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~~GOVERNMENT~~ NOTICES
~~GOVERNMENTSBESKEDINGS~~

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 968

19 October 2007

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF MEDICINE

The Minister of Health intends, in terms of section 33(1), read together with section 61(2) of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

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

SCHEDULE

Definitions

1. In these regulations "the Act" shall mean the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless inconsistent with the context -

"board" means the Medical and Dental Professions Board established in terms of section 15(1) of the Act;

"medicine" means the profession of a person registered as a medical practitioner or an intern in medicine in terms of the Act;

"section" means a section of the Act.

Scope of the profession

2. The following acts are hereby specified by the board under section 33 as acts, which, for the purposes of the Act, shall be deemed to be acts pertaining to the medical profession:

- (1) The physical examination of any person;
- (2) Performance of procedures and/or the prescribing of medicines and managing the health of a patient (prevention, treatment and rehabilitation);
- (3) Advising any person on his or her physical state;
- (4) On the ground of information provided by any person or obtained from him or her in any manner whatsoever –
 - (a) diagnosing such person's physical state;
 - (b) advising such person on his or her physical state;
 - (c) administering, selling or prescribing for such person any medicine or treatment;
- (5) Prescribing, administering or providing any medicine, substance or thing; or
- (6) Any other act specially pertaining to the medical profession based on the education and training of medical practitioners as approved by the board from time to time.

3. The provisions of regulation 2 shall not be construed as prohibiting the performance of the acts specified therein by

- (a) any person registered under any legislation regulating health care providers from performing such acts in accordance with the provisions of such legislation;
- (b) an intern working at an institution recognized by the council from performing any function or issuing any certificate or other document which in terms of any law, other than this Act, may be or is required to be performed or issued by a medical practitioner, whether described in such law as a medical practitioner or by any other name or designation, or describing himself or herself as a medical practitioner in connection with the performance of any such function or the issuing of any such certificate or document;
- (c) a student intern under the supervision of a medical practitioner in the course of his or her training;
- (d) a dentist in the course of performing any act falling within the scope of dentistry or from using any name, title, description or symbol normally associated with his or her profession; or

- (e) any person in the course of bona fide research at any institution approved for that purpose by the Minister.

Registration a prerequisite to practice

4. Any person who wishes to perform any of the acts prescribed in regulation 2 shall apply in the prescribed manner to the board for registration as a medical practitioner and submit proof of having complied with the prescribed requirements for such registration.


MINISTER OF HEALTH

No. R. 969

19 October 2007

HEALTH PROFESSIONS ACT, 1974**REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF PSYCHOLOGY**

The Minister of Health intends, in terms of section 33(1) of the Health Professions Act 56 of 1974, and on the recommendations of the Health Professions Council of South Africa, to make the regulations in the schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the -Director- General: Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Director: Human Resource Development), within 1 (one) month of the date of publication of the notice.

SCHEDULE**Definitions**

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

"**board**" means the Professional Board of Psychologist established in terms of section 15(1) of the Act;

"**psychology**" means the profession of a person registered as a psychologist in terms of the Act;

"**section**" means a section of the Act.

Scope of the profession

2. The following acts shall be deemed to be acts specially pertaining to the profession of **psychology**:-
- (a) the evaluation of behaviour or mental processes or personality adjustments or adjustments of individuals or of groups of persons, through the use or interpretation of any test, questionnaire, instrument, apparatus, device or similar method for the determination of intellectual abilities, aptitude, interests, personality make-up or personality functioning, and the diagnosis or measurement of personality and emotional functions, neuropsychological disorders and mental functioning deficiencies according to a recognised scientific system for the classification of mental deficiencies;
 - (b) the use of any psychological method or practice aimed at aiding persons or groups of persons in the adjustment of personality, emotional or behavioural problems or at the promotion of positive personality change, growth and development, and the identification and evaluation of personality dynamics and personality functioning according to psychological scientific methods;
 - (c) the evaluation of emotional, behavioural and cognitive processes or adjustment of personality of individuals or groups of persons by the usage and interpretation of questionnaires, tests, projections, or other techniques or any apparatus, whether of South African origin or imported, for the determination of intellectual abilities, aptitude, personality make-up, personality functioning psychophysiological functioning or psychopathology;
 - (d) the exercising of control over prescribed questionnaires or tests or prescribed techniques, apparatus or instruments for the determination of intellectual abilities, aptitude, personality make-up, personality functioning, psychophysiological functioning or psychopathology;

intellectual abilities, aptitude, personality make-up, personality functioning, psychophysiological functioning or psychopathology;

- (f) the use of any questionnaire, test, prescribed techniques, instrument, apparatus, device or similar method for the determination of intellectual abilities, aptitude, personality make-up, personality functioning, temperament, psycho-physiological functioning, psycho-pathology or personnel career selection, and for this purpose the board will publish a Board Notice listing the tests which are classified by the board for use by registered psychologists;
 - (g) the use of hypnotherapy;
 - (h) the use of any psychotherapeutic method, technique or procedure to rectify, relieve or change personality, emotional, behavioural or adjustment problems or mental deficiencies of individuals or groups of people;
 - (i) the use of any psychological method or psychological counselling to prevent personality, emotional, cognitive, behavioural and adjustment problems or mental illnesses of individuals or groups of people; and
3. These regulations shall not prohibit an intern-psychologist actually undergoing an internship training from-
- (a) performing any function or issuing any certificate or other document which in terms of any law, other than the Act, may be or is required to be performed or issued by a psychologist whether described in such law as a psychologist or by any other name or designation; or
 - (b) describing himself or herself as a psychologist in connection with the performance of any such function or the issuing of any such certificate or other document, and any reference in any such law to such a psychologist shall be deemed to include a reference to an intern-psychologist.

4. These regulations shall not be construed as prohibiting the following-
- (a) the use of a method or technique, referred to in regulation 2, by
 - (i) an educational, a training or a research institution recognized by the board and the council; or
 - (ii) a member of the academic staff of a higher educational or training institution recognized by the board or council.
 - (b) anything necessary or required to be done by a student psychologist in the course of and for the purposes of his or her studies at a university or other prescribed institution, provided it is done under the supervision of a psychologist.

Registration a prerequisite to practice

5. Any person who wishes to perform any of the acts prescribed in regulation 2 shall apply in the prescribed manner to the board for registration as a psychologist and submit proof of having complied with the prescribed requirements for such registration.

Repeal

6. The regulations published under Government Notices Nos. R.1862, R.1863 and R.1864 of 16 September 1977 are hereby repealed.


MINISTER OF HEALTH

No. R. 970**19 October 2007****HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA****REGULATIONS RELATING TO FEES PAYABLE TO COUNCIL**

The Minister of Health intends, in terms of section 61(1), read with section 61(5) of the Health Professions Act, 1974 (Act No. 56 of 1974), and in consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

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

SCHEDULE

1. In these regulations, **"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall have that meaning, and, unless inconsistent with the context –

"practitioner" means a person registered in terms of the Act to practise in a profession for which the Act provides; and

"section" means a section of the Act.

2. The registration fees payable under the Act as from 1 April 2007, shall be as follows:

- | | |
|---|----------|
| (a) By a medical practitioner or a dentist | R 440.00 |
| (b) By a medical practitioner in the category independent practice
(family physician) | R 121.00 |
| (c) By a medical practitioner or a dentist in the category volunteer
services..... | R 27.50 |
| (d) By a medical practitioner or a dentist in the category military service.. | R 440.00 |
| (e) By a medical practitioner or dentist as an exchange registrar under
section 30..... | R 440.00 |
| (f) By a psychologist | R 363.00 |
| (g) By a bio-medical engineer, a clinical biochemist, a genetic
counsellor, a medical biological scientist, and a medical physicist..... | R 243.00 |
| (h) By a member of another health profession provided for under the Act | R 181.50 |
| (i) By an intern in - | |

biomedical engineering	
clinical biochemistry	
genetic counselling	
medical biological science	
medical physics	
medical technology	
medicine	
psychology	R 66.00
(j) By a student-intern	R 60.50
(k) By any student registrable under the Act	R 60.50
(l) By any visiting student registrable under the Act	R 181.50
(m) By any student registrable under the Act for re-registration as such a student after an interruption of at least one year	R 33.00
(n) By any student registrable under the Act as a penalty for the late payment of the registration fee by such a student per month or portion of a month for which the application for registration was submitted after the prescribed time	R 27.50
(o) By a formerly registered medical or dental student for the resumption of registration as a dental or medical student or <i>vice versa</i>	R 60.50
(p) By a medical or dental student for changing such registration to registration as a dental or medical student or <i>vice versa</i>	R 33.00
(q) By a medical practitioner or dentist for the registration of a speciality or subspeciality	R 880.00
(r) By a practitioner for the registration of an additional qualification	R 66.00

- | | | |
|-----|--|----------|
| (s) | By a medical practitioner or a dentist for registration as a dispensing medical practitioner or dentist | R 137.50 |
| (t) | By a practitioner other than a medical practitioner or a dentist for the registration of an additional professional category, per category | R 66.00 |

3. The fees payable under the Act for the restoration of a name to a register shall be as follows:

- | | | |
|-------|--|----------|
| (a) | The restoration fee payable by a practitioner if he or she applies for the restoration of his or her name to a register from which it was erased under section 19(1)(a), (b) or (d) of the Act - | |
| (i) | within a period of six months after the erasure date, shall be equivalent to two (2) times the applicable annual fee for the current year, plus the outstanding fee or fees; | |
| (ii) | after a period of six months but within 12 months, shall be equivalent to four (4) times the applicable annual fee for the current year, plus the outstanding fee or fees; and | |
| (iii) | after a period of more than 12 months had expired since the erasure date, shall be equivalent to five times the applicable annual fee for the current year plus the outstanding fee or fees. | |
| (b) | By a practitioner for the restoration of his or her name to a register from which it was erased in terms of section 42 or 51..... | R 181.50 |
| (c) | By a practitioner for the restoration of his or her speciality or subspeciality, where applicable, or an additional qualification in terms of section 35(4) | R 60.50 |

- (d) By a practitioner other than a medical practitioner or a dentist, for the restoration of his or her additional professional category or categories, per category..... R 33.00

4. The fees payable in terms of section 23 for the issuing of certificates shall be as follows as from 1 April 2007:

- (a) By any intern or practitioner registered under the Act for the issuing of a -
- (i) certificate of status..... R 125.00
- (ii) certified extract from the register or a certificate signed by the registrar, or a duplicate registration certificate..... R 125.00
- (iii) certificate of confirmation of internship training..... R 125.00
- (b) By any student registrable under the Act or a student-intern for the issuing of a certified extract from the register or a certificate signed by the registrar, or a duplicate registration certificate..... R 60.50

5. Fees payable for sitting of examinations shall be as follows:

- (a) By medical practitioners and dentists for sitting the board examination for registration in the category public service (general practitioner) R 1 650,00
- (b) By medical or dental specialists for sitting the medico-legal and ethical board examination R 660.00
- (c) By a psychologist for sitting the board examination for registration in the category independent practice R600.00

(d) By a registered counsellor or a psychometrist for sitting board examination for registration in the category independent practice

R300.00

6. The fees payable for the remarking of board examination shall be 50% of the applicable fee for sitting the board examination.
7. The fees prescribed herein are inclusive of value-added tax.
8. Government Notice No. R.1560 of 31 October 2003 as amended by Government Notice No. R. 1089 of 11 November 2005 is hereby repealed.



MINISTER OF HEALTH

No. R. 971

19 October 2007

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF DENTISTRY**

The Minister of Health intends, in terms of section 33(1), read together with section 61(2) of the Health Professions Act, 1974 (Act No. 56 of 1974), on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

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

SCHEDULE**Definitions**

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

"board" means the Medical and Dental Professions Board established in terms of section 15(1) of the Act;

"dentistry" means the profession of a person registered as a dentist in terms of the Act;

"section" means a section of the Act.

Scope of the profession

2. The following acts are hereby specified by the board under section 33 as acts, which, for the purposes of the Act, shall be deemed to be acts pertaining to the profession of dentistry:

- (a) The physical examination of the oral and related structures of a person;
- (b) Making a diagnosis of (including determining the relevance of systemic conditions) and / or giving advice on illnesses and conditions of the oral and related structures;
- (c) The performance of procedures and / or the prescribing of medicines aimed at managing the health of a patient (prevention, treatment and rehabilitation);
- (d) The performance of any procedure on a patient aimed at the fitting or supply of a dental prosthesis or appliance; and
- (e) The performance of any other aesthetic procedure as taught at dental schools.

3. The provisions of regulation 2 shall not be construed as prohibiting:

- (a) a medical practitioner, not registered also as a dentist, from performing in the course of his or her practice acts pertaining to the practice of dentistry in cases of emergency or where no dentist is readily available;
- (b) the employment by and under the supervision of a dentist of any person registered under the Dental Technicians Act, 1979 (Act 19 of 1979), for the purpose of making or repairing dentures or other dental appliances;
- (c) any person from making or repairing artificial dentures or other dental appliances for his or her own profit: Provided that such work is carried out on the instructions and to the order of a dentist, and does not include the taking of any impression or bite or any trying in or fitting in the mouth; or
- (d) a person registered in terms of the Act in respect of a profession connected with the practice of dentistry, from performing any act pertaining to the practice of dentistry under the control and supervision of a dentist.

Registration a prerequisite to practice

4. Any person who wishes to perform any of the acts referred to in regulation 2 shall apply to the board in the prescribed manner for registration as a dentist and submit proof of having complied with the prescribed requirements for such registration.

**MINISTER OF HEALTH**

No. R. 972

19 October 2007

LABOUR RELATIONS ACT, 1995**CANCELLATION OF GOVERNMENT NOTICES****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: COLLECTIVE FUND AGREEMENT FOR THE
NORTHERN REGION**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1175 of 15 October 2004, R. 971 of 7 October 2005, R. 886 of 8 September 2006 and R. 1077 of 3 November 2006, with effect from 22 October 2007.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 972

19 October 2007

WET OP ARBEIDSVERHOUDINGE, 1995**INTREKKING VAN GOEWERMENSKENNISGEWINGS****NASIONALE BEDINGINGSRAAD VIR DIE KLERASIE
VERVAARDIGINGSNYWERHEID: KOLLEKTIEWE FONDSOOREENKOMS
VIR DIE NOORDELIKE STREEK**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, trek hierby, kragtens artikel 32(7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewings Nos. R. 1175 van 15 Oktober 2004, R. 971 van 7 Oktober 2005, R. 886 van 8 September 2006 en R. 1077 van 3 November 2006 in, met ingang van 22 Oktober 2007.

M M S MDLADLANA
MINISTER VAN ARBEID

No. R. 973

19 October 2007

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: EXTENSION TO NON-PARTIES OF
COLLECTIVE FUND RE-ENACTING AND AMENDING AGREEMENT FOR
THE NORTHERN REGION**

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 Clothing Manufacturing 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 22 October 2007 and for the period ending 31 August 2012.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R, 973

19 Oktober 2007

WET OP ARBEIDSVERHOUDINGE, 1995**NASIONALE BEDINGINGSRAAD VIR DIE
KLERASIEVERVAARDIGINGSNYWERHEID: UITBREIDING NA NIE-
PARTYE VAN DIE KOLLEKTIEWE FONDS HERBEKRAGTIGING- EN
WYSIGINGSOOREENKOMS VIR DIE NOORDELIKE STREEK**

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 hiervan verskyn en wat in die Nasionale Bedingingsraad vir die Klerasievervaardigingsnywerheid 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 22 Oktober 2007 en vir die tydperk wat op 31 Augustus 2012 eindig.

**M M S MDLADLANA
MINISTER VAN ARBEID**

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY
COLLECTIVE FUND AMENDING AGREEMENT FOR THE NORTHERN
REGION**

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

Transvaal Clothing Manufacturers' Association

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

Southern African Clothing and Textile Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part, being the parties to the National Bargaining Council for the Clothing Manufacturing Industry.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Clothing Industry by all employers and employees who are engaged or employed in the operations referred to in the definition of "Clothing Industry" in clause 3 of this Agreement and who -
- (a) are members of the employers' organisation and the trade union, respectively and who are engaged or employed in the Industry;
 - (b) are subject to the scope of Part D of the National Main Collective Agreement of the National Council, being in the Province of the

Transvaal, as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

- (c) are subject to the scope of Part I (Non-Metro) of the National Main Collective Agreement of the National Council, but only insofar as those areas of Part I that fall within the Provinces of the Free State, Gauteng, Limpopo, Mpumalanga and North West and in the Northern Cape Magisterial Districts of Barkly West, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kuruman, Phillipstown, Postmasburg, Prieska and Warrenton, are concerned but excluding those areas excluded by virtue of clauses 1(1)(b)(iii), (iv) and (v) of Part I of the National Main Collective Agreement of the National Council.
- (2) Notwithstanding the provisions of subclause (1)—
- (a) the terms of this Agreement shall apply only in respect of employees for whom wages are prescribed in Parts D and I of the Council's National Main Collective Agreement; and
 - (b) the provision of clauses 5, 6, 7 and 9 of this Agreement shall apply in respect of any employee in the Industry for whom no wages are prescribed in Part D of the National Main Collective Agreement if such employee and his employer have mutually, and with the Council, agreed thereto in writing. This provision shall, however, not apply in respect of members who are subject to the scope of clause 1(1)(c) of this Agreement.

For the purposes of subclause (2) (b), any reference to employees for whom wages are prescribed in Part D of the National Main Collective Agreement shall be deemed to include employees referred to in that Agreement and any reference to the wage

prescribed for an employee shall be deemed to be a reference to such employee's actual wage.

- (3) Notwithstanding the provisions of subclauses (1) and (2), the terms of this Agreement shall apply in respect of employees who were contributors immediately prior to the coming into force of this Agreement.
- (4) Clauses 1 (1) (a), 2 (1) and 3 of this Agreement shall not apply to employers and employees who are non-members of the employers' organisation and trade union, respectively."

2. PERIOD OF OPERATION OF AGREEMENT

- (1) This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32(2) of the Act, and shall remain in force until 31 August 2012. This Agreement shall be binding on the parties and their members and shall remain effective beyond the expiry date determined by the Minister or until the parties agree otherwise.
- (2) Upon the expiry of this Agreement or any extension thereof and in the event of a subsequent agreement not being negotiated within a period of two years from the expiry of this Agreement or any extension thereof, the Provident Fund established and continued in terms of clause 9 shall be liquidated as though the employees had left the Industry.

3. SPECIAL PROVISIONS

The provisions contained in clauses 8, 13(5) and 14B of the Agreement published under Government Notice R. 1175 of 15 October 2004, as amended, extended, renewed and re-enacted by Government Notices Nos. R. 971 of 7 October 2005, R. 886 of 8 September 2006 and R. 1077 of 3 November 2006

(hereinafter referred to as the "Former Agreement"), as further amended, extended, renewed and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7, 9 to 15A and 16 to 18 of the Former Agreement (as further as amended, extended, renewed and re-enacted from time to time), shall apply to employers and employees.

5. CLAUSE 9 OF THE FORMER AGREEMENT: PROVIDENT FUNDS

- (1) In sub-clause A, substitute the expression "the Fund referred to in Part B of this clause:" for the expression "the Fund referred to in Part B of the clause:" where it appears in the opening sentence.
- (2) In sub-clause A (2) (c), substitute the expression "clause 10" for the expression "clause 11".
- (3) Substitute sub-clause (3) with the following new clause:

"(3) (a) (i) The administration of the Fund shall be vested in the Northern Chamber of the Council, and shall consist of seven employers' representatives and seven employees' representatives appointed by the Northern Chamber of the Council. For each representative an alternate shall be appointed.

- (ii) The rules of the Fund adopted by the Council may be amended at any time by the Northern Chamber of the Council, subject to the approval of the National Council and to the provisions of sub-clause (9)."

- (4) In sub-clause (3)(d), substitute the expression "Registrar of Labour Relations" for the expression "Director General of Finance and the Registrar of Labour Relations, Pretoria".
- (5) In sub-clause (3)(e), substitute the expression "Council" for the expression "Bargaining Council" and delete the expression "Pretoria".
- (6) In sub-clause (3) (g), substitute the expression "Council" for the expression "Benefit Funds' Committee" and delete the expression "Pretoria".
- (7) Substitute sub-clause (4) (a) with the following new sub-clause:

"(4) (a) all employees for whom minimum wages are prescribed in Parts D and I of the National Main Collective Agreement of the National Council."
- (8) In sub-clause (4)(b) substitute the expression "Council" for the expression "Benefit Funds' Committee"
9. Substitute sub-clause (5) with the following new sub-clause:

"(a) For the purpose of the Fund, and for all employees falling within the scope of clause 1 (1) (b) of this Agreement, every employer shall, on the pay day of each pay week, deduct from the wages of each contributor in his employ 5,75% of the prescribed wage payable to such contributor in terms of paragraph A of clause 4 (1) of Part D of the National Main Collective Agreement of the Council, calculated to the nearest cent:

Provided that no deduction shall be made from the wages of a contributor who has worked for less than 20 hours in the week in which the deductions fall due.

- (b) To the aggregate amount deducted under subparagraph (a) and for all employees falling within the scope of clause 1(1)(b) of this Agreement, every employer shall contribute an amount equal to 6,5% in respect of each employee.
- (c) For the purpose of the Fund, and for all employees falling within the scope of clause 1 (1) (c) of this Agreement, an employer shall, each week, in the case of weekly paid employees, or each month, in the case of monthly paid employees, contribute to the Fund an amount equal to 4,0% of the wage of each of his employees in respect of whom wages are prescribed in Part I of the National Main Collective Agreement of the National Council and who has worked nine (9) ordinary hours or more during any pay week.
- (d) The employer shall forward the total amounts deducted under subparagraph (a), together with his own contributions in terms of subparagraph (b), to the Secretary of the Council, P.O. Box 5101, Johannesburg, 2000, together with a statement in the form and manner specified by the Council, within seven days from the date on which the deductions were made.
- (e) Should an employer fail to make the required deductions from the remuneration of his employee, he shall not be entitled to recover from his employee the amount claimed from him.
- (f) The provision of subclause (3) of clause 4 shall *mutatis mutandis* apply to this clause."

(10) In sub-clause (6), delete the number "(i)" and substitute the number "(ii)" with the number "(b)".

(11) In sub-clause (6) (ii), now 9 (6) (b), substitute the expression "Council" for the expression "Benefit Funds' Committee" and the expression "specified by the Council" for the expression "specified in the rules of the Fund".

(12) In sub-clause (7), substitute the opening sentence in paragraph (a) with the following new opening sentence:

"(a) If a member, who has been a contributor by virtue of clause 1 (1) (b) of this Agreement, leaves the Industry, the minimum benefits that shall be paid to such contributor on withdrawal, shall be the total amount contributed plus:"

(13) Insert the following new subparagraph after clause 9 (7) (a) and re-number existing subparagraphs "(b)" to "(d)" to read "(c)" to "(e)", respectively:

"(b) If a member, who has been a contributor by virtue of clause 1(1)(c) of this Agreement, leaves the Industry, he shall be entitled to the total amount contributed on his behalf by the employer in terms of subclause (5)(b)(ii) plus interest as provided for in subclause (8), but less administration fee (if any)."

(14) In sub-clause (8), substitute the expression "Council" for the expression "Benefit Funds' Committee".

(15) In sub-clause (9)(b), add the expression "for contributors who are subject to the scope of clause 1(1)(b) of this Agreement" at the end of the opening sentence.

(16) In sub-clause (12), substitute the expression "Council" for the expression "Clothing Industry Bargaining Council (Northern Areas)".

(17) In sub-clause (15), substitute the expression "Council" for the expression "Bargaining Council or the members of the Benefit Funds' Committee".

6. CLAUSE 10 OF THE FORMER AGREEMENT: LIABILITY FOR PAYMENT OF CONTRIBUTIONS

(1) In sub-clause (1), insert the following sentence at the end of the sub-clause:

"This provision shall not apply in respect of members who are subject to the scope of clause 1(1)(c) of this Agreement and in respect of whom contributions have to be made for a full year in terms of clause 9(5)(b)(ii) of this Agreement."

(2) In clause 10 (2), insert the following sentence at the end of the subclause:

"This provision shall not apply in respect of members who are subject to the scope of clause 1(1)(c) of this Agreement."

**7. CLAUSE 16 OF THE FORMER AGREEMENT: SACTWU
EDUCATION BURSARY SCHEME AND HIV/AIDS PROJECT**

In sub-clause (1), insert the following sentence at the end of the subclause:

"This provision shall not apply in respect of members who are subject to the scope of clause 1(1)(c) of this Agreement."

Signed at CAPE TOWN on behalf of the Parties this 21st day of JUNE 2007.

F OOSTHUYSEN

Chairperson

P J BRAND

Vice-Chairperson

W A ROBERTS

General Secretary

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