

## DEPARTMENT OF LABOUR

NO. R. 1009

22 SEPTEMBER 2017

## LABOUR RELATIONS ACT, 1995

**APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **Bargaining Council for the Fishing Industry**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) The applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;
- (b) the sector and area in respect of which application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which application is made.

Any person who objects must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, Pretoria (Postal address: Private Bag X117, Pretoria, 0001), within 30 days of the date of this notice. A copy of the objection must be

served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

TABLE

**Name and address of the applicant bargaining council:**

Bargaining Council for the Fishing Industry

1035a Picbel Centre

P O Box 7734

58 Strand Street

ROGGEBAAI

CAPE TOWN

8012

8000

Fax No.: (021) 421 0336

**Date on which application was lodged:**

4 September 2017

**Intention of application:**

To add a further subsector namely Small Pelagic Fishing in the registered scope of the Council.

**Sector and area in respect of which application is made**

The subsector of the Fishing Industry known as Small Pelagic Fishing as defined hereunder in the Republic of South Africa-

**“Small Pelagic Fishing”** means the harvesting operations at sea in which the employers and their employees are associated for the purpose of catching in any form pelagic fish like Anchovy, Pilchard, Sardine, Horse Mackerel, Mackerel, Red-Eye, Round Hearing, Lantern Fish and/or Light Fish that live in the surface and near surface waters over the continental shelf of most of South Africa’s Coast by way of purse-seine net fishing.

**Interest and area in respect of which registration is held:**

The Fishing Industry in the Republic of South Africa:

“Fishing Industry” means the Industry in which employers and employees are associated for the purposes of legally exploiting in respect of the Marine Living Resources Act, No 18 of 1998, any form of marine living resource by searching, catching, taking of harvesting, farming, growing, the procuring and processing of fish, for financial gain, by Deep-Sea Bottom Trawling, In-Shore Bottom Trawling and Mid-Water Trawling.

“Deep-Sea Bottom Trawling” means the fishing operations at sea in which the employers and their employees are associated for the purpose of Deep-Sea Bottom Trawling by way of a net for fin fish species outside a five nautical mile perimeter west of twenty degrees east longitude and outside the hundred-and-ten meters isobaths east of twenty degree east longitude.

“In-Shore Bottom Trawling” means the fishing operations at sea in which the employers and their employees are associated for the purpose of Bottom Trawling within the hundred-and-ten meter isobaths.

“Mid-Water Trawling” means fishing for Horse Mackerel with any net which can be dragged by a fishing vessel along any depth between the bed and the surface of the sea without continuously touching the bottom.

“Processing of Fish” for the purposes of this definition means the activities undertaken on any vehicle or vessel at sea, where any substance or article is produced from any form of marine living resources by any method, including but not limited to the work of cutting up, dismembering, separating parts of, cleaning, sorting, lining and preserving thereof or where

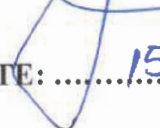
any form of marine living resources are packed, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale.

**Representativeness of the Council in respect of the additional activities:**

Total number of employees falling within the new scope of the Council and who belong to the trade unions which are party to the Council:	162
Total number of employers falling within the new scope of the Council and who belong to the employers' organisations which are party to the Council:	7
Total number of employees employed within the new scope of the Council by the employers who belong to the employers' organisations which are party to the Council:	562
Total number of the employers within the new scope of the Council:	7
Total number of the employees employed within the new scope of the Council:	800

  
REGISTRAR OF LABOUR RELATIONS

DATE: .....

 15 September 2017