

IN THE EXEMPTION APPLICATION OF:-

ALFRAKON CC

Applicant

and

**NATIONAL BARGAINING COUNCIL FOR THE
ROAD FREIGHT AND LOGISTICS INDUSTRY (Council)**

Respondent

DECISION

1. The Applicant applied for exemption to pay monthly returns for April 2012 and May 2012 at the end of June 2012.
2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 18th June 2012.
3. The following were present:-
 - 3.1 Mr Y. Nagdee - Chairperson of the Exemptions Body
 - 3.2 Ms R. Manning - Member of the Exemptions Body
 - 3.3 Mr G. Wessels - Member of the Exemptions Body
 - 3.4 Mr E. Kock - Senior Agent of NBCRFLI
 - 3.5 Mr P. Mndaweni - Committee Secretary of NBCFRLI

4. **APPLICANT'S SUBMISSIONS**

The Applicant submitted, inter alia, as follows:

"STATEMENT OF MATERIAL FACTS:

For so many years we have worked for this company called Actophambili Roads (Pty) Ltd and we have an excellent working relationship and still do, but lately they experienced great difficulty to get payments from the Government and in specific public works. Last year we had the same problem during October/November 2011.

Because of the lack of payments from Government, Actophambili Roads is also not in a position to pay us and it places us in the unfortunate situation that we cannot pay the Bargaining Council.

Government fails to give specific time frame when we expect payments and this has got a snowball effect. We were not in a position to pay the contributions on the 20th of May 2012 and might miss the next cut off date of 20 June 2012 and who knows when again.

We will pay as soon as we get paid. Fact of the matter is: a service requested was delivered to the Government, but they fail to pay to the service.

APPLICANT'S PAST RECORD:

Past records excellent.

ANY PRECEDENT THAT MIGHT BE SET:

None.

UNFAIR COMPETITION:

No unfair competition.

We are the party been dealt with unfairly.

EXPLOITATION:

We still try to pay at least basic monthly salaries.

JOB PRESERVATION:

If this continues there will be unfortunately job losses.

FINANCIAL STABILITY:

Help us in the short term with regards to financial stability if exemption is granted."

5. **COUNCIL'S SUBMISSIONS**

The Council submitted, inter alia, as follows:

5.1 The Applicant experienced problems with its email and sent an sms clarifying that the exemption is in respect of the submission of returns.

5.2 Save for the non payment of levies for April 2012, the Applicant has a good compliance record.

6. **ANALYSIS**

6.1 The submissions made by the Applicant were carefully considered. The Applicant has demonstrated that special circumstances exist for the granting of the application. The Applicant is dependent on payments from Government and public works. Due to late payments it finds itself in a predicament.

6.2 The Exemptions Body is satisfied that Applicant has met the criteria for the granting of the application;

7. **DECISION**

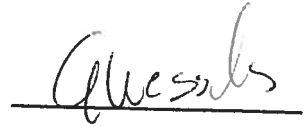
Having regard to the above, the Applicant is granted an exemption to pay the levies for April and May 2012 by the 30th June 2012.

DATED THE 03 DAY OF July 2012 AT BRAAMFONTEIN,
JOHANNESBURG.



MR. Y. NAGDEE
Chairperson of the
Exemption Body

MS R. MANNING
Member of the
Exemption Body
I agree



MR G. WESSELS
Member of the
Exemption Body
I agree