**South African Blankets Manufacturers Employers' Organisation
(SABMEO)**

(hereinafter referred to as the "employers' organisations") of the one part,

and the

Southern African Clothing and Textile Workers' Union (SACTWU)

(hereinafter referred to as the "trade union") of the other part,

being the parties to the

National Textile Bargaining Council (NTBC) to amend the collective agreement published under Government Notice No. R. 78 of 9 February 2007

PART 1**A: APPLICATION****1. SCOPE OF APPLICATION**

- (a). This Agreement applies to all employers and all employees who are members of the parties to this Agreement and who are engaged in the Textile Industry, as defined in the registered scope of the Bargaining Council, and which consists of the following:

"Textile Industry or Sector or Industry" – means without in anyway limiting the ordinary meaning of the expression, the enterprise in which the employer(s) and the employees are associated, either in whole and or in part, for any activity relating to the processing or manufacture of fibres, filaments or yarns, natural or man-made and the processing or manufacture of products obtained therefrom, including all activities incidental thereto or consequent thereon, defined as follows:

1.1. Scope as defined by process and activity

1.1.1. Fibre Manufacture

The handling, processing and manufacture of all classes of fibre, yarns, threads, blends and manufactured raw materials from which these are derived, which shall include, but not be limited to, the fibres manufactured or processed from the following types of raw material:

1.1.1.1. Natural Fibres

- Vegetable fibres: cotton, kapok, coir, flax, hemp, jute, kenaf, ramie, manila, henequen, sisal, sugar cane or other plant seeds, bast or leaf material.
- Animal fibres: wool, mohair, cashmere, silk, angora, alpaca, feathers and any type of animal hair.
- Mineral fibres: asbestos or other inorganic material.

1.1.1.2 Manufactured Fibres:

- Synthetic polymers: including polymethylene, polyolefin, polyvinyl, polyurethane, polyamide, aramid, polyester and synthetic polyisoprene
- Natural polymers: including made from or comprising alginic acid, rubber, regenerated proteins, regenerated cellulose and cellulose ester
- Minerals: including rock wool, carbon fibre and glass fibre or any other fibre manufactured from minerals and,
- all other manufactured fibres and tapes not specified above.

1.1.2 Preparation of Natural Fibres

The receiving, sorting, grading, weighing, cataloguing, washing, scouring, ginning, fibre-working, blending, carding, combing, cutting, dyeing, bleaching, cleaning, as well as the activities performed by wool and mohair brokers, buyers, and dealers; and any other activities carried on in an enterprise.

1.1.3 Manufacture Textiles

The manufacture, processing, dyeing, finishing, and further processing of all classes of woven, non-woven, crocheted and braided textiles from any of (or combination of) the inputs specified in 1.1 utilising the activities and processes of carding, combing, spinning, winding, twisting, drawing-in, warping, weaving, crocheting, braiding, embroiding, tufting, plaiting, felting, blending, raising, needling, stitch-bonding, spunlaid, wetlaid or other bonding processes, printing, dyeing, lamination, making-up and finishing as well as any other products made from raw materials produced by the processes and activities referred to 1.1 and 1.2 above.

1.2. Scope as defined by product:

The products and activities referred to "1", (above) shall include, but not be limited to, the following products (used here simply as an indicative list):

- a. synthetic textile fibres and yarns;
- b. vegetable fibres and yarns (including the activities conducted in cotton gins)
- c. woven fabrics and products;
- d. non-woven fabrics and products;
- e. woven, crocheted, braided, plaited, knitted tapes, narrow fabric products (whether rigid or elasticised) webbing, interlinings, tapes or bias binding / clothing accessories;
- f. embroidery (where done in an establishment not covered by any clothing bargaining Council);
- g. frills, tassels, bows and similar finishings;
- h. shoe laces;
- i. lace and netting; (general)
- j. worsted tops or noils, or yarns or fabrics;
- k. towelling or towels;
- l. all types of made-up textiles, including curtains and blinds, sheets, bedspreads, quilts, duvets and other bed linen; pillows and cushions, textile materials found in bathrooms and restrooms
- m. carpets, rugs, mats and matting, carpet tiles, and rugs (including as used in applications for floors and walls in domestic, commercial and residential premises; as well as that found in all types of automobiles, aeroplanes, trains, ships and any other form of transport);
- n. flock, foam, wadding, or padding, including shoulder padding, and all items with feather fillings;
- o. under-felt and felt;
- p. cleaning cloths, cleaning rags, dusters;
- q. blanketing, blankets, travelling-rugs, shawls and throws;
- r. technical and/or industrial textiles, including woven, non-woven and specialized fibres and yarns, such as used in the following applications:
 - tyre-cord, belting, hose, tank fabrics, conveyor belts;
 - textiles used to reinforce plastics; mining and civil engineering
 - textiles like separation, drainage and reinforcement materials, mine props, backfill fabrics, ventilation curtains, blast barricades;

- textiles used in agriculture/horticulture, like those for weed control, hail and frost protection, early crop ripening, bags for fertilizers/produce;
- textiles for tarpaulins, awnings, furnishings, umbrellas, footwear, automotive trim, luggage, sail cloth, airbags, spinnakers, hot air balloons, print screens, paper felts, arrestor fabrics;
- medical textiles like blood filters, membranes, bandages, cotton wool, lints, gauze, swabs, surgical dressing, and sanitary towels;
- fabrics used to filter air, gas or liquids;
- fabrics used for protective garments such as breathable fabrics, flame-proof fabrics, acid-proof fabrics, bullet-proof fabrics; brake and clutch linings, gland packings, seals; cord, ropes, twine, nets, and netting.

(b) The terms of this Agreement shall not apply to non-parties in respect of clause 1. (a) and 2.

2. PERIOD OF OPERATION

This Agreement shall come into operation on such a date as the Minister of Labour extends the Agreement to non-parties, and shall remain in force until 31 December 2008.

3. EXCEPTIONS

- 3.1. The provisions of this Agreement shall not apply to employees whose wages are not prescribed herein, unless otherwise specified in this Agreement.
- 3.2. Subject to clause 1. (b), the provisions of this Agreement shall not apply to non-parties in respect of clause 1. (a), 2 and clause 34.

PART 2

ANNEXURE C

WOVEN, CROCHET & KNITTED NARROW FABRIC SUBSECTOR

A. APPLICATION

4. CLAUSE 1: SCOPE OF APPLICATION

- 1.1 As per clause 1 of Part 1 of this agreement.
- 1.2 In addition to clause 1 of Part 1 of this agreement the scope of this sub sector will be defined as follows:
Woven Crochet & Knitted Narrow Fabric Sub sector, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part,

for any activity whatsoever, for the manufacture of: woven or crochet or knitted tape, in the strip or in the piece, being rigid or elasticised, having a warp and a weft, with selvedge on either side, and being not more than 250mm in width and the dyeing, printing and the finishing thereof, including labels and trims manufactured and subsequently slit. It is specifically recorded that all bias binding/ clothing accessory and braided products are covered, and includes all operations, products and activities incidental thereto and consequent thereon.

B: REMUNERATION

5. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

4.1 As per the provisions of 4.1 of Part 1 of this Agreement

4.2 Every employer must pay each employee a wage increase and a minimum wage that is not less than that detailed in clause 4.2.1 and 4.2.2 below:

4.2.1 Each employer must pay employees an hourly increase for each grade, as follows:

WOVEN AND CROCHET:

GRADE	INCREASE
A1	73 cents per hour
A2 0-3 months	73 cents per hour
4-6 months	74 cents per hour
Qualified	74 cents per hour
A3	75 cents per hour
B1 0-6 months	76 cents per hour
7-12 months	77 cents per hour
Qualified	78 cents per hour
B2 0-6 months	77 cents per hour
7-12 months	78 cents per hour
Qualified	78 cents per hour
B3 0-6 months	81 cents per hour
7-12 months	82 cents per hour
Qualified	83 cents per hour

B4	88 cents per hour
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CLOTHING ACCESSORIES:

GRADE	INCREASE
A1	66 cents per hour
A2	67 cents per hour
A3	68 cents per hour
B1	70 cents per hour
B2	70 cents per hour
B3	74 cents per hour
B4	79 cents per hour
B5	85 cents per hour

BRAIDING:

GRADE	INCREASE
A1	42 cents per hour
A2	42 cents per hour
A3	44 cents per hour
B2	46 cents per hour
B5	49 cents per hour

4.2.2 The minimum hourly wage rate shall be as follows:

WOVEN AND CROCHET:

GRADE	HOURLY RATE OF PAY
A1	R14.74
A2 0-3 months	R14.82
4-6 months	R14.88
Qualified	R14.99
A3	R15.21
B1 0-6 months	R15.38
7-12 months	R15.50
Qualified	R15.70
B2 0-6 months	R15.53
7-12 months	R15.73
Qualified	R15.86
B3 0-6 months	R16.33
7-12 months	R16.54

Qualified	R16.73
B4	R17.80

CLOTHING ACCESSORIES:

GRADE	HOURLY RATE OF PAY
A1	R13.25
A2	R13.50
A3	R13.69
B1	R14.11
B2	R14.25
B3	R15.02
B4	R16.03
B5	R17.20

BRAIDING:

GRADE	HOURLY RATE OF PAY
A1	R8.42
A2	R8.52
A3	R8.94
B2	R9.36
B5	R9.99

4.3 New employees' entry level wage:

New employees, subject to the conditions set out below, will be remunerated in accordance once with the following table:

Year 1 of employment	25 % below the hourly gazetted rate
Year 2 of employment	15 % below the hourly gazetted rate
Year 3 of employment	8 % below the hourly gazetted rate
Year 4 of employment	Normal hourly gazetted rate

This provision will not affect experienced employees. In terms hereof "experienced" will mean someone who has had experience in the Industry in the position being applied for and appointed to and this experience shall be offset against the phasing in period as set out above. The employee must have been employed in the Industry in the five years immediately preceding the date of engagement.

However, where the employee has more than five (5) years experience in that position, irrespective of how long he/she has been out of the Industry, he/she shall re-enter at 8 % below the gazetted hourly rate for a maximum of one year, whereafter the normal gazetted rates will apply.

4.4 THE GRADING SYSTEM IN THE SUB-SECTOR IS AS FOLLOWS:

GRADES AND JOB TITLES FOR CLOTHING ACCESSORIES

GRADE 1	A1	GENERAL WORKER LABOURER SORTER VAN GUARD WATCHMAN CANVAS OPENER SHUTTLE FILLER
GRADE 2	A2	ROLLER/SPOOLER/CASCADER/MAKE-UP WORKER/STRIP ROLLER LABEL CUTTER FINISHER DESPATCH PACKER FEEDER PRE-INSPECTOR/EXAMINER TABLE HAND SINGLE SET STITCHER/STITCHER BOW MAKER CROSS CUTTER COTTON WINDER
GRADE 3	A3	FACTORY CLERK MECHANICS ASSIT DOUBLE SET STITCHER
GRADE 4	(B1)	LABORATORY ASSIT FABRIC CUTTER/FABRIC STITCHER/MANUAL CUTTER/AUTO CUTTER SLOTTER BIAS MACHINE OPERATOR EMBROIDERY MACHINE MINDER
GRADE 5	(B2)	DRIVER HANDYMAN CLERK SET LEADER EMBROIDERY FIXER EMBROIDERY BADGE CUTTER
GRADE 6	(B3)	Q.CONTROLLER PLANNER/PLANNING CLERK STOREMAN EMBROIDERY MACHINE SETTER

GRADE 7	(B4)	MECHANIC ARTIST
GRADE 8	(B5)	SUPERVISOR PUNCH OPERATOR

GRADES AND JOB TITLES FOR NARROW FABRICS

GRADE 1	(A1)	GENERAL WORKER LABOURER SORTER VAN GUARD WATCHMAN
GRADE 2	(A2)	ROLLER/SPOOLER/CASCADER/MAKE-UP WORKER LABEL CUTTER FINISHER DESPATCH PACKER FEEDER PRE-INSPECTOR KNOTTER DOFFER/CREEL ATTENDANT ASSIT WARPERS ASSIT WINDER
GRADE 3	(A3)	FACTORY CLERK MECHANICS ASSIT
GRADE 4	(B1)	WARPERS WINDER ASSISTANT Q.CONTROLLER ASSIT LOOM TUNER LABORATORY ASSIT ASSIT WEAVING MACH OPERATOR
GRADE 5	(B2)	KNITTING MACHINE OPERATOR WEAVING MACHINE OPERATOR DYEHOUSE OPERATOR COVERING/TEXTURISING MACH OPERATOR DRIVER DYERS ASSIT HANDYMAN CLERK
GRADE 6	(B3)	LOOM CHANGER/TUNER/MACH SETTER Q.CONTROLLER PLANNING CLERK STOREMAN

GRADE 7	(B4)	MECHANIC SHIFT DYER
GRADE 8	(B5)	SUPERVISOR

GRADES AND JOB TITLES FOR BRAIDING

GRADE		
A1	CLEANER PACKER TEA MAKER LABOURER GENERAL WORKER WORK SHOP ASSISTANT	
A2	BRAIDER SPOOLER TIPPER WINDER TWISTER	
A3	FACTORY CLERK SETTERS (MECH ASSIST) STORE KEEPER (CARDEX) SAME AS FACTORY CLERK DESPATCH CLERK	
B2	DRIVER TEAM LEADER	
B5	SUPERVISOR	

THE DEFINITION OF THE VARIOUS JOB TITLES IS AS FOLLOWS:

ARTIST

means an employee who designs and draws patterns so that they can then be transposed by the punch operator.

ASSISTANT LOOM TUNER

means an employee engaged in assisting the loom tuner. This includes gaiting.

ASSISTANT QUALITY CONTROLLER

means an employee engaged in assisting the quality controller.

ASSIT WARPER

means an employee who assists a warper.

ASSIT WEAVING MACHINE OPERATOR

means an employee engaged in assisting the weaving machine operator.

ASSIT WINDER

means an employee who assists a winder or a winding machine operator.

AUTOMATIC CUTTER

means an employee who operates an automatic cutting machine.

BIAS MACHINE OPERATOR

means an employee who operates a biasing machine which converts tubular fabric into biased rolls.

BOW MAKER

means an employee who is involved in the making of bows either by hand or on a machine.

BRAIDER

means an employee engaged in operating and loading braiding machine bobbins.

CANVAS OPENER

means an employee who opens canvases after the fabric has come off the Schiffli embroidery machine.

CLERK

means an employee who is engaged in:

- a. writing, typing and filing;
- b. operating a calculating, or a punch card machine, or a computer;
- c. any other form of clerical work;

and includes a cashier, despatch clerk, mannequin, storeman, telephone switchboard operator and work study clerk but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form part of such employee's work;

COTTON WINDER

means an employee who operates a cotton winding machine.

COVERING/TEXTURISING MACHINE OPERATOR

means an employee who operates a covering machine or texturising machine.

CROSS CUTTER

means an employee who operates a cross cutting machine.

DESPATCH CLERK

means an employee engaged in filling in of waybills/packing slips and labels and packing into parcels, boxes or containers in readiness for transport.

DESPATCH PACKER

means an employee engaged in making up parcels, cartons or bales in readiness for transport, delivery or post.

DOFFER/CREEL ATTENDANT

means an employee engaged in replacing raw material and then knotting onto trailing end.

DOUBLE SET STITCHER

means an employee who performs the function of straight line stitching on a sewing machine on more than a single set.

DRIVER

means an employee engaged in driving a motor vehicle, scooter or fork lift, and for the purposes of this definition, driving a motor vehicle includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all the periods during which he is obliged to remain at his post in readiness to drive.

DYEHOUSE OPERATOR

means an employee who operates a dye house machine.

DYERS ASSIST

means an employee who under the supervision of a dyer, is responsible for the mixing of colours and/or formulae and who may attend or operate the machines used in dyeing and finishing processes.

EMBROIDERY BADGE CUTTER

means an employee who checks badges and motifs for damages and who cuts out the badges.

EMBROIDERY FIXER

means an employee who operates a single needle embroidery machine and repairs any damages to the embroidery caused by the Schiffli production machines.

EMBROIDERY MACHINE MINDER

means an employee who operates a Schiffli embroidery machine.

EMBROIDERY MACHINE SETTER

means an employee engaged in setting a Schiffli machine according to specifications.

EMBROIDERY SAMPLER

means an employee who aids the sample coordinator by cleaning samples, packing samples and liaises with the costing department.

FABRIC CUTTER

means an employee who operates a circular blade cutting machine.

FABRIC STITCHER

means an employee who operates an overlock sewing machine and sews canvas onto the fabric so that it can go onto the Schiffli embroidery machine.

FACTORY CLERK

means an employee who is engaged in one or more of the following activities:-

- a. calculating piece - work or bonus payments from production schedules;
- b. checking attendance records or recording particulars of employees at work or absent from work; preparing wage cards or envelopes for subsequent use by another employee;
- c. checking or recording for production control;
- d. copying invoices or other documents by machine or hand;
- e. issuing machine parts, tools, oil and other equipment from workshop store and/or recording same;
- f. issuing material, lining, canvas, trimming, buttons, cotton and zips to different departments of an establishment and/or recording same;
- g. issuing trimming, lining, cotton and zips to employees of an establishment from a sub-store and/or recording same;
- h. receiving into stock, goods, material, trimming, tools and other equipment and checking goods ordered such as quantity, size and quality.
- i. recording particulars of materials or general stores consumed or to be consumed or keeping stock records;
- j. recording particulars of waste;
- k. performing cardex functions.

Provided that a calculator may be used in carrying out one or more of the above duties.

FEEDER

means an employee engaged in minding/feeding/rethreading raw material into machine on a continuous process and who may be involved in loading dye machines.

FINISHER

means an employee responsible for feeding/minding a finishing process e.g. heat tunnel, drum machine, callendering and/or continuous dye range.

GENERAL WORKER

means an employee engaged in one or more of the following activities:-

- a. carrying, moving or stacking articles;
- b. delivering letters, messages or goods outside the factory premises on foot or by means of a bicycle, tricycle or hand-propelled vehicle.;
- c. folding and/or inserting mail, affixing post stamps or labels for posting;
- d. making tea or similar beverages, snacks or sandwiches and washing cups, saucers and kitchen utensils;
- e. marking, branding, stencilling or affixing labels on boxes, bales or other containers by hand;
- f. opening or closing doors, unpacking boxes, packages, bales or the containers;
- g. operating a duplicating and/or addressograph and/or franking machine.
- h. cleaning of offices, premises, windows, floors and ablutions.

HANDYMAN

means an employee other than a mechanic who makes repairs or adjustments or effects renovations to buildings, fixtures, fittings, plant, machinery and other equipment.

KNITTING MACHINE OPERATOR

means an employee operating one or a set of knitting machines and capable of identifying faults, changing needles, sliders and sinkers, straightening tricks, including chain and card control and making minor adjustments to such items as yarn tensions when necessary.

KNOTTER

means an employee engaged in replacing beams and knotting warp ends onto trailing ends.

LABEL CUTTER

means an employee engaged in sorting and cutting labels either manually or by means of a label cutting machine.

LABORATORY ASSISTANT

means an employee who prepares samples and analyses products and who may make initial and routine tests and record the results thereof.

LABOURER

means an employee engaged in one or more of the following activities:-

- a. binding, wiring or strapping boxes or bales or other containers;
- b. cleaning and/or washing premises, plant, machinery, vehicles, tools and/or other articles;
- c. fitting and mending machine belts; cleaning, oiling and greasing machines; moving tools, equipment and machines; changing needles; cleaning cotton and/or cloth from underneath throat plate;
- d. general gardening work;
- e. loading or unloading vehicles; trailers or international standard containers.

LOOM CHANGER/TUNER/MACHINE SETTER

means an employee engaged in drawing in loom according to specification, placing heels, droppers and final setting of the machine.

MANUAL CUTTER

means an employee who operates a manual cutting machine

MECHANIC

means an employee who is engaged in the operation, maintenance rebuilding and refitting of machines and who is proficient in making repairs or adjustments to machinery or equipment used directly in the manufacture of products of an establishment.

MECHANICS ASSIST

means a person engaged in assisting the mechanic in maintaining plant machinery and who may be involved in assisting with minor repairs, general stripping and assembling machines.

PACKER

means an employee engaged in one or more of the following activities:-

- a. bagging of trimmings;
- b. packing trims into boxes or other suitable wrapping;
- c. assembling trims into bundles before them being sent to the despatch;
- d. sorting of trims.

PLANNING CLERK/PLANNER

means an employee who is responsible for the administration and planning of production in the factory.

PRE-INSPECTOR/EXAMINER

means an employee engaged in inspecting and/or measuring products during the manufacturing process.

PUNCH OPERATOR

means an employee who works on the card punching machine which transposes the designs for Schiffli machines onto jacquard cards.

QUALITY CONTROLLER

means an employee, other than a pre-inspector, who carries responsibility for quality control in a factory ensuring that the quality of any product, whether in a finished or unfinished state, meets the standard of quality determined by the employer.

ROLLER/SPOOLER/CASCADER/MAKE-UP WORKER/STRIP ROLLER

means an employee who is engaged in transferring fabric/yarn onto rolls, spools or into cartons.

SET LEADER

means an employee who is responsible for the work executed by the employees in a set or team under his charge and who takes an active part in the operation of a set.

SETTERS (MECH ASSIST)

means an employee engaged in adjusting and setting tension springs and gears on a braiding machine.

SHUTTLE FILLER

means an employee who fills the shuttles with yarn for the Schiffli embroidery machine.

SINGLE SET STITCHER

means an employee who performs the function of straight line stitching on a sewing or tubing machine on a single set.

SLOTTER

means an employee who operates a slotting machine.

SORTER

means an employee engaged in sorting out for various operations.

STITCHER

means an employee who operates a lock stitch machine sewing fabric together so that it can go through the schcaring machine.

STORE KEEPER

Means an employee engaged in the issuing of yarns to the winding department.

STOREMAN

means an employee in general charge of stores and/ or finished products and who is responsible for receiving, controlling, storing, packing or unpacking goods in a store or warehouse and/or delivering goods from a store or warehouse to the consuming departments in an establishment or for despatch.

SUPERVISOR

means an employee who supervises a group of employees and carries the responsibility for the correct and efficient execution of the work entrusted to the care of such employee in a factory or a department of a factory.

TABLE HAND

means an employee involved in the laying up and cutting of broad width fabric.

TEAM LEADER

means an employee who is responsible for the work executed by the employees in a set or team under his charge and who takes an active part in the operation of a set.

TIPPER

means an employee engaged in operating a manual or automatic tipping machine.

TWISTER

means an employee engaged in the operating and loading of a twisting machine.

VAN GUARD

means an employee who accompanies the driver and assists in loading and dispatching goods, obtaining receipts and general duties pertaining to the vehicle.

WARPER

means an employee who prepares warps from cones or bobbins for a warp knitting or similar machine and prepares the beam.

WATCHMAN

means an employee engaged in guarding premises, building or other property.

WEAVING MACHINE OPERATOR

means an employee operating one or a set of weaving machines and capable of identifying faults, changing needles, sliders and sinkers, straightening tricks, including chain and card control and making minor adjustments to such items as yarn tensions when necessary.

WINDER

means an employee engaged in operating a yarn winding machine.

WORKSHOP ASSISTANT

means an employee engaged in assembling, oiling, cleaning, carrier stripping and other minor stripping of machines and / or machine parts.

C. HOURS OF WORK**6. CLAUSE 15 OVERTIME**

Substitute the following for the existing clause 15

15.1 As per the provisions of clause 15.1 of Part 1 of this Agreement.

15.2 As per the provisions of clause 15.2 of Part 1 of this Agreement.

15.3 As per the provisions of clause 15.3 of Part 1 of this Agreement.

15.4 As per the provisions of clause 15.4 of Part 1 of this Agreement.

15.5 Aggregation of overtime

15.5.1 Employees shall only qualify for the payment of overtime rates, once they have worked their full normal weekly hours of work for an applicable pay week.

15.5.2 All absenteeism shall be taken into account for the purpose of calculating the total normal weekly hours worked by an employee.

15.5.3 The provisions of this clause shall not apply to annual leave, protected industrial action, public holidays, short time, maternity leave, family responsibility leave and authorised shop stewards' time-off.

7. CLAUSE 17: PUBLIC HOLIDAYS

Substitute the following for the existing clause 17.7 and 17.10

The provisions of clause 17 of Part 1 of this agreement shall apply, subject to the following;

17.7 If an employee works for longer than 4 hours on a public holiday, then the employer must pay that employee at double his or her normal daily rate, or double the hourly rate for the hours worked, whichever is the greater.

17.10 An employee may take paid leave of 1 hour on 18 July each year for a general meeting at a time and place agreed between the employer and the trade union representatives at the workplace.

D: LEAVE**8. CLAUSE 22: SICK LEAVE**

Substitute the following for the existing clause 22.4

22.4 As per the provisions of clause 22.4 of Part 1 of this Agreement subject to the following additions:

22.4.1 As per the provisions of clause 22.4.1 of Part 1 of this Agreement.

22.4.2 As per the provisions of clause 22.4.2 of Part 1 of this Agreement.

22.4.3 As per the provisions of clause 22.4.3 of Part 1 of this Agreement.

22.4.4 To a temporary employee who works less than 24 hours per month.

E: EMPLOYEE BENEFITS**9. CLAUSE 27: FUNERAL BENEFITS**

Substitute the existing table with the following new table

The employee	R 1 500,00
The employee's spouse	R 1 500,00
The employee's children	
between 14 and 21 years	R 1 500,00
between 6 and 14 years	R 800,00
under 6 years (including stillborn)	R 500,00

H: GENERAL**10. CLAUSE 49: OTHER CONDITIONS OF EMPLOYMENT**

Substitute the following for the existing clause 49.1

49.1 Industry Protection Fund: All employers shall pay an amount of 10^c per bargaining unit employee per week to the union's Industry Protection Fund. This contribution shall be paid annually and directly to the union, in a lump sum, by no later than 31 January each year, calculated on the number of employees in employ as at 30 November in the previous year.

11. CLAUSE 51: DEFINITIONS

Substitute the following for the existing clause 51

The provisions of Annexure A of Part 1 of this Agreement shall apply, subject to the following additions:

"bargaining unit" means all employees (weekly and monthly paid) who fall within the sectoral scope of the Woven and Crochet sub-sector as defined by clause 1.1 and 1.2 of Annexure C of Part 2 and for whom wages are prescribed in Annexure C of Part 2 of this Agreement;

"experience" means the time workers spent in the grade;

"Gross annual earnings" means the amount of money earned by an employee in a year, including ordinary hours, overtime, Sunday times, long service, public holiday, sick and leave pay, but excluding production, productivity and annual bonus;

"night shift" means the continuous period of work between 18:00 and 06:00.

PART 2

ANNEXURE D

MANUFACTURED FIBRES SUBSECTOR

A. APPLICATION

12. CLAUSE 1: SCOPE OF APPLICATION

1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 of Part 1 of this agreement the scope of this sub sector will be defined as follows:

Manufactured Fibres Sub sector, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the making of: manufactured fibres, including the manufacture and distribution of polymers or other materials from which manufactured fibres are derived, the dyeing and / or finishing and / or processing in any manner whatsoever of such fibres, polymers or materials, and includes all operations, products and activities incidental thereto and consequent thereon.

B. REMUNERATION

13 CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4.1 and 4.2

4.1 As per the provisions of clause 4.1 of Part 1 of this Agreement.

4.2 Every employer must pay each employee a wage that is not less than the basic minimum wage set out in the table below.

Grade	Minimum Monthly Wage
A1	R3153.88
A2	R3331.97
A3	R3469.16
B1	R3606.32
B2	R3817.96
B3	R4039.30
B4	R4395.47
B5	R4921.41

PART 2**ANNEXURE E****CARPETS SUBSECTOR****A. APPLICATION****14. CLAUSE 1: SCOPE OF APPLICATION**

1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 of Part 1 of this agreement the scope of this sub sector will be defined as follows:

Carpets Subsector, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the manufacture and / or converting of: all types of carpets, rugs, carpet tiles and broadloom carpets, and includes all operations, products and activities incidental thereto and consequent thereon.

B. REMUNERATION**15 CLAUSE 4: MINIMUM WAGES**

Substitute the following for the existing clause 4

4.1 The minimum wages for the Carpet Subsector which an employer shall pay to employees shall be R17.73 per hour unless an exemption is granted:

4.2 Every employer must pay each employee a wage that is not less than the minimum wage set out in clause 4.1 above.

4.3 As per the provisions of clause 4.3 of Part 1 of this Agreement.

16. CLAUSE 7: LONG SERVICE ALLOWANCE

Substitute the following for the existing clause 7

7.1 Every employer must pay each employee a long service award in addition to the wage prescribed in clause 4 above.

7.2 The long service award is:

(a) 60c per week for each completed year of service

(b) payable from 1 July 2007

7.3 The long service award from 1 January 2008 will be 65c per week for each completed year of service.

E: EMPLOYEE BENEFITS**17 CLAUSE 25: RETIREMENT FUND**

Substitute the following for the existing clause 25

- 25.1 As per the provisions of clause 25.1 of Part 1 of this Agreement
- 25.2 The employer contribution to the applicable retirement fund shall be a minimum of 7% of the basic wage and the employee contribution to the fund shall be 6% of the basic wage.
- Temporary employees in the employ of the employer shall not be entitled to retirement fund membership for any period of employment during the period of operation of Part 1 of this Agreement.

18. **CLAUSE 29: SACTWU HIV/AIDS PROJECT**

Substitute the following for the existing clause 29

- 29.1 All employers in the Carpet Subsector shall recognise HIV/AIDS awareness training as a skills priority area within their Workplace Skills Plans and shall schedule two hours' paid time-off per employee per annum for HIV/AIDS awareness programmes co-ordinated by a HIV/AIDS Steering Committee at each establishment in association with the trade union's HIV/AIDS Project.
- 29.2 For the purpose of providing for a fund to provide HIV/AIDS education and awareness in the workplace, each employer shall contribute 20c (twenty cents) per week per employee. Such contribution shall be made directly to the SACTWU Finance Department, on an annual basis, by no later than 31 January each year. The amount to be paid shall be calculated according to the number of employees in employ as at 30 November of the previous year. The union shall provide the employers with regular (at least bi-annual) reports on the activities of the SACTWU HIV/AIDS project.

PART 2

ANNEXURE F

WOOL AND MOHAIR SECTION

A. APPLICATION

19. **CLAUSE 1: SCOPE OF APPLICATION**

- 1.1 As per clause 1 of Part 1 of this agreement
- 1.2 In addition to clause 1 of Part 1 of this agreement the scope of this subsector will be defined as follows:
- Wool and Mohair Section which, without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the purpose of handling and/or receiving and/or grading and/or sorting and/or weighing and/or cataloguing and/or washing and/or carbonising and/or combing and/or bleaching and/or shrink proofing

of wool, mohair, and/or similar fibres and includes all operations, products and activities incidental thereto and consequent thereon

E: EMPLOYEE BENEFITS

20. CLAUSE 29. SACTWU HIV/AIDS PROJECT

Substitute the following for the existing clause 29

- 29.1 Each employee shall be granted two (2) hours paid time off per annum for HIV/AIDS awareness training. Such training to be co-ordinated by the SACTWU HIV/AIDS Project.
- 29.2 For the purpose of providing for a fund to provide HIV/AIDS education and awareness in the workplace, each employer shall contribute 30c (thirty cents) per week per employee. Such contribution shall be made directly to the SACTWU Finance Department, on an annual basis, by no later than 31 January each year. The amount to be paid shall be calculated according to the number of employees in employ as at the 30 November of the previous year. The union shall provide the employers with regular (at least bi-annual) reports on the activities of the SACTWU HIV/AIDS Project.

G: ORGANISATIONAL RIGHTS

21. CLAUSE 35: SHOP STEWARDS' RIGHTS AND FACILITIES

Substitute the following for the existing clause 35.1

- 35.1 Shop stewards' leave entitlement shall be 7 days per shop steward per annum for the number of shop stewards set out in the Labour Relations Act. This shop stewards leave entitlement will increase to 8 days per shop steward per annum with effect from 1 July 2008.

PART 2

ANNEXURE G

WORSTED SECTION

A. APPLICATION

22. CLAUSE 1: SCOPE OF APPLICATION

1.1 As per clause 1 of Part 1 of this agreement

1.2 In addition to clause 1. of Part 1 of this agreement the scope of this subsector will be defined as follows

Worsted Section, which without in any way limiting the ordinary meaning of the expression, shall mean that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the purpose of manufacturing worsted tops and / or noils; worsted yarns and / or worsted fabrics; and woolen and / or mixed yarns and /

or woolen or mixed cloths and / or by-products from wastes or other products and includes all operations, products and activities incidental thereto and consequent thereon.

B: REMUNERATION

23. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

4.1 The minimum wages for the Worstest section, which an employer shall pay to employees shall be as specified in clause 4.2 below.

4.2 Every employer must pay each employee a wage that is not less than the minimum wage rate prescribed in the relevant table below and for the grade specified.

4.2.1 Verticals

GRADE	CURRENT MINIMUM HOURLY RATE	NEW MINIMUM HOURLY RATE FROM 1/7/2007
1	13.35	13.91
2	13.79	14.35
3	14.45	15.01
4	15.52	16.08

4.2.2 Spinners

GRADE	CURRENT MINIMUM HOURLY RATE	HOURLY RATE INCREASE	NEW MINIMUM HOURLY RATE FROM 1/7/2007
1	R13.03	R0.78	R13.81
2	R13.47	R0.81	R14.28
3	R14.14	R0.85	R14.99
4	R15.27	R0.92	R16.19

4.2.3. The current hourly rate for all Spinners on Wage Grades 1 to 4 will be increased as follows:

Grade 1: 0.78 cents per hour

Grade 2: 0.81cents per hour

Grade 3: 0.85 cents per hour

Grade 4: 0.92 cents per hour

The Council's minimum hourly rates for the Spinners shall be increased by 6.0% from the effective date of this agreement.

4.3 As per the provisions of clause 4.3 of Part 1 of this Agreement.

24. CLAUSE 6. SHIFT ALLOWANCE

Substitute the following for the existing clause 6

The various current practices which exist at plant level will continue to be implemented.

25. CLAUSE 8: ANNUAL BONUS

Substitute the following for the existing clause 8

8.1 VERTICALS

Every employer shall pay an amount of R619.84 in addition to the annual bonus equal to two (2) weeks wages, calculated on the actual basic hourly rate.

8.2 SPINNERS

Every employer shall pay an annual bonus equal to two (2) weeks wages, calculated on the actual basic hourly rate.

8.3 The annual bonus shall be payable in December of each year.

8.4 Temporary employees in the employ of the company as at December of each year shall be entitled to a pro-rata bonus for all periods of employment during that year.

26. CLAUSE 9: CHANGE IN OCCUPATION

Substitute the following for the existing clause 9

If an employer requires or permits an employee to work for longer than an hour in an occupation or skill level in respect of which a higher wage is prescribed, the employer must pay that employee at the higher wage rate per hour for all the ordinary work performed that day.

E: EMPLOYEE BENEFITS**27. CLAUSE 25: RETIREMENT FUND**

Substitute the following for the existing clause 25

25.1 As per the provisions of clause 25.1 of Part 1 of this Agreement.

25.2 Minimum contributions by the employer and the employee to the relevant Provident Fund shall be as follows:

Employer: 6.5% of employee's basic wage

Employee: 5.0% of employee's basic wage

28. CLAUSE 29: SACTWU HIV/AIDS PROJECT

Substitute the following for the existing clause 29

For the purpose of providing for a fund to provide HIV/AIDS education and awareness in the workplace, each employee in the Bargaining Unit shall contribute 30c (thirty cents) per week. These contributions shall be forwarded monthly by the employer to the SACTWU Finance Department – HIV Aids Project.

H: GENERAL**29. CLAUSE 49: OTHER CONDITIONS OF EMPLOYMENT**

Substitute the following for the existing clause 49

JOB PROTECTION FUND: All employees in the Bargaining Unit shall pay an amount of 25c per week. These contributions shall be forwarded monthly by the

employer to the SACTWU Finance Department – Job Protection Fund.

PART 2

ANNEXURE H

WOVEN COTTON TEXTILE PRODUCTS SUBSECTOR

A. APPLICATION

30. CLAUSE 1: SCOPE OF APPLICATION

1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 of Part 1 of this agreement the scope of this subsector will be defined as follows:

Woven Cotton Textile Products Subsector, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the:

- A. manufacture of yarn from any combination of the following raw materials: cotton; spun silk; rayon, including viscose; acetate; cup ammonium; nylon; and / or any other synthetic or man-made fibre including all waste and / or by-products from any or all such fibres (but excluding the manufacture of any worsted processed yarn for use in the worsted part of the industry);
- B. manufacture of any woven cloth or fabric, from any or all of the raw materials and / or wastes and / or yarns mentioned in "A" (above), including manufactured filament yarns;
- C. printing and/or dyeing and / or finishing and / or processing of any raw materials, and / or wastes, and / or yarns and woven fabrics mentioned in "A" and "B" and includes all operations, products and activities incidental thereto and consequent thereon.

B: REMUNERATION

31. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

4.1 As per the provisions of clause 4.1 of Part 1 of this Agreement.

4.2 Every employer must pay each employee a wage, which is not less than the minimum wage rate prescribed in the table below:

Grade	Rand per Hour
1	15.21
2	15.51
3	15.93

4	16.62
5	17.46

- 4.3 As per the provisions of clause 4.3 of Part 1 of this Agreement.
- 4.4 If an employer is already paying equal to or more than the rates set out in clause 4.2 of this annexure at the date this Agreement comes into effect, the following minimum hourly increases shall be paid to employees:

Grade	Increase: Cents per Hour
1	0.86
2	0.88
3	0.90
4	0.94
5	0.99

4.5 Those employees who are employed in a higher grade than stipulated in clause 4.2, who fall within this subsector's bargaining unit and who are not covered by other wage agreements resulting from collective bargaining, shall receive a 6.0% increase on their actual hourly wage rate.

4.6 An employer who is paying less than the rates set out in clause 4.2 of this Annexure at the date this Agreement comes into effect, shall increase the wage rate paid to no less than that specified in clause 4.2 of this Annexure: Provided such wage increase is no lower than that specified in clause 4.4 of this Annexure.

4.7 The wage grading structure for this sub-sector shall be as follows:

GRADE	GENERIC JOB CLASSIFICATION	DESCRIPTIVE/ DISTINGUISHING CRITERIA	COMPARABLE JOB CLASSIFICATION*			
			PAT	TSK	HAY	PER
1	General Utility Worker	<ul style="list-style-type: none"> work of manual nature defined task: little or no discretion learning period <2 weeks mainly physical activity/process. 	A1 A2	1 2	G1	17 18 19
2	Attendant Assistant	<ul style="list-style-type: none"> discretion within defined limits learning period <4 weeks attends to process; does not control operation, semi repetitive functional equivalent to numeracy and literacy of Grade 7 education required. 	A3 B1	3 4	G2	15 16

3	Operator / Clerk	<ul style="list-style-type: none"> • previous experience at G2 maybe required • learning period up to six months before full competency achieved • functional equivalent to numeracy and literacy of Grade 10 education required. • discretion and judgement required in decision making • these skills are acquired through a learning period and developed by a consistent application and correction until operations become routine. 	B2	5	G3	14
4	Senior / Versatile Operator / Clerk	<ul style="list-style-type: none"> • Previous experience at G3 required • additional learning period up to one year • functional equivalent to numeracy and literacy of Grade 12 education required. • wide discretion and judgement in decision making • multiskilled, capable of operating more than one process competently in G3 and G4 operations. 	B3	6	G4	13
5	Supervisor Operator / Clerk Sectional Supervisor	<ul style="list-style-type: none"> • Responsible for a section of process or section plant • supervisor skills certified • Fully competent in all functions at G4. 	B4 B5	7 8	G5	11 12

*PAT = Paterson; TSK = Task; PER = Peromnes

- 4.8 Each company shall set up a Job Grading Committee to hear and decide disputes and/or appeals relating to the evaluation of jobs. The decisions of this Job Grading Committee shall be by simple majority, based on a secret vote, and shall be final and binding. The Job Grading Committee shall consist of an equal number of employer and employee representatives. Should the Grading Committee not be able to reach a decision, either party shall have the right to further utilise applicable procedures in terms of the provisions of applicable law.

32. CLAUSE 6: SHIFT ALLOWANCE

Substitute the following for the existing clause 6.1

- 6.1 An employer shall pay a minimum night-shift allowance of 5% of the basic hourly rate of pay for work performed between 18:00 and 06:00.

H: GENERAL**33. CLAUSE 49: OTHER CONDITIONS OF EMPLOYMENT**

Substitute the following for the existing clause 49

- 49.1 **JOB PROTECTION CAMPAIGN:** All employers shall contribute an amount of 25c per bargaining unit employee per week to the SACTWU Job Protection Campaign. The monies collected to be paid to the Bargaining Council monthly and specified detailed reports to be submitted on the application of all funds utilized for the Job Protection Campaign. This clause shall remain in force until 30 June 2008.

34. CLAUSE 50: FREQUENCY OF NEGOTIATIONS AND INDUSTRIAL ACTION

Substitute the following for the existing clause 50

- 50.1 This agreement shall remain in force until 31 December 2008, save that the parties to

the Council shall annually negotiate amendments to this agreement, unless otherwise agreed, provided that no such amendments shall take effect before 1 JULY 2008

- 50.2 Subject to the proviso in clause 50.1, either party to the Council shall have the right to pursue protected industrial action, in the event of agreement not being reached after utilizing applicable procedures, on any issue in negotiations between the parties on wages and other substantive issues.

- 50.3 Reference to negotiations in clause 50.2 above shall mean negotiations as contemplated in clause 50.1 above.

- 50.4 Section 65 (3) of the Labour Relations Act, shall not render industrial action contemplated in clauses 50.1 and 50.2 above to be unprocedural. On the contrary, it shall be deemed procedural, providing the other relevant provisions of the Labour Relations Act are complied with.

- 50.5 The provisions of this clause shall also be applicable to non-parties.

- 50.6 No industrial action shall be permitted on issues covered in any Council agreement during the effective period of such agreement, subject to the provisions of this clause.

PART 2**ANNEXURE I****HOME TEXTILES SECTION****A. APPLICATION****35. CLAUSE 1: SCOPE OF APPLICATION**

- 1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 Part 1 of this agreement the scope of this subsector will be defined as follows:

Home Textiles Section, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the manufacture of household textiles; textile furnishings; towels and toweling; and any other made-up textiles. and includes all operations and activities incidental thereto and consequent thereon; but excludes the manufacture of any garments and other products that are covered by the jurisdiction of the National Clothing Bargaining Council;

B. REMUNERATION

36. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

- 4.1 The minimum wages for the Home Textiles Section, which an employer shall pay to employees, shall be as specified in table 4.2 below.
- 4.2 Every employer must pay each employee a wage that is not less than the minimum wage rate prescribed in the table below and for the grades as specified in the grading table in 4.5 below:

GRADE	HOURLY RATE OF PAY
1	R 8.67
2	R 9.33
3	R 10.01
4	R 10.74
5	R 11.89

- 4.3 As per the provisions of clause 4.3 of Part 1 of this Agreement.
- 4.4 If an employer is already paying wage rates equal to or more than the wage rates set out in clause 4.2 of this Annexure at the date this agreement comes into effect, the following minimum hourly increases per grade shall be paid to employees:

GRADE	INCREASE
1	49 cents per hour
2	53 cents per hour
3	57 cents per hour
4	61 cents per hour
5	67 cents per hour

- 4.5 The Job Grading Structure for the Home Textiles Section will be as detailed in the table below:

GRADE	GENERIC JOB CLASSIFICATION	DESCRIPTIVE/ DISTINGUISHING CRITERIA	COMPARABLE JOB CLASSIFICATION *			
			PAT	TSK	HAY	PER
1	General Utility Worker	<ul style="list-style-type: none"> • Work of manual nature • Defined task: little or no discretion • learning period <2 weeks • Mainly physical pressure 	A1 A2	1 2	G1	17 18 19
2	Attendant Assistant	<ul style="list-style-type: none"> • Discretion within defined limits • learning period <4 weeks • attends to process; does not control operation, semi repetitive • functional equivalent to numeracy literacy of grade 7 required. 	A3 B1	3 4	G2	15 16
3	Operator / Clerk	<ul style="list-style-type: none"> • Previous experience at G2 maybe required • learning period up to six months before full competency achieved • functional equivalent to numeracy literacy of grade 10 required • discretion and judgement required in decision making • these skills are acquired through a learning period and developed by a consistent application and correction until operations become routine. 	B2	5	G3	14
4	Senior / Versatile Operator / Clerk	<ul style="list-style-type: none"> • Previous experience at G3 required • Additional learning period up to one year • Functional equivalent to numeracy literacy of grade 12 required • Wide discretion and judgement in decision making • and multiskilled, capable of operating more than one process competently in G3 and G4 operations. 	B3	6	G4	13
5	Supervisor Operator / Clerk Sectional Supervisor	<ul style="list-style-type: none"> • Responsible for a section of process or section plant • supervisor skills certified • fully competent in all functions at G4. 	B4 B5	7 8	G5	11 12

*PAT = Paterson; TSK = Task; HAY = Hay; PER = Peromnes

Procedures to resolve grading grievances will be agreed upon at plant level.

E: EMPLOYEE BENEFITS

37. CLAUSE 29: SACTWU HIV/AIDS PROJECT

Substitute the following for the existing clause 29

Each employer shall contribute 30c per week per employee towards the SACTWU HIV/AIDS Project. This contribution shall be paid over directly to the SACTWU Finance Department (Head Office Account), at the end of December and the end of June of each year

H: GENERAL

38. CLAUSE 50: FREQUENCY OF NEGOTIATIONS AND INDUSTRIAL ACTION

Substitute the following for the existing clause 50.1

50.1 This Agreement shall remain in force until 31 December 2008, save that the parties to the Council shall annually negotiate amendments to this Agreement, unless otherwise agreed, provided that no such amendments shall take effect before 1 July 2008.

PART 2

ANNEXURE J

BLANKETS SECTION

A. APPLICATION

39. CLAUSE 1: SCOPE OF APPLICATION

1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 of Part 1 of this agreement this subsector will be defined as follows:

Blankets Section, which without in any way limiting the ordinary meaning of the expression, means that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the manufacture of:

- A. all types of blankets and blanketing (not limited to blanketing, throws, travelling rugs and shawls, whether un-raised, raised, plain, dyed, printed, blanketing in roll-form or otherwise treated) made by woven, knitted (circular or warp), needle-punch, tufted, malipol, malimo processes;
- B. yarns for sale or on commission, if such yarns in the final weight of woollen, worsted, acrylic, cotton, mohair or mixed composition yarns, measure 5 000 metres or

more (50d-tex or more) to the kilogram, for use in the manufacture of the articles referred to in paragraph A., and includes all operations, products and activities incidental thereto and consequent thereon.

B: REMUNERATION

40. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

- 4.1 The minimum wage for the Blanket Section which an employer shall pay to employees shall be as specified in clause 4.2 below.
- 4.2 Every employer must pay each employee a wage that is not less than the minimum wage set out in the table below.

s	Grade	Experience	Increase per hour	Rate per Hour
1		-	0.49cents	8.81
2		0 – 3 months Qualified	0.53 cents 0.55 cents	9.51 9.73
3		0 – 12 months Qualified	0.57 cents 0.58 cents	10.17 10.26
4		0 – 12 months Qualified	0.63 cents 0.64 cents	11.27 11.38
5		0 – 12 months Qualified	0.80 cents 0.81 cents	14.19 14.35

4.3As per the provisions of clause 4.3 of Part 1 of this Agreement.

4.4An employer who pays an employee below the wage specified in clause 4.2 shall implement the minimum wage.

4.5An employer who pays an employee more than the minimum wage specified in clause 4.2 must continue to pay the higher wage.

4.6The grading structure for the Blanket section shall be as follows:

Grade	Positions : General Worker
1	Cleaner Tea Preparer Kitchen Attendant Raw Material Sorter Blanket / Material Cleaner String Remover Waste Handler Cloth Carrier Silo Assistant Bale Opener Spinning Waste Sorter Labourer
Grade	Positions : Process Worker

2	Dye House Helper Lubricator / Oiler Yarn Transporter Yarn Weigher Vaporizer Perching Assistant Weft Supplier Blanket Folder Tow Cutter Bale Presser Truck Assistant Blanker Handler Blanket Transporter Plastic Wrapper Shop Assistant Blanket Distributor Sample Preparer Edging Bobbin Preparer Engineering Aid
Grade	Positions : Process Operator
3	Blending Operator Mechanical Card Cleaner Carding Operator Card Wheel Operator Security Guard Spinning Operator Winding Operator Twisting Operator Creeler Weaver Drawer-in Operator Fringing Operator Stenter Operator Milling / Washing / Scouring Operator Poll Rotor Operator Calendering Operator Sewer Blanket Cutter Boiler Attendant Forklift Driver Light Motor Vehicle Driver Clerk
Grade	Positions: Senior/Multi-skilled Operator
4	Warper Percher Knotter Loom Loader Head Weaver Dye Weigher Laboratory Assistant

	Quality Checker Handyman Senior Clerk Senior Security Guard Truck Driver Unit Supervisor / Team Leader
Grade	Positions : Supervisory / Mechanical
5	Loom Tuner Machine Mechanic Production Controller Section Supervisor Security Supervisor

4.7 Collective bargaining on job grading systems shall take place at Council level.

4.8 Any complaint, grievance or dispute relating to the evaluation of any job and grade shall be processed through the applicable grievance procedure at plant level.

41. CLAUSE 8: ANNUAL BONUS

Substitute the following for the existing clause 8

- 8.1 Every employer must pay each employee an annual bonus of 4.8 % of the actual basic earnings per annum or 2.5 weeks of this basic earnings, calculated on the actual basic hourly rate.
- 8.2 The annual bonus is paid not later than a week before Christmas Day in December each year.
- 8.3 The annual bonus is based on a full year of service commencing on 1 November of the preceding year ending on 31 October of the year in which the annual bonus is paid.
- 8.4 If an employee starts employment on or after 1 November, that employee is entitled to a pro-rata amount of the annual bonus for the period worked up to 31 October.
- 8.5 Where the bonus is payable annually in December of each year, an employee whose employment is terminated:
 - 8.5.1 before 1 November is not entitled to any annual bonus; or
 - 8.5.2 on or after 1 November but before the actual date of payment of this bonus, must be paid the annual bonus on the date of termination;
- 8.6 With effect from 01 August 2007, a fixed term contract employee who has worked continuously for an employer for a full calendar cycle as at 31 October of each year, must receive a minimum annual bonus equivalent to 0.96% of the employee's actual annual basic wages, calculated at such employee's basic weekly or monthly rate.
 - 8.6.1 With effect from 01 August 2007, an employee who has less than one calendar cycle year of service as at 31 October of that year, shall receive an annual bonus pro-rated to the actual completed months of service, calculated at such employee's basic weekly or monthly rate.

8.6.2 The annual bonus is to be paid annually in December each year.

8.6.3 Any fixed term contract employee who terminates employment before 1 November each year, is not entitled to any annual bonus.

8.7 Any temporary employee in the employ of the employer shall not be entitled to annual

bonus for any period of employment during the period of operation of Part 1 of this Agreement

PART 2

ANNEXURE K

NON WOVEN TEXTILES SUBSECTOR

A. APPLICATION

42. CLAUSE 1: SCOPE OF APPLICATION

1.1 As per clause 1 of Part 1 of this agreement.

1.2 In addition to clause 1 of Part 1 of this agreement the scope of this subsector will be defined as follows:

Non-Woven Textiles Subsector, without in any way limiting the ordinary meaning of the expression, shall mean that part of the industry in which employers and employees are associated, either in whole or in part, for any activity whatsoever, for the manufacture of: all types of non-woven textile products including but not limited to flock, wadding, padding, felt, under-felt, medical wadding, cotton wool, and needle-punched, stitch-bonded, spun-bonded; chemically-bonded, thermo-bonded or laminated textile fibre materials. It shall include all operations, products and activities incidental thereto and consequent thereon.

B. REMUNERATION

43. CLAUSE 4: MINIMUM WAGES

Substitute the following for the existing clause 4

4.1 As per the provisions of clause 4.1 of Part 1 of this agreement.

4.2 Every employer must pay each employee a wage that is not less than the minimum wage set out in the table below.

Grade	Hourly rate of pay
A1 /A2	R14.91
A3 / B1	R15.08
B2 / B3	R15.83
B4 / B5	R17.02

4.3 As per the provisions of clause 4.3 of Part 1 of this Agreement.

4.4 The grading system implemented in this sub-sector is the Paterson Decision Band Methodology.

Signed at DURBAN, for and behalf of the parties to the Council this 30th day of
October 2007

EJ MILNE
CHAIRMAN OF THE COUNCIL

J DANIEL
SECRETARY OF THE COUNCIL
