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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

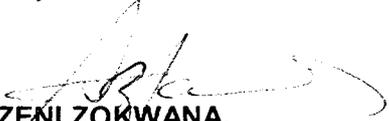
BOARD / RAAD

NO. R. 1262

14 OCTOBER 2016

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE - RECORDS AND RETURNS IN RESPECT OF
OILSEEDS PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.



**SENZENI ZOKWANA,
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES.**

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –

"commercial purposes" means where an income, remuneration or other benefit is obtained;

"exporter" means a person who exports oilseeds products from South Africa, and this includes a person who arranges or handles the exports in the name of or on behalf of another person;

"importer" means a person who imports oilseeds products into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"manufacturer" means a person who manufactures or processes, for his own account or on behalf of a third party, oilseeds products for commercial purposes;

"oilseeds products" means the following products:

- Coconut oil
- Palm oil and its derivatives
- Soybean oil
- Groundnut oil
- Sunflower oil
- Rapeseed/Canola oil
- Maize (corn) oil
- Cottonseed oil
- Blends or mixes of oils, which include one of the above oils
- Cottonseed oilcake
- Sunflowerseed oilcake
- Coconut oilcake
- Palm-nut oilcake
- Soybean oilcake
- Biodiesel
- Flours and meals of soybean
- Full-fat soybean
- Peanut butter and peanut paste
- Textured vegetable protein (TVP)

"premises" means premises where local or imported oilseeds products are manufactured, imported to or exported from and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"registered VAT vendor" means any person or entity that is registered as a vendor by the South African Revenue Services (SARS) in terms of the legislation pertaining to Value Added Tax and who has to submit returns for that purpose to SARS;

"SAGIS" means the South African Grain Information Services NPC, a non-profit company as defined by the Companies Act, No 71 of 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973); and

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

Purpose and aim of statutory measure and its relation to the objectives of the Act

2. The aim and objectives of this statutory measure are to compel manufacturers, importers and exporters of oilseeds products to keep records and submit returns to SAGIS. These shall include any person who acts in the capacity of the above-mentioned persons. The statutory measure is deemed necessary in order to ensure that market information in respect of oilseeds products is made available accurately to the public and to all role players in the oilseeds industries. Information gathered by SAGIS by means of records and returns is disseminated freely in the marketplace. Through the mandatory submission of monthly returns, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only facilitate market access for all participants, but it will assist in promoting the effective marketing of oilseeds products. Furthermore, the market information obtained in this manner will promote the viability and international competitiveness of the oilseeds industries and the agricultural sector at large, while at the same time enhancing food security and the formulation of such policy.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for the purpose of gathering, processing and disseminating information on behalf of the various cereal and oilseed industries in South Africa.

SAGIS will treat all individual information as strictly confidential.

SAGIS already publishes macro generic market information on a monthly basis for the various cereal and oilseed industries and for other interested parties. This information is obtained and furnished from the returns that are submitted to SAGIS. The information is published in a manner that is suitable to address the requirements of the majority of role players in the respective industries.

Product to which statutory measure applies

3. This statutory measure shall apply to oilseeds products.

Area in which statutory measure applies

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Records to be kept by manufacturers, importers and exporters

5. (1) Each manufacturer, importer and exporter of oilseeds products shall keep complete records for each calendar month in respect of oilseeds products that are manufactured, imported or exported by him for own use or for commercial purposes. This shall include any person who acts in the capacity of the aforementioned persons.

(2) Each person mentioned in sub-clause (1), irrespective of whether or not he has premises, shall keep the following records on a monthly basis:

- (a) Quantity manufactured – the quantity of all oilseeds products manufactured during a calendar month: Provided that the records should be kept separately for each product per province.
- (b) Imports - in respect of oilseeds products that are imported during a calendar month, records shall be kept of:
 - (i) Name and address of importer or person on whose behalf imports are made.

- (ii) Quantity of oilseeds products imported per country of origin.
 - (iii) Name and address of importer or person on whose behalf imports are made.
 - (iv) Name of border post through which a quantity of oilseeds products was imported.
 - (v) Name of harbour and owner of harbour premises through which the oilseeds products were imported.
- (c) Exports - in respect of oilseeds products that are exported, records shall be kept in respect of:
- (i) Name and address of the exporter and the person on behalf of whom the export takes place.
 - (ii) Quantity of oilseeds products exported per country of intended destination.
 - (iii) Name of border post through which a quantity of oilseeds products is exported.
 - (iv) Name and address of the last premises from where oilseeds products were dispatched to a border post for export.
 - (v) Name of harbour and owner of harbour premises where the exported oilseeds products were handled.
 - (vi) Name and particulars of the vessel in which a quantity of oilseeds products is exported.
- (3) Records mentioned in sub-clauses (1) and (2) shall be –
- (a) kept separately in respect of each oilseeds product;
 - (b) recorded on a computer or in ink in a book; and
 - (c) kept at the head office or usual place of business of the person who is required to keep them for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be submitted by manufacturers, importers and exporters

6. (1) Every manufacturer, importer and exporter of oilseeds products shall within 10 working days from the end of each calendar month submit to SAGIS an accurate prescribed return in respect of oilseeds products manufactured, imported or exported by him. This shall include any person who acts in the capacity of the aforementioned person.
- (2) The return mentioned in sub-clause (1) shall be completed on a computer or in ink and submitted on the forms available from SAGIS.
- (3) The returns shall be posted, delivered, sent or transmitted electronically to any of the postal, delivery or e-mail addresses, fax numbers or any other electronic

addresses as stipulated on the official return forms, to reach SAGIS before or on the deadline date mentioned in sub-clause (1).

- (4) Zero returns shall be submitted if no oilseeds products were manufactured, imported or exported during the period of the return.

Effective date

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse four years later.

DEPARTMENT OF DEFENCE

NO. R. 1263

14 OCTOBER 2016

DEFENCE ACT, 2002
INDIVIDUAL GRIEVANCES REGULATIONS

I, Nosiviwe Noluthando Mapisa-Nqakula, the Minister of Defence and Military Veterans, hereby under section 82(1)(zD), read with section 61(2), of the Defence Act, 2002 (Act No. 42 of 2002), make the regulations in the Schedule.

N.N. MAPISA-NQAKULA
Minister of Defence and Military Veterans

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

"Formation" means the intermediate level of command between a Service or Divisional Chief and his or her Unit or Ships, which may include Formations, Air Command, Fleet Command or any similar structure;

"Formation Officer Commanding" means the person in command of a Formation who has been designated under regulation 4;

"grievance" includes, but is not limited to, a written expression of dissatisfaction by a member or employee regarding an official act or omission relating to his or her promotion, placement, course nomination, assessment or service benefits, but excluding dissatisfaction relating to—

- (a) matters pending before, or a decision of, a military court or disciplinary hearing, a civilian court or an institution with quasi judicial powers;
- (b) professional conduct of registered medical practitioners as rendered by the South African Military Health Service to members, employees or their dependants;
- (c) matters falling under the jurisdiction of the state institutions contemplated in Chapter 9 of the Constitution of the Republic of South Africa, 1996; and
- (d) matters that have been dealt with as grievances in terms of these Regulations;

"Grievance Board" means the Grievance Board established in terms of regulation 16(1);

"Grievance Committee" means a Grievance Committee established in terms of regulation 14(1);

"secretariat" means the secretariat of the Grievance Board constituted in terms of regulation 16(1);

"the Act" means the Defence Act, 2002 (Act No. 42 of 2002);

"Unit Officer Commanding" means an officer who has been appointed to command any unit or ship in the Defence Force and includes a Director in a Service or Division.

Purpose and application

2. (1) The purpose of these Regulations is to give effect to section 61(2) of the Act as far as it applies to individual grievances.

(2) Subject to regulation 18, these Regulations apply to all members and employees who lodge individual grievances after the commencement of these Regulations.

Chain of command

3. A member or employee must address an individual grievance through his or her chain of command, which may include the following:

- (a) The Unit Officer Commanding;
- (b) the Formation Officer Commanding;
- (c) the Chief of the relevant Service or Division;
- (d) the Grievance Board; and
- (e) the Secretary for Defence or the Chief of the Defence Force, depending on the grievance.

Designation of Formation Officer Commanding

4. The Chief of a Service or Division may designate an officer commanding of a Formation to deal with an individual grievance lodged by a member or employee who serves or is employed under his or her command.

Time frames

5. For the purposes of the expeditious processing of grievances—

- (a) a Unit Officer Commanding must finalise a grievance and inform the aggrieved person of the decision and the reasons for the decision within 20 working days after it was received, or within the extended period consented to by the secretariat, after consultation with the aggrieved person;
- (b) a Formation Officer Commanding must finalise a grievance and inform the aggrieved person of the decision and the reasons for the decision within 10 working days after it was received, or within the extended period consented to by the secretariat, after consultation with the aggrieved person;

- (c) a Chief of a Service or Division must cause a grievance to be finalised and ensure that the aggrieved person is informed of the decision and the reasons for the decision within 20 working days, or 10 working days if a Formation Officer Commanding had been approached first, or within the extended period consented to by the secretariat, after consultation with the aggrieved person;
- (d) the Grievance Board must make a recommendation with regard to a grievance within 30 working days after it was received, or the extended time contemplated in regulation 16(5)(b); and
- (e) the Secretary for Defence or the Chief of the Defence Force must, within 10 working days after receipt of the recommendation of the Grievance Board from the secretariat, take a decision whether or not to ratify the recommendation of the Grievance Board.

Lodging of grievance

6. (1) An aggrieved member or employee must lodge a grievance with his or her Unit Officer Commanding within 90 working days after the occurrence of the official act or omission concerned.
- (2) If a grievance is against the relevant Unit Officer Commanding, Formation Officer Commanding or Chief of a Service or Division, it must be lodged with the next higher authority in the chain of command contemplated in regulation 3.
- (3) If a grievance cannot be lodged within 90 working days, the member or employee must first apply in writing to the Grievance Board for condonation as provided for in regulation 16(5)(a), and attach a copy of the condonation to the grievance when it is lodged.
- (4) The secretariat may, upon request of a person in the chain of command in possession of a grievance, redirect the grievance to an authority that has the power to resolve it.

Contents of grievance

7. (1) A member or employee must in his or her grievance—
- (a) describe the official act or omission that he or she is aggrieved about, and give all the relevant facts known to him or her, including the date on which it occurred;
 - (b) include copies of all relevant documents in his or her possession, and particulars of other relevant documents;
 - (c) include sworn statements of any witnesses with knowledge of the official act or omission concerned;
 - (d) state the redress sought; and
 - (e) provide his or her force or salary number, rank, name, unit, contact details and signature.

(2) A grievance may deal with one subject only, and may not contain language or comments that are insubordinate, disrespectful or unlawful, unless used as direct quotations to reflect the circumstances of the grievance.

Rights of member or employee

8. A member or employee may not be victimised or prejudiced, directly or indirectly, as a result of the lodging of his or her grievance.

Consideration by Unit Officer Commanding

9. (1) A Unit Officer Commanding must consider a grievance after receipt, and if it—

- (a) does not comply with the requirements of a grievance; or
- (b) was not lodged within 90 working days after the official act or omission concerned and no condonation has been obtained,

in writing inform the member or employee concerned that the grievance cannot be accepted.

(2) Subject to subregulation (1), a Unit Officer Commanding must—

- (a) accept, and in writing acknowledge receipt of, each grievance lodged;
- (b) investigate each grievance in order to make a decision within the 20 working days contemplated in regulation 5(a);
- (c) obtain the written consent of the secretariat if an extension of time is required;
- (d) notify the member or employee in writing, before the expiry of the 20 working days or the extended time, of the decision taken and the reasons for the decision; and
- (e) record in a register each grievance received and the decision taken on it.

Referral to Formation Officer Commanding

10. (1) A member or employee may, within five working days of receipt of a notification contemplated in regulation 9(1) or (2)(d), in writing refer the grievance to the relevant Formation Officer Commanding if—

- (a) he or she is not satisfied with the decision of the Unit Officer Commanding;
- (b) the decision was that the grievance falls outside the powers of the Unit Officer Commanding; or
- (c) a decision could not be taken in time, and the secretariat refused consent for an extension of time, as contemplated in regulation 9(2)(c).

(2) A member or employee must within 24 hours inform the Unit Officer Commanding in writing of a referral under subregulation (1).

Consideration by Formation Officer Commanding

11. (1) A Formation Officer Commanding must consider a grievance against a Unit Officer Commanding after receipt, and if it—

- (a) does not comply with the requirements of a grievance; or
- (b) if it was not lodged within 90 working days after the occurrence of the official act or omission concerned and no condonation has been obtained,

in writing inform the member or employee concerned that the grievance cannot be accepted.

(2) If a grievance is not referred to a Formation Officer Commanding in accordance with the procedure contemplated in regulation 10(1), he or she must in writing inform the member or employee concerned that the grievance cannot be accepted.

(3) Subject to subregulations (1) and (2), the Formation Officer Commanding must—

- (a) accept, and in writing acknowledge receipt of, each grievance received;
- (b) investigate each grievance in order to take a decision within the 10 working days contemplated in regulation 5(b);
- (c) obtain the written consent of the secretariat if an extension of time is required;
- (d) notify the member or employee in writing, before the expiry of the 10 working days or the extended time, of the decision taken and the reasons for the decision; and
- (e) record in a register each grievance received and the decision taken on it.

Referral to Service or Division

12. (1) A member or employee may, within five working days of receipt or a notification contemplated in regulation 9(1) or (2) or 11(1), (2) or 3(d), in writing refer the grievance to the relevant Service or Division if—

- (a) he or she is not satisfied with the decision of the Unit or Formation Officer Commanding;
- (b) the decision was that the grievance falls outside the powers of the Unit or Formation Officer Commanding; or
- (c) a decision could not be taken in time and the secretariat refused consent for an extension of time as contemplated in regulation 9(2)(c) or 11(3)(c).

(2) The member or employee must within 24 hours inform the Unit or Formation Officer Commanding in writing of a referral under subregulation (1).

Designated grievance office

13. (1) The Chief of a Service or Division must designate a grievance office at his or her Service or Division to deal with the administration of all grievances received.

(2) The officer in charge of the designated grievance office must consider a grievance against a Unit or Formation Officer Commanding after receipt, and if it—

- (a) does not comply with the requirements of a grievance; or

- (b) was not lodged within 90 working days after the official act or omission concerned and no condonation has been obtained,
- in writing inform the member or employee concerned that the grievance cannot be accepted.
- (3) If a grievance is not referred to a Service or Division in accordance with the procedure contemplated in regulation 12(1), the officer in charge of the designated grievance office must in writing inform the member or employee concerned that the grievance cannot be accepted.
- (4) Subject to subregulations (2) and (3), the officer in charge of the designated grievance office—
- (a) must accept, and in writing acknowledge receipt of, each grievance received;
 - (b) may investigate and must present each grievance to the Grievance Committee;
 - (c) must obtain the written consent of the secretariat if an extension of time is required;
 - (d) must notify the member or employee in writing, before the expiry of the relevant time or the extended time contemplated in regulation 5(c), of the decision of the Grievance Committee and the reasons for the decision; and
 - (e) must record in a register each grievance received and the decision taken on it.

Grievance Committees

- 14.** (1) The Chief of a Service or Division must establish a Grievance Committee to deal with all grievances received by him or her.
- (2) A Grievance Committee may—
- (a) deal with grievances on behalf of the Chief of the Service or Division;
 - (b) co-opt any person to attend its proceedings and provide information or assistance; and
 - (c) request any person to appear before it.
- (3) A Grievance Committee must—
- (a) convene and conduct its meetings in accordance with its constitution;
 - (b) consider each grievance; and
 - (c) take a decision and provide the reasons for the decision to the officer in charge of the designated grievance office within the relevant time or the extended time contemplated in regulation 13(4)(c).

Referral to Grievance Board

- 15.** (1) A member or employee may, within five working days of receipt of a notification contemplated in regulation 13(2), (3) or 4(d), refer a grievance to the Grievance Board if—
- (a) he or she is not satisfied with the decision of the Grievance Committee;
 - (b) the decision was that the grievance falls outside the powers of the Grievance Committee; or

- (c) a decision could not be taken in time and the secretariat refused consent for an extension of time as contemplated in regulation 13(4)(c).
- (2) A member or employee must provide a copy of his or her referral under subregulation (1) to the designated grievance office concerned within 24 hours.

Grievance Board

16. (1) The Chief of Human Resources of the Department must, with the concurrence of the Secretary for Defence and the Chief of the Defence Force—

- (a) establish a Grievance Board to deal with all grievances received; and
- (b) constitute a secretariat for the Grievance Board.
- (2) The Grievance Board must consider a grievance against the Chief of a Service or Division after receipt, and if it—
 - (a) does not comply with the requirements of a grievance; or
 - (b) was not lodged within 90 working days after the official act or omission concerned and no condonation has been obtained,

in writing inform the member or employee concerned that the grievance cannot be accepted.

(3) If a grievance is not referred to the Grievance Board in accordance with the procedure contemplated in regulation 15(1) the secretariat must in writing inform the member or employee concerned that the grievance cannot be accepted.

(4) The Grievance Board may—

- (a) through its chairperson—
 - (i) notify or summons any person to appear before it to testify or produce any document or object; and
 - (ii) administer the oath to, or get a solemn affirmation from, any person appearing before it; and
- (b) obtain any written or oral statements, evidence or arguments on any matter before it.

(5) The Grievance Board must—

- (a) within 30 working days of receipt of an application for condonation in terms of regulation 6(3), take a decision and in writing inform the applicant of the decision, and if the condonation is refused, the Secretary for Defence or the Chief of the Defence Force, as the case may be, must within 10 working days take a final decision.
- (b) if the grievance cannot be recommended on within the 30 working days contemplated in regulation 5(d), in writing—
 - (i) inform the member or employee that the grievance cannot be finalised;
 - (ii) furnish reasons for the delay; and
 - (iii) inform the member or employee of the extended time needed to finalise the grievance;

- (c) subject to subregulations (2) and (3), make a recommendation within 30 working days or the extended time, and, after the decision contemplated in regulation 5(e), notify the member or employee in writing of the decision of the Secretary for Defence or the Chief of the Defence Force and the reasons therefor;
- (d) issue the necessary instructions to the authorities concerned for the implementation of the decision of the Secretary for Defence or the Chief of the Defence Force; and
- (e) report annually, through the Secretary for Defence or the Chief of the Defence Force, to the Minister on its activities.

Exhaustion of internal remedies

17. A member or employee may only seek an external remedy to address a grievance once he or she has exhausted all his or her internal remedies in the Department, or if the Secretary for Defence or the Chief of the Defence Force has failed to act within the 10 working days contemplated in regulation 5(e).

Repeal of regulations and transitional provision.

18. (1) The Individual Grievances Regulations, 2010, promulgated by Government Notice No. R. 572 of 30 June 2010, are hereby repealed.

(2) Any unresolved grievances at the commencement of these Regulations must be finalised in accordance with these Regulations.

Short title

19. These Regulations are called the Individual Grievances Regulations, 2016.

DEPARTMENT OF LABOUR

NO. R. 1264

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE
UNION

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of the **South African Museum Workers' Association (SAMWA) (LR2/6/2/446)** for the following reasons:

- The organisation ceased to function in terms of its constitution
- The organisation did not comply with the provisions of section 98, 99 and 100 of the Act [Section 106(2A)(b)]

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number 2016/172**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156/4848], within 60 days of the date of this notice.



ACTING REGISTRAR OF LABOUR RELATIONS

03/10/2016

DEPARTMENT OF LABOUR

NO. R. 1265

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL REGISTRATION OF A TRADE UNION

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Professional Employees Trade Union of South Africa (LR 2/6/2/538)** for the following reasons:

- The union failed to comply with the legal requirements in terms of section 98, 99 and 100 of the Act.
- The union is no longer functioning in terms of its constitution

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number 2016/159**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156/4848, within 60 days of the date of this notice.


03/10/2016

ACTING REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF LABOUR

NO. R. 1266

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE
UNION

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of the **Combined Staff Association of the University of Durban-Westville (COMSA) (LR 2/6/2/536)** for the following reasons:

- The organisation ceased to function in terms of its constitution
- The organisation did not comply with the provisions of section 98, 99 and 100 of the Act [Section 106(2A)(b)]

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number 2016/164**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156/4848], within 60 days of the date of this notice.



ACTING REGISTRAR OF LABOUR RELATIONS

03/10/2016

DEPARTMENT OF LABOUR

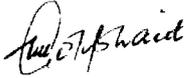
NO. R. 1267

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FISHING INDUSTRY: EXTENSION TO NON-PARTIES OF THE MAIN COLLECTIVE AMENDING AGREEMENT

I, **MILDRED NELISIWE OLIPHANT**, 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 **Bargaining Council for the Fishing 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 the second Monday after the date of publication of this Notice and for the period ending 30 June 2017.


MINISTER OF LABOUR
23/09/2016


UMNYANGO WEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995**

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI
NABASEBENZI BEMBONI YOKUDOBA: UKWELULELWA
KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI
ESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXENYE
YASO**

Mina, **MILDRED NELISIWE OLIPHANT**, uNgqongqoshe WezabaSebenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano KwezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa eMkhandlwini Wokuxoxisana Phakathi Kwabaqashi Nabasebenzi Embonini Yokudoba, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyoMboni, kusukela ngoMsombuluko wesibili emva kokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela mhlaka 30 kuNhlangulana 2017.


UNGQONGQOSHE WEZABASEBENZI
23/09/2016

SCHEDULE**BARGAINING COUNCIL FOR THE FISHING INDUSTRY****AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT****SECTION 1: GENERAL****PART A: INTRODUCTION****1. CLAUSE 1: PARTIES TO THE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995, this Agreement is made and entered into between the

South African Fishing Industry Employers Organisation (SAFIEO)

(Hereinafter referred to as "the employers" or "the employers' organisation") of the one part

And the

Trawler & Line Fishermen's Union (TALFU)**National Certificated Fishing and Allied Workers Union (NCFAWU)****Food and Allied Workers Union (FAWU)**

(Hereinafter referred to as "the employees" or "the trade unions"), of the other part, being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council") to amend the Collective Agreement published under Government Notice No. R.587 of 27 July 2012, Notice No R.55 of 01 February 2013, R.445 of 28 June 2013, R.935 and R.936 of 06 December 2013, R.479 of 20 June 2014, R.995 of 12 December 2014, R.245 of 27 March 2015, R.564 and R.565 of 03 July 2015, R.915 of 02 October 2015, R.707 of 10 June 2016 and R.964 of 26 August 2016.

2. CLAUSE 2: PURPOSE OF THE AGREEMENT

This agreement aims to advance economic development and social justice by fulfilling the primary objects by giving effect to, and regulate the right to fair labour practices conferred by section 23 of the Constitution of South Africa 1996, by establishing and enforcing basic conditions of employment in the scope of the Council for employees employed on the vessels at sea, excluded from the Basis Conditions of Employment Act.

PART B: APPLICATION**3. CLAUSE 3: SCOPE OF APPLICATION**

- 1.1. This agreement applies to all Employers and/or Employees within the Republic of South Africa, who are members of any of the parties to this agreement and who are employed in the:-
 - 1.1.1. Hake Deep-sea Bottom Trawl Sector;
 - 1.1.2. Hake Inshore Bottom Trawl Sector; and
 - 1.1.3. Horse Mackerel Mid-Water Trawl Sector.

- 1.2. On extension of this agreement to non-parties by the Minister, any employer may apply to the Bargaining Council's Executive Committee for exemption from the terms of this collective agreement in terms of clause 37 of the Council's Main Agreement.

4. **CLAUSE 4: PERIOD OF OPERATION**

The terms and conditions set out herein shall come into operation:

- 4.1. In respect of the parties as agreed and shall remain in force until cancelled by the parties to this Agreement; and
- 4.2. In respect of non-parties to the Agreement as from the date determined by the Minister until 30 June 2017.

PART D: REMUNERATION

5. **MINIMUM REMUNERATION**

- 9.1. It is agreed by the parties that actual Remuneration rates be increased by the percentage indicated in the respective chamber agreements as well as the minimum remuneration rates, as reflected in the new minimum rates scheduled attached:
 - 9.1.1. Annexure "A" – Hake Deep-sea Bottom Trawl Sector
 - 9.1.2. Annexure "B" – Hake Inshore Bottom Trawl Sector
 - 9.1.3. Annexure "C" - Horse Mackerel Mid-Water Trawl Sector
- 9.2. No Employee shall be paid less than the minimum Remuneration prescribed in the respective chamber agreements attached for any Employee's relevant rank after incorporation of the increase referred to in paragraph 9.1 above.
- 9.3. Subject to paragraph 9.2 above, some ranks are excluded from having a prescribed minimum Remuneration and marked "Unprescribed", as the rate of remuneration for such rank normally exceeds an annual income level of one hundred forty nine thousand seven hundred and thirty six rand (R 149 736-00).
- 9.4. The prescribed minimum Remuneration schedule per chamber setting out the minimum rates of pay per Working Day for each rank that shall be effective from the date that this agreement comes into force.
- 9.5. Should the Employer require an Employee to work for five (5) days or more in a rank which has a higher Remuneration as prescribed for the rank that the Employee holds, the Employer shall pay that Employee at the higher Remuneration for the full period the Employee worked in the higher rank: Provided such change in rank is authorised by the Skipper and logged as such.
- 9.6. A temporary Employee shall be paid at the rate for the rank the Employee holds contained in the Remuneration schedule for the specific sector in which the Employee is employed.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A.1. MINIMUM DEEP-SEA REMUNERATION

1. Actual Remuneration rates shall be increased by at least eight and twenty-five percent (8.25%) as from 01 July 2015 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties.
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 185.45	R 1-95	8.1.	
Assistant Factory Manager	R 203.15	R 1-95	8.13	Factory Manager - Assisting
Assistant Marine Engineer	R 190.27	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 204.99	R 1-95	8.2	
Charge Hand	R 172.18	R 1-95	8.3	
Cook	R 246.45	R 1-95	8.4	
Cook – First	R 290.43	R 1-95	8.5	
Cook – Second	R 204.99	R 1-95	8.6	
Deck Hand	R 172.18	R 1-95	8.9	
Factory Manager	R 270.93	R 1-95	8.12	
Fishmeal Operator	R 224.20	R 1-95	8.18	
Galley Hand	R 156.22	R 1-95	8.23	
Greaser	R 197.68	R 1-95	8.19	
Greaser – M3	R 209.74	R 1-95	8.20	
Greaser – M4	R 203.43	R 1-95	8.21	
Lifeboat man (PISC)	R 172.18	R 1-95	8.25	
Spare Hand	R 156.22	R 1-95	8.35	

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE B: INSHORE BOTTOM TRAWL SECTOR CHAMBER

B.1. MINIMUM INSHORE REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven and a half percent (7.5%) as from 01 July 2015 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2 for non-parties.
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)		
Able Seaman	R 177.40	R 1-95	8.1		
Assistant Marine Engineer	R 196.13	R 1-95	8.28	Marine Engineer-Assisting	
Bosun	R 173.03	R 1-95	8.2		
Chief Engineer	R 299.94	R 1-95	8.27		
Cook	R 149.74	R 1-95	8.4		
Deck Hand	R 173.03	R 1-95	8.9		
Driver	R 173.03	R 1-95	8.10		
Spare Hand	R 138.57	R 1-95	8.35		

SECTION IV: CONSENSUS

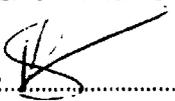
Through application of signature hereof the parties to the respective chambers of the Bargaining Council for the Fishing Industry confirm their acceptance of the terms and conditions contained herein:

43. DEEP-SEA TRAWL CHAMBER :

SIGNED AND AGREED TO IN CAPE TOWN THIS 17th DAY OF August 2016

GERARD CHRISTIE SIGNATURE

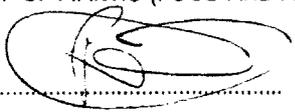
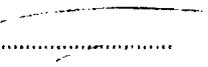
DULY AUTHORISED THERETO FOR AND ON BEHALF OF T.A.L.F.U (TRAWLER AND LINE FISHERMEN'S UNION)

WITNESS:  WITNESS: 

SIGNED AND AGREED TO IN CAPE TOWN THIS 17th DAY OF August 2016

Nelanele Tulela SIGNATURE

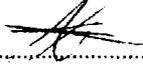
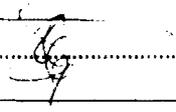
DULY AUTHORISED THERETO FOR AND ON BEHALF OF F.A.W.U (FOOD AND ALLIED WORKERS UNION)

WITNESS:  WITNESS: 

SIGNED AND AGREED TO IN CAPE TOWN THIS 17th DAY OF August 2016

LOWELLIN DOMINIC SIGNATURE

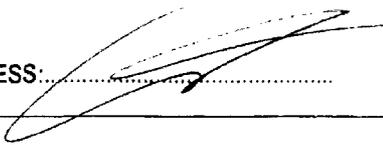
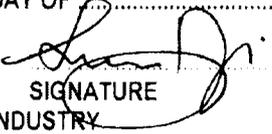
DULY AUTHORISED THERETO FOR AND ON BEHALF OF N.C.F.A.W.U (NATIONAL CERTIFICATED FISHING AND ALLIED WORKERS UNION)

WITNESS:  WITNESS: 

SIGNED AND AGREED TO IN CAPE TOWN THIS 17th DAY OF August 2016

INNOCENT DWAYI SIGNATURE

DULY AUTHORISED THERETO FOR AND ON BEHALF OF S.A.F.I.E.O (SOUTH AFRICAN FISHING INDUSTRY EMPLOYERS ORGANISATION)

WITNESS:  WITNESS: 

44. INSHORE-SEA TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN THIS 17 DAY OF August 2016

GERT S. CHRISTIE
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF T.A.L.F.U (TRAWLER AND LINE FISHERMEN'S UNION)

[Signature]
SIGNATURE

WITNESS: [Signature] WITNESS: [Signature]

SIGNED AND AGREED TO IN CAPE TOWN THIS 17 DAY OF August 2016

INNOCENT DWAYI
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF S.A.F.I.E.O (SOUTH AFRICAN FISHING INDUSTRY
EMPLOYERS ORGANISATION)

[Signature]
SIGNATURE

WITNESS: [Signature] WITNESS: [Signature]

45. MID-WATER TRAWL CHAMBER

SIGNED AND AGREED TO IN CAPE TOWN THIS 17 DAY OF August 2016

Ndanele Tilela
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF F.A.W.U (FOOD AND ALLIED WORKERS
UNION)

[Signature]
SIGNATURE

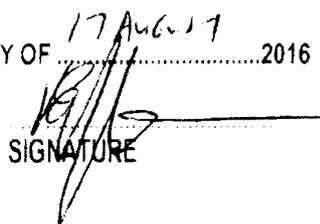
WITNESS: [Signature] WITNESS: [Signature]

SIGNED AND AGREED TO IN CAPE TOWN THIS 17 DAY OF August 2016

ZANE C. BLAAUW
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF S.A.F.I.E.O (SOUTH AFRICAN FISHING INDUSTRY
EMPLOYERS ORGANISATION)

[Signature]
SIGNATURE

WITNESS: [Signature] WITNESS: [Signature]

SIGNED AND AGREED TO IN CAPE TOWN THIS..... DAY OF <u>17 Aug 2016</u>2016	
<u>VICTORIA HANMER</u>	
DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE BARGAINING COUNCIL FOR THE FISHING INDUSTRY	SIGNATURE
WITNESS: 	WITNESS:

DEPARTMENT OF LABOUR

NO. R. 1268

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

INTENTION OF CANCELLATION OF REGISTRATION OF A TRADE UNION

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Hospitality, Industrial, Catering, Retail & Allied Workers Union (HICRAWU)** for the following reasons:

- The trade union has ceased to function in terms of its constitution
- The trade union did not comply with the provisions of section 98, 99 and 100 of the Act [Section 106(2A)(b)]

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 2016/162 will be considered.**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, **PRETORIA**. [Postal address: Private Bag X117, **PRETORIA**, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.



ACTING REGISTRAR OF LABOUR RELATIONS

03/10/2016

DEPARTMENT OF LABOUR

NO. R. 1269

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION**

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of **Wood Electrical Printing Union (WEPU) (LR 2/6/2/1057)** for the following reasons:

- The trade union has ceased to function in terms of its constitution.
- The trade union has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 166 of 2016 will be considered.**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.

**ACTING REGISTRAR OF LABOUR RELATIONS**

03/10/2016

DEPARTMENT OF LABOUR

NO. R. 1270

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL REGISTRATION OF A TRADE UNION

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Cape Peninsula University Employees Union (LR 2/6/2/1272)** for the following reasons:

- The union failed to comply with the legal requirements in terms of section 98, 99 and 100 of the Act.
- The union is no longer functioning in terms of its constitution

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number 2016/159**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156/4848, within 60 days of the date of this notice.



ACTING REGISTRAR OF LABOUR RELATIONS

03/10/2016

DEPARTMENT OF LABOUR

NO. R. 1271

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995

**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE
UNION**

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of the **National Service & Allied Workers Union (LR2/6/2/134)** for the following reasons:

- The organisation ceased to function in terms of its constitution
- The organisation did not comply with the provisions of section 98, 99 and 100 of the Act [Section 106(2A)(b)]

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number 2016/161**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156/4848], within 60 days of the date of this notice.

**ACTING REGISTRAR OF LABOUR RELATIONS**

03/10/2016

DEPARTMENT OF LABOUR

NO. R. 1272

14 OCTOBER 2016

LABOUR RELATIONS ACT, 1995**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION**

I, Malixole Ntleki, Acting Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of **Adult Educators Progressive Union (AEPU) (LR 2/6/2/1884)** for the following reasons:

- The trade union has ceased to function in terms of its constitution.
- The trade union has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The trade union or any other interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 160 of 2016 will be considered.**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.

**ACTING REGISTRAR OF LABOUR RELATIONS**

03/10/2016

DEPARTMENT OF TRANSPORT

NO. R. 1273

14 OCTOBER 2016

NOTICE IN TERMS OF SECTION 39 (1)(b) OF THE NATIONAL LAND TRANSPORT ACT NO. 5 OF 2009: MORATORIUM REGARDING THE GRANTING OF NEW OPERATING LICENCES BY THE NORTH WEST PROVINCIAL REGULATORY ENTITY (PRE) .

I **Dr MOKGANTSHANG NICHOLAS MOTLHABANE, MEMBER OF THE EXECUTIVE COUNCIL** responsible for transport matters in the Province, by virtue of the powers vested in me in terms of **Section 39(1)(b)** of the abovementioned Act, hereby **declare a moratorium** as follows :-

1. The **Provincial Regulatory Entity (PRE)** shall not receive any applications for new Operating Licenses in the Province with effect from **31/10/2016** and this moratorium shall remain in force until the date to be determined by the MEC and published in the Provincial notice .
2. The operation of the moratorium on the granting of the new operating licenses shall not exceed a period of **(1) one year** calculated from the date determined in the above mentioned provision. Other transactions like Additional Authority, Transfers, Increase of Passengers, Replacements, Renewal of Operating Licenses and Temporary Operating Licenses shall not be affected by the moratorium .
3. The operation of the moratorium shall also not affect the following applications;
 - (a) Staff Services
 - (b). Scholar transport services (both contracted and non- contracted)
 - (c). Contracted Services
 - (d). Shuttle Services
 - (e). Tourist Operations



"Together we move Bokone Bophirima Forward"

All applications lodged before the coming into effect of the moratorium shall not be affected and shall therefore be processed accordingly.

4. In cases where there are new settlements and a need for transport is identified, the affected Municipality should seek the necessary approval from the MEC to allow PRE to consider applications for those settlements.

The rationale for the moratorium is as follows;

- (a). To allow the Department to **conduct an audit process** of all operating licenses issued;
- (b). To **conduct physical verification of all operating licenses** issued in the North West Province with a view to stem out illegal operations;
- (c). To allow the Department an opportunity to **align all routes and put new operating conditions** on all operating licenses;
- (d). To allow for the finalization of the development of the **Integrated Provincial Transport Network Plans** as well as the **Integrated Transport Plans**.



DR M.N. MOTLHABANE
MEMBER OF THE EXECUTIVE COUNCIL
FOR COMMUNITY SAFETY AND TRANSPORT MANAGEMENT

DATE 27.09.2016