

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 9133

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**Pretoria, 7 August
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IMPORTANT ANNOUNCEMENT

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

2009

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

- ▶ **6 August**, Thursday, for the issue of Friday **14 August 2009**
- ▶ **17 September**, Thursday, for the issue of Friday **25 September 2009**
- ▶ **10 December**, Thursday, for the issue of Friday **18 December 2009**
- ▶ **15 December**, Tuesday, for the issue of Thursday **24 December 2009**
- ▶ **21 December**, Monday, for the issue of Thursday **31 December 2009**
- ▶ **30 December**, Wednesday, for the issue of Friday **8 January 2010**

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- & REGULASIE-
 KENNISGEWINGS ASOOK PROKLAMASIES**

2009

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

- ▶ **6 Augustus**, Donderdag, vir die uitgawe van Vrydag **14 Augustus 2009**
- ▶ **17 September**, Donderdag, vir die uitgawe van Vrydag **25 September 2009**
- ▶ **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2009**
- ▶ **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2009**
- ▶ **21 Desember**, Maandag, vir die uitgawe van Donderdag **31 Desember 2009**
- ▶ **30 Desember**, Woensdag, vir die uitgawe van Vrydag **8 Januarie 2010**

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 kople drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 816

7 August 2009

PROPOSED RESTRICTIONS NOTICE REGARDING THE USE OF CERTAIN AGRICULTURAL REMEDY

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries acting under Section 7bis of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947) hereby publish notice to restrict the use of Agricultural Remedy, containing Chlorpyrifos, as an active ingredient in household, home garden and domestic use, for comments by the general public. The restrictions are as follows:

- (a) Only the formulations listed below will be allowed for household, home garden and domestic use.
 - (i) Liquid formulations containing a max of 0,5%;
 - (ii) Dust containing a maximum of 2%;
 - (iii) Baits containing a maximum of 0,5%; and
 - (iv) Microencapsulated formulations containing a maximum of 0,4%

- (b) All other Chlorpyrifos formulations will not be allowed in packaging smaller than 1 kg or 1litre.

Comments must be submitted in writing within 30 days of publication of this notice to:

Name: Jonathan Mudzunga
Designation: Registrar: Act No. 36 of 1947
Postal Address: Private Bag X 343, PRETORIA, 0001
Physical Address: 20 Beatrix Street, Arcadia, PRETORIA
Fax: (012) 319 7851
E – Mail: MalutaM@daff.gov.za

T. Joemat-Pettersson,
Minister of Agriculture, Forestry and Fisheries.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 817

7 August 2009

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: EXTENSION
OF AMENDMENT OF MAIN COLLECTIVE AGREEMENT TO NON-PARTIES**

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 Bargaining Council for the Road Freight Industry 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 17 August 2009 and for the period ending 28 February 2011.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 817

7 Augustus 2009

WET OP ARBEIDSVERHOUDINGE, 1995**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: UITBREIDING VAN
WYSIGING VAN HOOF KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe ooreenkoms wat in die Engelse Bylae hierby verskyn en wat in die Nasionale Bedingingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 17 Augustus 2009 en vir die tydperk wat op 28 Februarie 2011 eindig.

**M M S MDLADLANA
MINISTER VAN ARBEID**

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY
AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the -

Road Freight Employers' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), on the one part, and the

Motor Transport Workers' Union (South Africa)**Professional Transport Workers' Union of South Africa****South African Transport and Allied Workers' Union (SATAWU)**

and

Transport and Allied Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), on the other part, being the parties to the National Bargaining Council for the Road Freight Industry to amend the Agreement published under Government Notices R.493 and R.494 of 30 April 2004, as extended, amended and renewed by Government Notices R.769 of 25 June 2004, R.173 of 25 February 2005, R.496 of 27 May 2005, R.719 of 22 July 2005, R. 467 of 19 May 2006, R.715 of 28 July 2006, R. 154 of 23 February 2007, R.559 of 6 July 2007, R.560 of 6 July 2007, R.869 of 21 September 2007, R.151 of 20 February 2009, R.584 of 22 May 2009 and R585 of 22 May 2009.

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Road Freight Industry:-
- (a) by all the employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed therein, respectively;

- (b) In the A Area, which consists of the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan which, prior to the publication of Government Notice No. R. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. R. 498 and R. 871 of 1 April 1966 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. R. 556 and R.1618 of 29 March 1956 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. R. 1105 and R. 872 of 26 July 1963 and 26 May 1972, respectively), fell within the Magisterial District of Krugersdorp], Oberholzer (excluding that portion of the Magisterial District of Oberholzer which, prior to the publication of Government Notice No. R. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. R. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. R. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadowns 1, Holfontein 17, Leeuwpans 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria; and

- (c) In the B Area, which consists of the rest of the Republic of South Africa, excluding the Magisterial Districts specified in paragraph (b) except where otherwise indicated.
- (2) Notwithstanding the provisions of sub-clause (1), this Agreement shall apply only to employees for whom minimum wages are prescribed herein and to the employers of such employees.
- (3) Notwithstanding the provisions of sub-clause (2), this Agreement shall not apply to an owner-driver, as defined, who possesses only one motor vehicle and who is the permanent driver of such vehicle, or to the employees employed by him, except insofar as clauses 3 and 5(4) of the Main Agreement are applicable.
- (4) The provisions of clauses 1(1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and the trade unions, respectively, who entered into this Agreement.

1A. PERIOD OF OPERATION OF THE AGREEMENT

"This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 2011.

2. CLAUSE 21: HOLIDAY PAY BONUS FUND

- (1) Substitute the following sub clause 21 (12) (a):
- "(a) For the duration of this Agreement, the Exemptions Committee assisted by a person with financial expertise and who is acceptable to the Executive Committee, as defined in the Council Constitution, shall grant an employer exemption to pay holiday bonuses and leave pay direct to its employees in the event that:"

3. CLAUSE 49: BARGAINING UNIT

- (1) Substitute clause 49 (1) and (2) with the following:



“49(1) The bargaining unit shall mean all employees employed in operations, warehousing, fleet maintenance and administration but excluding management that may take decisions to recruit or discipline employees, however including supervisors and controllers regardless of whether or not they may make decisions to recruit or discipline.

49(2) for statistical purposes only, employers shall reflect on their monthly returns the names and job categories of employees falling within the Road Freight Industry, as defined, for whom no minimum wages are prescribed. Employees covered by clause 1(2) shall be dealt with ordinarily in accordance with the monthly returns submitted to council.

- (2) Insert the following new clause 49(3):

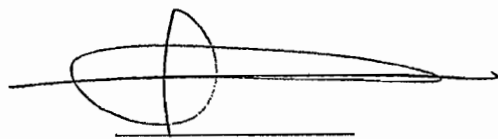
“The bargaining unit shall be dealt with in accordance with the negotiations protocol as approved by council from time to time.”

Signed at Johannesburg for and on behalf of the parties to the Council on this
9th day of June 2009.



T.C. SHORT
Chairperson of the
Council

J.J. DUBE
Vice-Chairperson
of the Council



J. LETSWALO
Secretary of the
Council

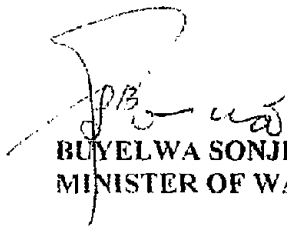
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS
DEPARTEMENT VAN OMGEWINGSAKE**

No. R. 818

7 August 2009

**MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998):
AMENDMENT OF REGULATIONS FOR THE MANAGEMENT OF WHITE
SHARK CAGE DIVING**

I, Buyelwa Patience Sonjica, the Minister of Water and Environmental Affairs, under subsections (1)(b), 2(g) and 2(y) of section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), hereby amend the regulations published under Government Notice No. R. 724 of 4 July 2008 as set out in the Schedule.



**BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

SCHEDULE**Definitions**

1. In this schedule "the Regulations" means the regulations published under Government Notice No. R. 724 of 4 July 2008.

Amendment of Regulation 5 of Regulations

2. Regulation 5 of the regulations is hereby amended by the insertion in paragraph (e) of sub-regulation (4) after the words "by the South African Qualifications Authority" of the following words:

"or equivalent qualification."

Amendment of Regulation 6 of Regulations

3. Regulation 6 of the regulations is hereby amended by the insertion in paragraph (b) of sub-regulation (1) after the words “by the South African Qualifications Authority” of the following words:

“or equivalent qualification.”.

No. R. 819

7 August 2009

**MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998):
AMENDMENT OF REGULATIONS FOR THE MANAGEMENT OF BOAT-
BASED WHALE WATCHING AND THE PROTECTION OF TURTLES**

1. Buyelwa Patience Sonjica, the Minister of Water and Environmental Affairs, under subsections (1)(b), 2(g), (2)(x)(v) and 2(y) of section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), hereby amend the regulations published under Government Notice No. R. 725 of 4 July 2008 as set out in the Schedule.



BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

Definitions

1. In this schedule "the Regulations" means the regulations published under Government Notice No. R. 725 of 4 July 2008.

Amendment of Regulation 5 of Regulations

2. Regulation 5 of the regulations is hereby amended by the insertion in paragraph (c) of sub-regulation (2) after the words "by the South African Qualifications Authority" of the following words:

"or equivalent qualification."

Amendment of Regulation 6 of Regulations

3. Regulation 6 of the regulations is hereby amended by the insertion in paragraph (b) of sub-regulation (1) after the words "by the South African Qualifications Authority" of the following words:
"or equivalent qualification."

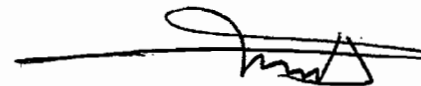
**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 815

7 August 2009

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 3 (NO. 3/647)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.



**N NENE
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the insertion of the following tariff headings to rebate item 316.09:

Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate
316.09	8516.80	03.06	68	Electric heating resistors, for the manufacture of solid-plate stoves, solid-plate hobs and solid-plate tabletop cookers of heading 85.16	Full duty
316.09	8516.90	03.06	65	Solid plates, for the manufacture of stoves, hobs and tabletop cookers of heading 85.16	Full duty

No. R. 815

7 Augustus 2009

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 3 (NO. 3/647)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by bogenoemde Wet hiermee gewysig, in die mate in die Bylae hierby aangetoon.



**N NENE
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Deur die invoeging van die volgende tariefposte by kortingitem 316.09:

Korting Item	Tariefpos	Korting Kode	T S	Beskrywing	Mate van Korting
316.09	8516.80	03.06	68	Elektriese verhittingsweerstande, vir die vervaardiging van soliede-plaat stowe, soliede-plaat oppervlak-kookplate en soliede-plaat tafelblad kooktoestelle van pos 85.16	Volle reg
316.09	8516.90	03.06	65	Soliede plate, vir die vervaardiging van stowe, oppervlak-kookplate en tafelblad kooktoestelle van pos 85.16	Volle reg