



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 14 JUNIE 1972.

[No. 3555.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1029.

14th June, 1972.

No. 1029.

14 Junie 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:

No. 65 of 1972: Armaments Development and Production Amendment Act, 1972.

No. 65 van 1972: Wysigingswet op Krygstuigontwikkeling en -Vervaardiging, 1972.

WET

Tot wysiging van die bepalinge van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968, met betrekking tot woordomskrywings; ten einde sekere verdere bevoegdhede aan die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika, Beperk te verleen; ten einde die bedoelde korporasie te magtig om behuisings- en ander voordele aan werknemers te verskaf en om maatreëls te tref vir die beveiliging van goed of persele wat behoort aan of onder die beheer is van bedoelde korporasie of 'n filiaalmaatskappy of waarop 'n werksaamheid van bedoelde korporasie of 'n filiaalmaatskappy verrig word; om voorsiening te maak vir die instelling van komitees en die delegering van sy bevoegdhede deur die bedoelde korporasie; vir die verkryging van fondse deur die bedoelde korporasie by wyse van lenings; vir die vrystelling van die bedoelde korporasie of 'n filiaalmaatskappy van die betaling van sekere regte of gelde; vir die erkenning deur die bedoelde korporasie van organisasies van werknemers as werknemersverenigings; en vir die beslegting van arbeidsgeskille met werknemers van die bedoelde korporasie of 'n filiaalmaatskappy; om stakings deur werknemers van die bedoelde korporasie of 'n filiaalmaatskappy te verbied; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 Junie 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 57 van 1968.

1. Artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur voor die omskrywing van „direkteur” die volgende omskrywing in te voeg:
„„Blanke” iemand wat volgens voorkoms klaarblyklik 'n Blanke is of wat gewoonlik vir 'n Blanke deurgaan, maar nie ook 'n persoon wat, hoewel hy volgens voorkoms klaarblyklik 'n Blanke is, gewoonlik vir 'n Nieblanke deurgaan nie;”;
- (b) deur na die omskrywing van „direkteur” die volgende omskrywing in te voeg:
„„filiaalmaatskappy”—
 - (a) 'n maatskappy waarvan alle uitgereikte aandele gehou word deur die korporasie en sy genomineerdes of deur daardie genomineerdes; of
 - (b) 'n maatskappy waarvan alle uitgereikte aandele gehou word deur 'n in paragraaf (a) bedoelde filiaalmaatskappy en sy genomineerdes of deur daardie genomineerdes;”;
- (c) deur na die omskrywing van „Minister” die volgende omskrywing in te voeg:

ARMAMENTS DEVELOPMENT AND PRODUCTION
AMENDMENT ACT, 1972.

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ACT

To amend the provisions of the Armaments Development and Production Act, 1968, relating to definitions; so as to confer certain further powers upon the Armaments Development and Production Corporation of South Africa, Limited; so as to empower the said corporation to provide employees with housing and other benefits and to take steps to safeguard property or premises belonging to or under the control of the said corporation or a subsidiary company or upon which an activity of the said corporation or a subsidiary company is being performed; to provide for the establishment of committees and the delegation of its powers by the said corporation; for the obtaining of funds by the said corporation by way of loans; for the exemption of the said corporation or a subsidiary company from the payment of certain duties or fees; for the recognition by the said corporation of organizations of employees as employees' associations; and for the settlement of labour disputes with employees of the said corporation or a subsidiary company; to prohibit strikes by employees of the said corporation or a subsidiary company; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 8th June, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Armaments Development and Production Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 57 of 1968.

(a) by the insertion after the definition of "director" of the following definitions:

"'employee' means a person in the employment of the corporation or a subsidiary company, and in addition—

(a) for the purposes of section 8C (1) in so far as it relates to representations concerning the termination of employment of a person who, as a result of such termination of employment ceased to be so in employment, such person;

(b) for the purposes of section 4A—

(i) a person working for or who is in the employment of a person working for the corporation or a subsidiary company;

(ii) an employee of the Armaments Board;

'employees' association' means an organization of employees which, in terms of the provisions of this Act, is recognized by the corporation as an employees' association;

'employer' means the corporation or a subsidiary company;";

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„,Nieblanke' iemand wat nie 'n Blanke is nie;"; en
(d) deur na die omskrywing van „Republiek" die volgende omskrywings in te voeg:

„,staking' een of meer van die volgende handeling of versuime deur enige aantal werknemers—

(a) die weiering of versuim deur hulle om aan te hou met werk (ongegag of die stopsetting volkome of gedeeltelik is) of om hul werk te hervat of om aan die bedinge of voorwaardes van hul diens te voldoen, of die vertraging deur hulle van die vordering van werk, of die belemmering deur hulle van werk; of

(b) die verbreking of onwettige beëindiging deur hulle van hul dienskontrakte, indien—

(i) so 'n handeling of versuim plaasvind na aanleiding van 'n samespanning, ooreenkoms of verstandhouding, hetsy uitdruklik al dan nie, tussen hulle; en

(ii) die doel van so 'n handeling of versuim is om die korporasie of 'n filiaalmaatskappy te beweeg of te dwing om—

(aa) toe te stem tot of te voldoen aan eise of voorstelle in verband met bedinge of voorwaardes van diens of ander aangeleenthede wat gestel of gemaak is deur of namens bedoelde werknemers of enige van hulle, of deur of namens ander persone wat in diens is of was; of

(bb) na te laat om gevolg te gee aan 'n voorneme om bedinge of voorwaardes van diens te verander, of, as so 'n verandering aangebring is, die bedinge of voorwaardes wat bestaan het voordat die verandering aangebring is, te herstel; of

(cc) 'n persoon in diens te neem of te skors of sy diens te beëindig;

„voorskryf" by regulasie voorskryf en het „voorgeskrif" of „voorgeskrewe" 'n ooreenstemmende betekenis; „werkgewer" die korporasie of 'n filiaalmaatskappy; „werknemer" 'n persoon wat in diens is van die korporasie of 'n filiaalmaatskappy, en daarbenewens—

(a) vir die doeleindes van artikel 8C (1) vir sover dit betrekking het op verhoë aangaande die diensbeëindiging van 'n persoon wat as gevolg van sodanige diensbeëindiging opgehou het om aldus in diens te wees, daardie persoon;

(b) vir die doeleindes van artikel 4A—

(i) 'n persoon wat werk verrig vir of wat in diens is van 'n persoon wat werk verrig vir die korporasie of 'n filiaalmaatskappy;

(ii) 'n werknemer van die Krygstuigraad; „werknemersvereniging" 'n organisasie van werknemers wat kragtens die bepalings van hierdie Wet deur die korporasie as 'n werknemersvereniging erken word.”.

Wysiging van
artikel 3 van
Wet 57 van 1968.

2. (1) Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oogmerke
en algemene
bevoegdheid
van kor-
porasie.

3. (1) Die oogmerke van die korporasie is om, so doeltreffend en ekonomies as wat doenlik is te voorsien in die krygstuigbehoefte van die Republiek, met inbegrip van krygstuig vir uitvoer benodig en vuurwapens, ammunisie of pirotegniese produkte benodig vir verskaffing aan lede van die publiek.

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- (b) by the insertion after the definition of "Minister" of the following definitions:
 "'non-white person' means a person who is not a white person;
 'prescribe' means prescribe by regulation and 'prescribed' shall have a corresponding meaning";
- (c) by the insertion after the definition of "Republic" of the following definitions:
 "'strike' means any one or more of the following acts or omissions by any number of employees—
 (a) the refusal or failure by them to continue to work (irrespective of whether the discontinuance is complete or partial) or to resume their work or to comply with the terms or conditions of their employment, or the retardation by them of the progress of work, or the obstruction by them of work; or
 (b) the breach or unlawful termination by them of their contracts of employment;
 if—
 (i) such an act or omission occurs in pursuance of any collusion, agreement or understanding, whether expressed or not, among them; and
 (ii) the purpose of such an act or omission is to induce or compel the corporation or a subsidiary company—
 (aa) to agree to or to comply with any demands or proposals concerning terms or conditions of employment or other matters made by or on behalf of the said employees or any of them, or by or on behalf of any other persons who are or have been employed; or
 (bb) to refrain from giving effect to any intention to change any terms or conditions of employment, or, if such a change has been made, to restore the terms or conditions to those which existed before the change was made; or
 (cc) to employ or to suspend or terminate the employment of any person;
 'subsidiary company' means—
 (a) a company of which all the issued shares are held by the corporation and its nominees or by such nominees; or
 (b) a company of which all the issued shares are held by a subsidiary company referred to in paragraph (a) and its nominees or by such nominees"; and
- (d) by the insertion after the definition of "this Act" of the following definition:
 "'white person' means a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person, who, although in appearance obviously a white person, is generally accepted as a non-white person."

2. (1) The following section is hereby substituted for section 3 of the principal Act:

Amendment of section 3 of Act 57 of 1968.

3. (1) The objects of the corporation shall be to meet as effectively and economically as may be feasible the armaments requirements of the Republic, including armaments required for export and firearms, ammunition or pyrotechnical products required for supply to members of the public.

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(2) Vir die bereiking van sy oogmerke het die korporasie, benewens ander bevoegdhede by hierdie Wet aan hom verleen, die bevoegdheid—

- (a) om ondernemings van die Krygstuigraad vir die vervaardiging van krygstuig oor te neem en, indien nodig, uit te brei;
- (b) om regstreekse of onregstreekse finansiële belange van die Krygstuigraad in 'n aan die vervaardiging van krygstuig verbonde onderneming oor te neem;
- (c) om alle bates, laste, regte en verpligtinge wat kragtens die bepalings van artikel 5 (1) van die Krygstuigwet, 1964 (Wet No. 87 van 1964), op die Krygstuigraad oorgegaan het, oor te neem;
- (d) om, met die goedkeuring van die Minister verleen in oorleg met die Minister van Ekonomiese Sake, ondernemings vir die verrigting of bevordering van die werksaamhede vermeld in paragraaf (1) op te rig, of om 'n aandeel te hê in die oprigting daarvan, of om sodanige ondernemings oor te neem of 'n aandeel daarin te verkry;
- (e) om, met die goedkeuring van die Minister verleen in oorleg met die Minister van Ekonomiese Sake, maatskappye vir die verrigting of bevordering van die werksaamhede vermeld in paragraaf (1) in die Republiek of elders te stig of met die stigting daarvan behulpsaam te wees;
- (f) om, met die goedkeuring van die Minister verleen in oorleg met die Minister van Ekonomiese Sake, aan 'n persoon of maatskappy wat verbonde is aan 'n onderneming vir die verrigting of bevordering van die werksaamhede vermeld in paragraaf (1), geld te leen of voor te skiet, 'n belang in so 'n maatskappy te verkry, of dit van kapitaal te voorsien, of deur garansie of andersins met die inskrywing van kapitaal daarvoor behulpsaam te wees, of dit te finansier, of die finansiering daarvan te vergemaklik, te bevorder, te lei of daarmee behulpsaam te wees: Met dien verstande dat waar sodanige handeling verrig word ten opsigte van 'n filiaalmaatskappy, die goedkeuring van die Minister nie nodig is nie;
- (g) om onroerende of roerende goed van watter aard ookal, met inbegrip van effekte, aandele, verbande, obligasies en sekuriteite van en belange in 'n maatskappy, te hou, te bestuur, te ontwikkel, te verhuur of te huur, of te koop, daarop in te skrywe of dit andersins te verkry, of te verkoop of andersins te vervreem, of te verpand of andersins daarmee te handel en, waar nodig, as trustee vir obligasiehouers op te tree;
- (h) om verhandelbare stukke te maak, te trek, aan te neem of te endosseer;
- (i) om 'n verpligting wat met betrekking tot die finansiering van 'n persoon of maatskappy of die uitvoering van 'n kontrak deur 'n persoon of maatskappy aangegaan is, te waarborg;
- (j) om as die bestuurder of sekretaris van 'n maatskappy op te tree, en om 'n persoon aan te stel om namens die korporasie as 'n direkteur van of in 'n ander hoedanigheid met betrekking tot 'n maatskappy op te tree, en om as die agent of verteenwoordiger op te tree van ander

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(2) For the attainment of its objects the corporation shall, in addition to any other powers vested in it by this Act, have power—

- (a) to take over and, if necessary, to expand any undertaking of the Armaments Board for the manufacture of armaments;
- (b) to take over any direct or indirect financial interests of the Armaments Board in any undertaking connected with the manufacture of armaments;
- (c) to take over all assets, liabilities, rights and obligations which, in terms of the provisions of section 5 (1) of the Armaments Act, 1964 (Act No. 87 of 1964), had devolved upon the Armaments Board;
- (d) to establish, with the approval of the Minister granted in consultation with the Minister of Economic Affairs, undertakings for the performance or promotion of the activities referred to in paragraph (1), or to have part in the establishment thereof, or to take over such undertakings or to acquire a share therein;
- (e) with the approval of the Minister granted in consultation with the Minister of Economic Affairs, to promote or assist in the promotion of companies for the performance or the promotion of the activities referred to in paragraph (1), in the Republic or elsewhere;
- (f) with the approval of the Minister granted in consultation with the Minister of Economic Affairs, to lend or advance money to a person or company engaged in any undertaking for the performance or promotion of the activities referred to in paragraph (1), to acquire an interest in, or to provide, or by underwriting or otherwise to assist in the subscription of, capital for such company or to finance it or to facilitate, promote, guide or assist the financing thereof: Provided that if such act is performed in respect of a subsidiary company, the approval of the Minister is not required;
- (g) to hold, manage, develop, let or hire, or buy, subscribe for or otherwise acquire, or sell or otherwise dispose of, or hypothecate or otherwise deal in, immovable or movable property of whatever kind, including stocks, shares, bonds, debentures and securities of, and any interest in, any company, and where necessary, to act as trustee for debenture holders;
- (h) to make, draw, accept or endorse negotiable instruments;
- (i) to guarantee any undertaking given in relation to the financing of any person or company or the performance of any contract by any person or company;
- (j) to act as the manager or secretary of any company, and to appoint any person to act on behalf of the corporation as a director of or in any other capacity in relation to any company, and to act as the agent or representative of

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maatskappye, hetsy hulle in die Republiek of elders sake doen;

(k) om die registrasie van die korporasie in enige land of gebied te bewerkstellig;

(l) om krygstuig, met inbegrip van krygstuig wat vir uitvoer nodig is en vuurwapens, ammunisie of pirotegniese produkte wat vir verskaffing aan lede van die publiek nodig is, te ontwikkel, te vervaardig, te versien, te herstel, in stand te hou, te koop, te verkoop, in te voer, uit te voer en die verkope daarvan te bevorder deur reklame of andersins;

(m) om patente, lisensies, konsessies, vervaardigingsregte of iets dergeliks, wat 'n reg verleen tot die gebruik van informasie of 'n proses, waarvan die gebruik na die oordeel van die korporasie nodig is vir die bereiking van sy oogmerke, aan te vra, te koop of op 'n ander wyse te verkry en om die eiendom, regte of informasie aldus verkry, te gebruik, uit te oefen, te ontwikkel, lisensies ten opsigte daarvan te verleen of op 'n ander wyse voordeel daaruit te trek;

(n) om werknemers in diens te neem;

(o) om 'n interne versekeringsfonds te stig vir die versekering van die bates van die korporasie of 'n filiaalmaatskappy, op die voorwaardes wat die Minister in oorleg met die Minister van Finansies goedkeur;

en die korporasie het in die algemeen die bevoegdheid om in die Republiek of elders kontrakte aan te gaan of handelinge te verrig wat nodig is vir of verbonde is aan of bevorderlik is vir die bereiking van die een of ander oogmerk van die korporasie, of wat daarop bereken is om regstreeks of onregstreeks die waarde te verhoog van die dienste wat die korporasie ten opsigte van die werksaamhede vermeld in paragraaf (l) kan lewer, of wat die Minister van tyd tot tyd bepaal."

(2) Subartikel (1) word geag in werking te getree het op die datum van inwerkingtreding van die Hoofwet.

Invoeging van
artikel 3A in
Wet 57 van 1968.

3. Die volgende artikel word hierby in die Hoofwet na artikel 3 ingevoeg:

„Oordrag
van
eiendom.

3A. Die eiendomsreg en ander saaklike regte wat ten gunste van die Staat geregistreer is ten opsigte van die grond waarop die ondernemings en bates bedoel in paragrafe (a) en (c) van artikel 3 (2) geleë is, of ten opsigte van 'n onverdeelde aandeel in sodanige grond, kan, ondanks andersluidende wetsbepalings, regstreeks vanaf die Staat op die korporasie of 'n filiaalmaatskappy oorgedra word."

Invoeging van
artikels 4A en 4B
in Wet 57 van
1968.

4. (1) Die volgende artikels word hierby in die Hoofwet na artikel 4 ingevoeg:

„Bevoegd-
hede van
korporasie
ten aan-
sien van
werknemers.

4A. Die korporasie kan—

(a) die in paragraaf (n) van artikel 3 (2) vermelde werknemers in diens neem op die voorwaardes, met inbegrip van besoldiging en die verskaffing van voordele, wat hy goedvind en kan bedoelde werknemers ontslaan;

(b) op voorwaardes en met die sekuriteit wat hy goedvind—

(i) geld leen aan 'n werknemer; of

(ii) kollaterale sekuriteit insluitende waarborge aan 'n bouvereniging gee ten opsigte van 'n lening wat deur sodanige bouvereniging aan 'n werknemer toegestaan is,

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other companies, whether carrying on business in the Republic or elsewhere;

- (k) to procure the registration of the corporation in any country or territory;
- (l) to develop, manufacture, service, repair, maintain, buy, sell, import, export and, through advertising or otherwise, to promote the sales of armaments, including armaments required for export and firearms, ammunition or pyrotechnical products required for supply to members of the public;
- (m) to apply for, buy or otherwise acquire patents, licences, concessions, rights of manufacture or the like, conferring a right to the use of any information or process, the use of which in the opinion of the corporation is necessary for the attainment of any of its objects, and to use, exercise, develop, grant licences in respect of or otherwise derive benefit from property, rights or information thus acquired;
- (n) to engage employees;
- (o) to establish an internal insurance fund for the insurance, on the conditions approved of by the Minister in consultation with the Minister of Finance, of the assets of the corporation or a subsidiary company;

and the corporation shall, generally, have power to enter into any contract or perform any act, whether in the Republic or elsewhere, which may be necessary for or incidental or conducive to the attainment of any of the objects of the corporation, or which is calculated directly or indirectly to enhance the value of the services which the corporation may render in respect of any of the activities referred to in paragraph (l), or which the Minister may from time to time determine."

(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of the principal Act.

3. The following section is hereby inserted in the principal Act after section 3:

Insertion of
section 3A in
Act 57 of 1968.

"Transfer
of owner-
ship.

3A. The ownership and other real rights registered in favour of the State in respect of the land upon which the undertakings and assets referred to in paragraphs (a) and (c) of section 3 (2) are situated, or in respect of an undivided share in such land, may, notwithstanding anything to the contrary contained in any law, be transferred directly from the State to the corporation or a subsidiary company."

4. (1) The following sections are hereby inserted in the principal Act after section 4:

Insertion of
sections 4A and
4B in Act 57 of
1968.

"Powers of
corporation
in respect of
employees.

4A. The corporation may—

- (a) employ the employees referred to in paragraph (n) of section 3 (2) on such conditions, including remuneration and the furnishing of benefits, as it may deem fit and may discharge such employees;
- (b) on such conditions and with such security as it may deem fit—
 - (i) lend money to any employee; or
 - (ii) provide collateral security, including guarantees, to a building society in respect of a loan granted to any employee by such building society,

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ten einde daardie werknemer in staat te stel om grond te verkry vir die bou van 'n woonhuis, bestem vir bewoning deur 'n werknemer, daarop, of ten einde daardie werknemer in staat te stel om so 'n woonhuis te verkry of te bou of te verbeter of te vergroot, en kan geld wat aldus deur hom aan 'n werknemer geleen word, versekureer deur die registrasie van 'n verband ten gunste van homself en 'n aldus geregistreeerde verband sedeer of afstand daarvan doen;

- (c) woonhuise vir bewoning deur werknemers bou of laat bou of koop of huur en daardie woonhuise aan werknemers verkoop of verhuur of dit andersins vervreem, verhuur of andersins daarmee handel;
- (d) woonstelgeboue bou of laat bou of koop of huur en daardie woonstelgeboue of gedeeltes daarvan aan werknemers verkoop of verhuur of dit andersins vervreem, verhuur of andersins daarmee handel;
- (e) mediese skemas, sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale- en gesondheidsdienste, restaurante, tehuise, beursskemas vir studiedoeleindes of ander dergelike ondernemings of skemas wat na sy oordeel vir werknemers voordelig is of kan wees, instel, stig, oprig of voortsit; en
- (f) 'n pensioenskema of 'n pensioenfonds vir werknemers instel en die reëls in verband daarmee uitvaardig wat hy goedvind.

Bevoegdhede van korporasie in verband met beveiliging van goed en persele.

4B. (1) Die korporasie kan die maatreëls tref of laat tref wat hy nodig ag vir die behoorlike beskerming, verdediging of beveiliging van goed wat behoort aan of onder die beheer is van die korporasie of 'n filiaalmaatskappy of van 'n perseel waarop 'n werksaamheid van die korporasie of 'n filiaalmaatskappy verrig word, en laat in verband met maatreëls aldus getref die kennisgewings publiseer of die waarskuwingstekens oprig wat hy in elke bepaalde geval nodig ag.

(2) Iemand wat skriftelik deur die korporasie daartoe gemagtig is, kan—

- (a) 'n persoon of voertuig wat op 'n in subartikel (1) bedoelde perseel is, visenteer en kan 'n houer of pakket wat in besit van daardie persoon of op daardie voertuig is, oopmaak en ondersoek;
- (b) beslag lê op 'n voorwerp wat, behalwe vir die doeleindes van die verrigting van die werksaamhede van die korporasie of 'n filiaalmaatskappy, in besit van 'n in paragraaf (a) bedoelde persoon of op 'n aldus bedoelde voertuig is en wat—
 - (i) aan die korporasie of 'n filiaalmaatskappy behoort of onder die beheer van die korporasie of 'n filiaalmaatskappy is; of
 - (ii) 'n bedreiging inhou vir die veiligheid van die goed van die korporasie of 'n filiaalmaatskappy of die veiligheid van goed wat onder die beheer van die korporasie of 'n filiaalmaatskappy is; en
- (c) 'n persoon in besit van 'n in paragraaf (b) bedoelde voorwerp in hegtenis neem.

(3) 'n Persoon wat op 'n in subartikel (1) bedoelde perseel sonder wettige rede in besit is van 'n in subartikel (2) (b) bedoelde voorwerp, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfduisend rand of met

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to enable such employee to acquire land for the erection of a dwelling house, intended for occupation by an employee, thereon, or to enable such employee to acquire, erect, improve or enlarge such a dwelling house, and may secure money which it so lends to an employee by the registration of a bond in favour of itself and may cede or renounce a bond so registered;

- (c) build, or cause to be built, or buy or hire dwelling houses for occupation by employees and may sell or let such houses to employees or otherwise alienate, let or deal with such houses;
- (d) build, or cause to be built, or buy or hire flat buildings and may sell or let such flat buildings or sections thereof to employees or otherwise alienate, let or deal with such flat buildings;
- (e) establish, institute, erect or carry on medical schemes, sports and recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion are or may be beneficial to employees; and
- (f) establish a pension scheme or a pension fund for employees and make such rules in connection therewith as it may deem fit.

Powers of corporation in connection with safeguarding of property and premises.

4B. (1) The corporation may take or cause to be taken such measures as it considers necessary for the efficient protection, defence or safeguarding of property belonging to or under the control of the corporation or a subsidiary company or of any premises upon which any activity of the corporation or a subsidiary company is being performed, and shall in connection with any measures so taken cause such notices to be published or such warnings to be erected as it may in each particular case consider necessary.

(2) Any person authorized thereto in writing by the corporation may—

- (a) search any person who or vehicle which is upon premises referred to in subsection (1) and open and examine any receptacle or parcel which is in the possession of such person or upon such vehicle;
- (b) seize any object which, other than for the purposes of the performance of the functions of the corporation or a subsidiary company, is in possession of a person referred to in paragraph (a) or upon a vehicle so referred to and which—
 - (i) belongs to the corporation or a subsidiary company or is under the control of the corporation or a subsidiary company; or
 - (ii) constitutes a threat to the safety of the property of the corporation or a subsidiary company or the safety of property under the control of the corporation or a subsidiary company; and
- (c) arrest any person who is in possession of an object referred to in paragraph (b).

(3) Any person who, upon premises referred to in subsection (1), is, without lawful cause, in possession of an object referred to in subsection (2) (b), shall be guilty of an offence and liable on

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gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel daardie boete as daardie gevangenisstraf.

(4) Die korporasie of 'n filiaalmaatskappy of 'n agent van die korporasie of iemand in diens van die korporasie of 'n filiaalmaatskappy is nie vir verlies of skade as gevolg van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom of lewende hawe, wat veroorsaak word deur of ontstaan uit of in verband met maatreëls getref of werke opgerig vir die beveiliging, verdediging of beskerming van die in subartikel (1) bedoelde goed of van 'n aldus bedoelde perseel aanspreeklik nie."

(2) Artikel 4A van die Hoofwet soos ingevoeg deur artikel 4 (1) van hierdie Wet, word geag in werking te getree het op die datum van inwerkingtreding van die Hoofwet.

Wysiging van
artikel 5 van
Wet 57 van 1968.

5. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die sake van die korporasie word, behoudens die bepalinge van hierdie Wet, bestuur en beheer deur 'n raad van direkteure."

Invoeging van
artikels 5A en 5B
in Wet 57 van
1968.

6. (1) Die volgende artikels word hierby in die Hoofwet na artikel 5 ingevoeg:

„Komitees.

5A. (1) Die korporasie kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan en die persone, met inbegrip van lede van die raad of werknemers, wat hy goedvind as lede van so 'n komitee aanstel.

(2) Aan ander lede van 'n komitee as werknemers word ten opsigte van hul dienste die besoldiging of toelaes uit die fondse van die korporasie betaal wat deur die Minister in oorleg met die Minister van Finansies bepaal word.

Delegering
van be-
voegdhe.

5B. (1) Die korporasie kan 'n bevoegdheid by hierdie Wet aan hom verleen, deleger aan 'n persoon of liggaam van persone (met inbegrip van 'n lid van die raad, 'n komitee, 'n werknemer, 'n bekleër van 'n pos by die korporasie of by 'n filiaalmaatskappy of 'n filiaalmaatskappy).

(2) Waar die korporasie kragtens subartikel (1) 'n bevoegdheid aan 'n in daardie subartikel bedoelde persoon of liggaam van persone gedelegeer het, kan hy sodanige persoon of liggaam magtig om die betrokke bevoegdheid te deleger aan 'n ander persoon of liggaam van persone deur die korporasie aangewys.

(3) 'n Delegasie kragtens subartikels (1) en (2) kan verleen word onderworpe aan die voorwaardes of beperkings (indien daar is) wat deur die korporasie of deur die persoon of liggaam van persone wat die delegasie verleen, bepaal word.

(4) Die korporasie is nie ontdoen van 'n bevoegdheid deur hom of kragtens sy magtiging gedelegeer nie, en kan 'n beslissing geneem in die uitoefening van sodanige bevoegdheid, met inbegrip van 'n beslissing waardeur 'n beslissing gewysig of ingetrek word soos in subartikel (5) bedoel, wysig of intrek.

(5) 'n Persoon of liggaam van persone in subartikel (1) bedoel, is nie ontdoen van 'n bevoegdheid deur hom gedelegeer nie, en kan 'n beslissing geneem in die uitoefening van sodanige bevoegdheid, wysig of intrek.

(6) Waar 'n bevoegdheid aan die bekleër van 'n pos gedelegeer is, word sodanige bevoegdheid geag gedelegeer te wees aan die persoon wat te eniger tyd sodanige pos beklee."

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conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

(4) The corporation or a subsidiary company or any agent of the corporation or any person employed by the corporation or a subsidiary company shall not be liable for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property or livestock caused by or arising out of or in connection with any measures taken or works erected for the safeguarding, defence or protection of property referred to in subsection (1) or of premises so referred to."

(2) Section 4A of the principal Act as inserted by section 4 (1) of this Act shall be deemed to have come into operation on the date of commencement of the principal Act.

5. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 5 of
Act 57 of 1968.

"(1) The affairs of the corporation shall, subject to the provisions of this Act, be managed and controlled by a board of directors."

6. (1) The following sections are hereby inserted in the principal Act after section 5:

Insertion of
sections 5A and
5B in Act 57 of
1968.

"Commit-
tees.

5A. (1) The corporation may establish committees to assist it in the performance of its functions and duties and appoint such persons, including members of the board or employees, as members of any such committee as it may deem fit.

(2) The members of a committee other than employees shall, out of the funds of the corporation, be paid such remuneration or allowances in respect of their services as may be determined by the Minister in consultation with the Minister of Finance.

Delegation
of powers.

5B. (1) The corporation may delegate to any person or body of persons (including any member of the board, committee, employee, holder of a post with the corporation or a subsidiary company or any subsidiary company) any power conferred on the corporation by this Act.

(2) Where the corporation has delegated a power under subsection (1) to a person or body of persons referred to in that subsection, it may authorize such person or body to delegate the power in question to any other person or body of persons designated by the corporation:

(3) A delegation under subsections (1) and (2) may be made subject to such conditions or restrictions (if any) as may be determined by the corporation or by the person or body of persons making the delegation.

(4) The corporation shall not be divested of a power delegated by it or under its authority, and may amend or withdraw any decision made in the exercise of such power, including a decision amending or withdrawing a decision as contemplated in subsection (5).

(5) A person or body of persons referred to in subsection (1), shall not be divested of a power delegated by him or it, and may amend or withdraw any decision made in the exercise of such power.

(6) Where a power has been delegated to the holder of a post, such power shall be deemed to have been delegated to the person who at any time holds such post."

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(2) Subartikel (1) word geag in werking te getree het op die datum van inwerkingtreding van die Hoofwet.

Wysiging van
artikel 8 van
Wet 57 van 1968.

7. Die volgende artikel word hierby in die Hoofwet na artikel 6 ingevoeg:
„Lenings.

6A. (1) Die korporasie kan, met die goedkeuring van die Minister verleen in oorleg met die Minister van Finansies, geld opneem by, leen of verkry van 'n persoon of instansie teen die rentekoers en op die voorwaardes wat die korporasie goetvind, skuld-briewe uitreik en, indien nodig, sekuriteit stel of voorsorg tref vir die terugbetaling van geld aldus opgeneem, geleen of verkry.

(2) Die Minister kan in oorleg met die Minister van Finansies, namens die Regering, en op die voorwaardes wat die Minister goetvind, die terugbetaling van enige gelde wat deur die korporasie ingevolge subartikel (1) opgeneem, geleen of verkry word, tesame met enige rente daarop en enige koste wat in verband daarmee aangegaan is, waarborg.”.

Invoeging van
artikels 8A, 8B,
8C, 8D, 8E, 8F en
8G in Wet 57 van
1968.

8. Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

„Vrystelling
van regte
of gelde.

7A. Die korporasie of 'n filiaalmaatskappy is vrygestel van die betaling van regte of gelde wat, as dit nie vir die bepalings van hierdie artikel was nie, ingevolge 'n bepaling van die een of ander wet (uitgesonderd 'n wet op doeane en aksyns) deur die korporasie of 'n filiaalmaatskappy aan die Staat betaalbaar sou gewees het ten opsigte van 'n handeling of transaksie of ten opsigte van 'n stuk wat in verband staan met 'n handeling of transaksie.”.

Invoeging van
artikel 6A in
Wet 57 van 1968.

9. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) Die korporasie kan 'n reserwefonds instel vir die doeleindes wat hy, met inagneming van subartikel (1), goetvind en moet die deel van die gelde in die reserwefonds wat hy nie onmiddellik nodig het nie by die Staatskuldkommissaris belê.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) So spoedig doenlik ná voltooiing van elke audit moet die raad aan die Minister die ouditeursverslag verstrek wat die voorgeskrewe besonderhede bevat, tesame met 'n verslag oor die bedrywighede van die korporasie wat die voorgeskrewe besonderhede bevat, en die Minister lê elke verslag en die rekeningstate wat bedoelde verslag vergesel, in die Senaat en in die Volksraad ter Tafel binne 'n maand nadat hy dit ontvang het, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 'n maand na die aanvang van die eersvolgende gewone sessie, tensy openbaarmaking van bedoelde verslag na die oordeel van die Minister die veiligheid van die Staat aan gevaar kan blootstel.”.

Invoeging van
artikel 7A in
Wet 57 van 1968.

10. Die volgende artikels word hierby in die Hoofwet na artikel 8 ingevoeg:

„Werk-
nemers-
verenigings.

8A. (1) (a) 'n Organisasie van werknemers wat slegs bestaan uit lede van 'n voorgeskrewe kategorie van werknemers kan by die korporasie aansoek doen om erkenning as 'n werknemersvereniging.

(b) 'n Aansoek in subartikel (1) (a) bedoel, moet skriftelik en in die vorm en op die wyse wat

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(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of the principal Act.

7. The following section is hereby inserted in the principal Act after section 6:

Amendment of
section 8 of
Act 57 of 1968.

“Loans.

6A. (1) The corporation may, with the approval of the Minister granted in consultation with the Minister of Finance, raise money with or borrow or obtain money from any person or body at such rate of interest and on such conditions as the corporation may deem fit, issue debentures and, if necessary, provide security or make provision for the repayment of money so raised, borrowed or obtained.

(2) The Minister may in consultation with the Minister of Finance, on behalf of the Government, and on such terms and conditions as the Minister may deem fit, guarantee the repayment of any moneys raised, borrowed or obtained by the corporation in terms of subsection (1) together with any interest thereon and any charges incurred in connection therewith.”

8. The following section is hereby inserted in the principal Act after section 7:

Insertion of
sections 8A, 8B,
8C, 8D, 8E, 8F
and 8G in Act 57
of 1968.

“Exemption
from duties
or fees.

7A. The corporation or a subsidiary company shall be exempt from the payment of any duties or fees which, but for the provisions of this section, would in terms of a provision of any law (other than a law relating to customs and excise) have been payable to the State by the corporation or a subsidiary company in respect of any act or transaction or in respect of any document connected with any act or transaction.”

9. Section 8 of the principal Act is hereby amended—

Insertion of
section 6A in
Act 57 of 1968.

(a) by the insertion after subsection (1) of the following subsection:

“(1A) The corporation may establish a reserve fund for such purposes as, with due regard to subsection (1), it may deem fit and shall invest with the Public Debt Commissioners that portion of the moneys in the reserve fund which it does not require immediately.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) As soon as may be after the completion of every audit the board shall furnish the Minister with the report of the auditor containing such particulars as may be prescribed, together with a report on the activities of the corporation containing the prescribed particulars, and the Minister shall lay each report and any statements of account accompanying such report on the Table of the Senate and of the House of Assembly within one month after receipt thereof by him, if Parliament is in ordinary session, or if Parliament is not in ordinary session, within one month after the commencement of the next ensuing ordinary session, unless disclosure of any such report may in the opinion of the Minister jeopardize the safety of the State.”

10. The following sections are hereby inserted in the principal Act after section 8:

Insertion of
section 7A in
Act 57 of 1968.

“Employees’
associations.

8A. (1) (a) Any organization of employees consisting solely of members of a prescribed category of employees may apply to the corporation for recognition as an employees’ association.

(b) An application referred to in subsection (1) (a) shall be made in writing and in the prescribed

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voorgeskrif word, geskied en vergesel gaan van drie afskrifte van die konstitusie van die organisasie van werknemers wat aldus aansoek doen (behoorlik gewaarmerk deur die handtekening van die voorsitter en die sekretaris van daardie organisasie) en die ander stukke of inligting wat voorgeskrif word.

- (c) 'n Organisasie van werknemers wat kragtens hierdie artikel om erkenning aansoek doen, moet die verdere inligting wat die korporasie vereis binne die tydperk wat die korporasie vasstel aan hom verstrekk.

(2) Die korporasie kan, alvorens hy bedoelde aansoek toestaan, van die organisasie van werknemers wat aldus om erkenning aansoek doen, vereis dat hy kennis daarvan gee aan die werknemersverenigings of organisasies van werknemers wat die korporasie aandui.

- (3) (a) 'n Werknemersvereniging of 'n organisasie van werknemers wat om erkenning as 'n werknemersvereniging aansoek gedoen het en waarvan die aansoek nog hangende is of 'n organisasie van werknemers wat van voorneme is om aldus aansoek te doen, kan, behoudens die bepalinge van paragraaf (b) en binne 'n tydperk van dertig dae van die datum van die in subartikel (2) bedoelde kennisgewing, by die korporasie teen 'n in subartikel (1) bedoelde aansoek skriftelik beswaar maak.

- (b) 'n In paragraaf (a) bedoelde beswaar vermeld die gronde daarvan en 'n afskrif daarvan moet terselfdertyd aan die organisasie van werknemers teen wie se aansoek beswaar gemaak word, afgelewer word.

- (c) 'n Werknemersvereniging of organisasie van werknemers wat aldus beswaar maak, moet die verdere inligting wat die korporasie vereis binne die tydperk wat die korporasie vasstel aan hom verstrekk.

- (4) (a) Geen organisasie van werknemers wat by die korporasie om erkenning as 'n werknemersvereniging aansoek doen, word deur die korporasie as 'n werknemersvereniging erken nie tensy die korporasie oortuig is dat—

- (i) die konstitusie van daardie organisasie aan die vereistes van hierdie Wet voldoen;
- (ii) die belange van die betrokke werknemers deur so 'n werknemersvereniging, indien erken, bevorder sal word; en
- (iii) daardie organisasie nie in die lewe geroep is om die belange van ander werknemers te skaad nie of nie waarskynlik gemelde belange sal skaad nie.

- (b) Die korporasie kan weier om 'n organisasie van werknemers as 'n werknemersvereniging te erken indien hy van oordeel is dat die belange van die betrokke werknemers reeds voldoende bevorder en behartig word deur 'n bestaande werknemersvereniging of indien die betrokke organisasie versuim om die een of ander bepaling van sy konstitusie te wysig op 'n wyse wat die korporasie skriftelik aandui of om so 'n bepaling wat die korporasie aldus aandui uit bedoelde konstitusie te skrap of 'n bepaling wat die korporasie aldus aandui in bedoelde konstitusie in te voeg.

- (c) Die korporasie erken nie 'n organisasie van werknemers as 'n werknemersvereniging nie

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form and manner and shall be accompanied by three copies of the constitution of the organization of employees so applying (duly certified as true copies under the signature of the chairman and the secretary of that organization) and such other documents or information as may be prescribed.

- (c) An organization of employees applying for recognition under this section, shall furnish the corporation with such further information as the corporation may require, within the period fixed by the corporation.

(2) The corporation may, before it grants the said application, require the organization of employees so applying for recognition to give notice thereof to such employees' associations or organizations of employees as the corporation may specify.

- (3) (a) An employees' association or an organization of employees which has applied for recognition as an employees' association and whose application is still pending or an organization of employees which intends so to apply, may, subject to the provisions of paragraph (b) and within a period of thirty days from the date of the notification referred to in subsection (2), in writing lodge with the corporation an objection to an application referred to in subsection (1).

- (b) An objection referred to in paragraph (a) shall specify the grounds thereof and a copy thereof shall at the same time be delivered to the organization of employees whose application is being objected to.

- (c) An employees' association or organization of employees so objecting, shall furnish the corporation with such further information as the corporation may require, within the period fixed by the corporation.

- (4) (a) No organization of employees which applies to the corporation for recognition as an employees' association shall be recognized as an employees' association by the corporation unless the corporation is satisfied that—

- (i) the constitution of that organization complies with the provisions of this Act;
- (ii) the interests of the employees concerned will be promoted by such an employees' association, if recognized; and
- (iii) that organization has not been established in order to harm the interests of other employees or is not likely to harm the said interests.

- (b) The corporation may refuse to recognize an organization of employees as an employees' association if it is of the opinion that the interests of the employees concerned are already adequately promoted and served by an existing employees' association or if the organization in question fails to amend any provision of its constitution in a manner indicated by the corporation in writing or to delete from such constitution any such provision so indicated by the corporation or to insert in such constitution any provision so indicated by the corporation.

- (c) The corporation shall not recognize an organization of employees as an employees'

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indien lidmaatskap van die beoogde werknemersvereniging vir Blanke- sowel as Nie-blanke werknemers oop sou wees.

- (d) Wanneer die korporasie 'n organisasie van werknemers as 'n werknemersvereniging erken, reik hy 'n sertifikaat van erkenning aan daardie werknemersvereniging uit.
- (e) Die korporasie kan 'n kragtens paragraaf (d) uitgereikte sertifikaat skriftelik intrek indien hy van oordeel is dat die gronde waarop die erkenning verleen is nie meer bestaan nie of indien die betrokke werknemersvereniging enige van die bepalings van artikel 8B (3) nie nakom nie.

(5) Wanneer 'n aansoek ingevolge subartikel (1) om erkenning as 'n werknemersvereniging deur die korporasie geweier word of wanneer die korporasie ingevolge subartikel (4) (e) 'n sertifikaat van erkenning intrek, kan die betrokke organisasie van werknemers op die voorgeskrewe wyse teen daardie weiering of intrekking na die Minister appelleer, en die Minister kan na oorweging van so 'n appèl—

- (a) die bedoelde weiering of intrekking deur die korporasie bekragtig;
- (b) die korporasie gelas om die bedoelde aansoek toe te staan of die bedoelde intrekking te kanselleer, na gelang van die geval; of
- (c) die korporasie gelas om, by nakoming deur die appellant van voorwaardes deur die Minister gestel die bedoelde aansoek toe te staan of die bedoelde intrekking te kanselleer, na gelang van die geval.

Konstitusie
van werknemers-
vereniging.

8B. (1) Die konstitusie van elke werknemersvereniging moet bepalings wat nie met hierdie Wet strydig is nie, in verband met onderstaande aangeleenthede bevat:

- (a) die doelstellinge van die vereniging;
- (b) die kategorie en ras van werknemers vir wie lidmaatskap van die vereniging oop is;
- (c) die vereistes vir lidmaatskap, en die ledegelde en ander gelde (indien daar is) deur lede betaalbaar of die metode van vasstelling van sodanige gelde;
- (d) die omstandighede waarin en die wyse waarop die lidmaatskap van 'n lid beëindig kan word;
- (e) die wyse waarop 'n lid sy lidmaatskap kan beëindig;
- (f) die voordele waarop lede geregtig is of kan word;
- (g) die omstandighede waarin 'n lid ophou om op die voordele van lidmaatskap geregtig te wees;
- (h) die verkryging en beheer van eiendom;
- (i) die doeleindes waarvoor sy fondse gebruik kan word;
- (j) die belê en bestuur van vergaderings van lede en die hou van die notule van die verrigtinge by sodanige vergaderings;
- (k) die instelling van en die bevoegdhede, pligte en werksaamhede van 'n bestuurskomitee en, indien daar is, ander komitees;
- (l) die prosedure wat by die aanstelling of verkiesing van lede van die bestuurskomitee of 'n ander komitee gevolg moet word;
- (m) die liggaam of liggame waarna 'n lid die reg het om te appelleer teen 'n beslissing gegee deur die bestuurskomitee of 'n ander komitee wat ingevolge die konstitusie die bevoegdheid besit om so 'n beslissing te gee oor 'n in paragraaf (d) of (g) bedoelde aangeleentheid, en die wyse waar-

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association if the membership of the proposed employees' association would be open to both white and non-white employees.

- (d) When the corporation recognizes an organization of employees as an employees' association, it shall issue a certificate of recognition to that employees' association.
- (e) The corporation may in writing withdraw a certificate issued under paragraph (d) if it is of the opinion that the grounds upon which the recognition has been granted no longer exist or if the employees' association in question fails to comply with any of the provisions of section 8B (3).

(5) When an application in terms of subsection (1) for recognition as an employees' association is refused by the corporation or when the corporation in terms of subsection (4) (e) withdraws a certificate of recognition, the organization of employees in question may in the prescribed manner appeal to the Minister against that refusal or withdrawal and the Minister may, after consideration of such an appeal—

- (a) confirm the said refusal or withdrawal by the corporation;
- (b) direct the corporation to grant the said application or to cancel the said withdrawal, as the case may be; or
- (c) direct the corporation, on compliance by the appellant with conditions stipulated by the Minister, to grant the said application or to cancel the said withdrawal, as the case may be.

Constitution
of employ-
ees' associa-
tion.

8B. (1) The constitution of every employees' association shall contain provisions not inconsistent with this Act in regard to the following matters:

- (a) the objects of the association;
- (b) the category and race of employees to whom membership of the association shall be open;
- (c) the qualifications for membership and the membership fees and other moneys (if any) to be paid by members or the method of determining such fees;
- (d) the circumstances and the manner in which the membership of a member may be terminated;
- (e) the manner in which a member may terminate his membership;
- (f) the benefits to which members are or may become entitled;
- (g) the circumstances in which a member shall cease to be entitled to the benefits of membership;
- (h) the acquisition and control of property;
- (i) the purposes for which its funds may be used;
- (j) the calling and conduct of meetings of members and the keeping of minutes of the proceedings at such meetings;
- (k) the establishment of and the powers, duties and functions of a management committee and other committees (if any);
- (l) the procedure to be followed in the appointment or election of members of the management committee or any other committee;
- (m) the body or bodies to which a member shall have the right to appeal against a decision given on any matter referred to in paragraph (d) or (g) by the management committee or any other committee having the power to give such a decision in terms of the constitution and the

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op sodanige appèl voortgesit en afgehandel moet word;

- (n) die omstandighede waarin en die wyse waarop 'n lid van die bestuurskomitee of van 'n ander komitee van sy amp onthef kan word: Met dien verstande dat, benewens enige ander bepaling ingevolge hierdie paragraaf gemaak, voorsiening gemaak moet word vir die hou van 'n stemming per stembriefie op skriftelike versoek van 'n vermelde getal of gedeelte van die lede, om vas te stel of 'n in die versoek genoemde lid van die bestuurskomitee of 'n ander komitee van sy amp onthef moet word of, indien aldus onthef, in sy amp herstel moet word;
- (o) die verandering van die konstitusie;
- (p) die ontbinding van die vereniging; en
- (q) enige ander aangeleentheid wat die korporasie bepaal.

(2) (a) 'n Werknemersvereniging kan sy konstitusie verander op die wyse in sy konstitusie bepaal.

(b) Drie afskrifte van 'n besluit om die konstitusie van 'n werknemersvereniging te verander, moet deur die sekretaris van daardie vereniging aan die korporasie gestuur word en bedoelde verandering is slegs van krag indien die korporasie 'n sertifikaat van goedkeuring van daardie verandering aan die betrokke werknemersvereniging uitreik.

(3) Elke werknemersvereniging moet—

- (a) 'n lederegister in stand hou wat die name van lede, ledegelde (indien daar is) deur elke lid betaal en die tydperke waarop daardie betalings betrekking het, aantoon;
- (b) behoorlike rekeningboeke hou;
- (c) jaarliks binne 'n tydperk van ses maande van die datum van verstryking van sy laaste voorafgaande boekjaar—
 - (i) 'n staat van inkomste en uitgawes gedurende daardie boekjaar en 'n balansstaat wat sy finansiële toestand by verstryking van daardie boekjaar aantoon, opmaak;
 - (ii) sy rekeningboeke laat ouditeer deur 'n openbare rekenmeester; en
 - (iii) 'n afskrif van sy geouditeerde balansstaat aan die korporasie verskaf.

Gesille
tussen
werknemers
en
werkgewers.

8C. (1) (a) 'n Individuele werknemer kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse persoonlik skriftelike versoë tot sy werkgewer rig aangaande 'n aangeleentheid wat uitsluitlik op daardie werknemer betrekking het en wat in verband staan met sy werksomstandighede of die diensvoorwaardes wat op hom van toepassing is of aangaande die beëindiging van sy diens deur sy werkgewer.

(b) Die werkgewer moet sy besluit aangaande die versoë skriftelik aan die werknemer meedeel.

(c) Indien die werknemer nie met sy werkgewer se besluit soos ingevolge paragraaf (b) meegedeel, tevrede is nie, kan die werknemer die aangeleentheid binne die voorgeskrewe tydperk en op die voorgeskrewe wyse verwys na die advieskomitee in subartikel (3) (a) bedoel, wat, nadat hy die aangeleentheid ondersoek het, die aanbevelings daaroor wat hy goedgevind, aan die korporasie moet voorlê.

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manner in which such appeal shall be prosecuted and determined;

- (n) the circumstances and the manner in which any member of the management committee or of any other committee may be removed from office: Provided that, in addition to any other provision made in terms of this paragraph, provision shall be made for the taking of a ballot, at the written request of a specified number or proportion of the members, to determine whether a member of the management committee or any other committee, named in the request, shall be removed from office or, if so removed, shall be reinstated;
- (o) the alteration of the constitution;
- (p) the dissolution of the association; and
- (q) any other matter which the corporation may determine.

(2) (a) An employees' association may alter its constitution in the manner determined in its constitution.

(b) Three copies of a resolution to alter the constitution of an employees' association shall be transmitted to the corporation by the secretary of that association and the said alteration shall only be of force and effect if the corporation issues a certificate of approval of that alteration to the employees' association in question.

(3) Every employees' association shall—

- (a) maintain a register of members showing their names, the membership fees (if any) paid by each member and the periods to which those payments relate;
- (b) keep proper books of account;
- (c) annually within a period of six months from the date of expiry of its last preceding financial year—
 - (i) prepare a statement of income and expenditure during that financial year and a balance sheet showing its financial position at the expiry of that financial year;
 - (ii) cause its books of account to be audited by a public accountant; and
 - (iii) furnish the corporation with a copy of its audited balance sheet.

Disputes
between
employees
and employ-
ers.

8C. (1) (a) An individual employee may within the prescribed period and in the prescribed manner personally make written representations to his employer with regard to a matter relating exclusively to that employee and which is connected with his circumstances of employment or the conditions of employment which apply to him or with regard to the termination of his employment by his employer.

(b) The employer shall in writing notify the employee of his decision with regard to the representations.

(c) If the employee is not satisfied with his employer's decision as notified in terms of paragraph (b), the employee may within the prescribed period and in the prescribed manner refer the matter to the advisory committee referred to in subsection (3) (a), which, after it has investigated the matter, shall submit to the corporation such recommendations about it as it may deem fit.

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- (d) Die korporasie kan die bedoelde aanbevelings aanvaar, verwerp of wysig of die ander besluit oor die betrokke aangeleentheid neem wat hy goedgevind en moet sy besluit in dié verband skriftelik aan die werknemer meedeel.
- (e) Indien die werknemer nie met die korporasie se besluit soos ingevolge paragraaf (d) meegedeel, tevrede is nie, kan die werknemer binne die voorgeskrewe tydperk en op die voorgeskrewe wyse aan die Minister dienoreenkomstig kennis gee en daarna word dit vir die doeleindes van artikel 8D geag dat daar 'n geskil aangaande die betrokke aangeleentheid of diensbeëindiging tussen die werknemer en sy werkgever bestaan.
- (2) (a) 'n Werknemersvereniging kan namens twee of meer werknemers wat lede daarvan is binne die voorgeskrewe tydperk en op die voorgeskrewe wyse skriftelik versoek tot hul werkgever rig aangaande die indiensneming van ander werknemers deur die werkgever of aangaande 'n aangeleentheid wat in verband staan met hul werksomstandighede of die diensvoorwaardes wat op hulle van toepassing is.
- (b) Die werkgever moet sy besluit aangaande die versoek skriftelik aan die werknemersvereniging meedeel.
- (c) Indien die betrokke werknemers nie met hul werkgever se besluit soos ingevolge paragraaf (b) meegedeel, tevrede is nie, moet die werknemersvereniging op versoek van daardie werknemers die aangeleentheid binne die voorgeskrewe tydperk en op die voorgeskrewe wyse verwys na die advieskomitee in subartikel (3) (b) bedoel, wat, nadat hy die aangeleentheid ondersoek het, die aanbevelings daaroor wat hy goedgevind, aan die korporasie moet voorlê.
- (d) Die korporasie kan die bedoelde aanbevelings aanvaar, verwerp of wysig of die ander besluit oor die betrokke aangeleentheid neem wat hy goedgevind en moet sy besluit in dié verband skriftelik aan die werknemersvereniging meedeel.
- (e) Indien die betrokke werknemers nie met die korporasie se besluit soos ingevolge paragraaf (d) meegedeel, tevrede is nie, moet die werknemersvereniging, indien aldus versoek deur daardie werknemers, binne die voorgeskrewe tydperk en op die voorgeskrewe wyse aan die Minister dienoreenkomstig kennis gee en daarna word dit vir die doeleindes van artikel 8D geag dat daar 'n geskil aangaande die betrokke indiensneming of aangeleentheid tussen die betrokke werknemers en hul werkgever bestaan.
- (3) 'n Advieskomitee bestaan uit—
- (a) in die geval van 'n advieskomitee in subartikel (1) (c) bedoel, twee of meer persone deur die korporasie aangewys (van wie een deur die korporasie as voorsitter van die aldus bedoelde advieskomitee aangewys word), en, indien die betrokke werknemer dit verkies, 'n gelyke aantal persone as die aantal persone deur die korporasie ingevolge hierdie paragraaf aangewys, deur die betrokke werknemer binne die voorgeskrewe tydperk uit lede van die bestuurskomitee van die werknemersvereniging waarvan hy 'n lid is, aangewys: Met dien verstande dat

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- (d) The corporation may accept, reject or amend the said recommendations or make such other decision with regard to the matter in question as it may deem fit, and shall in writing notify the employee of its decision in that regard.
 - (e) If the employee is not satisfied with the corporation's decision as notified in terms of paragraph (d), the employee may, within the prescribed period and in the prescribed manner, give notice to the Minister accordingly and it shall thereupon be deemed, for the purposes of section 8D, that a dispute exists between the employee and his employer with regard to the matter or termination of employment in question.
- (2) (a) An employees' association may, within the prescribed period and in the prescribed manner, on behalf of two or more employees who are members thereof, make written representations to their employer with regard to the employment of other employees by the employer or with regard to a matter which is connected with their circumstances of employment or the conditions of employment which apply to them.
- (b) The employer shall in writing notify the employees' association of his decision with regard to the representations.
- (c) If the employees concerned are not satisfied with their employer's decision as notified in terms of paragraph (b), the employees' association shall, at the request of those employees, within the prescribed period and in the prescribed manner refer the matter to the advisory committee referred to in subsection (3) (b), which, after it has investigated the matter, shall submit to the corporation such recommendations about it as it may deem fit.
- (d) The corporation may accept, reject or amend the said recommendation or make such other decision with regard to the matter in question as it may deem fit, and shall in writing notify the employees' association of its decision in that regard.
- (e) If the employees concerned are not satisfied with the corporation's decision as notified in terms of paragraph (d), the employees' association shall, if so requested by the said employees, within the prescribed period and in the prescribed manner, give notice to the Minister accordingly and it shall thereupon be deemed, for the purposes of section 8D, that a dispute exists between the employees concerned and their employer with regard to the employment or matter in question.
- (3) An advisory committee shall consist of—
- (a) in the case of an advisory committee referred to in subsection (1) (c), two or more persons designated by the corporation (one of whom shall be designated by the corporation as chairman of the advisory committee so referred to), and, if the employee concerned wishes to do so, an equal number of persons as the number of persons designated by the corporation in terms of this paragraph, designated by the employee concerned within the prescribed period from among members of the management committee of the employees' association of which he is a member: Provided that if the

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indien die bedoelde werknemer nie aldus persone aanwys nie, die bedoelde advieskomitee slegs uit die persone deur die korporasie ingevolge hierdie paragraaf aangewys, bestaan;

(b) in die geval van 'n advieskomitee in subartikel (2) (c) bedoel—

(i) twee persone deur die korporasie aangewys, van wie een deur die korporasie as voorsitter van die aldus bedoelde advieskomitee aangewys word;

(ii) indien 'n filiaalmaatskappy die in subartikel (2) (c) bedoelde werkgewer is, 'n lid van die direksie van daardie filiaalmaatskappy, wat deur die filiaalmaatskappy aangewys word; en

(iii) 'n gelyke aantal persone as die aantal persone ingevolge subparagraaf (i) of subparagrafe (i) en (ii), na gelang van die geval, aangewys, wat deur die werknemersvereniging wat die vertoë gerig het soos in subartikel (2) (a) beoog, uit lede van die bestuurskomitee van daardie werknemersvereniging aangewys word.

(4) Die advieskomitee in subartikel (3) (a) of (3) (b), na gelang van die geval, bedoel, verrig sy werksaamhede op die voorgeskrewe wyse.

Beslegtingsraad.

8D. (1) Wanneer 'n geskil ingevolge artikel 8C (1) (e) of 8C (2) (e) geag word te bestaan, moet die Minister, behoudens die bepalinge van subartikel (2), drie persone aanstel as lede van 'n raad, in hierdie Wet die Beslegtingsraad genoem, om daardie geskil ingevolge die bepalinge van hierdie Wet te besleg.

(2) Die Minister stel as lede van die Beslegtingsraad aan—

(a) een persoon wat die Minister as voorsitter aanwys en wat 'n regter van die Hooggeregshof van Suid-Afrika of 'n landdros met die rang bekend as eerste landdros of 'n gelykstaande of hoër rang of 'n advokaat met 'n beroepstyd van minstens tien jaar moet wees of iemand moet wees wat so 'n regter of landdros was;

(b) een persoon uit minstens drie en hoogstens vyf persone wie se name vir dié doel deur die korporasie voorgelê is; en

(c) een persoon uit minstens drie en hoogstens vyf persone wie se name vir dié doel deur, in die geval van 'n geskil in artikel 8C (1) (e) beoog, die betrokke werknemer, of, in die geval van 'n geskil in artikel 8C (2) (e) beoog, deur die betrokke werknemersvereniging, voorgelê is.

(3) Indien die amp van 'n kragtens subartikel (1) aangestelde lid van die Beslegtingsraad te eniger tyd voor die beslegting van 'n geskil vir die beslegting waarvan daardie Beslegtingsraad aangestel is, vakant raak, stel die Minister, behoudens die bepalinge van subartikel (2), 'n ander persoon aan om die amp te beklee en word die verrigtinge ter beslegting van die betrokke geskil voortgesit asof die plaasvervangende lid vanaf die aanvang van die bedoelde verrigtinge 'n lid van die Beslegtingsraad was.

(4) Aan 'n lid van die Beslegtingsraad (behalwe 'n lid wat heeltyds in diens van die Staat, die korporasie of 'n filiaalmaatskappy is) word ten opsigte

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said employee fails so to designate persons, the said advisory committee shall consist only of the persons designated by the corporation in terms of this paragraph;

(b) in the case of an advisory committee referred to in subsection (2) (c)—

(i) two persons designated by the corporation, one of whom shall be designated by the corporation as chairman of the advisory committee so referred to;

(ii) if a subsidiary company is the employer referred to in subsection (2) (a), a member of the directorate of that subsidiary company, to be designated by the subsidiary company; and

(iii) an equal number of persons as the number of persons designated in terms of subparagraph (i) or subparagraphs (i) and (ii), as the case may be, to be designated by the employees' association which has made the representations as contemplated in subsection (2) (a), from among members of the management committee of the said employees' association.

(4) The advisory committee referred to in subsection (3) (a) or (3) (b), as the case may be, shall perform its functions in the prescribed manner.

Settlement
Board.

8D. (1) When a dispute is in terms of section 8C (1) (e) or 8C (2) (e) deemed to exist, the Minister shall, subject to the provisions of subsection (2), appoint three persons as members of a board, in this Act referred to as the Settlement Board, to settle the said dispute in terms of the provisions of this Act.

(2) The Minister shall appoint as members of the Settlement Board—

(a) one person to be designated as chairman by the Minister and who shall be a judge of the Supreme Court of South Africa or a magistrate of the rank known as principal magistrate or an equivalent or higher rank or an advocate of not less than ten years standing or a person who was such a judge or magistrate;

(b) one person from among at least three and not more than five persons whose names have been submitted for that purpose by the corporation; and

(c) one person from among at least three and not more than five persons whose names have been submitted for that purpose, in the case of a dispute contemplated in section 8C (1) (e), by the employee concerned, or, in the case of a dispute contemplated in section 8C (2) (e), by the employees' association in question.

(3) If the office of any member of the Settlement Board appointed under subsection (1) becomes vacant at any time before the settlement of a dispute for the settlement of which such Settlement Board has been appointed, the Minister shall, subject to the provisions of subsection (2), appoint another person to hold office and the proceedings for the settlement of the dispute in question shall be proceeded with as if the member so substituted had been a member of the Settlement Board from the commencement of the said proceedings.

(4) There shall be paid to a member of the Settlement Board (other than a member in the full-time service of the State, the corporation or a

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van sy diens as sodanig die besoldiging en elaesto uit die fondse van die korporasie betaal wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.

Voorlegging
van stukke.

8E. (1) Die Minister moet, so gou doenlik nadat hy die Beslegtingsraad in artikel 8D bedoel, aange- stel het, op die voorgeskrewe wyse daarvan kennis gee aan die betrokke werknemer of werknemers- vereniging, na gelang van die geval.

(2) Die bedoelde werknemer of werknemers- vereniging, na gelang van die geval, moet binne die voorgeskrewe tydperk na die datum van die kennis- gewing in subartikel (1) bedoel, 'n afskrif van, na gelang van die geval—

- (a) die vertoë in artikel 8C (1) (a) of 8C (2) (a) bedoel;
 - (b) die werkgewer se mededeling in artikel 8C (1) (b) of 8C (2) (b) bedoel; en
 - (c) die korporasie se mededeling in artikel 8C (1) (d) of 8C (2) (d) bedoel,
- aan die Beslegtingsraad voorlê.

Beslissings
van die
Beslegtings-
raad.

8F. (1) Die beslissing van die meerderheid van die lede van die Beslegtingsraad word geag die beslissing van daardie raad te wees.

(2) Die beslissing van die Beslegtingsraad ten opsigte van 'n geskil is afdoende en bind die partye by die geskil en die korporasie, maar, behalwe in die geval van 'n geskil aangaande die beëindiging van die diens van 'n werknemer deur sy werkgewer, slegs vir die tydperk wat die Beslegtingsraad bepaal.

Verbod op
stakings.

8G. (1) Geen werknemer of ander persoon mag 'n staking aanstig of 'n werknemer aanhits om aan 'n staking deel te neem of dit voort te sit nie, en geen werknemer mag aan 'n staking of aan die voort- setting van 'n staking deelneem nie.

(2) (a) Wanneer 'n werknemer wat in 'n bepaalde departement, vertakking of afdeling van die korporasie of 'n filiaalmaatskappy werksaam is, daarvan aangekla word dat hy deelgeneem het aan 'n staking of aan die voortsetting van 'n staking in oortreding van die bepalinge van subartikel (1), en daar word bewys dat ge- samentlike optrede soos in paragraaf (b) om- skryf in daardie departement, vertakking of afdeling plaasgevind het gedurende die tydperk deur die aanklag gedek, en dat die beskuldigde te eniger tyd gedurende daardie tydperk besig was met werk of 'n soort werk met betrekking tot die verrigting waarvan so 'n afwyking van standarde, metodes, prosedures of gebruike plaasgevind het soos in subparagraaf (i) van daardie paragraaf bedoel, word—

(i) daardie gesamentlike optrede geag 'n ver- traging van die vooruitgang van werk of 'n belemmering van werk, soos bedoel in die omskrywing van 'staking' in artikel 1, uit te maak;

(ii) die beskuldigde geag aan daardie ge- samentlike optrede deel te geneem het tensy hy bewys dat hy teen daardie optrede gekant was en inderdaad nie daaraan deel- geneem het nie, en dat hy, gedurende die tydperk deur die aanklag gedek, openlik te kenne gegee het dat hy hom nie met daardie optrede vereenselwig nie.

(b) Die gesamentlike optrede wat in paragraaf (a)

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subsidiary company) in respect of his service as such, such remuneration and allowances out of the funds of the corporation as the Minister in consultation with the Minister of Finance may from time to time determine.

Submission
of docu-
ments.

8E. (1) The Minister shall, as soon as practicable after he has appointed the Settlement Board referred to in section 8D, in the prescribed manner give notice thereof to the employee or employees' association concerned, as the case may be.

(2) The said employee or employee's association, as the case may be, shall submit to the Settlement Board a copy of, as the case may be—

- (a) the representations referred to in section 8C (1) (a) or 8C (2) (a);
 - (b) the employer's notification referred to in section 8C (1) (b) or 8C (2) (b); and
 - (c) the corporation's notification referred to in section 8C (1) (d) or 8C (2) (d),
- within the prescribed period after the date of the notification referred to in subsection (1).

Decisions
of the
Settlement
Board.

8F. (1) The decision of the majority of the members of the Settlement Board shall be deemed to be the decision of that Board.

(2) The decision of the Settlement Board in respect of a dispute shall be final and shall bind the parties to the dispute and the corporation, but, except in the case of a dispute with regard to the termination of the employment of an employee by his employer, only for such period as the Settlement Board may determine.

Prohibition
of strikes.

8G. (1) No employee or other person shall instigate a strike or incite any employee to take part in or continue a strike, and no employee shall take part in a strike or in the continuation of a strike.

- (2) (a) When an employee employed in a particular department, branch or division of the corporation or a subsidiary company is charged with having taken part in a strike or in the continuation of a strike in contravention of the provisions of subsection (1) and it is proved that concerted action as defined in paragraph (b) took place in that department, branch or division during the period covered by the charge and that the accused was at any time during that period engaged upon work or a type of work with respect to the performance of which such a departure from standards, methods, procedures or practices as referred to in subparagraph (i) of that paragraph had occurred—

(i) such concerted action shall be deemed to constitute a retardation of the progress of work or an obstruction of work as contemplated in the definition of 'strike' in section 1;

(ii) the accused shall be deemed to have taken part in such concerted action unless he proves that he was opposed to that action and in fact took no part in it and that during the period covered by the charge he openly dissociated himself from that action.

- (b) The concerted action referred to in paragraph

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bedoel word, is enige gesamentlike optrede van die kant van enige aantal werknemers—

- (i) waarby daar betrokke is 'n afwyking van standarde, metodes, prosedures of gebruike wat daardie werknemers voorheen as hul normale en gereelde roetine gehandhaaf, gevolg of nagekom het by of in verband met die verrigting van hul werk;
- (ii) wat tot gevolg gehad het 'n vermindering in werkproduksie of 'n afname in die tempo van werk of 'n verlenging van die tyd wat normaalweg met die verrigting van bepaalde take in beslag geneem word in die betrokke departement, vertakking of afdeling van die korporasie of van 'n filiaalmaatskappy; en
- (iii) wat, as gevolg van enige van die omstandighede in subparagraaf (ii) vermeld, 'n nadelige uitwerking gehad het, of waarskynlik sou gehad het indien dit voortgeduur het, op die normale produksie van die korporasie of 'n filiaalmaatskappy of op die doeltreffendheid, in die algemeen, van die korporasie of 'n filiaalmaatskappy.

(3) Wanneer 'n werknemer of 'n ander persoon kragtens hierdie artikel aangekla word van aanstigting van 'n staking of van aanhitsing van 'n werknemer om aan 'n staking deel te neem of dit voort te sit, of wanneer 'n werknemer aldus aangekla word van deelname aan 'n staking of die voortsetting van 'n staking, en 'n weiering, versuim, vertraging, belemmering, verbreking of beëindiging soos bedoel in die omskrywing van 'staking' in artikel 1 (soos aangevul deur subartikel (2) van hierdie artikel), en in die aanklag vermeld, bewys word, word vermoed, totdat die teendeel bewys word, dat daardie weiering, versuim, vertraging, belemmering, verbreking of beëindiging plaasgevind het na aanleiding van so 'n samespanning, ooreenkoms of verstandhouding en vir so 'n doel soos in daardie omskrywing bedoel en in die aanklag vermeld word.

(4) 'n Werknemer of ander persoon wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sowel sodanige boete as sodanige gevangenisstraf."

Wysiging van
artikel 9 van
Wet 57 van 1968.

11. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) voorwaardes of beperkings onderworpe waaraan die raad die sake van die korporasie moet bestuur en beheer, met inbegrip van die omstandighede waaronder die raad bedoelde sake moet bestuur en beheer met goedkeuring van die Staatspresident of die Minister of die Minister wat in oorleg met 'n ander Staatsminister optree, en die wyse waarop bedoelde sake onder bepaalde omstandighede of met betrekking tot deur die korporasie opgerigte maatskappye bestuur en beheer moet word;"; en

(b) deur die volgende paragraaf na paragraaf (h) in te voeg:

„(hA) 'n aangeleentheid wat ingevolge hierdie Wet by wyse van regulasie voorgeskryf moet of kan word;".

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(a) is any concerted action on the part of any number of employees which—

- (i) involves a departure from standards, methods, procedures or practices which had previously been maintained, adopted or observed by those employees as their normal and regular routine in or in connection with the performance of their work;
- (ii) has resulted in a diminution in the output or a reduction in the rate of work or a prolongation of the time normally taken to perform particular tasks in the department, branch or division in question of the corporation or a subsidiary company; and
- (iii) by reason of any of the circumstances referred to in subparagraph (ii) has had, or was likely to have if continued, a detrimental effect upon the normal production of the corporation or a subsidiary company or upon the efficiency, in general, of the corporation or a subsidiary company.

(3) When an employee or other person is charged under this section with having instigated a strike or with having incited an employee to take part in or to continue a strike, or when an employee is so charged with having taken part in a strike or in the continuation of a strike and a refusal, failure, retardation, obstruction, breach or termination as contemplated in the definition of 'strike' in section 1 (as amplified by subsection (2) of this section), and stated in the charge, is proved, it shall be presumed until the contrary is proved, that the refusal, failure, retardation, obstruction, breach or termination was in pursuance of such a collusion, agreement or understanding and for such a purpose as contemplated in the said definition and stated in the charge.

(4) An employee or other person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding five years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.”.

11. Section 9 of the principal Act is hereby amended—

Amendment of
section 9 of
Act 57 of 1968.

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) conditions or restrictions subject to which the board shall manage and control the affairs of the corporation, including the circumstances in which the board shall manage and control such affairs subject to the approval of the State President or the Minister or the Minister acting in consultation with any other Minister of State and the manner in which such affairs shall be managed and controlled in particular circumstances or in relation to companies promoted by the corporation;” and

(b) by the insertion of the following paragraph after paragraph (h):

“(hA) any matter which in terms of this Act shall or may be prescribed by way of regulation;”.

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WYSIGINGSWET OP KRYGSTUIGONTWIKKELING
EN -VERVAARDIGING, 1972.Wysiging van
artikel 12 van
Wet 57 van 1968.**12.** Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Staatspresident kan by dergelike proklamasie die korporasie of 'n filiaalmaatskappy onthef van die bepalings van die wette wat in die proklamasie vermeld word, en wel in die mate wat aldus vermeld word.”.

Invoeging van
artikel 12A in
Wet 57 van 1968.**13.** Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

„Wet 28
van 1956
nie van
toepassing
nie.

12A. (1) Behoudens die bepalings van subartikel (2), is die bepalings van die Wet op Nywerheids-
versoening, 1956 (Wet No. 28 van 1956), of enige
wysiging daarvan, nie op die korporasie of 'n
filiaalmaatskappy as werkgewer, of op 'n werknemer
van die korporasie of 'n filiaalmaatskappy, ten
opsigte van sy diens as sodanig, van toepassing nie.

(2) Die Staatspresident kan by proklamasie in die
Staatskoerant die een of ander bepaling van ge-
noemde Wet wat nie met die bepalings van hierdie
Wet onbestaanbaar is nie, op die korporasie of 'n
filiaalmaatskappy as werkgewer, of op 'n werknemer
van die korporasie of 'n filiaalmaatskappy, ten
opsigte van sy diens as sodanig, toepas met die
wysigings wat in die proklamasie vermeld word.”.

Kort titel en
inwerkingtreding.

14. (1) Hierdie Wet heet die Wysigingswet op Krygstuig-
ontwikkeling en -vervaardiging, 1972, en die bepalings daarvan
tree in werking op 'n datum wat die Staatspresident by prokla-
masie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten
opsigte van verskillende bepalings van hierdie Wet bepaal word.

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12. Section 12 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of
section 12 of
Act 57 of 1968.

“(3) The State President may by like proclamation exempt the corporation or a subsidiary company from the provisions of such laws as may be specified in the proclamation, to the extent so specified.”.

13. The following section is hereby inserted in the principal Act after section 12:

Insertion of
section 12A in
Act 57 of 1968.

“Act 28 of
1956 not
applicable.

12A. (1) Subject to the provisions of subsection (2) the provisions of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or any amendment thereof, shall not apply to the corporation or a subsidiary company as employer, or to an employee of the corporation or a subsidiary company in respect of his employment as such.

(2) The State President may by proclamation in the *Gazette* apply to the corporation or a subsidiary company as employer or to an employee of the corporation or a subsidiary company in respect of his employment as such, any provision of the said Act, not inconsistent with the provisions of this Act, with such modifications as may be specified in the proclamation.”.

14. (1) This Act shall be called the Armaments Development and Production Amendment Act, 1972, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement. }

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

