

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

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Pretoria, 9 April 2010

No. 33086

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the Gazette numbers in the righthand column:

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IMPORTANT ANNOUNCEMENT

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

2010

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

- ▶ **31 March**, Wednesday, for the issue of Friday **9 April 2010**
- ▶ **22 April**, Thursday, for the issue of Friday **30 April 2010**
- ▶ **10 June**, Thursday, for the issue of Friday **18 June 2010**
- ▶ **5 August**, Thursday, for the issue of Friday **13 August 2010**
- ▶ **16 September**, Thursday, for the issue of Thursday **23 September 2010**
- ▶ **23 September**, Thursday, for the issue of Friday **1 October 2010**
- ▶ **9 December**, Thursday, for the issue of Friday **17 December 2010**
- ▶ **15 December**, Wednesday, for the issue of Friday **24 December 2010**
- ▶ **21 December**, Tuesday, for the issue of Friday **31 December 2010**
- ▶ **30 December**, Thursday, for the issue of Friday **7 January 2011**

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

2010

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

- ▶ **31 Maart**, Woensdag, vir die uitgawe van Vrydag **9 April 2010**
- ▶ **22 April**, Donderdag, vir die uitgawe van Vrydag **30 April 2010**
- ▶ **10 Junie**, Donderdag, vir die uitgawe van Vrydag **18 Junie 2010**
- ▶ **5 Augustus**, Donderdag, vir die uitgawe van Vrydag **13 Augustus 2010**
- ▶ **16 September**, Donderdag, vir die uitgawe van Donderdag **23 September 2010**
- ▶ **23 September**, Donderdag, vir die uitgawe van Vrydag **1 Oktober 2010**
- ▶ **9 Desember**, Donderdag, vir die uitgawe van Vrydag **17 Desember 2010**
- ▶ **15 Desember**, Woensdag, vir die uitgawe van Vrydag **24 Desember 2010**
- ▶ **21 Desember**, Dinsdag, vir die uitgawe van Vrydag **31 Desember 2010**
- ▶ **30 Desember**, Donderdag, vir die uitgawe van Vrydag **7 Januarie 2011**

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 LABOUR
DEPARTEMENT VAN ARBEID

No. 270

7 April 2010

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997
INVESTIGATION INTO SECTORAL DETERMINATION 5, LEARNERSHIPS,
SOUTH AFRICA

In terms of section 52(1) of the Basic Conditions of Employment Act, No. 75 of 1997, I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby direct the Employment Conditions Commission to investigate the conditions of employment for Sectoral Determination 5, Learnerships, South Africa as well as internships.

The terms of reference shall be:

“To review the rates of allowances and conditions of employment in Sectoral Determination 5, Learnerships, South Africa as well as investigating conditions of employment and wages for internships”.

Interested parties are hereby given the opportunity of making representations to: The Executive Manager, Employment Standards Directorate, Department of Labour, Private Bag X117, Pretoria, 0001, within 60 days of the publication of this notice.



M.M.S. MDLADLANA, MP
MINISTER OF LABOUR

**SOUTH AFRICAN QUALIFICATIONS AUTHORITY
SUID-AFRIKAANSE KWALIFIKASIE-OWERHEID**

No. 271

7 April 2010



Announcement of Intention to Extend the Accreditation of the Manufacturing, Engineering and Related Services Sector Education and Training Authority (MERSETA)

The South African Qualifications Authority (SAQA) hereby notifies the public that it intends to extend the accreditation of the **Manufacturing, Engineering and Related Services Sector Education and Training Authority (MERSETA)** to include the Learning Programmes in the listed areas of specialisation recorded against the following Qualifications:

- Further Education and Training Certificate: Generic Management ID 57712 Level 4
- National Certificate: Generic Management ID 59201 Level 5

No	Area of Specialisation – Learning Programmes	ETQA	NQF Level	NLRD ID Number
1.	Further Education and Training Certificate: Generic Management: Service Station Site Management	MERSETA	Level 4	66309
2.	National Certificate: Generic Management: Motor Industry Management	MERSETA	Level 5	78824

The accreditation will be effective for the duration of the Accreditation of the **Manufacturing, Engineering and Related Services Sector Education and Training Authority (MERSETA)** in terms of Section 2 (1) of the Education and Training Quality Assurance Regulations (SAQA Act No. 58 of 1995).

Objections to this extension of accreditation must be lodged with the Executive Officer of SAQA by the 06 May 2010.

The Executive Officer
South African Qualifications Authority
Postnet Suite 248
Private Bag X06
WATERKLOOF
0145

Attention:
Deputy Director:
Telephone:
Fax:
E-mail:

Ms Margaret Barretto
Quality Assurance and Development
(012) 431 5139
(012) 431 5145
mbarretto@saga.org.za

JOE SAMUELS
DEPUTY EXECUTIVE OFFICER

GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 294 OF 2010

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): REFUSAL TO GRANT AN EXEMPTION

Notice was published in the Government Gazette of 16 October 2009 (Government Notice 1369 of 2009) regarding an application received from Allens Meshco (Pty) Ltd for an exemption in terms of section 10 of the Competition Act, No 89 of 1998, as amended ("the Act").

In its exemption application Allens Meshco sought a two year exemption to discuss prices and exports in relation to wire products; and prices, margins and vertical agreements or industry restructuring in relation to the supply of wire rod, with Cape Gate (Pty) Ltd, Consolidated Wire Industries (Pty) Ltd,¹ ArcelorMittal South Africa Ltd and Scaw South Africa (Pty) Ltd. The application was premised on the applicant's assertions that the discussions and agreements are required to achieve the objectives contained in section 10(3)(b)(i), (ii), (iii) and (iv) of the Act, which are:

- The maintenance or promotion of exports (section 10(3)(b)(i)); and
- Promotion of the ability of small businesses, or firms controlled or owned by historically disadvantaged persons, to become competitive (section 10(3)(b)(ii)); and
- Change in productive capacity necessary to stop decline in an industry (10(3)(b)(iii)); and
- The economic stability of any industry designated by the Minister of Trade and Industry, after consulting the Minister responsible for that industry (10(3)(b)(iv)).

In its evaluation, the Commission found that the exemption sought by the applicant may constitute a prohibited practice in terms of section 4(1)(b)(i), 4(1)(b)(ii) and

¹ Consolidated Wire Industries ("CWI") is owned by ArceorMittal and Anglo South Africa Capital (Pty) Ltd, and Scaw South Africa (Pty) Ltd is responsible for the management of CWI

5(1) of the Act. This is based on the fact that the exemption sought by the applicant involves discussions on margins, prices, export volumes and export markets, as well as vertical integration of the industry. These discussions would take place between Allens Meshco, its suppliers and their subsidiaries who are also the applicant's competitors.

The Commission has decided not to grant the exemption for the following reasons:

Firstly, with regards to section 10(3)(b)(i), the Commission found that exports could be promoted without coordinated discussions. Currently, the South African Wire Association and the South African Wire Business Council do research on possible export markets and the marketing for the wire industry, with the dti's assistance. This seems to go some way in promoting exports without requiring firm level discussions on prices to these markets. Further, information at the Commission's disposal does show that South African exports of wire and wire products have been on the rise, at least up to 2008.

With regards to section 10(3)(b)(ii), the Commission found that Allens Meshco does not meet the statutory definition of a small business as defined in the National Small Business Act, 102 of 1996, as amended.

In the motivation for an exemption on section 10(3)(b)(iii) grounds, the Commission found that the applicant was not able to substantiate the exemption on section 10(3)(b)(iii) grounds as no independent information reflecting a decline in the industry was put forward. In fact other industry players suggested that Allens Meshco may feel threatened by competition given that its preferential supply agreement with ArcelorMittal has now come to an end.

It was however confirmed that the wire industry is characterized by fairly low margins, and some firms have suffered financial losses in the past, or continue to do so. However, this on its own was not enough to show an industry in decline as

the financial losses incurred did not necessarily occur over the same period for all parties, nor is this peculiar to the wire industry.

In relation to job losses, the Commission found that indeed there have been job losses in various firms in the industry, however these were possibly attributable to other factors in the industry such as the ArcelorMittal supply agreement which benefitted the applicant. Allens Meshco also seems to have cut jobs as a result of a reduction in sales at least in one instance. However a reduction in sales could be as a result of a number of things and not just a declining industry.

Further, looking at unemployment trends in the manufacturing industry as a whole, the Commission is of the view that the job losses in the wire industry may be in line with the general decline in the manufacturing industry as a whole, due to various pressures including the global recession.

The Commission did not dwell on the proposal put forth to have the industry rationalized/restructured into three vertically integrated firms as this seems to go beyond the Commission's mandate, unless firms individually consider applying for a merger transaction.

Finally, in terms of section 10(3)(b)(iv), we did not evaluate the application in terms of this section as the industry has not been designated by the Minister of Trade and Industry as required by the Act.

The Commission also took into account the submissions from various industry players who all, with the exception of ArcelorMittal, advised that the exemption application should be rejected on the basis that it did not meet the requirements for granting an exemption.

In previous investigations, the Commission has also raised concerns about the history of collusion in the wire industry involving Allens Meshco, and has investigated and referred some of these matters to the Tribunal for adjudication.

Notice is further hereby given in terms of section 10(8) of the Act that the firm concerned, or any other person with a substantial financial interest affected by the decision of the Commission, may appeal to the Competition Tribunal in the prescribed manner.'

Any queries in this regard should be directed to:

Nompucuko Nontombana
Enforcement and Exemptions Division
Competition Commission
Private Bag x23
Lynwoodridge
0040
Telephone: 012 394 3465
Facsimile: 012 394 4465
Email: nompucukon@compcom.co.za

In correspondence kindly refer to case number 2009Jan4218.

NOTICE 295 OF 2010**DEPARTMENT OF TRADE AND INDUSTRY
CALL FOR NOMINATIONS
FOR THE APPOINTMENT OF THREE CANDIDATES
TO THE ARTS, CULTURE AND NATIONAL HERITAGE DISTRIBUTING AGENCY
OF THE NATIONAL LOTTERIES BOARD**

In terms of Section 30(1) of the Lotteries Act, No. 57 of 1997, the Minister of Trade and Industry, Dr Rob Davies, hereby calls on interested parties to nominate suitable candidates to fill three (3) vacancies at the Arts, Culture and National Heritage Distributing Agency (ACNHDA). Members appointed to the National Lotteries Board's (NLB's) Agency will serve for a term of five (5) years.

Criteria for ACNHDA Membership

Nominees should meet the following requirements in order to be considered for appointment as ACNHDA members:

- Have extensive knowledge of the arts, culture and national heritage sector, coupled with executive management, as well as financial skills and experience;
- Not be immediately disqualified from membership, in terms of the criteria set out in the 'Regulations relating to Distributing Agencies', No. R. 182, as published in the Government Gazette, No. 7013 of 22 February 2001; and
- Be capable of promoting the objectives of the Lotteries Act.

Nominations should be accompanied by the following supporting documentation:

- Detailed Curriculum Vitae and written motivation to explain the nominee's suitability for appointment;
- A brief statement signed by the nominee, certifying agreement to the nomination;
- A written statement, in which the nominee declares that he/she is not automatically disqualified from membership, in terms of the criteria set out in the 'Regulations relating to Distributing Agencies' (see above).

Further Considerations:

- Nominations will be subject to the preferred candidates obtaining the necessary security clearance.
- Preference will be given to candidates whose appointment will enhance representivity.
- Correspondence will be limited to short-listed members only.
- No nominations submitted via facsimile will be accepted.

Nominations should be submitted to the Minister of Trade and Industry, for the attention of:

Mr Anton Viljoen Consumer and Corporate Regulation Division Department of Trade and Industry Private Bag X84 Pretoria 0001	or	Block B, 1 st Floor 77 Meintjies Street Sunnyside Pretoria 0002
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The closing date for submission of nominations is 26 April 2010.

Enquiries should be directed to Anton Viljoen, via telephone: (012) 394 1533.

BOARD NOTICE

BOARD NOTICE 47 OF 2010

NOMINATION FOR MEMBERSHIP OF NATIONAL LANGUAGE BODIES

PanSALB herewith declares that the following persons were short-listed as proposed members of the different National Language Bodies (as indicated in each case) in terms of section 8 (8) (b) of the PanSALB Act of 1995 (as amended), and in accordance with Board Notice 94 of 2005 (Norms and Rules for National Language Bodies).

Members of the public are invited to submit written comments and/or objections regarding the published names on or before 30 April 2010 to:

The Acting Chief Executive Officer
Pan South African Language Board
Private Bag X 08
Arcadia
0007
Fax: 012-341-5938
Tel: 012-341-9638
E-mail: angie@pansalb.org.za

Should no objections be received by the stipulated due date, then the nomination will be deemed to be confirmed for appointment

XITSONGA NATIONAL LANGUAGE BODY

NAME	AREA OF OPERATION	PROVINCIAL REPRESENTATION
1. Mr. Mkomati John MONGWE	Language Standardisation Terminology & Lexicography Translation and Editing	Limpopo
2. Mr. Mbhonya Ernest MABUNDA	Literature Language in Education	Limpopo
3. Mr. XIMBANI ERIC MABASO	Language Standardisation Terminology & Lexicography Literature Language in Education Translation, Editing and Interpreting	Gauteng
4. Ms Fanani Jane MANUGU	Literature Language in Education	Gauteng
5. Mr. PAUL HENDRY NKUNA	Language Standardisation Terminology & Lexicography Literature Language in Education	Gauteng
6. Mrs. Remember Tsundzukani MWALE	Terminology Literature	Gauteng

7.	Mr. Freddy RIKHOTSO	Terminology Literature Broadcasting Research	Limpopo
8.	Ms Rhulela Shinny MAWELE	Literature Terminology Language in Education	Mpumalanga
9.	Mr. Mangalani Joshua HLUNGWANE	Terminology & Lexicography Language in Education	Western Cape
10.	Mr. Magezi Sampson MASINGI	Terminology & Lexicography Translation	Limpopo
11.	Dr Lucas Bols MTIMKHULU	Literature Language in Education	Mpumalanga
12.	Mr. Makese Rodgers HLONGWANE	Terminology & Lexicography Language in Education	North West
13.	Mr. Mandla Darnece MATHEBULA	Literature Language in Education	North West

ENGLISH NATIONAL LANGUAGE BODY		
NAME	AREA OF OPERATION	PROVINCIAL REPRESENTATION
1. Prof Nhlanhla MAAKE	Literature and Theatre Studies Language in Education	Gauteng
2. Prof Andrew John FOLEY	Literature Language in Education	Gauteng
3. Prof Christopher Deane JEFFREY	Linguistics Corpus Linguistics Language in Education	Eastern Cape
4. Prof Ralph Darryl ADENDORFF	English Language and Linguistics Language in Education	Eastern Cape
5. Mr Malcolm Montgomery HACKSLEY	Lexicography Literature Language in Education	Eastern Cape
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ISIXHOSA NATIONAL LANGUAGE BODY

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