

Regulation Gazette

No. 11163

Regulasiekoerant

Vol. 662

21

**August
Augustus**

2020

No. 43633

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
PROCLAMATIONS • PROKLAMASIES			
R. 27	Special Investigating Units and Special Tribunals Act, (74/1996): Maluti-A-Phofung Municipality.....	43633	14
R. 27	Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, (74/1996): Maluti-A-Phofung Plaaslike Munisipaliteit	43633	17
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Employment and Labour, Department of/ Indiensneming en Arbeid, Departement van			
R. 910	Labour Relations Act, 1995: Bargaining Council for the Contract Cleaning Services Industry (KwaZulu-Natal): Extension of period of operation of the Main Collective Agreement.....	43633	20
R. 911	Labour Relations Act (66/1995): CORRECTION NOTICE: National Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare Industry.....	43633	21
R. 912	Labour Relations Act, 1995: Notice of intention to cancel the Registration of a Trade Union Congress (NTUC) (LR2/6/2/2439).....	43633	23
R. 913	Labour Relations Act, 1995: Notice of intention to cancel the registration of an Employers' Organisation: Various organisations.....	43633	24
Health, Department of/ Gesondheid, Departement van			
R. 914	Medicines and Related Substances Act (101/1965): Regulation Relating to transparent pricing for medicines and scheduled substance: Draft Dispensing fee pharmacists	43633	26

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 27 OF 2020**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the Maluti-A-Phofung Municipality situated in the Free State Province (hereinafter referred to as “the Municipality”);

AND WHEREAS the Municipality or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by officials or employees of the Municipality;

- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2012 and the date of publication of this Proclamation or which took place prior to 1 January 2012 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 5 day of August Two thousand and twenty.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for services by or on behalf of the Municipality and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable -
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality in respect of the following bids-

- (aa) SCM/BID27/2014/15 for events managements services; and
- (bb) SCM/BID42/2016/17 for the compilation of a Register of Indigents.

2. Maladministration in connection with the affairs of the Municipality in respect of the incurrence by the Municipality of fruitless and wasteful expenditure during the periods 2012 to 2014 and 2016 and 2017.

3. Any unlawful or improper conduct by—

- (a) officials or employees of the Municipality;
- (b) the applicable service providers of the Municipality; or
- (c) any other person or entity,

in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE NO. R. 27 VAN 2020
van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleentheid van die Maluti-A-Phofung Plaaslike Munisipaliteit geleë in die Vrystaat Provinsie (hierna na verwys as “die Munisipaliteit”);

EN AANGESIEN die Munisipaliteit of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentheid in die Bylae vermeld ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentheid, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentheid van die Munisipaliteit;

- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2012 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2012 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 5 dag van Augustus Twee duisend-en-twintig.

CM Ramaphosa

President

Op las van die President-in-Kabinet

RO Lamola

Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir dienste deur of namens die Munisipaliteit en betalings ten opsigte daarvan gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie;
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Munisipaliteit aangegaan is ten opsigte van die volgende aanbiedinge-

- (aa) SCM/BOD27/2014/15 vir dienste vir die bestuur van geleenthede; en
- (bb) SCM/BOD42/2016/17 vir die samestelling van 'n Register van Hulpbehoewendes.

2. Wanadministrasie in verband met die aangeleenthede van die Munisipaliteit ten opsigte van vrugtelose en verkwistende uitgawes wat deur die Munisipaliteit aangegaan is gedurende die periodes 2012 tot 2014 en 2016 en 2017.

3. Enige onwettige of onbehoorlike gedrag deur—

- (a) beamptes of werknemers van die Munisipaliteit;
- (b) toepaslike diensverskaffers van die Munisipaliteit; of
- (c) enige ander persoon of entiteit,

met betrekking tot die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 910

21 AUGUST 2020

LABOUR RELATIONS ACT, 1995
**BARGAINING CONCIL FOR THE CONTRACT CLEANING SERVICES INDUSTRY (KWA-ZULU NATAL):
EXTENSION OF PERIOD OF OPERATION OF THE MAIN COLLECTIVE AGREEMENT**

I, **STEPHEN RATHAI**, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(i) of the Labour Relations Act, 1995, extend the period fixed in Government Notices No R.1076 of 16 August 2019 and R. 131 of 14 February 2020 from 31 August 2020 for a further period ending 28 February 2021.



.....
DIRECTOR: COLLECTIVE BARGAINING

UMNYANGO WEZEMISEBENZI NABASEBENZI
UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995
**BARGAINING CONCIL FOR THE CONTRACT CLEANING SERVICES INDUSTRY (KWA-ZULU
NATAL): UKWELULWA KWESIKHATHI SOKUSEBENZA KWESIVUMELWANO
ESIYINGQIKITHI**

Mina, **STEPHEN RATHAI**, uMqondisi Wezokuxoxisana phakathi KwabaQashi Nabasebenzi, ngegunya likaNgqongqoshe Wezemisebenzi Nabasebenzi, lapha ngokwesigaba 32(6)(a)(i) soMthetho Wobudlelwano Kwezabasebenzi, ka-1995 ngimemezela ukuthi isikhathi sokusebenza kwesivumelwano esinqunywe kwiSaziso sikaHulumeni esingunombolo R.1076 somhlaka 16 kuNcwaba 2019 kanye nesingunombolo R. 131 somhlaka 14 kuNhlolanja 2020 sengeziwe ngesikhathi esiyokuqala ngomhlaka 31 kuNcwaba esiyophela ngomhlaka 28 kuNhlolanja 2021.



.....
**UMQONDISI WEZOKUXOXISANA PHAKATHI
KWABAQASHI NABASEBENZI**

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 911

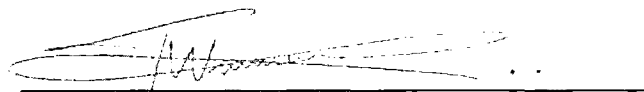
21 AUGUST 2020

LABOUR RELATIONS ACT, 1995**CORRECTION NOTICE****NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING,
COSMETOLOGY, BEAUTY AND SKINCARE INDUSTRY: EXTENSION TO
NON-PARTIES OF THE CONSOLIDATED COLLECTIVE AGREEMENT**

In the *Government Gazette* No. 43419 of 12 June 2020 as it appeared in Government Notice No. R. 663 replace the English version of the notice with the following notice:

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING
COSMETOLOGY BEAUTY AND SKINCARE INDUSTRY: EXTENSION TO
NON-PARTIES OF THE CONSOLIDATED COLLECTIVE AGREEMENT**

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and 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 Hairdressing Cosmetology Beauty and Skincare 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 date of publication of this Notice and for the period ending 31 December 2020.



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 28/07/2020

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 912

21 AUGUST 2020

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, **Lehlohonolo Daniel Molefe**, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of the **National Trade Union Congress (NTUC) (LR 2/6/2/2439)** for the following reasons:

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

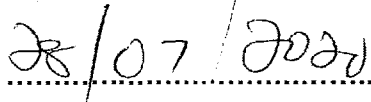
The trade union and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 65 of 2020 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and 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.



REGISTRAR OF LABOUR RELATIONS

DATE:



DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 913

21 AUGUST 2020

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN
EMPLOYERS' ORGANISATION

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registrations of the following employers' organisations:

- **Employers' Association for the Sawmilling Industry of SA**
- **Security Association of South Africa**
- **South African Association of Water Utilities (SAAWU)**
- **South African Employers' Guild**
- **Employers' Organisation for Retailers and Allied Trades**
- **South African Post Tensioning Association (SAPTA)**

The said organisations are published for the the following reasons:

- The organisations have ceased to function in terms of their constitutions.
- The organisations have failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The employers' organisations and all interested parties are hereby invited to make written representations as to why the registrations should not be cancelled.

Only representations pertaining to this Notice and the following case numbers will be considered:

CASE NO.: 51/2020

CASE NO.: 52/2020

CASE NO.: 53/2020

CASE NO.: 54/2020

CASE NO.: 55/2020

CASE NO.: 56/2020

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.



REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF HEALTH

NO. R. 914

21 AUGUST 2020

MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT NO. 101 OF 1965)**REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: (DRAFT DISPENSING FEE FOR PHARMACISTS)**

I, DR ZL MKHIZE, the Minister of Health have, on recommendation of the Pricing Committee, in terms of section 22G of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended, made the regulations in the Schedule.

Interested persons are requested to submit comments in writing, both on a compact disc and hard copy, on the proposed regulations within three months of publication of this notice to the Director-General: National Department of Health (**Attention to the Director: Pharmaceutical Economic Evaluations Directorate Room 2611, South Tower Civitas Building, Corner: Thabo Sehume & Bloed Streets Pretoria 0001**)

SCHEDULE**Definitions**

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

“**dispense**” means the supply of medicines based on a prescription to a patient or someone on behalf of the patient by a health professional authorized by law to supply medicines and includes-

- (a) the interpretation and evaluation of the prescription;
- (b) the selection, reconstitution, dilution, labelling, recording and the actual supply of the medicine;
- (c) the provision of information and instructions to ensure safe and effective use of a medicine by a patient; or
- (d) the provision of information as contemplated in section 22F (1) (a) of the Act.

“**dispensing fee**” means a fee determined in terms of these regulations, exclusive of Value Added Tax, that may be charged to dispense a medicine; and

“**the Regulations**” means the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances published under government Notice No. R1102 of November 2005 as amended.

Amendment of Regulation 10

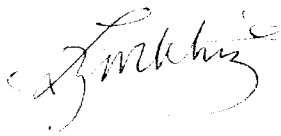
2. The following regulation is hereby substituted for regulation 10 of the regulations:

- “10. (1) The appropriate dispensing fee, exclusive of VAT, as contemplated in section 22G of the Act to be charged by pharmacists, must:
- (a) Where the single exit price of a medicine or scheduled substance is less than one hundred and eighteen rand eighty cents (R118.80), the dispensing fee shall not exceed R15.80 plus 46% of the single exit price in respect of that medicine or scheduled substance;
 - (b) where the single exit price of a medicine or scheduled substance is greater than or equal to one hundred and eighteen rand eighty cents (R118.80) but

less than three hundred and fifteen rand fifty three cents (R315.53), the dispensing fee shall not exceed R30.24 plus 33% of the single exit price in respect of that medicine or scheduled substance;

- (c) where the single exit price of a medicine or scheduled substance is greater than or equal to three hundred and fifteen rand fifty three cents (R315.53) but less than one thousand one hundred and four rand forty cents (R1104.40), the dispensing fee shall not exceed R86.11 plus 15% of the Single Exit Price in respect of that medicine or scheduled substance;
 - (d) where the single exit price of a medicine or scheduled substance is greater than or equal to one thousand one hundred and four rand forty cents (R1104.40), the dispensing fee shall not exceed R198.36 plus 5% of the Single Exit Price in respect of that medicine or scheduled substance.
- (2) The provisions of regulation 10 must be reviewed annually by the Minister after taking into account-
- (a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic;
 - (b) annual inflation rates published periodically by Statistics South Africa;
 - (c) information supplied by pharmacists in accordance with guidelines determined by the Minister from time to time by Notice in the Gazette; and
 - (d) any other information the Minister may deem necessary to consider.
- (3) A pharmacists dispensing a medicine must-
- (a) by means of a clearly displayed notice in the pharmacy, inform members of the public of the maximum fee structure used by such pharmacist to determine the dispensing fee; and

- (b) provide an invoice in respect of the sale of each medicine that clearly indicates the-
- (i) dispensing fee charged; and
 - (ii) the single exit price.



DR ZL MKHIZE, MP

MINISTER OF HEALTH

DATE: 08/08/2020