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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (GPW).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2020**

*The closing time is **15:00** sharp on the following days:*

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 February**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Thursday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **08 April**, Wednesday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	Before 10h00 on publication date	Before 10h00 on publication date
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

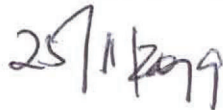
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**NO. 1592****13 DECEMBER 2019****HIGHER EDUCATION ACT (ACT 101 OF 1997, AS AMENDED)****REPORT OF THE INDEPENDENT ASSESSOR INTO THE AFFAIRS OF THE UNIVERSITY OF FORT HARE, APPOINTED BY THE MINISTER OF HIGHER EDUCATION, SCIENCE AND TECHNOLOGY**

I, **Dr BE Nzimande**, Minister of Higher Education, Science and Technology in accordance with Section 47 (2) of the Higher Education Act (Act 101 of 1997, as amended), publish the Report of the Independent Assessors, Professor Christoffel Brink and Professor Louis Molamu appointed under Sections 44 (1) and 48 of the Act, respectively, on the investigation conducted into the state of affairs of the University of Fort Hare, as set out in the Schedule.

**Dr BE Nzimande, MP****Minister of Higher Education, Science and Technology****Date:**

Report of the Independent Assessor regarding the University of Fort Hare (UFH)

2019-10-03

Independent Assessors: Prof Chris Brink and Prof Louis Molamu
Financial Expert: Mr Bulelani Mahlangu

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Executive Summary

On 12 April 2019, there was a meeting of nine members (out of a possible thirty-one) of the Council of the University of Fort Hare: four employees of the University, two students, the President of Convocation, the Chair of the Audit and Risk Committee of Council, and a new external member appointed by one of the local municipalities. They declared themselves duly constituted as a meeting of Council, elected the new member as 'Interim Chairperson of Council', and proceeded to take a number of decisions. The main outcome of the meeting was that the 'Interim Chairperson of Council' issued a notice informing the campus community that the Vice-Chancellor had been suspended.

Shortly afterwards the Minister of Higher Education intervened by dissolving Council and appointing an Administrator in its place. Part of the terms of reference of the Administrator was that an Independent Assessment should be conducted into the affairs of the University. We were subsequently appointed as Independent Assessors by proclamation in the Government Gazette of 5 July 2019.

According to our Terms of Reference, the overall purpose of our investigation is to advise the Minister on 'the source and nature of the problems facing the institution, and the measures required to restore good governance and management'. The Terms of Reference are then broken down further into issues such as financial management, human resources, the operations of the Office of the Registrar, and matters regarding the statutory structures. We were also tasked in particular with investigating allegations of misconduct and mismanagement against the Vice-Chancellor.

As regards the source and nature of the problems facing the institution, we have identified various factors.

- a) The problems facing the institution go back a long way. They did not start with the appointment of the new VC in 2017. For the past 10 years a number of reports have indicated that the university is in serious difficulties.
- b) In particular, the financial state of the University has long been precarious.
- c) Students have legitimate cause for grievance. The teaching facilities, laboratories and residences are generally in a very poor state. Some students live in shocking conditions. Maintenance has been entirely inadequate.
- d) Council became dysfunctional and factionalised after the terms of office of a number of Council members had run out in 2018 without these members being renewed or replaced.
- e) Management became embroiled in bitter battles with individuals and 'stakeholder' bodies.
- f) The administrative structures of the University are weak. Basic activities have not been performed professionally. Policies are outdated or not in place.
- g) The socio-economic environment and regional political dynamics contributed to some of the institutional governance and management problems. Inside and outside the university there seems to be a belief that UFH is in the first place an economic resource.
- h) The University runs three campuses: Alice, Bisho and East London. Alice and East London (120 km apart) are both regarded as administrative centers, and some staff teach in both. The overheads of doing so are high.

Any one of the long-term factors could place enormous stress on a university. Together, they produced a time-bomb waiting to explode.

The fuse was lit when a new Vice-Chancellor arrived in 2017. The University had celebrated its centenary in 2016 under the outgoing Vice-Chancellor. It had also experienced the stresses of the national #FeesMustFall campaign. The appointment of a new Vice-Chancellor from the beginning of 2017, as well as the new national dispensation of fee-free education below a certain income threshold, brought an opportunity to make a new start and address the long-standing problems of the University. This expectation was conveyed to the incoming VC at the time of his appointment. However, his efforts in this regard, and the manner of conducting these efforts, soon led to contestation with 'stakeholder' constituencies such as the student political organisations, organised labour and the Institutional Forum.

We offer in the body of our report our narrative and analysis of how the contestation unfolded, and why the Minister eventually needed to intervene by dissolving the Council of the University. However, we can make one general point at the outset.

In our view, the main source of the problems facing the University of Fort Hare was the general disregard of a fundamental principle of governance: the principle, namely, that the role of a governor is to act at all times in the best interest of the institution as a whole, not to act as a 'representative' for any particular constituency or group. In particular, at a university, the role of a Council member, whether internal or external, is to contribute to collective decision-making for the benefit of the entire University, not to seek any advantage, nor try to exercise any supposed autonomy, for any 'stakeholder group' or substructure of the University.

It was the disregard of this principle, whether deliberately or in ignorance, individually or in groups, that led to the necessity for a Ministerial intervention. The problem was exacerbated by ideas of 'co-governance' and even 'co-management' of the university by 'stakeholders', and a somewhat exaggerated idea of the role, the independence and even the autonomy of some structures and post-holders.

As regards possible measures to restore good governance and management, our main conclusion is that there is no quick-fix solution to the problems at UFH. We have tailored our recommendations accordingly, to address not only the symptoms but the root causes of the difficulties at the University of Fort Hare. To implement these, we believe that a recovery period of increased oversight of UFH by the DHET will be required.

We are grateful to all those who participated in our investigations, gave us their time and the value of their views, and conducted us on site visits. We express our appreciation to the University for the support we received, and to the DHET for support and assistance. We give particular thanks to our co-opted financial expert, Mr Bulelani Mahlangu, who conducted the detailed financial analysis and recommendations appearing in our report. Finally, personal and grateful thanks to Ms Tintswalo Taele for serving as our administrative officer, Dr Phillia Vukea for document management, and Mr Sabelo Radebe for travel and accommodation arrangements.

Prof Chris Brink

Prof Louis Molamu

Independent Assessors
2 October 2019

1. Introduction

We should state at the outset that we regard it as desperately sad that governance at the University of Fort Hare needed to be put under administration, and that an Independent Assessment such as ours became necessary. This is a university with an illustrious hundred-year history behind it of producing leaders for South Africa and the rest of Africa. As is proudly stated on the university website, UFH is 'the only Southern African university to have produced various international heads of states: Nelson Mandela of South Africa, Yusuf Lule of Uganda, Robert Mugabe of Zimbabwe, Ntsu Mokhehle of Lesotho, and Sir Seretse Khama of Botswana'. UFH should be a beacon of transcending the inequalities of apartheid as an academic institution of excellence. Indeed, the motto of UFH is 'together in excellence', and it is a tragedy that this is at present only a vision, not a reality.

Our Terms of Reference, as published in the Government Gazette on 5 July 2019, appear in Appendix B. The methodology of our assessment, and our programme of activities, can be found in Appendix D. We invited submissions, requested information, held interviews with both individuals and collectives, and conducted site visits. We tried to accommodate everybody who asked to see us, and accepted all information offered to us.

As regards the timeframe of our investigation, we have gone back as far as 2009, drawing on the report of a Ministerial task team appointed to assist UFH, and up to but not beyond the date of the Ministerial decision to place the University Council under administration, which was 26 April 2019. Any decisions taken or issues arising at UFH subsequent to that date we have regarded as out of scope.

We can report two positive aspects of the current situation at UFH. First, without exception, staff and students profess pride in and loyalty to the University of Fort Hare. We interacted with many people who are positive about the university, despite its troubles. Students have much to complain of, but as we heard through the SRC, they are in the main focused on basic issues affecting their education. They just want what they are entitled to. Second, despite many challenges, and albeit with some interruptions, the academic programme on the whole has continued, exams have been written, students have graduated, and research has been conducted. It is worth mentioning that, on the evidence we have seen, neither Senate nor the SRC participated in the flurry of accusations and counter-accusations of malpractice that characterized UFH during 2018 and early 2019.

Beyond these two beacons of hope there are many areas of concern. In Section 2 of this report we give a detailed overview of the state of the university, as reflected in other reports and as we experienced it for ourselves. In Section 3 we give a narrative account of how events unfolded that led to the state of administration. Suffice to say here, by way of introduction, that over a period of about a year governance collapsed, management became embroiled in bitter battles with individuals and 'stakeholder' bodies, and factionalism was rife.

All of this unfolded against a background of two institutional abnormalities.

The first abnormality is a systemic administrative weakness. In order for a university to run smoothly as an academic organisation, a number of very basic, quite rudimentary administrative processes

must be in place and functioning. Records must be kept. Policies and procedures must be in place. Data must be gathered. Reports must be produced. Resolutions must be tracked. Information systems must provide usable and reliable information. Maintenance must be done. Health and safety regulations must be adhered to. Facilities for persons living with a disability must be created and maintained. In all these respects, operations at UFH are weak. A report by Ernst & Young (introduced in Section 2.1) rates the maturity level of both governance and finance at UFH as 'rudimentary' – the lowest of five possible ratings. Such administrative weakness has a knock-on effect in terms of management and governance. As the (former) Chair of Council expressed it to us: 'When basic organizational processes are not in place, it exacerbates tension and things fall through the cracks'.

The second abnormality is an endemic culture of fear. In order for there to be space for trust and collegiality in any environment, people need to feel safe. Only when they feel safe will people speak their minds, so that the kind of robust internal debates that characterise universities can take place to good effect in the resolution of tensions. Instead, it became clear to us, UFH had become a university with a pervasive fear factor – fear of actual risk to life and limb. A number of our interviewees would only speak to us on condition of anonymity. It is important to make it clear that this fear factor is not so much a matter of possible reprisals of managerial superiors against subordinates (although such allegations were also made), but actually a visceral fear amongst students and staff for those around them, and how information might be passed on that could lead to physical harm. We heard one interviewee say 'I cannot speak out, I'm a woman living on my own.' We witnessed, in another interview, how some people in the room immediately turned their faces away and stopped speaking when other people appeared on a screen by video-link. As regards the allegations against the Vice-Chancellor, we noticed that those opposed to the VC had no hesitation in speaking out publicly and strongly against him, whereas those who expressed support and even admiration for the VC often did so only after asking not to be quoted by name. It was also brought to our attention that various threats had been made over time against individuals (which were duly reported), and that two staff members of the university had in past years lost their lives in shooting incidents that might have had motives beyond ordinary criminality.

Inevitably, our report is fairly high-level. For reasons of time and capacity we have focussed on the overall purpose of investigating 'the source and nature of problems facing the institution'. We have heard and read many and various allegations and counter-allegations, both general and specific, from individuals as well as structures. Allegations ranged from very particular individual cases, typically accompanied by a mass of detailed but unorganised information, to vague generalities not accompanied by any substantive evidence. All of the submissions were helpful to us in constructing our overall conclusions, but we could not plumb the depths of each and every case, and in some instances we did not consider it part of our mandate to do so. In particular, we could not take up the individual case of everyone who felt aggrieved.

Dealing with the mass of documentation was a problem in its own right. The two extremes were that we either had difficulty obtaining information we wanted, or we were flooded with unsystematised low-level information. A substantial proportion of the documents are undated. We were served with a number of legal opinions on various matters; these often contradicted one another.

Our understanding is that we were requested to take up the task of an Independent Assessment of the situation at UFH because we are experienced academics, and we have accepted and undertaken the task in that spirit. Our respective brief CVs can be found in Appendix C. We are not detectives, or forensic investigators, or prosecutors, or legal experts, and we did not see our task as doing work best left to bodies such as the police, the courts or the CCMA. As per our terms of reference, our recommendations deal mainly with strengthening governance and management, but these are offered in the spirit of advancing the academic enterprise.

2. The State of the University

2.1 Other Reports

Our Terms of Reference essentially concern two overarching questions. The first is 'What went wrong at UFH?', and the second is 'How can it be fixed?' We found that we could not respond adequately to the first question by only considering the period since February 2017, when the current Vice-Chancellor took office. The question of what went wrong since 2017 must be considered against the background of the question 'What was the state of the University at that time, and before then?'

It seems clear to us (and the point was also made by a number of our interviewees) that the problems at UFH go back a long way. We draw this conclusion not only from the interviews we conducted and submissions we received, but also from a number of reports of investigations which have previously been conducted at UFH. We refer specifically to:

- The Report of a Ministerial Task Team led by Prof Anthony Melck in 2009.
- The FastTrac report and recommendations on financial matters compiled by Mr Paul Slack in 2015.
- The Ernst & Young Finance and Governance Report of 2018.
- A Review of the Academic Enterprise by Prof M Ralekhetho and Dr M Gering, emanating originally from a DHET visit in July 2017, with work done during 2018 and 2019.

We extract from each of these reports a number of points which helps to build a picture of the state of the University over the past ten years.

The Melck Report of 2009 begins its Executive Summary by stating that 'The University of Fort Hare's financial position is dire. For all practical purposes the University is bankrupt.' It goes on to express concerns about deferred maintenance, the inefficiencies of the multi-campus model, shortcomings in management information (which is 'poor, *ad hoc* or not available') and deficiencies in the Human Resources function.

We give our own views on the current financial situation of the University in Section 5.3 of this report, supported by Appendix F. For the rest, a number of the concerns of the Melck report in 2009 correspond with our own concerns in 2019. For example, quoting from the Melck Report, we note:

- ‘The poor state of some of the facilities on the Alice campus is a serious long-term risk that warrants attention as soon as possible.’ (Section 6.1.5, page 23)
- ‘the high ratio of support staff to academic staff – and yet still, it appears that much of the work, which should take place, is not happening.’ (Section 5, page 19).

We give our own observations regarding these points below, but in essence little seems to have changed in ten years. We have seen the UFH Management Comments made on the draft Melck Report before its publication, and note from that document that, overall ‘The University management welcomes the report’ and that ‘Many of the recommendations resonate with the ones that have been considered by management and council.’

By 2015 the financial position had not improved. The University was often in correspondence with DHET on its financial travails. For example:

- a) The then-VC wrote to the DHET on 5 March 2015 requesting assistance with short-term funding of R20m (apparently as an advance on the next subsidy payment). The Director-General wrote back on 11 March approving the request, but noted that ‘The university’s financial position is weak’, given that it had an operating deficit of R42m the previous year, and requested a turnaround strategy to be submitted to the DHET.
- b) By 1 November 2015 the VC wrote to the DHET again, requesting further financial assistance. The Director-General responded on 19 November, giving approval for the University to utilise R35 of its earmarked infrastructure grant to obtain short-term financial relief, but commenting that ‘The long-term financial situation of the university is of great concern to the Department’, that ‘I have noted some of the poor decisions made by UFH with respect to financial management in general’, and that ‘you are reminded to provide a turnaround strategy’.
- c) By 31 March 2016 the VC wrote to the DHET again (responding to a letter dated 23 March) acknowledging approval of yet a further advance of R25m against the infrastructure grant – making an advance of R60m in all. The letter concludes: ‘Finally, we have noted, but refute the suggestion of “a deep-seated management failure”’. No reasons are given for this ‘refutation’.

Earlier, in 2014, Council had mandated the VC to contract a company called FastTrac Financial Services to conduct a review of the university’s financial services and to make recommendations to effect savings to alleviate the cash position of the university. The review was conducted by Mr Paul Slack, CA(SA), who submitted an ‘Interim Report’ on 31 March 2015. This was followed up by further interactions with the university, culminating in a ‘Final Report to the University Council, Incorporating Management Responses to date’, dated 31 August 2016. The final report is a different kind of document from the original ‘Interim Report’. Namely, the final report does not supersede the Interim Report, but is rather about the extent to which savings recommended in the Interim Report had been achieved, or not. By August 2016, some good progress had clearly been made with saving money: ‘The implementation of the recommendations has to date resulted in verifiable savings of R64.1 million’ (out of ‘at least R102 million possible’). However, the final report briefly summarises the original findings of the Interim Report (page 6), and goes on to say that ‘at the time of preparing this final report, these findings had not improved markedly’ (page 7). It appears that the root causes of the cash leakages had not been dealt with. We will therefore quote from the ‘Interim Report’ to illustrate the state of the university at that time.

The FastTrac report provides page after page of examples of cash leaking out of the university and recommendations for making savings. The basic premise of the financial overview is that 'UFH is bankrupt and unable to pay its creditors' (item 5.1). We give here some examples of specific issues raised in the report:

- a) 'The university spends a significant amount on transport, mainly due to the fact that academic and other staff members commute daily between Alice, Bisho and East London'. (4.1.9)
- b) 'Double and triple dipping is taking place, where staff members are paid two or three times for the same hour of work'. (4.4.1)
- c) 'There is large-scale falsification of expenses claims'.. (4.4.5)
- d) 'The Advancement Office raises no funding but costs the University approximately R8m per annum.' (4.9.6)
- e) 'The university spent R8,6 million on functions and entertainment' (4.10.4)
- f) 'Expenditure on leased properties is over R100 million per annum. Despite this significant amount ... the university has not provided a complete copy of the lease agreement with Equicent Eastern Cape Properties (Pt) Ltd, which incurs the single biggest item of expenditure in terms of property lease agreements'. (4.11.2)
- g) 'Notwithstanding the missing annexures, the university has been paying out R60 000 000 a year to Equicent since 2012'.
- h) 'The university's strategy of leasing buildings for many years means that UFH has paid many times over for the properties which house its students in East London but enjoys none of the benefits of ownership'. (4.11.10)
- i) 'Fort Hare Solutions ... is bankrupt and owes UFH R10 million'. (4.17.1)
- j) 'The Fort Hare Foundation currently has R114 million in accumulated funds and there seems to be little flow from the Foundation to the University'. (4.17.7)

We draw attention in particular to those quotes above which refer to the very problematic lease arrangements made with a company called Equicent. This is a long-standing issue which has at present still not been fully resolved. We also note that a number of the issues listed above and in the 'Interim Report' are listed again in the final report as not having improved markedly. In particular (page 6):

Staff members, often some of the most senior staff, manipulated the system to put more cash into their own pockets. This was done in a variety of ways, including:

- falsifying expenses claims;
- duplicating claims;
- not recording leave taken;
- double and triple dipping to get paid two or three times for the same hour of work;
- not declaring business interests;
- contracting with the university in contravention of the code of conduct;
- receiving benefits free of charge; and
- not paying tax on benefits.

In 2016 UFH celebrated its centenary. This was also the last year in office of the previous Vice-Chancellor. The current Vice-Chancellor took up office on 1 February 2017. We deal with the

unfolding of events since that time in Section 3 of this report, and continue here with outlining the state of the university.

During the time in office of the current Vice-Chancellor, two further reports give valuable insights into the state of the university. The first of these is a report into finance and governance compiled by Ernst & Young (which consists of two separate documents) and delivered on 31 August 2018. It appears that there had been various calls over time for such a report or reports, and that the E&Y report was finally triggered by a recommendation from the Audit and Risk Committee. Specific aspects of the E&Y report will be dealt with in Sections 4 and 5 of our report, but again we extract from the report some quotes which help to paint a picture of the state of the university.

- a) E&Y assessed both finance and governance at UFH on a five-point scale. In both cases, the assessment came out with a score of 'rudimentary', the lowest possible rating. For finance, 'rudimentary' means 'significant deficiencies and breaks exist across all three value chain drivers' [people, processes and systems]. For governance, 'rudimentary' means 'governance practices are either non-existent or in the very early stages of development'.
- b) For finance: of the 12 sub-processes E&Y assessed, 10 were rated as 'rudimentary', and two at the second lowest level ('developing'). E&Y identified 10 critical control deficiencies, including 'inadequate budget, procurement and cash management practices'.
- c) For governance, E&Y listed 10 themes of critical governance-related deficiencies. These include 'policies and procedures are either non-existent or do not address strategic and operational requirements/needs', and 'Staff culture being resistant to change'.
- d) In the 'Consolidated Findings' of the E&Y Finance Report, regarding a job profiles analysis, 10 findings are listed, the first of which is: 'There are no guidelines relating to day-to-day duties. There is no documented information informing staff of their day-to-date duties. This creates an overlap of roles and responsibilities. There are no formalised KPI's for performance management.'
- e) 'The budget is currently set at a university level and not done per cost centre to drive accountability across various divisions. Thus accountability per cost centre is not possible'. (E&Y Report Level 2 Annexure C)
- f) One of the challenges and constraints the E&Y team experienced was 'difficulty in obtaining relevant information'. (Section 7)

The last two points in particular, regarding lack of accountability and difficulty with obtaining information, fit with our own experience. The point about a general lack of accountability was made to us by various interviewees, both academic and support staff.

Finally, given that UFH is an academic institution, we believe that to understand the overall state of the university it is relevant to quote also from the Review of the Academic Enterprise by Prof M Ralekhetho and Dr M Gering. The version we have seen is dated June 2019, but the Review emanated from a DHET visit in July 2017, which was followed in March 2018 by DHET placing a moratorium on UFH submission of programmes for accreditation.

The report does not mince its words. It begins with a familiar theme: 'One of the striking impressions of the University of Fort Hare is that of under investment: years of badly conceived capital outlay and the lack of care in prioritising and managing the investment return' (page 4). Commenting on the fact that Faculties were asked to produce documents addressing the issues raised by DHET, the authors

comment (pages 6-7) that: 'Deans do not seem to have a feel for their income and expenditure, their break even points, or the economics of higher education. They seem to have little idea of the overhead they have to carry. ... Fundamentally, they do not seem to see this as part of their role. ... The bulk of faculty reports were neither comprehensive nor compelling.'

The General Findings (Section 9, pages 43-49) of the Academic Review make for interesting reading. From the 140 findings we quote a sample, to give the general flavour.

- a) Re Faculty set up:
 - (i) 'Deans pass on rather than delegate. There is a lack of ownership in the academic programme'.
 - (ii) 'There is a surfeit of managers, but an absence of management'.
- b) Re understanding the business of education: 'Poor facilities in particular lecture venues are seen as something that can be accommodated'.
- c) Re caps on student number: 'oversubscribed modules result in venues that are filled beyond capacity'.
- d) Re class sizes:
 - (i) 'There are 102 undergraduate modules with 10 or less students'.
 - (ii) 'There are 56 modules and 26 modules with one and two registered students respectively'.
 - (iii) 'There is a proliferation of academic departments'.
- e) Re new qualifications: 'New qualifications don't have estimates of economic impact, sustainability or return on investment'.
- f) Re graduate supervision and PhD carrying capacity:
 - (i) 'There are people supervising multiple PhDs but who have minimal publication record over the past three years'.
 - (ii) 'There does not seem to be a clear policy on limits for supervision of PhD students and clear mechanisms for creating exceptions'. [Assessors' Note: these two observations on PhDs should be cross-referenced with our comments in Section 2.3 below on the research incentive scheme.]
- g) Re underinvestment: 'The infrastructure seems to be failing students'.
- h) Re efficiency:
 - (i) 'There are too many admin staff. Not enough automations. Many people handling the same transaction. The principle of picking up a transaction and not handling it a second time seems alien'.
 - (ii) 'There [sic] seeming lack of urgency means the same matter is dealt with more than once'.
- i) Re student centred[ness]:
 - (i) 'Building with a student lift and a staff lift. This is a new building'.
 - (ii) 'Toilets locked so students don't have access'.
 - (iii) 'Security guards in multiple numbers but still at minimum wage'.
- j) Re procurement: 'The procurement, contracting and payment process seems irreparably broken'.
- k) Re East London facilities: 'A new shared building (WSU, UFH and Unisa) has been completed. One meeting there threw up numerous design flaws – poor lighting, poor spatial

use, wastage etc'. [Assessors' Note: this is the new joint library building. It has two lifts, clearly marked as one for staff and one for students.]

- l) Re Alice facilities: 'Deferred maintenance evident in the infrastructure'.
- m) Re the interplay between the two campuses: 'We believe having both Alice and East London as the admin centre is of course the worst of both worlds'.
- n) Re general impressions:
 - (i) 'UFH does not evoke the aura it should, given its pedagogical history in the continent'.
 - (ii) 'Staff is non-responsive, on both simple matters and urgent issues'.
 - (iii) 'Student numbers increased but facilities not kept up'.
 - (iv) 'Claims of students squatting'.

2.2 Site visits: Infrastructure and Facilities

We have quoted from the four reports above at some length because they provide useful benchmarks for comparing our own observations during the period of our investigations. Of course there is nothing like first-hand experience, so we also conducted a number of site visits, chosen according to what we heard in interviews.

One of the first interviews we conducted was with the SRC, who told us that among the greatest long-term frustrations of students were poor teaching facilities and inadequate accommodation. Accordingly, we set aside time in our schedule for site visits, without necessarily informing staff ahead of time of these visits. Both in East London and in Alice, we asked the students to show us examples of what they had complained about.

The student facilities we saw ranged from basic but adequate to very poor. Even taking into account that of course we could not see everything, and that we had asked the students to show us the worst, not the best, of what UFH offered them, some of what we saw is shocking. In the residences we saw students living four to a room meant for two, with two of them sleeping on mattresses on the floor, in old prefab buildings. This takes place under university auspices, with the students paying full fees for accommodation. We also heard reports of students squatting in the residences, paying 'rent' to other students. We saw student rooms without an outside window, and no ventilation. In an environment known to students as 'Never Mind' we saw a stand-alone dilapidated one-room structure which houses a student with a disability. Some of the toilets and ablution facilities we saw are so bad that conditions are degrading, and might constitute a health risk. Many students prepare their own food in their rooms, on cooking facilities that clearly are a health and safety risk. Where cooking facilities are provided, they are either not enough, not working, or not clean. We did not see any evidence of efforts at meeting the needs of students living with a disability. Students informed us that in the Nursing Sciences Building (see the next point below) one such student has to be carried up and down the stairs daily.

The university is well aware of the shortage of student accommodation. For example, the VC raised the issue in his report to Council of 8 December 2017, and Council proceeded to consider problems of procuring student accommodation. We would note in addition, however, that it is the quality, not

only the quantity, of student accommodation that should concern the leadership of the university. The students informed us that the VC is aware of the state of accommodation and teaching facilities. As regards teaching facilities, what we saw was inadequate. The university has more students than its facilities can cope with. Students told us that they often have to sit on the floor or in the aisles of a lecture room, either because the chairs are broken or because there are simply too many students in the room. We took the liberty of briefly interrupting a few lectures, and by doing so verified this statement for ourselves. In Alice, the teaching labs for chemistry and physics appear to be trapped in a time warp from decades ago, with inadequate teaching materials, both in quantity and in quality. The agronomy lab is a small room with tables cluttered with soil samples, and no indication of how teaching can actually take place in it. The glass houses are broken. In East London we saw a large computer lab where all the computers on one side of the venue were out of action; our student hosts told us that this had been the case ever since they enrolled at the university.

Regular scheduled maintenance seems almost entirely absent. The Nursing Sciences Building in East London provides a good case study. This building was constructed (about 10 years ago, we were told), with the good intention of giving UFH an exemplary green building. But it does not work. The large front entrance has had to be locked for safety reasons, so all users have to enter at the back. The design is such that the building has air vents in the floor, but there is no air-conditioning, so it is freezing in winter. Neither of the two elevators, students told us, has worked for the past two years. During our site visit the toilet designated for persons with disabilities was used for storage of cleaning materials, with its washbasin blocked and half-full of dirty water. There was a large glass partition missing above the staircase, creating a real and present danger of someone falling down the stairwell. Birds enter into the ceiling of the auditorium, and the students below might find bird droppings falling on them during lectures. The construction of the building is such that there are very large glass panels facing the street outside, but no way to access these panels from the inside. Birds then get trapped behind the glass, and die there, and there is no way to remove them other than to break the panels. In consequence, each of these voids has a collection of dead and decomposing birds lying behind glass, clearly visible from the street outside. It creates a terrible impression of what was supposed to be a signature building.

Both in Alice and in East London the overall impression of the campus is of neglect and decay. The campus is littered with old and broken pieces of furniture (chairs, beds, mattresses) which have clearly been standing or lying around gathering dust for years. Nobody seems to care, or to do anything about it. Particularly in Alice, there is litter all over campus, but no rubbish bins. In East London, where many students walk quite a long distance to lectures, there is exactly one outside tap where students can drink water, otherwise they have to source drinking water in the toilets. The small campus in Bisho is in better shape than those of Alice and East London, but even here the first signs of neglected maintenance can be seen.

Various members of staff, both in interviews and in submissions, raised similar frustrations as the students regarding poor infrastructure and lack of facilities. One academic has been trying to get the Maintenance Department to fix the lift in their building for more than a year. When we asked a Demonstrator in a Physics Lab whether they had enough equipment for teaching purposes they just laughed at our naivety.

Without having made it a particular point of investigation, we could not help noticing that there are transgressions of basic health and safety regulations all over campus. Firehoses might be blocked with rubbish or cleaning equipment. Fire doors might be locked. Railings might be missing from staircases. Electric wires might be exposed, and hanging loose. Glass windows might be broken, with loose shards still in place.

2.3 Interviews: The Work Environment and Campus Culture

As part of our assessment we conducted more than two dozen interviews, with individuals and with groups. The primary purpose of these interviews was to fulfil our Terms of Reference, both general and specific. However, the interviews also served the purpose of broadening our understanding of the work environment and campus culture. We could triangulate between what we heard in interviews, what we read in the many documents we were served with, and the various observations we made and interactions we had during site visits.

We believe that most staff members and students of UFH go about their daily business quietly, competently and in a dedicated manner. We have no interest in doing any finger-pointing to demonstrate the contrary. None the less, we must report that on our observations there is a problem with the work culture at UFH. Whatever is done, is done laboriously. Inefficiencies are rife. There is a tendency to overcomplicate matters. There does not seem to be a culture of decision-making, nor of taking responsibility, nor of being held accountable. If a door needs to be opened, it seems that someone else always has the key. If a decision needs to be taken, it seems that someone else always has to sign. When something must be done, the first thought seems to be about a procurement exercise. If someone wants a cup of tea, caterers must be called. When information is requested, someone first has to compile a report.

All these points can be cross-checked against the four reports dealt with in Section 2.1 above. In addition, we give a few examples from our own experience.

- a) As regards inefficiencies: As mentioned above, both in Alice and in East London, the campus is littered with old and broken piece of furniture which have clearly been standing or lying around gathering dust for years. All it would take to improve the bad impression created by all this useless clutter is for it to be removed to the rubbish dump (or if possible to recycling). When we enquired about why this simple remedy was not applied we were told that 'there is no disposal policy in place.' We had a similar experience when visiting the Transport Section. A dozen or so broken-down vehicles have been standing there for years, but they can apparently neither be fixed, nor sold, nor scrapped, for lack of policy. In the meantime these useless vehicles are duly licenced every year, at some cost to the university.
- b) As regards overcomplicating matters: Where and when policies are actually in place, it seems that they easily become another reason for inaction. For example, when we visited the on-campus clinic, the duty nurse told us that the Supply Chain Management (SCM) Policy is an obstacle for them in getting certain drugs, because there is only one supplier and the SCM policy requires three different quotes. A similar complaint came from the Dean of Research, who has

over a period of months repeatedly tried to effect payment of promised UFH support for an international conference, only to be told that payment cannot be effected in the absence of three quotes. The submission we received reads: 'This should have been a very simple matter of paying a small amount from UFH towards an academic event. Instead, it has degenerated into a puzzling blockage that prevents the most mundane research collaboration. ... It is not entirely unusual to spend this much time on something that should be resolved in a few minutes.'

- c) As regards information: most universities will have readily available a small booklet titled 'Facts and Figures', or 'Profile of the University', usually pocket size, with basic information such as the number of students, the number of staff, a breakdown of these numbers into different categories, some top-line financial information, and so on. When we asked for such information, it seemed to take administrators by surprise. We had to ask very specific questions, wait quite a long while, and then eventually were served not with top-line summary information but with reams of unsystematised low-level information. When we asked a simple question about how many academic and support staff the university has, the question went from us to the Registrar, from the Registrar to the CFO, from the CFO to someone else, who was too busy at that time to compile a special report. We eventually received the numbers about three weeks later (and they did not quite match the numbers later supplied by the CIO).

We were often told that the university lacks resources – in particular that there is a shortage of support staff. But the staff numbers, when we eventually obtained them, showed that every year over the past four years more than 70% of the staff complement were support staff, and fewer than 30% were academic staff. Even taking into account that the University employs its own cleaners, gardeners, caterers etc, this is a very high ratio of support staff to academic staff. (The same point was made in the Melck Report of 2009.) We do not have sufficient evidence to draw conclusions as to where the real problems lie with 'lack of resources', but we are not persuaded that lack of support staff is the main problem.

The local environment also plays a role in campus culture, particularly in Alice. For good historic reasons, there is a strong sentimental attachment to the idea that Alice is the main campus of UFH. For example, in the IF Minutes of the meeting of 28 May 2018 (item 3.11) the Chair of the IF cautions that 'the University should guard against changing East London into the main UFH campus and make Alice a satellite campus'. However, Alice is a very small town, and hardly any academics or senior support staff live there. In consequence there is a cheek-by-jowl interaction between students, workers and the local community, manifesting itself in demands for jobs, procurement opportunities and tenders to go to the local community – not just as an opportunity, but as a right. The risk and reality here is that the University is the only major source of such opportunities, of which there is a desperate shortage. We note, for example, from the Minutes of an IF meeting on 14 March 2017, a view that the Supply Chain Management Policy should include a clause 'that would make it possible for local companies to get opportunities from UFH', and that companies with a contract from UFH 'should spend 10% of their contract on subcontracting local SMEs'.

The downside of such a close town-and-gown relationship is that it can become exploitative. We are very well aware of the strong movement in higher education globally for universities to develop a 'sense of place' and engage with their local communities, and we are supportive of this general trend. The situation of UFH in Alice, however, does not fall under the definition of engagement as we

understand it, which is premised on *academic* engagement with civil society, on the basis of areas of strength in research and teaching. Rather, it seems that there is an exaggerated sense of ownership of the university by the local community, not so much as an academic institution, but rather as an economic resource to be tapped to maximum effect.

Indeed, there are disturbing signs of UFH being viewed as a kind of cash cow that everyone is entitled to milk. The FastTrac report discussed in Section 2.1 above (in both versions, 2015 and 2016) lists some examples, and we add a few more from our own observations.

- a) In the South African higher education context, in particular given the recent #EndOutsourcing campaign, there is an understandable demand for insourcing of service providers, not least at UFH. However, there is a limit to how much of this the university can bear, not just financially but in terms of the academic culture. As mentioned, the ratio of support staff to academic staff is already very high. The figures we were given covering the past four years are as follows:

Staff	2016	2017	2018	2019
Academic	410	417	452	442
Support	1,128	1,230	1,234	1,116
Total	1,538	1,647	1,686	1,558
Ratio of Academic to Support Staff	27:73	25:75	27:73	28:72

- b) At UFH there is provision for senior staff (Deans and up) to be supplied with a fully-serviced car with unlimited fuel. Given the two-campus situation, and the constant commuting between Alice and East London, provision of vehicles may well make sense in principle. Indeed, it is our understanding that all staff who need to commute between Alice and East London may put in a mileage claim if they use their own vehicle for work purposes. The key phrase, however, should be *for work purposes*. For a university with such financial challenges as UFH it seems very generous to allow senior staff to use university-purchased cars for private purposes, with no limit on use and all expenses paid. We were given a list of 19 vehicles assigned to senior staff in this manner, including 5 Mercedes Benzes and a Jaguar.
- c) We were made aware of a case where a serving member of Council invoiced the university for services rendered (on the recommendation of a member of management, we were told). We checked, and found that the invoice was received, but not paid.
- d) In the academic sphere we also found some perverse incentives. For example, the Research Incentive Policy allows substantial payments for research outputs to be made to academics – not into a research account, but into their personal bank accounts, on top of their regular salary. For example, an academic who has supervised a PhD candidate to completion is paid R60,000 when the candidate graduates, and likewise a payment of R20,000 is made upon graduation of a Master's student. The university has paid out more than R86m in

research incentive money into personal bank accounts since the beginning of 2014. Currently, the UFH research income from outputs is about R45 million p.a., of which about R18m p.a. is paid out directly to researchers. In other words, of the order of 40% of the university's output-based research income goes into the private bank accounts of academics. Fourteen professors have each been paid extra income of more than R1m in this way since 2014. The highest amount paid out to an individual over this time is R2,64m. The risk of such direct payment of research incentives is obvious: that academic quality may be sacrificed in order to increase quantity and throughput. We note, for example, a numerically impressive increase in PhD graduates at UFH over the past 10 years:

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
PhD graduates	12	34	37	46	48	55	66	80	106	149

This output of PhDs comes from an academic staff complement with a headcount of about 450, of whom at present only 221 have PhDs themselves. We also noted a number of cases of PhD students graduating within two years from first registration. In fact, there was a discussion in Senate (Minutes of the Special Senate meeting of 27 March 2018, item 6.1 on the 'issue of completion of PhDs within four full semesters', from which it appears that some of these 2-year PhDs may have been part-time students.

Finally, we must mention the 'fear factor' on campus. As one interviewee after another affirmed to us (on condition of not being named), people are afraid of each other. Students wrote angry letters to the Minister under the joint banner of the Progressive Youth Alliance (the PYA, which consists of the ANC Youth League, the Young Communist League and SASCO), but tensions between them become apparent once you speak to individuals. A senior student spoke to us in support of the Vice-Chancellor, making it clear that they would never dare to do so publicly. Staff speak with bated breath of 'the stakeholders', which apparently means the labour unions and the student organisations, and withhold their opinions for fear of being named, which to us indicate fear of reprisals. As already mentioned in our Introduction, there is a fear that such reprisals may ultimately mean actual bodily harm. We quote again the female employee who said 'I cannot speak out, I'm a woman living on my own.' We note that a security company had to be urgently engaged to provide bodyguards for the Vice-Chancellor, after a professional security risk assessment. We have also seen sworn statements of threats being made over the phone or in conversation, of cars being forced off the road, and of shots being fired.

3. Narrative of the events leading up to the Ministerial Intervention

In Section 2 we outlined, on the basis of the Melck Report of 2009 and the FastTrac reports of 2015-16, how UFH has struggled with financial issues since 2009. The extent of these problems can be seen from the fact that by 2015-16 the university had to appeal to the DHET on a number of occasions for short-term bridging funds, and the concerns expressed by DHET about financial

management. Before that, the university had also entered into the highly problematic Equicent contract, a matter which has still not been fully resolved.

Moreover, the university's problems during the years 2009-2016 were not only financial. Maintenance was not done, since there was no money. There were difficulties with senior staff who needed to be disciplined or suspended (we elaborate on this point in Section 5.4). The then-VC's term of office started with a major strike in 2009. He informed us in interview that the relationship between management and organised labour was often tense – sometimes as a consequence of disciplinary action against senior staff. The university had hoped to have a major celebration of its centenary in 2016, but the event was overshadowed by the difficulties and disorder of the national #FeesMustFall campaign. During that campaign one of the university buildings in Alice was burnt down, and the ruin has remained untouched since then.

Against this background, it is understandable that when a new VC arrived, he would be expected to lead the university into an era of clean and efficient administration. The Chair of Council informed us in interview that the VC was indeed given a very clear message in this regard. However, there were ominous signs of opposition from the outset. The VC took up office on 1 February 2017, and a new Chancellor also took up office around that time. The university arranged for a joint inauguration ceremony, which could have been a symbolic new beginning, and a sign of hope for the future. Instead, the ceremony was disrupted by striking NEHAWU members, in scenes which one of our interviewees described to us as 'the most shameful event in the history of Fort Hare'. In a telling comment, another one of our interviewees said that 'The new VC had not been anointed by the so-called stakeholders'.

Amongst the challenges facing the new VC was the composition of his senior team. The contract of the DVC:AA expired in December 2017, and was not renewed. We were informed that there had already been some difficulty when this particular DVC was first appointed: apparently the university unsuccessfully tried at the time to rescind the offer of appointment after it was made. The DVC:IS had only been appointed in mid-2016 (after the previous DVC:IS resigned during a disciplinary case against him), but resigned in December 2017, apparently citing difficulties in working with the VC. The HR Director resigned during a disciplinary process against them, and the Dean of Students resigned when it came to light that they were facing criminal charges. We return to these matters in Section 5.4.

During late March 2018 something happened which was to have major consequences: an SMS was sent to the whistleblower centre alleging that the Vice-Chancellor was in a 'romantic relationship' with his Office Manager, had failed to declare this as a conflict of interest during her appointment, and had subsequently improperly influenced salary adjustments for her. We deal with this matter in Section 6.1.

From mid-2018 onwards tensions increased markedly. There was an 8-week long strike by NEHAWU; we are told it was accompanied by violence and destruction of property. During this time the allegations regarding the VC's Office Manager started to appear on placards, as did the slogan #VCMustFall. It was also during this time that the Registrar wrote to the DHET regarding the fact that the terms of office of five members of Council would expire in October 2018. Without having

consulted the Chair of Council, the Registrar proceeded to recommend to DHET that none of these members should be re-appointed, and asked 'that the Minister provide us with five new Council members with preference to them residing in the Eastern Cape Province'. In our view such a unilateral action by a Registrar would be an offense which warrants consideration of dismissal. However, when we asked the (by then former) Registrar about it during interview, he maintained that writing such a letter was not only correct, but it was part of his job, since 'it is actually the Registrar who runs the university'.

Council had long had difficulties in having quorate meetings, due to two factors. One was poor attendance by some Council members. The other factor was structural, namely the statutory requirement that there should be at least a 60:40 ratio of external to internal Council members at every meeting. However, the numbers made it very difficult to meet this requirement. According to the Statute at the time, Council consisted of 12 internal members and 17 external members, plus the possibility of a further two co-opted external members. (To complicate matters, the Statute counted the Registrar as well as the co-optees as members of Council, but added that they may not vote.) At full complement, then, Council would have 31 members, of whom 19 would be external, which is 61% of the membership. The practical consequence is that if only one external member did not turn up for a Council meeting (which frequently happened) Council would be inquorate. Despite this, Council somehow seemed to have met for years without any great difficulty.

After October 2018, however, the legitimacy of Council membership and Council meetings rapidly became a major issue. One reason was that with the expiry of the terms of office of 5 members it was now technically impossible for Council to have a quorum. Moreover, Council found itself a catch-22 situation: it needed new or re-appointed Council members in order to be quorate, but it could not take decisions about membership while it was inquorate. A second difficulty was that the term of office of the Chair of Council (as Chair) had also expired. DHET was aware of the situation, and had received assurances that the university was trying to expedite decision-making regarding new renewal or replacement of Council members. In the meantime, however, tensions were rising on campus.

Another factor that comes into play at this time is that the Institutional Forum (IF) and Convocation both received new leadership, with the leaders of NEHAWU and NTEU becoming Chair and Deputy Chair respectively of the IF and a fairly recent graduate becoming Chair of Convocation. These recently elected office-bearers of the IF and Convocation then presented themselves as new members of Council, in addition to two other union representatives and two student representatives. We saw and heard various expressions of doubt about the propriety and legitimacy of these new Council memberships, even to the extent of legal opinions being provided. When we asked one of the individuals concerned whether it was a coincidence that two union leaders were now occupying the two leadership positions of the IF they just shrugged, and said 'That's how people voted at the meeting'. Another interviewee told us that 'The IF has essentially always been an extension of NEHAWU'.

Yet another complicating factor was that the Audit and Risk Committee had earlier engaged an external forensic investigator to probe the allegations mentioned above regarding the Office Manager of the VC, and the forensic investigator provided their report to the ARC in November. We deal with

this matter at some length in Section 6.1. Suffice to say here that the investigator found no evidence that the VC and his Office Manager had ever set eyes on each other before they met for the first time in her job interview. Despite this finding, however, the ARC did not release the report (nor, apparently, made it known to Council that it had been delivered). At this time there was already dissatisfaction within Council that the ARC had commissioned such an investigation without, as it was alleged, proper consultation or sign-off from the Chair of Council. In fact, the Chair of the HR Committee of Council laid a formal charge in this regard against the Chair of the Audit and Risk Committee of Council. (Confusingly, these two individuals have the same last name, but we understand that they are not blood relations.)

By the end of 2018 there was great need for Council to meet, because various operational matters such as the budget and student accommodation required Council sign-off for the 2019 academic year. Also, Council needed to elect a new Chair. However, the scheduled Council meeting of 30 November was postponed to 7 December because there was no quorum, and the postponed meeting also failed to reach a quorum. Various allegations were put to us regarding who was during this time trying to prevent Council meetings, and why. Likewise, we heard two different versions of allegations about attempts at 'Council capture'. The next meeting of Council took place on 16 January 2019. Before coming to that meeting, however, we need to relate other developments during December and early January.

On 14 December 2018 the Vice-Chancellor sent the Chief Audit Executive (CAE, previously known as the Head of Internal Audit) a letter headed 'Notice of Intention to Suspend', saying that 'It has come to my attention that there are a number of allegations that you have committed serious acts of misconduct', and going on to say 'it is proposed that you are placed on suspension'. The CAE responded on 20 December with a 26-page letter ending with: 'I am therefore submitting that you cannot suspend me for allegations you are raising in your letter dated 14 December 2018'. In parallel, an undated letter went from the Chair of the ARC to the VC (apparently copied to Council, and received by the VC on 24 December), stating that 'The ARC held a special meeting on Tuesday 18 December 2018 in which the contents of your letter and your actions were discussed intensively', and 'The ARC requests you to immediately withdraw your letter and immediately reverse any action already taken in executing your decision'. The key reason given for this decision of the ARC is:

That the CAE is employed by Council and reports functionally to the ARC in order to ensure his independence from influence by management and accordingly the Vice-Chancellor (VC) has no authority over his appointment, performance assessment, suspension, disciplining and dismissal.'

The VC responded to the ARC Chair on 3 January 2019, saying that:

I ... wish to record that despite your view and that of the CAE, the CAE is accountable to me and I am within my rights to suspend and institute disciplinary action against him.

On the same day the VC also issued a letter of suspension to the CAE. The difference of opinion as to whether or not the VC has the authority to suspend the CAE is at the heart of the further unfolding of events.

The ARC Chair also wrote a letter to Council on 24 December, headed 'Serious governance issues arising since the start of the investigation of the employment and promotion of the manager in the VC's office'. It is essentially a complaint about 'interference' from Council members, this word being the subject heading of a large part of the letter. For example: 'The fact that a phone call and emails from the Chair of Council and the Chair of the HR Committee of Council are expressing prejudiced opinions on the legitimacy, merits and outcomes of the investigation ... points to a very serious breakdown in institutional governance.' And: 'There is a point where this has got to stop and ARC is allowed to carry out its mandated responsibilities without any undue hindrance.' We have seen a version of this letter where the opinion is expressed that 'The Chairman of council had a right to know about the investigation but not to approve or to interfere with it on behalf of one employee' – but the ARC Chair told us in interview that this particular sentence was expunged from the letter. It is not clear to us whether this letter was actually sent out to Council or not, but we found it an interesting indication of the ARC's view of its independence from Council, and of tensions within Council.

Because of the urgent need for Council approval of operational matters for the 2019 academic year, Council next met in an emergency meeting on 16 January 2019. This was a curious event. When the available Council members met, it was clear that once again, because of the 60:40 rule, there was no quorum. Members discussed the matter, and (we were informed) agreed that of those internal structures with 2 Council members present, one of them would leave the meeting, in order to lower the number of internal members and meet the quorum requirement. The meeting proceeded on that basis. Besides dealing with the operational issues, the meeting also proceeded to elect an Interim Chair of Council. There were two candidates, and it came down to a 50:50 split in votes. The Acting Registrar was then given a vote, which he exercised in favour of the previous Chair. We note that the Statute clearly says that the Registrar does not have a vote in Council.

The next significant development came shortly afterwards. On 20 January 2019 the ARC Chair wrote a letter to Council headed 'Suspension of the Chief Audit Executive by the Vice-Chancellor'. It begins by saying: 'On 24 December I copied the Council to a correspondence from the Audit and Risk Committee (ARC) directed to the Vice-Chancellor in response to his actions and stated intentions against the Chief Audit Executive (CAE)'. It then goes on to request that Council should 'urgently intervene' in this matter, through a number of actions.

The first of these proposed actions is that Council should review and overturn the decision of the VC to suspend the CAE, on the basis of a set of nine reasons given. (These reasons also appear in the submission NTEU made to us.) We quote the most relevant of these nine reasons, which are actually allegations against the VC:

- a) *'That the VC's actions are procedurally irregular as he has no authority to suspend and dismiss the CAE'*
- b) *'That ... the VC is a conflicted party in the two cases for which he is directing the CAE to give him information'*
- c) *'That the VC's actions are tantamount to granting himself unauthorised access to the whistle blower's identity'*

We discuss these allegations further in Section 6.3; for the moment we are just narrating the unfolding of events. Most of the other actions proposed in the ARC Chair's letter of 20 January amount to a strong view that Council should affirm the right of the ARC to deal with the performance management of the CAE, and that all employees and Council members should 'immediately refrain from interfering with the work of the ARC' – and therefore, by implication, with the investigation against the VC. The final proposed action is that Council should:

'Seriously consider whether the VC's actions and attitude towards the ARC and the Council do not constitute sufficient basis for his temporary removal from the workplace...'

This last recommendation was the main feature of the next and final phase of the internal conflict at UFH.

During March 2019 the Acting Registrar, following an enquiry from the DHET, provided an update on the situation at Fort Hare, indicating that the process of filling the remaining three vacant seats on Council was under way, that a process had been started to review the Statute, and that in the mean time the biggest operational problem for Council was the quorum challenge. And indeed the first ordinary Council meeting of the year, scheduled for 5 April, could not take place, because there was no quorum.

Matters now moved towards a climax. Paragraph 14(2) of the Statute stipulates that:

If, for any meeting, there is no quorum, the meeting is adjourned to a date not more than seven days later, at which the members present, constitute a quorum.

We believe that the time limit of seven days had been invoked before (as for example when the meeting of 30 November was postponed to 7 December), but it seems that the stipulation 'at which the members present constitute a quorum' now became central to what happened next. On 11 April, the Chair of Council wrote a letter to the Minister headed 'Inability of the UFH Council to achieve a quorum on April 5th 2019 and request for a Ministerial Directive if a quorate meeting cannot be constituted on April 12th 2019'. On the same day, the Registrar received 9 apologies from external members for the meeting that was supposed to happen on 12 April. The Registrar thereupon wrote to Council members to postpone the meeting once again. We were given to understand that this proposal was countered by the ARC Chair, on the basis of paragraph 14(2) of the Statute.

On 12 April, nine members of Council met. According to the signatures in the attendance register, they were:

- a) Two students, who signed the register as SRC members
- b) One Dean, who signed the register as an NTEU representative
- c) One NEHAWU representative
- d) The Chair of the IF, who signed the register as such (but who was also the Chairperson of the Alice branch of NEHAWU)
- e) The Deputy Chair of the IF, who signed the register as such (but who was also the Branch Secretary of NTEU)

- f) The Chair of Convocation
- g) The Chair of the Audit and Risk Committee of Council
- h) A new member, designated by the Buffalo City Municipality.

Neither the VC, nor the Acting Registrar (who is ex officio the Secretary to Council), nor the previous Chair of Council (elected 'Interim Chair' at the meeting of 16 January), nor the Chairs of any Council Committee other than the ARC, attended the meeting. According to the minutes the meeting then proceeded as follows.

First, an 'interim secretary for the meeting' was elected, namely the Deputy Chair of the IF. Following that, the meeting invoked paragraph 12(11) of the Statute, which says that if the Chair and Deputy Chair of Council are both absent at a meeting, 'the members who are present shall elect a chairperson from their own ranks for that specific meeting'. According to the minutes, 'the meeting unanimously nominated and appointed [the new Council member] to be the interim Chairperson to chair the meeting'. It was formally minuted that no members of the meeting declared a conflict of interest, and the meeting accordingly proceeded.

For present purposes the most important part of the minutes can be found in Section 6.2 of that document, which deals with the report of the ARC Chair, under a bullet headed 'The Irregular suspension of the CAE'. The meeting resolved that the VC's decision to suspend the CAE is set aside and that the 'Interim Chairperson' should write to the VC and the CAE to this effect. Most importantly, however, the meeting resolved that:

The desired outcome as tabled in the ARC letter addressed to the Council on the 20 January 2019 ... is approved by Council. To operationalise the resolution as per prayer 3(g) and 3(i) of the ARC letter, the interim Chairperson ... is empowered by the Council to dispense the necessary processes with the affected Council members in accordance with legal relevant prescripts including signing of any letters thereto.

What this somewhat opaque piece of minuting means is that 'prayer' 3(i) of the letter of 20 January from the ARC Chair to Council was the item that recommended that Council should 'seriously consider whether the VC's actions and attitude towards the ARC and the Council do not constitute sufficient basis for his temporary removal from the workplace'. In effect, therefore, although not explicitly minuted as such, the meeting had decided that the VC should be suspended.

We should mention that subsequent to the meeting a number of lawyers gave various conflicting opinions on the legality or otherwise of the meeting. It is not our purpose to adjudicate on this question, since in our view the question was superseded by the Ministerial decision to intervene and suspend Council.

We note also that paragraph 12(11) of the Statute allows a meeting to elect, if necessary, its own Chairperson *for that meeting*. We do not find any provision of such an election gaining any permanence subsequent to the meeting. None the less, such a presumption must have existed, because the 'Interim Chairperson of Council', now proceeded to act as though the title had substance outside of the meeting that conferred it. On a letterhead titled 'Office of the Interim Council Chairperson', they wrote two letters to the Vice-Chancellor on 18 April, one to say that his decision to suspend the CAE has been rescinded, and the other to give the VC notice of intention to place him on suspension. On the same day, the 'Interim Chairperson' also wrote to the Minister, on the

same letterhead, appraising her of 'the latest decisions of the University Ordinary Council that took place on the 12th April 2019'. As may be expected, these letters evoked a flurry of further correspondence. None the less, on 25 April the 'Interim Chairperson', again on letterhead, wrote a long letter addressed to 'The University of Fort Hare Community, Students, Staff, Alumni, Labour Unions and friends of the University of Fort Hare', headed 'A comprehensive update on behalf of the Council regarding matters of governance within the University of Fort Hare'. The next day the 'Interim Chairperson' wrote to the Dean who had attended the 'Council meeting' of 12 April, saying 'I now appoint you to be the Acting Vice-Chancellor until an Extra Ordinary Council engages on the matter further'. (The Dean followed up by writing 'I accept'.)

This is all rather remarkable, in various ways. For example, when we interviewed the 'Interim Chairperson' (elected at the meeting of 12 April) they informed us, in response to our questions, that they had had no previous experience of university governance or indeed higher education, and that they had had no contact with the University of Fort Hare or with any of the other Council members before attending their first Council meeting. The minutes of the meeting, however, as well as the various subsequent communications signed by the 'Interim Chairperson', display a considerable depth and breadth of knowledge regarding the affairs of the university. We infer that the 'Interim Chairperson', as a newcomer, very likely must have had some help or backup in dealing with these matters, but we were unable, despite questioning, to ascertain where this help came from. We note further that such help included creating a letterhead bearing the logo of the University of Fort Hare, and access to the means of sending out campus-wide communications.

The whole sorry saga finally came to an end when the Minister dissolved Council and appointed an Administrator on 26 April 2019.

4. Governance

The topic of governance is listed first amongst our specific terms of reference: we are specifically asked to provide a report on the state of the University's governance which has led the Minister to appoint an Administrator.

In Section 3 we have already given a narrative account of how governance at UFH weakened, became factionalised, and collapsed, particularly since mid-2018. In this Section we take a structural rather than a narrative approach to the topic of governance. Our own observations in this regard should be seen in the light of the Ernst & Young governance report.

For anybody interested in looking at the E&Y governance report, we should mention that it is unreadable in hard copy. Some of the text is in microscopic font size and faint print, and the visual problem is compounded by the liberal use of colour codings and colour overlays. Even in the electronic version, the report can only be read with patience, perseverance and an on-screen zoom facility. Other than that, it is quite good.

The E&Y analysis of governance is carried out in terms of a methodology based on five principles, namely: (1) strategic leadership, (2) governance of core functions, (3) governance of institutional resources, (4) institutional accountability, transparency and integrity, and (5) institutional structuring

and conduct of business. Each of these five principles are rated in terms of four indicators. The rating is done on a five-point scale, ranging from 'rudimentary' at the bottom, through 'developing', 'acceptable' and 'advanced', to 'leading practice' at the top. Whoever wrote the report thought it expedient to indicate these ratings in terms of colours, with the bottom rating in red and then a rising colour spectrum of orange, yellow and light green up to dark green for 'leading practice'. The entire E&Y report on governance can be summarised by saying that most of the indicators across all of the principles are coloured in red. There are a few orange indicators, and a sprinkling of yellow ones. There are no green indicators.

4.1 Council

Part of the narrative of Section 3 is the story of how, apart from internal divisions, Council was faced with practical problems of membership, attendance and reaching quorum, particularly so from mid-2018 onwards. We supplement that narrative here with some further examples and comments. To begin with, it is worth noting that in June 2016 the Minister of Higher Education and Training had already requested Council to submit (a) routine documentation, (b) proof of Council compliances, and (c) signed Council minutes.

Against that background, we consider the following examples of Council meetings.

- a) The first Council meeting attended by the current Vice-Chancellor was on 2 December 2016, by invitation, before he took up office. The meeting was inquorate. None the less, the meeting proceeded to confirm six sets of minutes of previous meetings of Council. Strangely, for the confirmation of one set of minutes (those of the meeting of 18 May 2016), the proposer was a Deputy Registrar.
- b) On 23 June 2017 Council met at the East London campus. According to the minutes, the Chairperson had once again 'made a few remarks on the quorum issues – in particular, non-compliance in terms of the Statute'. The Council mandated the Chairperson, Registrar and the Vice-Chancellor 'to look around for new members'. We infer that Council was already at that stage aware of looming issues of membership.
- c) At the Council meeting of 29 September 2017 the Chairperson proposed that for the 2018 academic year, 'the Registrar and the Vice-Chancellor should consider scheduling meetings of Council to be held over two days'. We believe that this was done in the spirit of trying to improve attendance.

Despite problems like this, the university's Annual Report for 2017 stated that:

Council exercised its delegated powers conscientiously and with success... ..and fulfilled its responsibilities with regard to governance.

As regards the subcommittees of Council, our impression is that these operated with varying degrees of efficiency and success. The Council subcommittees listed in the Statute are:

- a) Executive Committee
- b) Audit and Risk Committee
- c) Finance Committee
- d) Human Resources Committee

- e) ICT Governance Committee
- f) Language Committee
- g) Membership Committee
- h) Naming Committee
- i) Remuneration Committee
- j) Social and Ethics Committee

The Central Planning and Quality Assurance Committee, the Institutional Quality Assurance Committee and the Honorary Degrees Committee are joint committees of Council and Senate.

Some of the deficiencies of Council subcommittees identified in the E&Y governance report are:

- a) No Terms of Reference
- b) No evidence of written subscription to the Code of Conduct
- c) No evidence of annual, signed, declaration of interest forms
- d) Lack of supporting administrative functions
- e) No induction process
- f) Lack of training for Committee Section employees
- g) No proper record keeping systems.

Some of the committees experienced, like the mother body, problems associated with inquorate meetings. For example, the Executive Committee met four times in 2017: 10 March, 7 June, 3 July and 8 September. The Chair of Council was present only at the meeting of September 8, 2017. In her place, for the other meetings, the Deputy Chair of Council served as the Acting Chairperson. In the June meeting, only two external members attended the meeting. Similarly, in the four ICT Committee meetings of 2017 the internal members were consistently in the majority. The four meetings of the Finance Committee experienced similar challenges, and the pattern continued in 2018. The Remuneration Committee seems to consist of six internal members and one external member of Council (who chairs the Committee). This committee, according to the available minutes, met only once.

4.2 Senate

In any university, Senate is the governing body for academic matters. As far as we can judge Senate played no part in the fractiousness at UFH over the past few years, and the indications are that the academic business of Senate proceeded effectively, despite many distractions. In the E&Y governance report, Senate gets a better rating than most other sections scrutinised. None the less, Senate is not without issues, and some of these are raised in the Ralekhet-Gering Academic Review discussed in Section 2.1.

In addition, we venture a few comments from our own experience and within the context of our mandate to consider issues of governance and management.

- a) We found it surprisingly difficult to obtain Senate documents – even just Senate minutes. The archives of the Registrar's portfolio seem disturbingly chaotic.
- b) In the meeting we had with Senate, we posed our usual starting question of 'What went wrong at Fort Hare?' The most telling moment of the ensuing discussion came when a senior

professor said that the basic issue is one of ethics and morality. At that stage heads were nodding all around.

- c) It has been clear for some time that the composition and terms of reference of Senate subcommittees needed to be reviewed. There is no indication that such a process was initiated by the Registrar. It appears that it was the Interim DVC:AA who undertook this exercise with some earnestness.
- d) In our meeting with Senate, some members felt that a number of policies and procedures focusing on the academic area were outdated. Others felt that in some instances there was even a lack of crucial policies.
- e) We related in Section 2.3 our unease with the perverse incentives of the Research Management Policy. As the academic governance body of the university, good academic standards should be the first concern of Senate.
- f) We were told in interview that the Senate meetings which finalised the graduation lists tended (perhaps in the past) to be chaotic, with unreliable information and last-minute additions. Given our own experience with the difficulty of obtaining even basic information, this seems entirely plausible. If true, this particular unreliability would be of great concern.

4.3 Statutory Bodies

The Higher Education Act of 1997 provides for universities to establish a standing advisory structure which came to be known as the Institutional Forum. It was created as a mechanism to widen democracy of institutional governance. Its main areas of focus have to do with transformation, race and gender issues, mediation of conflict, dispute resolution procedures and the selection of candidates for senior positions.

Like at other institutions, the Institutional Forum at the University of Fort Hare draws its membership from a heterogeneous base of constituencies. Management, Council, Senate, organised labour and the SRC all have representation on the IF.

From the minutes of IF meetings it appears that over the two-year period preceding the appointment of the Administrator the IF played its role enthusiastically and advised the Council on a wide range of areas. However, particularly in the latter stages, there seemed to have been a feeling in the IF that the Council treated their work with disdain, so that the relationship between the IF, management and Council became fairly acrimonious. This coincided with a strong presence of union leadership on the IF. It is difficult to say what was cause and what was effect, but it is clear that the power-play which ensued had a negative impact on the work of the university.

It seems that there has been no provision for an induction process for members of the IF, nor is there standard provision for declarations of interest.

Our only interaction with Convocation was one meeting with the President of Convocation, a recent graduate who spoke warmly and eloquently of trying to be of service to the university in image-raising and fundraising, and sent us a draft of a Convocation Strategy. We have no reason to doubt the sincerity of these efforts. None the less we note that the Convocation President was one of the Council members present at the 'Council meeting' of 12 April 2019, which, ironically, resulted in the image-damaging result of an Administrator being appointed.

Finally, we have not had contact with the Alumni Association, but we were informed that a few Alumni Chapters have been established, notably in Gauteng and in Cape Town. We also note that, just before the Minister intervened, a number of eminent alumni published an op-ed article in the *Daily Maverick* of 24 April 2019 headed *Be part of the renewal of Fort Hare: A clarion call to students, staff and alumni*. It is strongly supportive of the Vice-Chancellor.

We are encouraged by the determination and courage of the current Vice-Chancellor, Professor Sakhela Buhlungu. He is committed to ensuring that the University of Fort Hare reclaims its place as the leading torch-bearer of the intellectual heritage and inherited values of the Eastern Cape. For that to succeed he and others at UFH must work tirelessly to root out corruption, self-serving behaviour and intellectual dishonesty.

In a world and a country where dishonesty, mediocrity and corruption are common, the Vice-Chancellor and others are fighting to make Fort Hare different. Above all, they must also enhance the academic integrity of the university. They need our support. We believe that the Vice-Chancellor offers the university moral and intellectual leadership that Fort Hare is in desperate need of if it is to survive.

5. Management

5.1 The Management Committee (ManCo)

As is common at many universities, there are two management committees at Fort Hare: the Executive Management Committee (ManCo) and the Extended Management Committee (EMT). ManCo is the smaller and more senior body, which we understand consists of the VC, two DVCs, the Registrar and the CFO. The EMT is a much larger body, which includes all of ManCo plus Deans and Directors.

We interviewed members of ManCo individually, and the EMT collectively. Our impression from the meeting with EMT is that the body did not quite know what its task was, nor did it seem to meet often.

As regards ManCo, it is clear from the narrative in Section 3 that part of the institutional difficulties before and after the current VC took office lay with the ManCo itself (see also Section 5.4). Within the space of a year, between late 2017 and late 2018, two DVCs and the Registrar had left, and were replaced with Acting DVCs and an Acting Registrar. This was seen by some ‘stakeholders’ – but not, apparently, by Council – as authoritarian action. Arguably, however, if the VC and Council are not satisfied with senior staff, then taking such steps is better than not taking them. Perhaps because of the fact that the majority of ManCo have been in an Acting capacity over the past year, we could get no clear picture of how this body functioned, nor of its effectiveness. The minutes of ManCo meetings since early 2017 do not give a satisfactory account.

In the E&Y governance report, all the indicators for ManCo are red. At the time of writing this report permanent appointments have been made to ManCo, so we may hope that the situation has now stabilized, and will improve.

5.2 Administration

The administration of a university is many-faceted, taking place both in a centralised manner and through academic administration of the faculties and departments. Different universities have different ways of making this work, but usually, and at Fort Hare, it is the Registrar who is responsible for all central administration of the academic enterprise.

There are two Deputy Registrars: one for Administration, and one for Governance and Legal Services. It is our impression that for some time Council business was mostly serviced by the Deputy Registrar for Governance and Legal Services, rather than by the Registrar himself. That is not satisfactory: being the ex officio secretary of Council is not a duty that the Registrar can delegate.

As regards administration, we formed some views from interviews, from documentation, from consulting an experienced former Registrar currently assisting the Administrator, and from our own experiences.

- a) Competency levels are sometimes low. For example, some of the minutes we have seen are not professionally produced. The Exams Office seems to be in a critical condition. (This would help explain the reportedly chaotic Senate meetings when graduation lists need to be finalised.)
- b) Some members of the administration are reportedly inefficient and unhelpful. The staff involved in student registrations, for example, were specifically mentioned in this regard.
- c) The processes of admission and registration in the multi-campus environment are said to be badly organised.
- d) Nobody seems to do information management. Record-keeping is haphazard. There is no central documentation system, so documents (policies, reports, minutes, academic records of students, etc) are kept on the computers of individual staff.
- e) There is no resolution tracking. Committee clerks only do minutes. That may help to explain why reports called for in Council or the IF often just never appear.
- f) The Registrar's office does not seem to have line of sight of NSFAS data.
- g) Administrative weaknesses are exacerbated by the multi-campus structure.

We quote from the E&Y governance report:

The Registrar's Office is responsible for driving the academic administrative cycles through effective and efficient policies, processes and SOP's. The academic administration function of the Registrar's Office is not being effectively fulfilled, as the necessary policies and supporting process documents do not exist. The cycles are purely people-driven at this stage.

Also:

The decentralisation of institutional and academic records, as well as the record management process is a significant risk to the institution. There are inadequate safeguarding measures in place, with limited storage space. Furthermore, the lack of automated processes creates the undesired risk of human error.

5.3 Finance

As outlined in Section 2.1, the university has been in financial dire straits for years. Moreover, as outlined in the E&Y finance report, it is still weak in terms of financial management. To recap:

- a) E&Y assessed finance at UFH on a five-point scale, and rated it as 'rudimentary', the lowest possible rating. 'Rudimentary' means 'significant deficiencies and breaks exist across all three value chain drivers' [People, processes and systems].
- b) Of the 12 sub-processes E&Y assessed, 10 were rated as rudimentary', and two at the second lowest level ('developing'). E&Y identified 10 critical control deficiencies, including 'inadequate budget, procurement and cash management practices'.
- c) 'The budget is currently set at a university level and not done per cost centre to drive accountability across various divisions. Thus accountability per cost centre is not possible'.

As shown by correspondence with the university, the financial weakness of UFH has been a concern of the DHET for some time. Accordingly, our terms of reference make this a matter of importance, requiring us to look into issues of financial management, policies and procedures, across the spectrum of activities of the university. To treat this matter with the seriousness it deserves, and to complement our own expertise, we engaged a financial expert, Mr Bulelani Mahlangu, to respond to particular issues. Mr Mahlangu's terms of reference, and his comprehensive financial report, can be found in Appendix F.

The current state of play is that the university has had a disclaimer audit opinion two years in a row. A disclaimer means that the auditors were not in a position to express an audit opinion on the financial position and performance of the university. The disclaimer reflects poorly on both governance and management, and confirms the findings of E&Y to the effect that there are significant gaps in the finance and supply chain management systems. It is evident that management and the ARC did not deal decisively with the 2017 audit findings.

None the less, there are some hopeful signs. The key question is whether the financial situation of the university is improving, and the answer is a cautious 'yes'. Specifically, from the Financial Expert's report (Section 3):

The surplus generated in 2017 and 2018 is a sign that some of the interventions e.g. instituting zero based budgeting (and not permit deficit budgets) and increase in NSFAS yearly funding have made significant contribution to the finances of the university. The cash injection of R300.6m from NSFAS in 2017 has gone a long way towards improving the short term liquidity of the university and the recovery of the bulk of the R80m is critical in order to significantly decrease the chance of having financial distress in the next twenty four months.

The determination of whether the university is a going concern depends on a number of factors, and critical factor being whether or not D HET would be willing to inject more cash into the university or allow it to divert grant money towards operations in the event of financial distress. We also note the willingness by a development funding institution (DFI) to lend an amount of R247m to the university as one sign of their confidence in the university's ability to continue functioning in the foreseeable future.

As is clear from this quote, NSFAS payments form a very important factor in the diagnosis of the university's financial health. Because NSFAS relates to students, the next question was whether it was the documented over-enrolment of students which gave rise to difficulties with NSFAS payments. The answer is that there are indeed difficulties with NSFAS payments, but there is no evidence that this is due to the over-enrolment issue.

Thirdly, there was a question whether and to what extent the fact that the university leases rather than owns much of its student accommodation has had an effect on its financial health. The answer is that it is difficult to answer this question because of the external auditors' disclaimer on student residence revenue.

5.4 HR

Our terms of reference require that we conduct an analysis of the circumstances and reasons for the significant number of staff suspensions, disciplinary cases and dismissals at the University since 2015.

To get a sense of the number of staff suspensions, disciplinary case and dismissals at the university, we sourced summary data going back to 2014, because that gives a roughly equal timeframe for a period before and after the current VC took office. The report we received, titled 'Employee Relations Report as at March 2019', gives the following summary over this period:

PROCEDURE	NUMBER	FINALISED	PENDING
Grievances	52	35	17
Disciplinary Cases	39	23	16
CCMA Cases	41	29	12
Total	132	87	45

The report also gives details of what the grievances were, or the alleged offences, or the issues before the CCMA. As regards the grievances, these seem to us largely the kind of matters that might be expected under this heading: grading of posts, contract renewals, permanency of appointment, salary adjustments, and so on. Most of the grievances emanated from the academic domain. We noted that out of the 52 grievances only 4 were categorised as 'victimisation'. (All of these were within the academic sphere, and 3 out of the 4 in one faculty.) Any grievance of 'victimisation' is of course regrettable, but 4 cases over 5 years in the entire university does not seem a high number.

The disciplinary cases feature the kind of charges which would warrant disciplinary steps if proven: fraud, sexual harassment (2 cases), gross misconduct, gross insubordination, abscondment (15 cases), and so on. By far the greatest number of the disciplinary cases emanated from the non-academic domain. Of the finalised CCMA cases, a number were withdrawn, a number were settled (some of these 'due to HR Admin error'), and of the cases ruled on by the CCMA the number of rulings in favour of the employee(s) were roughly equal to the number of rulings in favour of the university.

The question of whether these cases, in total across the university, form 'a significant number', cannot be answered without doing some benchmarking against other universities, which we have not done. However, it is possible that the reference to a 'significant number' of such cases refer in the first instance to the more visible cases of senior staff members. We therefore looked into such cases on an individual rather than a numerical basis.

As regards cases of what might be called in summary 'unusual departures' of senior staff from the university, we are indebted to the immediate past Vice-Chancellor for explaining to us a number of disciplinary and/or CCMA cases during his own tenure. Namely:

- a) A Director of Properties and Services, who left after a settlement agreement.
- b) A DVC:IS, who left after a settlement agreement.
- c) An Executive Director of HR (the circumstances of whose unusual departure were not clear in interview).
- d) A Registrar who was found guilty of misconduct and received a final written warning.
- e) Another (earlier) Registrar who accepted employment elsewhere before a disciplinary hearing was concluded.
- f) A CFO who resigned before facing disciplinary charges.
- g) A Head of Internal Audit who faced charges but resigned.
- h) An Admissions Manager who was dismissed.

These cases may be compared with similar cases during the tenure of the current Vice-Chancellor.

- a) A DVC:IS who resigned, apparently citing difficulties in working with the VC.
- b) A DVC:AA whose term expired and was not renewed.
- c) An HR Director who resigned during a disciplinary process against them.
- d) A Dean of Students who resigned after being advised that disciplinary charges would be brought against them.
- e) A Registrar whose term of office was due to expire within 6 months accepted a settlement agreement (we note that this was the same Registrar who had already received a final written warning under the previous VC).
- f) A Contracts Manager who resigned while charges were being prepared against them.
- g) A Director of Community Engagement, whose contract was not renewed.
- h) A Director of Properties and Services who resigned during the course of disciplinary proceedings.
- i) A Residences Manager who retired early after a disciplinary case was brought against them.
- j) The CAE, whose case before the CCMA was still pending at the time of writing this report.
- k) Three mid-level staff who resigned during ongoing investigations regarding alleged kickbacks from service providers.

We conclude that a significant number of 'unusual departures' of senior staff had already happened during the tenure of the previous VC, but that the number and pace of such departures had gone up since the current VC took up office. We also note that one of the previous 'unusual departures' was a Head of Internal Audit – apparently this was handled without it becoming a major issue, unlike the more recent case of the CAE.

As regards the reasons for the phenomenon of a significant number of 'unusual departures' over time amongst senior staff, we would point in the first instance to the general malaise at the university

as outlined in Section 2. Against that background, it becomes (ironically) somewhat reassuring that action could be taken, and was taken, against senior staff at least as much as against junior staff.

In the case of the current VC, we would also point to two contributory factors. The first was his brief from the Chair of Council to address the weaknesses and malpractices already evident during the tenure of his predecessor. The second contributory factor worth noting is the VC's somewhat forceful leadership style in dealing with the issues at senior management level. The task of addressing management failures was undeniably important, but there were other important tasks as well which did not seem to receive the same level or manner of attention. We have already mentioned lack of maintenance, for example, and the poor student facilities, and we have pointed out that not all of these issues were a matter of money or resources. In the absence of equally forceful interventions in other domains, then, it was always likely that the VC would be accused of focussing overmuch on certain individuals, and such allegations duly materialised. We return to these matters in Section 6.4.

We were also asked to consider the HR policies and practices of the university. In this regard we refer again to the four reports mentioned in Section 2.1, in particular the Ernst & Young governance report. Amongst the 10 themes of critical governance deficiencies listed by E&Y, a number are HR-related:

- a) No organogram structure in place to provide a hierarchical view; no clear reporting lines and alignment to the business needs of the institution.
- b) Staff culture being resistant to change – new organisational culture is needed.
- c) Performance management process is inadequate and does not drive accountability and promote exceptional employee performance.
- d) Critical vacancies not being filled – these exist across the institution, impacting core and support functions. No talent management, including succession planning.

As regards the evaluation of their principles of governance, in the case of HR the E&Y report regards four principles and nine indicators as applicable (page 62); these are all coloured red, meaning 'rudimentary'. For example: 'There are no strategic documents compiled by the HR Department, such as: Human Resources Strategic Plan, Human Resources Plan, Organogram, Operational Plan, Certain human resources policies (e.g. sexual harassment policy, talent management policy and acting allowance policy)'. In Appendix L to the E&Y report there are 24 pages of HR findings and recommendations (pages 210-233).

Finally, we mention as an encouraging sign of moving in the right direction that the university has adopted a consequence management policy. The document we were given might not be the final version, since it has some editing infelicities, but the content seems basically sound, as is the intention of holding all employees of the university accountable.

6. Allegations against the Vice-Chancellor

A number of allegations have been made against the Vice-Chancellor, both before and after our appointment as Independent Assessors. As far as we could ascertain, all the allegations arose from the following sources:

- a) Two anonymous whistleblowing reports, dated respectively 27 March 2018 and 13 March 2019
- b) The Progressive Youth Alliance (PYA), which consists of the ANC Youth League (ANCYL), the Young Communist League (YCL), and SASCO
- c) The two organised labour unions on campus, NEHAWU and NTEU
- d) A report by the Audit and Risk Committee.

There is considerable overlap between the whistleblowing reports, the allegations by the PYA and the allegations by the two unions. Broadly speaking, these allegations can be divided into two categories: general and specific. The general allegations refer to the management style of the Vice-Chancellor and the increasing dysfunctionality of Council. The specific allegations refer to the Vice-Chancellor in person, and various actions of his.

To some extent (but not altogether) the specific allegations feed into the general allegations. We therefore deal with the specific allegations first.

6.1 Alleged irregularities relating to the appointment and remuneration of the Manager in the Vice-Chancellor's Office

On 27 March 2018 a Confidential Report was sent by Reg Horne, the Managing Director of Whistle Blowers (Pty) Ltd, www.whistleblowing.co.za, to the Head of Internal Audit (later the CAE) at UFH. The report stated that an SMS was received by the company, following which they contacted the whistleblower to gather more information. We quote from Mr Horne's report:

- a) 'The whistleblower reported the Vice-Chancellor, Prof Sakhela Buhlungu, for irregularities pertaining to his failure to disclose his romantic relationship with his Office Manager.'
- b) 'According to the whistleblower all the recruitment procedures had been followed and there had been no irregularities with regard to the Office Manager's employment. The caller however mentioned that the Vice-Chancellor failed to adhere to the said policy [stipulating that employees were meant to disclose any relationship which could result in a conflict of interest] because he had not informed the Human Resource Department of their relationship, prior to her recruitment.'
- c) 'The whistleblower added that the VC and the Office Manager had a child together. The caller however was unable to elaborate on the said allegations.'
- d) 'The whistleblower further reported Professor the VC for his suspected influence in the Office Manager's irregular salary scale increase.'

In essence, then, the Vice-Chancellor stands accused of conflict of interest, on the basis of an alleged 'romantic relationship' with his Office Manager. From this single allegation flowed an entire sequence of events, with far-reaching consequences for the university.

It is worth saying at the outset that a professional forensic investigator was engaged by the University to investigate the allegations. The forensic investigator, Adv Dion Hucker, concluded after a thorough investigation that there is no evidence that the Vice-Chancellor and his Office Manager had ever met before they saw each other for the first time in her job interview. Nor was any such evidence submitted to us, despite our open invitation for submissions.

We further state that even though the name of the Office Manager concerned was widely bandied about, we do not intend to add to the distress caused to this person by mentioning her name in this report as well.

It is very instructive to follow the unfolding of events.

- a) The whistleblower allegations soon became common knowledge on campus. We understand that it featured on social media, and on placards during the strike period in the middle of 2018.
- b) On 20 June 2018 the Branch Secretary General of the NTEU, who was also a member of Council, wrote to the Registrar on NTEU letterhead to submit supplementary agenda items for the Council meeting of 22 June. One of these agenda items was to ask that Council should 'thoroughly investigate' the re-grading of the position of Office Manager in the VC's office.
- c) On 6 August 2018, the Chief Audit Executive wrote to Adv Dion Hucker of Forensic and Compliance Consulting Services a 'Letter of Appointment to conduct an investigation', accepting his quotation to deliver 'the above-mentioned project' for a fee of R180,450.00. There does not seem to have been a written set of terms of reference accompanying this letter. Instead, the letter advises Adv Hucker to consult with the Chief Audit Executive 'to discuss the details of the project and a way forward'.
- d) However, Adv Hucker did detail his understanding of what needed to be investigated in his quote for undertaking the investigation, and also in his eventual report. Namely:

A complaint was received *via* the University of Fort Hare's ("*UFH*" or "*the University*") anonymous whistleblowing system on 27 March 2018, relating to allegations of irregularities surrounding an alleged personal relationship between the UFH's Vice-Chancellor ("*VC*") and the Manager in his office, who was appointed following a recruitment process, which started in 2017. The alleged irregularities can be summarised as follows:

- (i) The whistle-blower alleged that the V-C did not disclose a conflict of interest based on his alleged personal relationship with the relevant Manager at the time of, or during, her appointment process.
- (ii) The whistle-blower further alleged that the conflict of interest of the V-C was due to the V-C and the relevant Manager having a child together.
- (iii) The whistle-blower also alleged that whilst the relevant Manager was still on probation, the V-C influenced the Acting Director of the UFH's Human Resources ("*HR*") component, Ms Rakate, to award a salary increase (from salary grade 8 to 6) to the Manager in his office. This was allegedly irregular.

- e) The investigation was undertaken on behalf of the Audit and Risk Committee (ARC) of Council, and the eventual letter dated 19 November 2018 from Adv Hucker delivering his report was addressed to the Chairperson of the ARC. Whether or not Council itself, and in particular the Chair of Council, ever approved such an investigation is a disputed point (see below).
- f) The 64-page report produced by Adv Hucker (which we will refer to as the Hucker Report) was never published. Our understanding is that the 'owner' of such a report under normal circumstances would be Council. In the absence of Council, the 'owner' is therefore the Administrator. The Administrator did in fact request the report from Adv Hucker, who referred the Administrator to the Chair of the ARC. The Administrator then requested the report from the ARC Chair, who refused to release it to him, saying that he would only release it to the Independent Assessors. We then requested the report, and after some correspondence obtained it from both Adv Hucker and the ARC Chair. We subsequently interviewed both Adv Hucker and the ARC Chair on the report, as well as the handling of the report. We have handed over the Hucker report to the Administrator, and agreed with him that we may quote from it at will.
- g) The Hucker report is in our view a professional piece of work, reporting on an investigation conducted with the methods employed by professional forensic investigators. These methods include, for example, forensic imaging (by the Principal Forensic Analyst of another company, DFIRLABS (Pty) Ltd) of the laptops and cell phones of the VC and the Office Manager.
- h) As regards the allegation of a 'romantic relationship', the relevant conclusions may be extracted from the Hucker Report as follows:

4.33 The analysis of the data [from laptops and cell phones] shows the existence of nothing but a professional relationship between the two parties

4.37 Based on the processes performed to investigate the alleged "romantic relationship" and the existence of a child from the said relationship, there has been no evidence found to corroborate or support the relevant allegations.

4.124 The whistleblower and others seeking to discredit the V-C and [the Office Manager] during industrial action, or on social media, appear to have filled in the gaps or their lack of knowledge of the facts, with their own perceptions

5.00 No evidence could be found of an alleged "romantic relationship" between the V-C and [the Office Manager], nor of the existence of any child born from this relationship, based on the processes and procedures performed during the investigation. These findings are supported by, inter alia, comprehensive analysis of electronic data obtained from both parties' official devices; analysis of telephonic account information; comparative analyses of documentation; and questions posed and answered during interviews conducted.

5.01 In the absence of proof of any personal relationship between the V-C and [the Office Manager] there would have been no duty to disclose any relationship by the V-C. The allegations of the V-C not declaring or disclosing a conflict of interest could not be supported or corroborated by the evidence provided or obtained. No evidence was found of telephonic or email communications from the V-C to [the Office Manager] prior to her appointment, based on the analysis of data obtained from the relevant forensic imaging process.

- i) As long as the allegation of a 'romantic relationship', and thereby the charge of conflict of interest, remained unrefuted, a great deal of attention was paid to the various salary raises of the Office Manager. The facts of the matter seem to be as follows:
 - (i) We have seen the documentation regarding the appointment, and we are satisfied that it was professionally done. The Office Manager was duly appointed by a committee on which 'stakeholders' were adequately represented. There is one small anomaly: her name only comes to the fore in committee papers after the post had been re-advertised, even though (as she mentioned to us) she had already applied during the first round. This may be nothing more than another case of administrative weakness. At any rate, it does not materially affect the rest of the story.
 - (ii) The Office Manager noted during interview that the job on offer was lower than what she had done before, and the VC made a handwritten note to this effect in his interview notes. The Office Manager also raised the issue of salary from the outset when the job was offered to her.
 - (iii) When she took up office on 6 November the Office Manager's salary was R606,000 p.a., which did not satisfy her. She took up the matter with the VC, who referred her to HR. [See Hucker report item 4.99]
 - (iv) The Interim Head of HR tried to deal with the matter by using a provision in the Peromnes Grading system to increase the Office Manager's salary to R640,000.00 p.a. and sent her a revised appointment letter [Hucker report items 4.100-101]]
 - (v) After that the VC took up the matter personally, and asked why the Office Manager's salary was so much lower than that of her predecessor, who was paid R901,017.00 p.a. [Hucker report items 4.104-105]
 - (vi) The Office Manager was then requested to draft a revised job description, which she did. Justification of the revisions was provided to Adv Hucker. [Hucker report items 4.107-109]
 - (vii) The revised job description was forwarded to Deloitte for grading on the Peromnes system, and the outcome was tabled at a ManCo meeting on 28 February, resulting in a re-grading from Peromnes Grade 8 to Grade 6. [Hucker report items 4.110-113] [Assessors' Note: The VC pointed out to us in interview that this particular job regrading was not a stand-alone event, but part of a batch of three job regradings done by Deloitte at that time.]
 - (viii) The Interim Head of HR informs the VC that the new salary for the Office Manager will be R664,424 p.a., which is the lowest notch of Grade 6. The VC responds on 12 March 2018 that 'this does not make sense', and authorises a salary at the middle of the range, i.e. R827,335.00 p.a. This was done. [Hucker report items 4.117-119]

- (ix) The matter resurfaces on 18 June 2018, when the VC writes to the Interim Head of HR that 'When I approved the adjustment of her salary in March to R827,335.00, I was under the impression that this was the notch where [her predecessor] was. You will recall that I had asked that she be placed on the same level as [her predecessor]... I have just become aware that [her predecessor] was sitting in a higher salary notch. Could you please address as soon as possible.'
- j) On the basis of this outline of events it is clear that the VC took an active interest in the salary of his Office Manager, and decided that she should be paid at least as much as her predecessor. Since there is no evidence of him having a conflict of interest in this matter, the remaining question is whether he was operating outside his powers in doing so. In this regard, the relevant conclusions from the Hucker report are as follows:

5.03 Notwithstanding the apparent technical non-compliance with the Performance Management and Recruitment Policies referred to in paragraphs 4.91 and 5.02 of this report above, there is still no objective proof of undue influence by the V-C in the recruitment or appointment process to favour [the Office Manager], or to provide her with an unfair advantage. The interview panel's scores reflect that she was the best of the three (3) shortlisted interviewees and this was confirmed by, inter alia, [the Interim Head of HR and a panel member].

5.06 There are no prescripts or policies, which have been provided or made available during this investigation, prohibiting or limiting the V-C from authorising and approving the adjustment of [the Office Manager's] remuneration

According to the Hucker report, therefore, in actively intervening in the remuneration of his Office Manager the VC had not broken any rules. That does not mean it was wisely done. It is worth noting that the Chair of Council informed us in interview that she had advised the VC early on to build capacity in his office. Still, in exercising this intervention the VC seemed not to have taken into account the kind of impression it would create should his intervention become public – as it was almost bound to do, given all the eyes upon him.

- k) The ARC discussed the Hucker report at a meeting of 23 November 2018. The report was presented by the Chief Audit Executive, not by Adv Hucker himself. From this point onwards opinions diverge and matters become contested.
- (i) From the minutes it appears that there was some difference of opinion between members. 'Some audit committee members could not find conflict of interest', but others 'were not willing to submit a questionable report to council'.
- (ii) It appears from the minutes that the ARC identified two matters which they regarded as unresolved. The first was that the VC had not signed off on his interview with Adv Hucker, and indeed, after initial cooperation, had become increasingly insistent on the point that he had not yet been presented with the terms of reference of the investigation. The second issue was 'questionable internal processes followed in salary adjustment of the office manager' – which presumably means that some ARC members did not accept Adv Hucker's conclusions regarding this matter. No reasons are given in the minutes.

- (iii) The minutes also show that dissensions regarding the investigation had emerged within Council. For example, the minutes state that: 'some employees are being defended by some members of the council and this could be found in some instances as interfering with the Investigation'.
 - (iv) After discussion, 'the resolution was that the report needs to be restructured'. [Assessors' note: During interview we asked the ARC Chair what kind of restructuring the ARC had in mind. His response was that 'that was a loose use of words – the report was incomplete'.]
 - (v) Presumably there was some feedback from the ARC to Adv Hucker, because we have seen an email from him to the Chief Audit Executive dated 11 December 2018 saying 'I still haven't found anything to really affect or alter my original findings'.
- l) In our view, the Hucker report provided the ARC in November 2018 with an unambiguous and authoritative response to all aspects of the original whistleblower allegations. Clearly, if there was no 'romantic relationship', then the foundation of any charge of conflict of interest falls away, and any further charge of 'influencing' salary adjustments becomes a (much less explosive) matter of policy and procedure. Therefore, given the rising tensions within the university at the time, it is our view that the ARC could have done much to ease those tensions by releasing the main findings of the report to Council, and possibly through Council also to the campus community. At the very least, the original allegation of a 'romantic relationship' could have been refuted, possibly through an interim report, even if the ARC wished for further investigations to be done on the matter of salary raises. Doing so would also have shown natural justice to two colleagues who had been publicly maligned. However, the ARC chose not to release the report, nor any summary or interim report – not even to the rest of Council. We note, however, that Adv Hucker was eventually paid for his services, which would normally be taken as acceptance of his report.
- m) The main point of dissension within Council regarding the ARC investigation seems to have been whether or not Council, and in particular the Chair of Council, had ever approved such an investigation. We can only report that we received conflicting responses on this question from the Chair of Council and the Chair of the ARC. According to the minutes of the ARC meeting of 23 November 'The Chairperson of ARC communicated with the Chairperson of Council to inform her about the case against the VC ... The communication with the Chairperson of Council was also to seek approval from her as section 7.1.3 of Whistleblower policy requires'. Against that, the Chair of Council informed us in interview that she had not authorised the investigation, nor had Council discussed it in any of its meetings, nor had she ever received the Hucker report. We also note that the Chair of the HR Committee of Council wrote to the Chair of Council on 5 November 2018 to lodge a formal complaint against the Chair of the ARC for having instigated an investigation against the VC without formal approval of Council. We quote: 'In one of his emails he stated that he did what he did with the full knowledge of the Chairman of Council. However, with due respect, conducting an illegal investigation with the full knowledge of the Chairman of Council and conducting an investigation with the written approval of Council signed by the Chairman of Council are two different things. Whether the Chairman of Council was made aware of the investigation or not is irrelevant.'

- n) There is further disagreement as to the question of who actually authorised the payment for Adv Hucker. The CFO processed the payment, but was careful to annotate the relevant document, i.a. with the statement that 'The Chair of the Audit Committee has confirmed verbally and per the attached email [19 January 2019] that the document is in order'. However, the ARC chair and the Chair of Council flatly contradict each other on the question of whether the Chair of Council had authorised the payment.
- o) The matters above do not exhaust allegations regarding the employment of the Office Manager, which seems to have become a kind of focal point for NTEU allegations against the VC. In addition to the points above there are also allegations of preferential treatment regarding her accommodation and benefits such as car hire. We have not been able to pursue these matters, for lack of time and capacity. We note further that subsequent to the Hucker investigation the Office Manager applied for, and was appointed to, another and more senior position in the university. The NTEU also makes certain allegations in this regard, the essence of which seems to be the following:

Following the completion of the interview process, [the Office Manager] was ranked 4th by the panel based on the average scores of the panellists, however she was by some miracle pushed to be the only qualifying candidate. The report of the psychometric test was never presented to the panel, except a summary generated by the HR Director who is seen as a henchman of the VC. Some candidates, though scoring higher scores than [the Office Manager] were disqualified based on a manipulated psychometric test.

We obtained the documentation relating to this appointment; these documents give us no reason to think that the appointment process was anything other than professionally conducted. The post was advertised, 39 people applied, selection criteria were clearly outlined, and 5 people were shortlisted and invited to interview. The interview panel of 9 people included the Vice-Chancellor, two Deans, the Director of the Library, the HR Director, the Finance Director, the 'Co-Director' of Advancement (an academic), and one representative each from NEHAWU and NTEU. The panel found three applicants out of the five interviewees to be appointable, and these three people then underwent psychometric assessment. We have seen all three the full psychometric assessments, and in our view they are similar to such assessments we have seen elsewhere. The psychometric assessment led to only one applicant being recommended for appointment, namely the Office Manager of the VC.

6.2 Various other specific allegations against the Vice-Chancellor

For purposes of conciseness, we group together here a number of disparate allegations.

- a) Allegations regarding the use of a recruitment company called Landelahni (now apparently N2Growth). These allegations are actually more against the Chair of Council than against the Vice-Chancellor himself. The charge is that 'At the insistence of the Vice-Chancellor, the University is doing business with Landelahni ... to recruit all executive management members

(Registrar and both DVCs). Amongst the directors of Landelahni is Adv Orleyn [Chair of Council] and member of Council, Ms T Mgoduso. Records of Council will show that there is no declaration that was done in a Council meeting when the appointment of the said company was discussed.' [NTEU letter to the Minister dated 27 April 2019, item 5.] Having made enquiries on our behalf with the company and CIPS, our financial expert Mr Mahlangu reports that Adv Orleyn was a non-executive director of Landelahni between 2004 and 2008, when she resigned, and that Ms Mgoduso has not had any connection with Landelahni. The Vice-Chancellor informed us that he first encountered Landelahni during his own appointment process. The Landelahni matter is dealt with further in Appendix F.

- b) Dissatisfaction regarding an article in the *Sunday Times* on 1 April 2018. The allegation is that the article 'quoted the VC sentiments portraying our University as a disorderly, lawless, corrupt and incompetent institution that is selling academic certificate'. [PYA letter to Council, undated, but presumably around mid-October 2018.] We have read the article, which seems to have arisen from the fact that a 24-hour security team had been assigned to the VC. The VC is forthright in his views, and quite open in responding to questions from the reporter, but he does not lead with his own views and any reference to 'degrees for sale' seems to be the words of the reporter, not the VC. We note that the secretary of the SRC is quoted as saying 'there was good and bad in the SRC's relationship with Buhlungu. There are things he has done well, and one of them is cleaning up the university. But he is not treating the SRC as people who are supposed to co-govern'. We note further that the Chair of Council, in a letter to the Minister on 18 October, says that 'The matter of the *Sunday Times* article is the domain of Council and has been addressed at that level.' All in all, we find this particular piece of journalism not unusual for Sunday newspapers, and we believe it does not do the university discredit to the extent that the matter needs further attention.
- c) Allegation that security guards and equipment were sourced for the VC without a proper Supply Chain Management process. [PYA letter to Council, mid-October 2018, cited immediately above.] The fact that the usual SCM process was not followed does not seem to be in dispute, so the question must be about the reasons for this deviation. We were told in interviews (not by the VC) that there were two reasons: first, that the matter was urgent, and second, at least one Council member advised against using the SCM department on the grounds that some of the most virulent opposition against the VC arose from that quarter. We note further that the Chair of Council wrote to the Minister on 18 October that: 'The in-principle appointment of security staff for the Vice-Chancellor was approved by the UFH Council, based on an assessment of the UFH context. Because of the sensitive nature of the appointment, it was not done through the UFH security division. A deviation was signed by the Chair of Council and subsequently ratified by Council.' Also: 'The security equipment for the Executive Suite at Alice was purchased through the UFH ICT division.' The matter is dealt with further in Appendix F.
- d) Allegations regarding the Hunterstoun development project. This matter could be a case study of good intentions gone awry. Hunterstoun is a property partly donated to the university from the estate of the late Monica Wilson. It is located a few kilometres out of Hogsback, has a wonderful location and a beautiful old stone house, and could be ideal for an academic retreat. However, it needs upgrading, to provide suitable facilities for meetings of a reasonable number

of people. The allegation is that the VC improperly engaged a firm of architects to work on this project. In the PYA letter to Council of mid-October 2018 the allegation reads as follows: 'Lastly, the outcry of a R1,3 million tender irregularly awarded to a certain company which has proximity to the Vice-Chancellor for mysterious reasons. ... In a waiver document created by the office of the DVC of which that was on its own an irregularity has been disapproved by the director of properties and services, SCM and the office of the Chief Financial Officer speaks volumes of the flaws of the process.' This is somewhat opaque, but we understand it to refer to the Hunterstoun project, as per the Chair of Council's response to the PYA allegations in her letter to the Minister of 18 October 2018. The matter was also brought to our attention in a submission by the former Director of Properties and Services. In addition, we received a file full of documents from the Director of the Hunterstoun facility. We understand the facts of the matter to be as follows:

- (i) Funding was obtained for an initial upgrade of the Hunterstoun house (renovations of the main house, toilets and kitchen facilities), in part from the National Institute for Humanities and Social Sciences, and this funding needed to be spent within a certain time period.
- (ii) One set of architects (Activate) had been working for some time on the overall Hunterstoun project, which is much more ambitious than just an upgrade of the house.
- (iii) It was decided that for the smaller project it would be good to engage a local firm, Ngonyama Okpanum and Associates, in a joint venture with Activate.
- (iv) The Director of the Hunterstoun Centre therefore requested a waiver of the normal SCM process, dated 28 March 2018. This request went to the VC with a Memo dated 17 April 2018 from the Interim DVC Institutional Support, saying i.a. 'The sought revised appointment is for a joint venture between the above-mentioned two firms given that Activate is based in Johannesburg and NOA local. The scale of work to be done in the current arrangements is too minimal to engage Activate's services while it makes business sense to utilise locally based NOA services in order to ensure maximum efficiency.'
- (v) The VC wrote 'Approved' on both the Hunterstoun Director's submission and the DVC:IS memo, signed and dated it (24 March 2018).
- (vi) At this stage someone must have realised that proper process for a waiver had not been followed, and that a waiver document needs a number of signatures before going to the VC for signature.
- (vii) The Hunterstoun Director then wrote another memo, dated 6 June 2018, to those managers who should have signed in the first instance. This memo states that: 'The approval of the original motivation was signed by the VC (24/4/2018). However, an administrative error occurred and as a result, the VC signed before the DVC IS, SCM and the CFO had considered and supported the proposal.' The addressees were then asked to sign a waiver document, which would 'regularise the authorisation of the approval in terms of the approved SCM process'.
- (viii) The Director of Properties and Services wrote on that document 'Not supported', and signed it. This seems to be the origin of the allegation of improper engagement of architects.

Evidently, the matter was badly handled up to that point. However, some internal self-correcting mechanism seems to have kicked in, because the Chair of Council, in her letter to the Minister wrote: 'The architects have not been appointed. The matter has been referred back to the Hunterstoun Centre Board. Based on their recommendation, the process will start afresh.' We briefly visited the Huntersoun property, and no work has yet been done. It seems that, in the end, the rush to get a waiver approved was self-defeating. The matter is dealt with further in Appedix F,

- e) Allegation regarding abuse of the university credit card by the Vice-Chancellor. [NTEU submission] The allegation is that the Vice-Chancellor has used his university credit card in buying items 'that are not authorised'. We asked for the VC's credit card statements, obtained them, and could not see any irregularities. The matter is dealt with further in Appendix F.
- f) Allegation of illegal donations, from a whistleblower's report of 13 March 2019. The allegation is that the VC donated some cows to the Chief Tyhali and Mngqesha Royal house 'without following SCM process'. We felt duty-bound to question the VC about this allegation, and found his response very educational. He explained that the donation of cows between communities is an accepted cultural practice, called *nqoma*, that it is of a reciprocal nature, and that he did not see this particular donation (of a bull, a cow and a calf) as anything other than building community relations. Being out of our depth in this regard, we were not inclined to pursue the matter any further.

6.3 Allegations emanating from the Audit and Risk Committee of Council

In Section 3 we narrated the sequence of events that led up to the 'Council meeting' of 12 April 2019. As explained, the subsequent action by the 'Interim Chair of Council' to 'suspend' the VC was based on the report of the ARC Chair at that meeting, and in particular 'the desired outcome as tabled in the ARC letter addressed to Council on the 20 January 2019'.

It may be helpful at this point to recall some of the sequence of events. By late November the ARC had received the Hucker report, but not released it (nor apparently informed the rest of Council that it had been received). By mid-December the VC had issued the CAE with a notice of intention to suspend him. The ARC Chair wrote to the VC before Christmas requesting him to withdraw this notice, on the following grounds:

That the CAE is employed by Council and reports functionally to the ARC in order to ensure his independence from influence by management and accordingly the Vice-Chancellor (VC) has no authority over his appointment, performance assessment, suspension, disciplining and dismissal.'

The VC responded to the ARC Chair on 3 January 2019, saying that:

I ... wish to record that despite your view and that of the CAE, the CAE is accountable to me and I am within my rights to suspend and institute disciplinary action against him.

On the same day the VC also issued a letter of suspension to the CAE. On 20 January 2019, the ARC Chair then wrote to all members of Council informing them of the VC's response of 3 January, and requesting Council 'to urgently intervene' through a number of actions. The first of these proposed actions is that Council should review and overturn the decision of the VC to suspend the CAE, on the basis of a set of nine reasons given. (These same reasons also appear in the submission NTEU made to us.) We quote the most relevant of these nine reasons, which are actually allegations against the VC:

- g) *'That the VC's actions are procedurally irregular as he has no authority to suspend and dismiss the CAE'*
- h) *'That ... the VC is a conflicted party in the two cases for which he is directing the CAE to give him information'*
- i) *'That the VC's actions are tantamount to granting himself unauthorised access to the whistle blower's identity'*

Most of the other proposed actions amount to a strong view that Council should affirm the right of the ARC to deal with the performance management of the CAE, and that all employees and Council members should 'immediately refrain from interfering with the work of the ARC' – and therefore, by implication, with the investigation against the VC. The final proposed action is that Council should:

'Seriously consider whether the VC's actions and attitude towards the ARC and the Council do not constitute sufficient basis for his temporary removal from the workplace...'

As explained in Section 3, it was this last recommendation that featured so significantly in the 'Council meeting' of 12 April.

With this background, we comment on the main allegations levelled against the VC by the ARC Chair as follows, in reverse order.

The allegation that the VC's actions are 'tantamount to granting himself unauthorised access to the whistle blower's identity' seems to depend on which whistle-blower is being referred to. One would assume, given the context of the letter, that the reference is to the original whistle-blower allegations of March 2018 regarding the Office Manager of the VC. Those allegations, however, originated with a mere SMS and arrived at the university via an independent third party, Whistle Blowers (Pty) Ltd, www.whistleblowing.co.za. We have not seen any reference to the identity of the whistleblower in any of the documentation before us, including the Hucker Report. We do not see how the VC, by suspending the CAE, could possibly have gained access to the identity of this whistleblower.

Secondly, there is the allegation that the VC 'is a conflicted party in the two cases for which he is directing the CAE to give him information'. In order to consider this allegation we need to go back to the VC's 'Notice of Intention to Suspend' to the CAE dated 14 December 2018. Two reasons are given for the intention to suspend:

- 1.1 *You were involved in concealing and/or refusing to disclose an investigation report in relation to my office in order for its contents to be amended.*

1.2 You failed and refused to report to me as the Vice-Chancellor, your superior, on the status of the current ongoing investigations in relation to the cleaning contract and cars purchased university staff in order for me to report to Council and the Department of Higher Education and Training. The progress and outcomes of these investigations impact directly on the University's administration and precautionary measures therefore have to be put in place to limit the University's risk. The investigations have been ongoing for months and cannot continue to be delayed whilst possible implicated officials proceed to work within the University as they could jeopardise the investigation against them.

We have seen no evidence that the VC is a conflicted party in the second (1.2) of these two cases. In interview the VC had put forward strong views and expressed much frustration on the difficulties of investigating a case regarding cleaning contracts, which he believed had defrauded the University of millions of Rand over a period of years. If the VC had reason to believe that the CAE was not sufficiently diligent in pursuing, or was withholding information in regard to, a case of possible fraud, he might well have considered such reasons as grounds for suspension.

As regards the reason numbered 1.1, presumably the 'report in relation to my office' is the Hucker Report, and the CAE is charged with concealing and/or refusing to disclose that report in order for its contents to be amended. Now we are getting into deep waters. As noted above, the Hucker report had indeed been delivered to the CAE and the ARC Chair, and the ARC had indeed resolved not to release the report, because it needed to be 'restructured' (or, as the ARC Chair later told us in interview, 'it was incomplete'). It is also clear that Adv Hucker had had some feedback in this regard, given his comment to the CAE of 11 December that 'I still haven't found anything to really affect or alter my original findings'. The VC may therefore well have had grounds for believing that the CAE was complicit in 'concealing' the Hucker report 'in order for its contents to be amended'. However, making this particular suspicion the first of his reasons for suspending the CAE would naturally open the VC up to a charge of conflict of interest, as then inevitably happened.

From a governance point of view the most fundamental (and the most interesting) of the charges made by the ARC Chair against the VC is the first one: that the VC does not actually have the authority to suspend the CAE. The VC's response was exactly the opposite: that the CAE falls under his jurisdiction since the VC is the ultimate accountable officer of the University. Much could be written about this difference of opinion, both in general as a matter of principle and in particular as regards the case before us. It is a well-established principle that the Internal Audit function of the university must be independent, and must be overseen by the Audit and Risk Committee of Council. It is also, however, a well-established principle that Council appoints the Vice-Chancellor not only as the chief academic officer of the University, but also as the chief executive officer of the University. Council delegates all management functions to the Vice-Chancellor, which means that the Vice-Chancellor is the ultimate line manager of all employees of the University, including the CAE.

Most universities under most circumstances manage to avoid open conflict between these two principles, and they manage to do so because there is sufficient trust and collegiality between the major role-players to iron out any differences of opinion. Clearly, in the present case the ARC Chair and the VC took diametrically opposing views on who could take a decision to suspend the CAE, and in the absence of trust and collegiality the matter descended into power play. Our view is that both parties could have, and should have, tried to avoid open conflict in the interest of the greater good of the university. The VC could, for example, have considered dropping the first of the two

reasons for suspending the CAE. The ARC Chair also had options for avoiding conflict. They could, for example, have considered releasing the Hucker Report, or an interim version of it, so as to get that particular matter out of the way. Neither party, however, seemed to have considered the possibility of engagement or compromise. A sensible next step would have been to take the matter to the Chair of Council and/or the Chair of the HR Committee of Council, but in this case the relationship between the ARC Chair and both the Chair of Council and the Chair of the HR Committee was already adversarial. It is always easy to be wise after the event, and clearly the febrile atmosphere at the time would have made sober and considered decision-making very difficult. None the less, separately or jointly, the conflicted parties could have sought outside advice or mediation, whether through some professional body or through the DHET. Instead, the conflict worsened.

6.4 General allegations regarding the management style and actions of the Vice-Chancellor

The PYA has been vocal in articulating general complaints about the Vice-Chancellor, including mismanagement, maladministration, corruption and discrediting of the institution. Where these generalisations have been accompanied by specifics, we have tried above to deal with the specific allegations. We have no record of the SRC making any such allegations, but in interactions with SRC members we heard a view that the VC is generally not approachable, and that in particular he is not willing to address student mass meetings in times of trouble. NEHAWU, in their submission to us, speaks of 'lack of communication, consultation with stakeholders – autocratic behaviour leading to unilateral decisions by MANCO'. [NEHAWU submission, pages not numbered.]

Complainants also charge that Council, and in particular the Chair of Council, have been aiding and abetting the VC in his various supposed transgressions. The PYA state that 'As primary stakeholders, we are of the view that the council itself is the serious threat to the wellbeing of the university as it is in cohort [sic] with the dubious Vice-Chancellor operations'. [PYA letter to the Minister, 2018/10/23] The whistle-blower report of 13 March 2019 claims 'People know that Thandi Orleyn with her cabal is the one who brought Buhlungu at Fort Hare to push her agenda'. The NTEU submission speaks of a 'deliberate and orchestrated attempt to collapse the UFH Council as long as the prospect of Ms Thandi Orleyn are not certain for her to be appointed as Chairperson of Council.'

It must be said that the VC also has supporters and even admirers within the university, although these voices are much more muted. In personal interviews, on condition of anonymity, we heard views expressed that the VC has been principled and courageous, and even that 'The new VC is the best thing that could have happened to this university'. When we met with Senate we heard no complaint about the VC. Likewise, when we met with the SRC, the main topic of conversation was not the VC or management, but the poor state of the university generally and student facilities in particular.

As regards the interaction between the VC and the Chair of Council, it is clear that the Chair of Council supported the VC throughout. As she wrote to the Minister on 5 December 2018:

Since the VC assumed office on 1 February 2017, he with the support of Council has been systematically dealing with management failures, lack of accountability and corruption. There

now appears to be a concerted action of backlash against the VC and certain members of Council which is designed to get rid of them.

We do not find anything wrong with a VC being appointed with a mandate to improve the university. Nor do we find anything wrong with the Chair of Council giving the VC strong support.

Having made our way through masses of documentation, and on the basis of our three interviews with the VC, we would say, however, that he does indeed have a decisive and perhaps somewhat abrupt style of management and leadership. That is not a crime, but it carries its own risks, and in deploying such a leadership style it would be good to weigh up the risks and possible consequences before going into action. One of the risks, which we believe materialised in the present case, is to be perceived as focusing on individuals rather than fighting against wrongs. It might be argued that desperate times demand desperate measures, and that decisive leadership was exactly what was needed at Fort Hare. We accept that there is truth to such an argument. On the other hand, experienced leaders know that sometimes it is for the best in the long term to adjust your style according to the circumstances, even if that might appear as a defeat in the short term. In our view, however, the VC's strengths lie more on the side of determination and single-mindedness than on the side of flexibility and adaptability.

As for approachability, the VC confirmed to us that he would not go to a student mass meeting when there is unrest, since in his view student leaders would only use the occasion to try and humiliate him. He would therefore send somebody else in his stead. The difficulty with this approach, we think, is that it amounts to asking one of your staff to take your place in whatever humiliation might be meted out.

Finally, we should state for the record that we gave the VC a summary of the various allegations against him, and invited him to respond in writing, but he declined the opportunity.

7. Findings

**“The truth is never only on one side.”
Former Chair of Council, in interview.**

In conducting our independent assessment of the University of Fort Hare, we started most interviews with a simple question: ‘In your opinion, what went wrong at the university?’ A few interviewees, and a few submissions, concentrated on assigning blame immediately and primarily to the Vice-Chancellor: that he has been disruptive, and has pursued some kind of nefarious agenda under the mantle of being a corruption buster. On this version of events, Council was either too weak to constrain the VC, or was actively complicit in his activities. At the other end of the spectrum, a few interviewees and submissions identified nothing but a union-led conspiracy, determined to capture Council in order to protect their own interests and further their own agenda, including getting rid of the Vice-Chancellor.

Most interviewees, however, took a more thoughtful line. As may be expected, everybody has their own perspective, but generally there was an acknowledgement of a number of different factors which reinforced each other, to the point where breakdown was reached. That is also our view. There is no doubt that the unions and the student political organisations were the most active and outspoken opponents of the Vice-Chancellor, and that they left no stone unturned, and no reputation unsullied, in their efforts to discredit and unseat him. It is also clear that the two unions were the main participants in the breakdown event, the so-called ‘Council meeting’ of 12 April, which led the Minister to dissolve Council. However, this event could not have happened without systemic weakness and the active participation of other role-players, each with their own set of dissatisfactions.

Our starting question of what went wrong at Fort Hare is a simple formulation of the first part of our top-line terms of reference, namely to advise the Minister on ‘the source and nature of the problems facing the institution’. Our findings are as follows.

- a) **First**, the problems at Fort Hare are systemic, and they go back a long way. Our report as Independent Assessors is the 5th major report on the University of Fort Hare within 10 years. Each report arose from a particular brief, but they all convey the same message: the University of Fort Hare suffers from deep-rooted administrative and financial weaknesses. It is clear to us that *Fort Hare must learn to do the basics better*. The primary difficulty is not, in our view, lack of staff or resources (although there are exceptions), but lack of a culture of responsibility and accountability.
- b) **Second**, there are disturbing signs of a widespread belief that the university is a kind of cash cow which everyone is entitled to milk for personal benefit. The problem is not only that this may happen outside of rules and policies. The problem is also that some of the rules and policies are quite generous in distributing university largesse.
- c) **Third**, the students have legitimate cause for grievance. We have spoken out in the body of this report regarding the deplorable condition of some of the accommodation, teaching venues and laboratories. It is no wonder that students – particularly student political organisations – might jump on any anti-management bandwagon. Clearly, maintenance of

the physical infrastructure has been entirely inadequate, to the point where even basic human dignity has been compromised. However, there is also a more deep-seated problem than just maintenance. It appears that, for years, Fort Hare has over-enrolled students – partly, it must be said, due to pressure from students themselves. It was put to us that Fort Hare sees itself as ‘a university of access’. This is a noble cause, but in danger of becoming self-defeating. Over-enrolment may increase access, but it risks decreasing success, because the university simply cannot cope with the numbers.

- d) **Fourth**, Council became weak when it should have been strong. As a new broom, the Vice-Chancellor was expected to sweep clean, and he set about this task with energy and determination. It should have come as no surprise that this led to internal conflict. A strong Council would at this stage have been able to give the VC support, whilst at the same time exercising a moderating influence on his leadership style. Instead, the legitimacy of Council was weakened by problems of membership and quorums, and in that state of weakness it became factionalised. In particular, the Audit and Risk Committee of Council, determined to uphold a strong view of its independence, veered towards autonomy, and in effect became a parallel body to Council rather than part of it.
- e) **Fifth**, there is a non-negligible level of belief that the university should be run, not by management, but by a commonality of ‘stakeholders’. This belief goes beyond the principle of cooperative governance, towards a desire for co-governance, and in some cases even further, towards an insistence on co-management. Our view is that it is the task of management to run the university, and it is the task of Council to ensure that the university is run properly. ‘Stakeholders’ take part in governance in order to exercise checks and balances through that medium, not in order for themselves to govern or manage the university.
- f) **Sixth**, and in our view most importantly, the main source of the problems facing the University of Fort Hare was the general disregard of a fundamental principle of governance. We refer to the principle, namely, that the role of a governor is to act at all times in the best interest of the institution as a whole, not to act as a ‘representative’ for any particular constituency or group. In particular, at a university, the role of a Council member, whether internal or external, is to contribute to collective decision-making for the benefit of the entire University, not to seek any advantage, nor try to exercise any supposed autonomy, for any ‘stakeholder group’ or substructure of the University.

These are our general findings. More specific findings are distributed amongst the recommendations below, as well as in Appendices E and F.

Our general findings are essentially a diagnosis of what went wrong. In so far as we have a prognosis for the future, we would say that there are some encouraging signs of recovery. The Administrator has overseen the formulation of a turnaround plan for the university. The Statute is being amended. The cash flow situation has improved. Management seems to be moving beyond the phase where most senior managers were in an acting capacity. Support entities like Fort Hare Solutions and the

Fort Hare Foundation are in a better position than at the time of previous reports. It will, however, take time and careful nurturing for these green shoots of improvement to grow and mature.

We hope that our recommendations below will make a substantial contribution to further recovery, so that the University of Fort Hare can claim the place in higher education that its history has marked out for it.

8. Recommendations

The second part of our top-line terms of reference is to advise the Minister on ‘measures required to restore good governance and management at the University of Fort Hare’.

To fulfil this mandate we should state at the outset our belief that there might be little point to any recommendations we make if UFH were simply left to its own devices after a period of administration lasting only one year. There is a non-negligible risk that in a post-administration phase the university could revert to another crisis situation, even with a new Statute and a new Council in place. The risk of reversion arises because of the entrenched culture of the institution, the current weaknesses of governance, management and administration, the loss of trust and collegiality, and the fact that any incoming Council will be new on the job. All of these factors require time to remedy, and a year will very likely not be enough. We therefore structure our findings and recommendation from the top down, beginning with recommendations for DHET, and of these the first is that the university requires a period of increased post-administration oversight from the Department.

In the process of doing our independent assessment, we found it useful to look at various reports of other independent assessors at other universities. From what we have seen, we believe there is at least one common problem across universities which have been placed under administration. It is the problem identified in our final finding above: disregard for the fundamental principle of governance that the interests of the institution take precedence over the interests of any ‘stakeholder’ group. It appears all too common that Council members regard themselves as representing a particular constituency, rather than the university as a whole.

Without wishing to stray beyond our terms of reference, we therefore believe it relevant to observe that DHET may find it effective in the long run to adopt a risk-based approach to its oversight of the higher education sector. On a risk-based approach, more effort and attention would be paid, not only retrospectively, but rather prospectively, to institutions considered to be at higher risk of instability. Essentially, a risk-based approach operates on the principle that prevention is better than cure.

8.1 Recommendations regarding DHET actions

8.1.1. We recommend that after the one-year term of office of the Administrator has ended, UFH should be subject to increased and regular scrutiny by DHET for a further period of, say, three years. For convenience we refer to this as a period of special measures. If necessary, the required measures could be introduced through a Ministerial Directive. This will give a new

Council time to accustom itself to its duties, it will allow time for the restoration of trust and collegiality, and it will give management sufficient time to implement (and be held to account for) the various other recommendations in this report.

- 8.1.2.** We recommend that the DHET should constitute a dedicated UFH Oversight Team, responsible for the increased and regular scrutiny of UFH during the period of special measures. The UFH Oversight Team should report through the Deputy Director-General and the Director-General of DHET to the Minister.
- 8.1.3.** We note and support the task of the Administrator to furnish UFH with a new Statute, and to constitute a new Council. We also note and support the action of the Administrator to request management to come forward with an institutional turnaround plan for UFH. The essential purpose of a 3-year period of special measures would be for DHET to satisfy itself, through its UFH Oversight Team, that management and council are actively implementing such a plan.
- 8.1.4.** We therefore recommend that the Administrator's practice of submitting quarterly reports to the Minister be continued by the incoming Council during the entire period of special measures. We also recommend that the UFH Oversight Team should visit UFH at least annually during this period to satisfy itself that progress is being made on clearly-defined KPIs within specified timeframes.
- 8.1.5.** We recommend that the new Statute should not allow any Council meeting to proceed without meeting a specified quorum.
- 8.1.6.** We recommend that the Minister should give consideration to a new Chair of Council being recruited and appointed through DHET, rather than elected by the new Council members from amongst themselves.
- 8.1.7.** We further recommend that the new Council should not take up office until every member, both internal and external, has been through a thorough induction process regarding university governance, including on principles of governance. Such an induction process should be mandatory, not optional, and should be overseen by DHET, not left to Council itself to arrange. In particular, the induction should emphasize the fundamental principle that it is not the task of a Council member to act as a representative of any constituency or 'stakeholder' body. If necessary, the term of the Administrator should be extended until such time as the new Council has been inducted and is ready to take up office.
- 8.1.8.** We note the point (made by NEHAWU) that since Council was not properly constituted for a number of meetings, all decisions taken at those meetings might be invalid. As we understand it, NEHAWU is in effect arguing that if the 'Council meeting' of 12 April 2019 was invalid, and should be set aside, then so too should various earlier Council meetings such as the meeting of January 2019 be set aside, and thereby all decisions taken at these earlier meetings. We cannot judge the legal correctness of this view, but we would note that most decisions taken at these earlier meetings (and even at the meeting of 12 April) dealt with giving the necessary Council sanction to management decisions regarding vital operational issues at the university. It would not, in our view, serve the interests of the university to pursue the path of

a blanket recall of decisions taken at these various ill-constituted meetings of Council. We recommend that the Administrator, in lieu of Council, could retrospectively legitimise such decisions. If necessary the Minister could issue a Directive in this regard.

- 8.1.9.** To address and assuage concerns about the academic environment at UFH, we recommend that DHET liaise with the CHE to arrange for an institutional quality assurance audit to be carried out at UFH during the period of special measures. Putting UFH first in line for such an audit would fit with the idea of risk-based oversight of the higher education sector.
- 8.1.10.** We recommend that DHET should clarify the status of co-opted members of Council. During our investigations we never quite got a clear answer to the question of whether the Chair of ARC was a member of Council or not. The Chair of Council informed us that she ‘treated him as such’. The Acting Registrar once sought legal opinion, and came back with the response that the ARC Chair was not a ‘regular’ member but an ‘ex officio’ member. These words, however, bring no clarity. The question is whether a co-opted member, the ARC Chair in this case, has voting rights on Council or not. According to the former Statute of Council, Section 9(1)(d) the answer is no, but it is not clear whether this was adhered to. (Note: we referred the particular question of Council membership of the ARC Chair to DHET, and the answer came back that, under the circumstances, the ARC Chair was actually not a member of Council. This means that at the ‘Council meeting’ of 12 April 2019 there were actually only 8 Council members present.)

Finally, without being so bold as to make it a recommendation, we state our view that at some stage DHET will need to consider the overall situation of tertiary education provision in East London. The current situation is that three universities operate in East London (UFH, Walter Sisulu and UNISA), but none of them are actually headquartered there. It seems curious that there is a single fully-fledged regional university in smaller places like Makhanda and Mbombela, but not one in East London.

8.2 Recommendations regarding governance

We have already made a number of recommendations for DHET actions regarding a new UFH Council in Section 8.1 above. We also make a number of specific recommendations regarding the composition and functioning of Council and the Committees of Council in Appendix E. Further recommendations are as follows:

- 8.2.1** To provide a further safeguard to staff and students against what they might perceive as abuses of power, we recommend that Council should create an Ombud post, and appoint a person into this role. (We prefer the term ‘Ombud’ to ‘Ombudsman’.) The creation of such a post has been discussed at UFH before (see for example the Council Minutes R/26/017 for the meeting of 23 June 2017). The Ombud should be independent of Management, not a member of Council, and during the period of special measures should have a direct reporting line to the DHET. Benchmarking should be done on how to structure this post and how to support the Ombud. To avoid the Ombud being swamped with complaints large and small, there should be a rule that the Ombud will have discretion on which cases to take up, and

that normally all internal processes of the University should have been exhausted before the Ombud comes into play.

- 8.2.2** We recommend that the incoming Council, together with Management, should work the findings of the Ernst & Young Governance Report into the institutional turnaround plan. The UFH Oversight Team should monitor the implementation of these findings.
- 8.2.3** As regards academic governance, we recommend that Senate and Management should implement the recommendations of the Review of the Academic Enterprise by Prof M Ralekhetho and Dr M Gering, and report to Council and the UFH Oversight Team on the implementation of these steps.
- 8.2.4** We specifically recommend that an academic review should be carried out of PhD programmes across the university, with particular reference to quality of supervision and external examination, as well as completion times.

8.3 Recommendations regarding management

- 8.3.1** We do not recommend any disciplinary action against the Vice-Chancellor.
- 8.3.2** We do, however, recommend that some appropriate support structures should be put in place for the VC, to give those who are aggrieved with him some reassurance that the 'dictatorship' of which he has been accused could not become a reality. Specifically, we recommend:
 - 8.3.2.1** That the Ombud should not report to the VC. During the envisaged period of special measures the Ombud should report on a regular basis to the UFH Oversight Team, and afterwards to Council.
 - 8.3.2.2** That, as expected of other staff members and as stated in his letter of appointment, the VC should enter into an Individual Performance Agreement (IPA) with the Chair of Council, and that progress on the institutional turnaround plan should be part of this agreement.
 - 8.3.2.3** That as part of the VC's IPA the Chair of Council should conduct an annual performance appraisal of the VC through a 360-degree evaluation, including input from the Ombud, and should report to the UFH Oversight Team on such appraisals as part of the regular reporting envisaged during the period of special measures.
- 8.3.3** We recommend that the Management Committee (ManCo) should meet regularly, and often: we recommend meeting weekly.
- 8.3.4** We recommend that a report on ManCo business should be delivered by the VC at every Council meeting.
- 8.3.5** To help rebuild morale and cohesion, we recommend that management should immediately embark on a campus-clean up programme, which could be started and concluded within the space of a few months. Pick up all the litter. Supply rubbish bins, and make sure they are cleaned regularly. Get rid of all the old broken furniture cluttering up the place. Unblock and bring back into operation all blocked washbasins and toilets. Make a plan to clear out the dead birds from the Nursing Sciences Building. Get rid of the broken-down vehicles in the

Transport Section. [Note: None of this requires a lot of money or resource, nor even for an outside company to be contracted.]

- 8.3.6** In particular, we recommend that management should pay immediate attention to all ablution facilities in student residences. Without waiting for new residences to be finished, or embarking on a major contractual obligation, the university should be able to put its own cleaning and maintenance staff to work to clean out, repair, paint and tile all toilets, showers and baths to bring it to a condition of adequacy where, at the very least, the university need not be ashamed of it.
- 8.3.7** We recommend that an immediate health and safety check should be conducted of all buildings and facilities. The necessary repairs and refurbishments should be effected within one year, and reported through Council to the UFH Oversight Team.
- 8.3.8** We recommend that, as one of its first tasks, the incoming Council should formulate a policy regarding the perks of office of members of the Extended Management Team, including in particular the provision of fully-maintained and fuelled vehicles. The policy should be benchmarked against best practice nationally, should take into account the realities of UFH's financial position, should include the compulsory reporting of such perks in the university's annual report, and should be finalised and implemented in consultation with the UFH Oversight Team.
- 8.3.9** We further recommend that, once a policy has been approved regarding the perks of office of members of the EMT, a further policy should be formulated and implemented regarding Staff Benefits generally, across the university.

8.4 Recommendations regarding finance

A number of detailed and specific recommendations regarding financial management and supply chain management appear in Appendix F. These should be regarded as part of our overall recommendations. In addition, we recommend as follows.

- 8.4.1** We recommend that a forensic investigation be done of the workings of the Supply Chain Management Office over the past three years. The report of this investigation should be submitted to Council and the UFH Oversight Team. To keep such an investigation manageable we recommend that it should in the first instance consider issues arising from the Report of the Financial Expert (Appendix F), such as:
- 8.4.1.1 The finding that three of the fifteen tenders processed during 2018 and 2019 were cancelled. The issue is whether the tenders were cancelled for valid reasons.
- 8.4.1.2 The fact that the university was allocated a further R52m by the DHET to complete the Early Childhood Development Project – the issue being what the process was followed to appoint the service providers and to evaluate the reasons for the shortfall.

- 8.4.1.3 Property Developers are paid through a company called MBB Consulting Engineers – the issue is what process was followed to appoint them.
 - 8.4.1.4 Student Centre Shop Retailers – the issue being what was the process followed to appoint them.
 - 8.4.1.5 Security costs related to the VC – the main issue being whether there is genuine reasons for twenty two months having passed since the company was engaged.
 - 8.4.1.6 An investigation of possible conflicts of interest, by cross-checking the ID numbers of EMT members plus Supply Chain and Finance Unit staff against the CIPC information of the service providers – the issue being that there does not seem to be a formal declaration of interest process.
 - 8.4.1.7 The process of approving student residence service providers, with a focus on contracts awarded in 2018.
- 8.4.2** We recommend that Management should implement the recommendations of the E&Y Finance Report. A set of actions and KPIs should be drawn up, which, with the approval of Council, should become part of the turnaround plan.
- 8.4.3** We recommend that Management should draw up, Council should approve, and the UFH Oversight Team should monitor, a financial sustainability plan, as part of the overall institutional turnaround plan.
- 8.4.4** We recommend that more capacity and capability be built into or sourced for the Finance Unit.
- 8.4.5** Expenditure: We recommend that before any further new capital works are approved, UFH should first embark on a thorough programme of upgrading and maintenance of its physical infrastructure. In particular, the upgrading and maintenance of student accommodation, teaching facilities and laboratories must have first call on the capital expenditure budget until such time as the physical infrastructure is in acceptable shape.
- 8.4.6** We recommend that, as part of the institutional turnaround plan, management should for the longer term formulate and implement a Physical Infrastructure Maintenance Policy.
- 8.4.7** We recommend that the Equicent matter should be addressed and finalised as part of the turnaround plan. This is a matter for both UFH and DHET, perhaps through a joint task-and-finish team, under the special measures provision. This would follow up on the various communications from DHET to UFH regarding the Equicent matter.
- 8.4.8** We recommend that the Research Incentive Policy should be revised, and that the practice of paying research incentive money directly into the personal bank account of academics should be stopped. Our view is that research incentive money, if paid at all, should be paid into research accounts, and only be expended for research purposes. In addition, any research incentive policy which adopts monetary payments as an incentive should be counterbalanced by strong academic quality control measures.
- 8.4.9** We recommend that, as part of the turnaround plan, Management should make an assessment of the overheads in time and money of the multi-campus model, and embark on a program of introducing efficiencies and minimising duplications, including in the academic

sphere. Reports on progress should be submitted through Council to the UFH Oversight Team.

Appendices

Appendix A: Acronyms

AA	Academic Affairs
AGSA	Auditor General of South Africa
ANCYL	African National Congress Youth League
ARC	Audit and Risk Committee of Council
BAC	Bid Adjudication Committee
BEC	Bid Evaluation Committee
CA	Chartered Accountant
CAE	Chief Audit Executive
CCMA	Commission for Conciliation, Mediation Arbitration
CFO	Chief Finance Officer
CIO	Chief Information Officer
CIPC	Companies and Intellectual Property Commissions
DG	Director-General
DHET	Department of Higher Education and Training
DVC	Deputy Vice-Chancellor
EMT	Extended Management Team
E&Y	Ernst & Young
FinCo	Finance Committee
HR	Human Resources
IA	Independent Assessor
ICT	Information, Communication and Technology
IF	Institutional Forum
IPA	Individual Performance Agreement
IS	Institutional Support
KPIs	Key Performance Indicators
ManCo	Management Committee
Minister	Minister of Higher Education, Science and Technology
MOU	Memorandum of Understanding
NEHAWU	National Education, Health and Allied Workers' Union
NOA	Ngonyama Okpanum and Associates
NSFAS	National Student Financial Aid Scheme
NTEU	National Tertiary Education Union
PFMA	Public Finance Management Act
PhD	Doctor of Philosophy
PWC	Price Waterhouse Coopers
PYA	Progressive Youth Alliance
SAICA	South African Institute of Chartered Accountants
SARS	South African Revenue Service

SASCO	South African Students Congress
SCM	Supply Chain Management
SMEs	Small and Medium-sized Enterprises
SRC	Student Representative Council
ToR	Terms of Reference
TVET	Technical and Vocational Education and Training
UFH	University of Fort Hare
Unisa	University of South Africa
VC	Vice-Chancellor
WSU	Walter Sisulu University
YCL	Young Communist League

Appendix B: Terms of Reference of the Independent Assessor

The terms of reference of the Independent Assessor for UFH were published in the Government Gazette No. 42567, Notice No. 649 on 05 July 2019

TERMS OF REFERENCE OF THE INDEPENDENT ASSESSOR TO CONDUCT AN INVESTIGATION INTO THE AFFAIRS OF THE UNIVERSITY OF FORT HARE

INTRODUCTION

In terms of Section 44 and 45(a) of the Higher Education Act, I, Dr BE Nzimande, Minister of Higher Education, Science and Technology, hereby appoint an Independent Assessor to conduct an investigation into the affairs of the University of Fort Hare. The overall purpose of the investigation is to advise the Minister on the source and nature of problems facing the institution and the measures required to restore good governance and management at University of Fort Hare.

TERMS OF REFERENCE

1. Conduct a detailed analysis of, and provide a report on the state of the University's governance which has led to the Minister to appoint an Administrator and the current state of management including policies and procedures pertaining to financial management, supply chain management, human resources, and information technology.
2. Conduct an investigation of the financial policies and procedures of the University and its business entities, with a specific focus on internal audit processes, procurement and tender procedures, and any specific allegations of financial irregularity that may be brought to the attention of the Independent Assessor.
3. Conduct a detailed analysis and report on the human resource policies and practices of the University, particularly in relation to enhancing organisational efficiency and employment relations at the University.
4. Conduct a detailed analysis and report on the circumstances and reasons for the significant number of staff suspensions, disciplinary cases, and dismissals at the University since 2015.
5. Conduct an investigation on the allegations of misconduct and mismanagement against the Vice-Chancellor.
6. Investigate the operations of the Office of the Registrar in relation to the management of academic affairs, registration and certification matters and any other matters that the Independent Assessor believes warrant investigation.
7. Identify any regulation, policy or practice that must be reviewed or created to improve employment relations within the University.
8. Conduct a detailed analysis of and provide a report on the functioning and efficacy of the statutory structures, namely the Institutional Forum, Convocation and the Alumni Association.

9. Investigate and report on any matters that, in the opinion of the Assessor, may impact on the effective functioning of the University from the analysis of problems relating to governance and management.

TO MAKE RECOMMENDATIONS ON

10. The restoration of good governance and management, specifically in relation to the Executive Management and the Council.
11. Any other areas of action required to ensure the effective functioning of the University.
12. Any other recommendation that requires the attention of the Minister and the Department.
13. What actions, if any, ought to be taken.

COMPLETION AND REPORT

14. The Independent Assessor must complete his/ her work and submit a written report to the Minister within 90 days from the date of publication of this notice. In terms of Section 47(1), the report must contain findings of the investigation together with the reasons upon which the findings are based and recommendations of appropriate measures and reasons why such measures are needed.

Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date:

Appendix C: The Assessors

Professor Chris Brink served as Vice-Chancellor of Newcastle University in the UK from 2007 till 2016. He was a Board member of the Russell Group, as well as the N8, the partnership of eight research-intensive universities in the North of England, which he also chaired. He has served as a Board member of Universities UK (where he chaired the Student Policy Network), the national Equality Challenge Unit (also as Co-Chair), the national Quality Assurance Agency, the national digital services provider JISC, the Advisory Committee on Leadership, Governance and Management of HEFCE, the North East Local Enterprise Partnership, and various regional Boards.

Before taking up his position at Newcastle, Professor Brink was Vice-Chancellor of Stellenbosch University in South Africa. Earlier, he had served as Pro-Vice-Chancellor (Research) at the University of Wollongong in Australia. Before that he was Head of the Department of Mathematics and Applied Mathematics at the University of Cape Town, and served as the University's Coordinator of Strategic Planning. Other earlier positions include a Senior Research Fellowship at the Australian National University in the 1980s and a brief spell in industry in the USA.

Professor Brink is a logician with a Cambridge PhD, an interdisciplinary Dphil, Master's degrees in philosophy and mathematics, and a Bachelor's degree in computer science. His research areas include mathematics, logic, philosophy and computer science, and he has published in all these fields. Before moving into management he held the prestigious "A"-rating of the National Research Foundation. Currently he serves on the University Grants Committee in Hong Kong, where he chairs the implementation of the sector-wide 2020 Research Assessment Exercise.

Professor Louis Molamu is an alumnus of the University of Fort Hare. He completed the Bachelor of Arts (Sociology and English) degree and the University Education Diploma in the early 1970s. He also obtained the M.Sc. (Industrial Sociology) at the University of Bradford in the United Kingdom.

He started his academic career in the Department of Sociology at the University of Botswana and Swaziland at the beginning of the 1980-1981 academic years. Prior to his return to South Africa in 1996, Molamu had served as the Head of the Department of Sociology. Molamu joined the Department of Sociology at the University of South Africa (Unisa), where he later served as the Head of Department. In 2000 he was appointed to the position of Deputy Dean in the Faculty of Arts. In 2001 he was appointed as the University Registrar, a position in which he served until his retirement at the end of 2012. As part of his responsibilities as the Registrar, Molamu served as secretary to the Executive Management, Senate, Council and Convocation.

Professor Molamu is the author and co-author of a number of articles in accredited journals on a variety of subjects. His book, *Degrees of Excellence: Honorary Graduates of the University of South Africa, 1994 – 2014* was published in 2016. He is currently working on an historical study on Governance and Transformation at the University of South Africa, 1990 – 2015. His other research interests include popular culture, social problems and social movements.

He was a Visiting Professor at the North Carolina Central University (NCCU) in the United States. One of his recent assignments is as the Co-ordinator of the flagship Young Academics Programme at the University of South Africa.

Professor Molamu is the chairperson of the Board of Trustees of the Hugh Masekela Heritage Foundation (HMHF).

Financial Expert: Mr Bulelani Mahlangu. He qualified as a Chartered Accountant in 1995, after having completed his undergraduate and post -graduate studies at UCT. He has strong qualification in Finance/Economics, having completed a MSc in Financial Management.

At a functional level he has experience in the areas of finance, internal audit, risk management, accounting, finance strategy, organisational design, etc. He has 16 years experience at senior level having been the Chief Financial Officer at the South African Medical Research Council and the University of Kwa-Zulu Natal. Prior to that he was a Chief Director of Financial Management at Gauteng Provincial Treasury.

He also has experience in the governance area, having been a member of the Council/Board of the SAMRC and UKZN, and having been a member of various Audit and Risk Committees, including being a Chairperson of one of the Audit Committee of SASSA.

Appendix D: Methodology and Programme of Activities

On 26 June 2019, the Minister of Higher Education, Science & Technology, Dr BE Nzimande appointed Professor Chris Brink, assisted by Professor Louis Molamu, to be Independent Assessors at the University of Fort Hare (UFH). A Government notice of the appointment of the Independent Assessor was gazetted and published on 05 July 2019.

On 04 July 2019, the Department met with the Independent Assessors to brief the Assessors about the developments that led to the University Council being dissolved and replaced with an Administrator. An initial briefing pack of documents was provided. Subsequently, the Independent Assessors emailed a communique to the UFH community to introduce themselves and their terms of reference, and to invite submissions through a specially-created email address.

Methodology:

The Independent Assessment was conducted through studying documents and data (both provided and requested), conducting interviews (both with structures and with individuals, with the Assessors issuing invitations and also responding to requests for interview), a financial analysis, and site visits.

Documentation: A great volume and variety, both electronic and in hard copy, such as minutes, policy documents, official documents, reports, correspondence, written submissions, legal opinions, financial documents, media articles and social media opinions.

Number of interviews: 8 with structures, and 20 with individuals. Most interviews were conducted at UFH, and a few in Pretoria.

After an initial analysis Professors Brink and Molamu requested assistance by a Financial Expert, and DHET kindly made available the services of Mr Bulelani Mahlangu.

Programme of Activities:

Visits to the University: 22-23 July, 29-31 July, 22-23 August, 1-3 September. Most of the time was spent at the East London and Alice campuses, but the Assessors also visited the Bisho campus and the Hunterstoun facility.

Meetings in Pretoria: 4 July, 1-2 August, 18 September.

Campus site visits, mainly conducted by students: 31 July, 2 September.

Team meetings were conducted at the end of every working day.

Appendix E: Specific recommendations regarding the constitution of Council

For a number of years the institutional governance and management structures at the University of Fort Hare have taken strain

The Council as the premier governance structure was increasingly dysfunctional. The chronic and persistent crises of governance led to the debilitating incapacity of the institution to cope with the expectations of its stakeholders. Clearly, the Council, the custodian of corporate good governance, failed to live up to expectations. There were serious weaknesses in the work of the Council.

One of the intractable problems had to do with the fact that a number of members of Council did not seem to have a clear understanding of their fiduciary responsibilities. More often than not some of the members declared their loyalty, in the first instance, to be what they considered to be their respective constituencies.

Another area of concern was associated with the composition of the Council. Section 27(6) of the Higher Education Act No 101 of 1997 and the Institutional Statute which stipulate that at least 60 per cent of the members of Council must be neither employees nor students of the institution.

In addition, in accordance with the broad principles of the King 1V Report, the Independent Assessors are of the opinion that the UFH should ensure that the majority of the members of Council and its Committees are consistently in the majority in order to secure credible deliberations and sound decision-making.

For the 2017 and 2018 academic years the ratio as provided for in the legislation was clearly not adhered to at the institution. The minutes of several meetings of the Council and its Committees during this period reveal that internal members of Council tended to be in the majority.

RECOMMENDATIONS

The composition, powers and responsibilities of the Council are derived from the Higher Education Act No 101 of 1997 (as amended) and the Institutional Statute. These need to be addressed as a matter of urgency to ensure full compliance and to achieve organizational coherence and efficiency.

a) Proposed Composition of Council

External Members:

- (i) Five Ministerial appointees
- (ii) Five persons appointed by Council on the basis of their expertise and competencies
- (iii) One member elected by Convocation
- (iv) One member designated by the Provincial Government
- (v) One member designated by the Fort Hare Foundation

Internal Members:

- (i) Vice- Chancellor and Principal
- (ii) Deputy Vice- Chancellor: Institutional Support
- (iii) Two members of Senate
- (iv) Two members of the Students Representative Council
- (v) Two representatives of organized labour, one being an academic and the other a non-academic employee
- (vi) One member elected by the Institutional Forum

b) Proposed Membership of Committees of Council

Committees of Council are important because they constitute a crucial platform for the critical governance work of the institution. It is during the meetings of these committees that detailed work is undertaken.

Executive Committee

- (i) Chairperson of Council (Chairperson)
- (ii) Vice Chairperson of Council
- (iii) Chairperson of Committees
 - Auditing and Risk Committee
 - Finance Committee
 - Human Resources Committee
 - ICT Governance Committee
- (iv) One member of Senate from the two contemplated in paragraph elected by Council
- (v) Vice Chancellor
- (vi) Registrar (Secretary)
- (vii) Advisors:
 - Deputy Vice-Chancellor: Institutional Support
 - Deputy Registrar: Governance and Legal Services

The other members of the Executive Management Committee are invitees to the meetings of the Executive Committee but are not members.

Audit and Risk (Management) Committee

- (i) Vice Chairperson of Council
- (ii) Four external members of Council
- (iii) Two members elected from the employee or student representatives on Council
- (iv) Advisors:
 - Vice Chancellor
 - Chief Finance Officer

By Invitation:

- A representative of the External Auditors
- A representative of the Internal Auditors
- A representative from the Office of the Auditor General

Finance Committee

- (i) Chairperson of Council
- (ii) Vice Chairperson of Council
- (iii) Four external members of Council, one of whom must be a person with expertise in finance (The Chairperson of the committee to be elected from these four external members)
- (iv) Vice Chancellor
- (v) Advisors:

Deputy Vice-Chancellor: Institutional Support
Chief Finance Officer

Human Resources Committee

- (i) Chairperson of Council
- (ii) Vice Chairperson of Council (Chairperson)
- (iii) Three external members of Council
- (iv) Vice Chancellor
- (v) One member elected by Council from staff members on Council
- (vi) Advisors:

Director: Human Resources
Chief Finance Officer

ICT Governance Committee

- (i) Four external members of Council
- (ii) Vice- Chancellor
- (iii) Deputy Vice- Chancellor: Institutional Support
- (iv) Advisors:
 - Chief Information Officer
 - Chief Finance Officer

Remuneration Committee

- (i) The Remuneration Committee reports directly to Council on matters relating to the remuneration of members of the Executive Management.
- (ii) Chairperson of Council
- (iii) Vice Chairperson of Council

- (iv) Chairperson of the Audit and Risk (Management) Committee
- (v) Chairperson of the Finance Committee
- (vi) Chairperson of the Human Resources Committee
- (vii) One additional member who is neither an employee nor a student of the institution
- (viii) University Registrar (Secretary)
- (ix) Advisors:

Vice Chancellor
Chief Finance Officer
Director: Human Resources

Honorary Degrees Committee (Joint Committee of Council And Senate)

- (i) Vice- Chancellor (Chairperson)
- (ii) Deputy Vice- Chancellor: Institutional Support
- (iii) One representative of Senate
- (iv) Chairperson of the Deans' Forum
- (v) Vice Chairperson of Council
- (vi) Four external members of Council
- (vii) Advisor:

Deputy Registrar: Academic Affairs

Membership Committee

- (i) Chairperson of Council
- (ii) Two external members of Council
- (iii) Vice -Chancellor
- (iv) Registrar

The Terms of Reference of this Committee would be to:

- recommend the composition of the Committees of Council;
- recommend chairpersons (and deputy chairpersons) of the committees;
- review the performance of members;
- establish and maintain succession plans for members;
- keep track of annual declarations of interest by members;
- evaluate, annually, the effectiveness of Council and its committees.

The other Joint Committees of Council and Senate whose Terms of Reference and composition need to be reviewed include:

- (i) Central Academic Planning Committee
- (ii) Institutional Quality Assurance Committee, and
- (iii) Research and Development Committee

Induction Workshops

It is recommended that a two-day Induction Workshop under the theme "Governance and the Academy: The Role of the Council of the University of Fort Hare " should be organized in collaboration with DoHET for the members of the new Council.

Code of Conduct For Members Of Council

It is recommended that the Code of Conduct for members of Council is reviewed. Upon appointment to Council the new members of Council will be expected to sign the Code of Conduct. The new members will also be expected to sign the Code of Conduct annually thereafter.

Appendix F: Report to the Independent Assessors by the Financial Expert
Mr Bulelani Mahlangu
25 September 2019

The Independent Assessor has decided to co-opt additional expertise specifically to pursue all matters relating to the financial affairs of the University. The terms of reference of the Financial Expert are as follows:

1. Advise the IA on all financial aspects of the IA terms of reference, in particular terms of reference 1 and 2.
2. Accordingly:
 - Conduct a detailed analysis of the state of the UFH governance and management regarding policies and procedures pertaining to financial management and supply chain management
 - Conduct an investigation of the financial policies and procedures of UFH and its business entities, with a specific focus on internal audit processes, procurement and tender procedures, and any specific allegations of financial irregularity that may be brought to the attention of the IA.
3. Consider all financial documentation relevant to the above investigation, in particular the briefing pack provided to the IA by DHET (specifically the Report of the UFH task team of 2009 (Annexure G) and the FastTrack report of 2015 (Annexure K), as well as all Annual Financial Statements of UFH since 2016.
4. Interview, in consultation with the IA, all relevant stakeholders who may be able to assist with the above investigation, in particular the Vice-Chancellor and CFO of UFH.
5. Provide an opinion on the following matters:
 - Both the task team of 2009 and the FastTrack Report of 2015 were of the view that UFH was at that stage essentially bankrupt. Has the financial situation of the University improved since then? Is UFH a going concern in financial terms, what is the current state of its financial health, and what is the prognosis for its financial future?
 - There are indications that UFH over-recruited students, which gave rise to difficulties with NSFAS payments. What has been the effect of such over-recruitment on the financial state of the University?
 - UFH leases rather than owns its student residences. How is this circumstance reflected in the Annual Financial Statements of the University, and how does it affect the financial health of the University?
6. Provide a report to the IA on the above matters, together with any further relevant views.

1.1 DETAILED STATE OF UFH GOVERNANCE AND POLICIES PERTAINING TO FINANCIAL MANAGEMENT AND SUPPLY CHAIN MANAGEMENT

The Audit and Risk Committee and Finance Committee meetings regularly took place, even though they were not always quorate. The gaps in finance policies and procedures are prevalent even in a risky area such as supply chain, and if not immediately addressed this can expose the university to litigation and losses. A disclaimer audit opinion two years in succession not only reflects badly on the governance and management/leadership capabilities, but further confirms Ernst & Young's (EY) findings to the effect that there are significant gaps in the finance and supply chain management systems.

Specific findings

- a) Following the recommendation of the Audit and Risk Committee (ARC), EY was appointed in 2018 to assess the Finance Unit, and its determination is that the finance and supply chain system is at a rudimentary (lowest) level in terms of maturity.
- b) There following are some of the procurement related documents either in or being considered for use: 1) Supply Chain Policy approved of 2012, 2) Legal Policy (used for sourcing legal expertise), 3) ARC's Charter makes provision for sourcing expertise without going through the Supply Chain Management Unit (SCM), 4) and Draft Infrastructure Procurement and Delivery Management. This has and can create incompatible procurement practices.
- c) The university took steps to deal with the Equicent contract complications and there is clarity on the duration of the contract, however some aspects of the contracts remain unresolved.
- d) For the financial years ended 2017 and 2018 got a disclaimer of opinion, i.e. the auditors were not put in a position even to express an opinion on the financial position and performance of the university. It seems evident that management and the ARC did not deal decisively with the 2017 audit findings.
- e) At the time of issuing the Independent Assessor's Draft Report (25th of September 2019) the Finance Unit had yet been able to prepare a set of accounts (income and cashflow statements) for the eight months ended 31 August 2019.
- f) According to the CFO the university's subsidiaries and joint ventures have their own finance and supply chain management policies.
- g) Based on the analysis of the minutes of the meetings of the relevant structures, and on discussions with their senior personnel of the university, we have come to the conclusion that none of the various management and governance structures (Management Committee (MANCO), Finance Committee, (FC) and ARC) seem to have systematically and robustly dealt with the issue of financial sustainability. The university has understandably paid more attention to NSFAS related issues, but this cannot be the only focus in an industry that is faced with significant challenges even to tried and tested operating/business models.
- h) The FC and ARC meetings took place regularly, however we noted that some were inquorate, and we also observed that the VC did not attend the majority of the ARC meetings during 2018 and 2019.
- i) The FC had only a draft Terms of Reference in place.
- j) We identified at least twelve vehicles which were not functional at the Transport Unit and we were informed their licences continued to be paid. It seems that the Transport Unit expected the Finance Unit to intervene, and in turn the latter thought that it is the responsibility of the former to process the disposals.

Recommendations

- a) To fast track the process of putting policies and procedures in place, the UFH can partner or collaborate with one of the universities in the province and pay a minimal fee for adopting their policies. The university can also take advantage of D HET as it has a good repository of financial and supply management policies, procedures and charters that are suitable for the higher education sector.
- b) The procurement processes always present a high risk as in this regard we recommend that the UFH uses the services of a legal specialist with considerable experience in procurement, to help with the consolidation of the various components and updating of the SCM policy. There is considerable procurement related case law that has emerged over the past few years, and this has to be considered when updating the policy. The university can also seek assistance from the National or Eastern Cape Provincial Treasury.
- c) Failure to resolve the valuation of land and building is part of the reason why the university got a disclaimer (audit outcome). We are recommending having the land and buildings account audited during November and December 2019, in order to give the university enough time to correct the accounts in the event of the auditors being unhappy with the valuation approach.
- d) UFH should strongly consider appointing the Auditor General of South Africa (AGSA) to audit their accounts for the two periods ended December 2019 and 2020. AGSA's audits are thorough at comprehensively addressing systemic issues especially in the areas of Supply Chain Management (they can also make a call regarding whether current or past transactions require investigation), Performance Management, and Financial Management in general.
- e) The UFH should use the services of an experienced commercial lawyer to restructure the Equicent contract, and the progress on this matter must be monitored by both the ARC and Council.
- f) The number of financial management changes required to help the CFO move the Finance Unit to a higher level of maturity cannot take place without supplementing the Unit's capacity, even if for a short period. We recommend that D HET considers assisting (including funding) by using a model similar to the SAICA/D HET Finance Management setup that was deployed at the TVET Colleges, and this should be for a period of at least two years. If not feasible, we strongly recommend that the university contracts in for twelve to eighteen months at least three experienced individuals in the following areas, 1) compliance and governance processes (including the policies), 2) commercial experience, 3) systems design. Irrespective of the approach the university adopts, these experts would report to the CFO.
- g) To address the issue of meetings that are in-quorate, one option may be to have multiple levels of quorums. E.g. to approve a strategic plan or budget 60:40 will be required, to approve a policy 50:50 or 40:60 will be acceptable, etc. Increasing the number of the members of the Sub-Committees is remains an option.
- h) FC had at some stage considered amalgamating with the ARC. For a different set of reasons, we would like to also recommend joint ARC and FC meetings (even if for the next two years) in order to deal with vast finance related issues in an integrated manner. This may also help deal with the issue of quorum, if though that will not be the primary reason. If there are five meetings scheduled in a year, two to three of these can be joint meetings, and this would still allow the ARC to protect its independence.

1.2 INVESTIGATION OF THE FINANCIAL POLICIES AND PROCEDURES PERTAINING TO INTERNAL AUDIT (IA), SUPPLY CHAIN AND TENDER PROCEDURES, AND THE INVESTIGATION OF SPECIFIC FINANCIAL IRREGULARITIES.

The outcome of the five years mandatory review of the IA unit performed in 2018 by the Institute of Internal Auditors (IIA) goes a long way towards pointing to the competence of the unit, and the presence of the critical documents such as ARC and IA Charters, IA Plan, Risk Management Policy, and risk register suggests that the university has the necessary architecture to enable meaningful internal audit assignments.

Conflict between the Chief Audit Executives (CAEs) and an executive are common for two primary reasons 1), the executive members tends to see the CAE's findings as a negative reflection on their performance, and 2) the concept of the CAE reporting to the ARC, and even having access to the board, is unique. In our assessment the conflict between the VC and CAE was caused primarily by lack of common understanding regarding what it means for the CAE to functionally report to the ARC.

Tender processes are generally very risk and looking at the minutes of the various tender committees and the tender practices, we identified several lapses which if left to persist can expose the university to litigation and incorrect decision making. Some omission, e.g. not calling out the tender price is not necessarily in transgression of the SCM policy, but failure to do this undermines one of the values of an effective tender process, i.e. transparency.

A. Internal audit (IA)

Specific findings

- a) The IA Unit was found to be Generally Compliant (an improvement on the finding by PWC in 2016 which deemed the unit Partially Compliant). There is a view that the IIA Review can be supplemented by assessments that focus on: 1) the quality of the judgements, 2) how competent the IA team is, and 3) how good the training provided is, etc.
- b) The UFH IA Unit consists of the Internal Audit, Special Investigations and Risk Management. It is a common practice to combine the internal audit with investigations. Some of the deficiencies pointed out by the IIA Review were that the IA Unit needed to use internal audit software more, and that the risk management component should not be part of the IA Unit.
- c) In our assessment the biggest tension between the CAE and the VC tended to centre around the issue of investigation, i.e. how is the reporting on these is to be conducted, and who should have access to the progress reports on these investigations. The VC strongly felt that for him to be able to lead and be accountable he needed to have access to certain information regarding the investigations. On the other hand the CAE felt that the VC's requests were tantamount to interfering with his independence, partly because according to him, some of the requests pertained to investigations that involved the VC. What is clear is there has been loss of trust and confidence in each other.
- d) The VC disputed the serious allegations made by the CAE about how, and on whom he sought information from the CAE, and interviewing them separately made it difficult for us to formulate a view regarding what was likely to have happened.

- e) The IA Unit reviews tenders above R20m before these are presented to Council for approval. During the 2018 to 2019 periods there were more than ten bids processed with values of less than R20m each, and as a consequence they were not subjected to IA tests before they were awarded.

Recommendations

- a) The university requires a written set of protocol (or a Memorandum of Understanding - MOU) detailing how the conflicts between management and the CAE are to be handled. The ARC and IA Charters may not be sufficient to constructively handle conflicts. One example relates to the ARC's authority to dismiss a CAE, given that some of dismissible offences are not linked to the technical quality of the audits. The MOU can also detail with which parties to approach in order to resolve disputes, and these parties can include the Chairperson of Council, Chairperson of the ARC, DHET, or any other independent person as can be recommended by an entity that deals with governance, e.g. the Institute of Directors (IOD).
- b) The induction of the new the Council should include a session on the role of IA and ARC (the concept of IA reporting to ARC is unique to this profession however it needs to be emphasised that external and internal auditors are conceptually similar to the extent that neither report to management), to be conducted by an entity such the Institute of Directors or a governance specialist, and the audience should include the Council and Committee members, and the members of the Extended Management Team.
- c) The whistle blow facility report should be accessible only to the Chairperson of the ARC and the VC.
- d) The IA should review all the bids, and the intensity of the procedures performed can vary depending on the range. There can be three ranges, Range 1: Bids < R10m, and Range 2: Bids < R20m, and Range 3: Bids > R20m. More procedures would be applied on Ranges 2 and 3 compared to Range 1.

B. Supply chain and tender procedures

Specific findings

- a) In respect of one bid which was processed in 2018, according to the Bid Evaluation Committee (BEC) minutes a service provider was asked to revise their quotation because of errors in their submission, and the bid price ended up being R16.34m, compared to R11.83m originally submitted. An award emanating from such a process can be legally challenged, and even set aside even if the successful bidder had not been asked to re-submit.
- b) Of the fifteen tenders processed by the university between 2018 and 2019, three were cancelled. The Bid Adjudication Committee (BAC) took a decision to cancel these because following an analysis by one of its members, it came to the conclusion that the specifications did not meet the D HET's requirements. The decision to cancel was taken by the BAC and not the Bid Specification Committee (BEC), whose mandate it is to approve or reject the specifications.
- c) A Supply Chain official chaired a BEC meeting. The BEC subsequently corrected this and acknowledged that this was not the correct procedure.
- d) On a number of occasions, the BAC, who appeared to have consistently applied their minds in their meetings, referred matters back to the BEC for further consideration. In one instance

at the prompting of the BAC, the BEC ended up re-instating two bidders who had initially been declared non-responsive.

- e) According to the SCM policy the BAC and BEC can only be chaired by a member of the EMT, but it seems that the policy did not anticipate a different type of conflict interest, i.e. a member of the EMT can preside over a bid that falls within his/her area of responsibility and influence.
- f) At the bids opening, the university does not call out the bid prices or fill in the amount on the register. This deficiency can create a room for re-submission of a bid with a lower price.
- g) In an effort to manage its contracts more effectively, to its credit the university employed a contract specialist in July 2018. A contract register is in place and part of the challenge has been to ensure that there is a contract in place where one is required.

C. Specific possible financial irregularities

C.1 Security for the VC

- a) A decision was taken to treat the matter of securing the VC with the utmost confidentiality and the Chairperson of the HR Committee was tasked with sourcing quotations from security services providers.
- b) The Eastern Cape Department of Roads and Public Works SCM official has confirmed that she was verbally requested by the Chairperson of the HR Committee to provide him with a list of the service providers who are based in the Nkonkobe Region. According to the official, there was only one service provider on the Departmental Regional's contract register, and this was Amila Security Risk Management Services (Amila).
- c) Amila started rendering their services in November 2017. According to the contract specialist there is no written contract in place, however the understanding is that Amila is on a month to month contract basis, and the CFO indicates that they intend doing a risk assessment soon in order to determine whether or not to continue with Amila.

Conclusion

The university appears to have made an effort towards ensuring a competitive procurement process. The requirement for emergency security services is something that generally can be anticipated and be planned for, given the fact that the sometimes volatile situation in the higher education sector has been with us in the recent years. Twenty two months have passed since the service provider came on board and in our view the Council should have ensured that a competitive process takes place immediately after the initial ratification.

C.2 The Landelahni Professional Technical Appointments (Landelahni) for DVC IS and Deputy Registrar: Legal positions

According to the founder shareholder and Chief Executive Officer (CEO) of N2 Growth- (previously called Landelahni), Adv Thandi Orleyn was a non-executive director at Landelahni Group Holdings between 2004 and resigned in 2008. She says that Adv Orleyn was never a shareholder in any of the Landelahni Group Holdings companies. We were able to confirm from the Companies and Intellectual Property Commission (CIPC) records that she resigned in 2008. The CEO has indicated that Ms Thandeka Mgoduso has never been a director, or a shareholder of any of the Landelahni Group Companies, and we did not see her name on the CIPC documents we had inspected.

Findings

- a) According to the Chairperson of Council the members of Council were invited to recommend names of recruitment agencies and she recommended two companies (Landelahni was one of them), their majority black ownership status being the primary consideration for her. In her view there was no conflict of interest to be declared as she had left Landelahni long time ago.
- b) The SCM official interviewed indicates that the Landelahni's quotation was going to cost the university more because it excluded the advertising costs (the university paid R230 575 though it appears that had the advertisement been done through Landelahni it would have cost the university about R69 000). According to the SCM official in their (SCM Unit) assessment both companies could do the work, and the advertising costs were going to be one of the determining factors.
- c) The SCM Manager indicates that he was opposed to the award being made to Landelahni, and had stated his reasons to the HR Director. The HR Director confirms that SCM had recommended a different company.
- d) We noted that though the SCM Manager was opposed, he subsequently supported the choice of Landelahni, and there is nothing in the SCM submission to the VC to suggest that the Manager was not supporting the award.

Conclusion: CIPC records confirm that Adv Orleyn resigned as a director in 2008 and that Ms Mgoduso was never a director. The N2 Growth CEO has also confirmed that Adv Orleyn is not and was never a shareholder in Landelahni.

Given the fact that ten years had elapsed since the Chairperson of Council resigned from Landelahni, we are of the view that more than a reasonable period had passed to necessitate a declaration of interest, and therefore there is merit to her view that she did not think that she was conflicted.

We could not find any evidence that the members of Council influenced the award of the RFQ to Landelahni. Having said that, in our view the SCM processed was compromised when the HR Director and SCM Manager supported the award to Landelahni and not to the other service provider.

C.3 Procurement Waivers

Findings

- a) The university has a procurement waiver checklist in place which details the circumstances under which procurement can be waived.
- b) Procurement process was waived for R7.3m worth of transactions in 2019 which is a dramatic improvement from R12.6m in 2018. The 2018 figure included a payment of R5.9m towards student leases as the bid process was not completed on time, and R5.3m in 2019 was paid to a project manager who oversees one of the student residence projects (part of this money is paid out to the student residence developers).
- c) R1.854m was regarded as irregular expenditure in 2018, and R149 000 in 2019. The CFO says that no one has been held responsible for the irregular expenditure, even though the Consequence Management Framework is in place.

Conclusion

There seems to be better management of the procurement waiver process in 2019 as compared to previous years, and in our view in the majority of cases the procurement waiver checklist was correctly applied.

C.4 Hunterstoun Project

Findings

- a) We sighted a document on which the VC supported a request by the DVC Institutional Support (DVC-IS) seemingly seeking permission to allow Activate and Ngonyama Okpanum and Associates (Ngonyama) to be considered a Joint Venture (JV) for the purposes of providing architectural services. In support of the request, the DVC IS described Ngonyama as an entity that understands the vision of the university. The SCM policy is very detailed on the process to be followed for an entity to be granted the status of “an accredited prospective supplier”, and the SCM Unit is responsible for doing the accreditation. The policy also defines what is meant by sole and single suppliers.
- b) The Hunterstoun Director says that she got to know about Ngonyama for the first time when she approached Activate (they had done some architectural designs for Hunterstoun before) about a planned project, and Activate’s Director indicated that given the estimated value of the project (about R1.2m), he would recommend that Hunterstoun use their local partner, i.e. Ngonyama. We spoke to Activate’s Director and he confirms this. In response to our question as to whether this planned part was part of the project that was done by Active some years before, the Hunterstoun’s Director indicates that this was a new project. The Hunterstoun Director indicates that she never got any instruction from the VC to use Ngonyama.
- c) We also noted that the subsequent request to waive the procurement process in favour of the joint venture supported by the DVC-IS, and not by the former Director Property Services. There was no indication on this document by way of a note or comment as to how the DVC IS dealt with the fact that her subordinate had not supported the waiver. He says that he did not support the waiver as he was of the view that no proper SCM process had been conducted to arrive at a conclusion that Ngonyama was indeed the only entity that understood the university’s vision.

Conclusion

We did not come across any evidence to suggest that the VC had introduced Ngonyama to Hunterstoun. Even though the VC’s support for the JV establishment did not result in an irregular expenditure, we want to highlight that had the process not been challenged and/or stopped, there was a potential for this endorsement to give the JV the sole or single supplier status, and effectively put it in a position to benefit from current and future projects without go through a transparent selection process.

C.5 Qush – cleaning services contract

Findings

- a) According to the Acting Property Services Director, in response to a request from the Qush in July 2019 regarding a 2018 annual escalation that had not been processed, he authorised a payment of R548 000. Property Services had invited the SCM's contract specialist to a discussion with Qush but he opted not to attend because in his view it was not proper to talk about an escalation when Qush was already on notice. He did notify the Creditors/Payments section about his decision not to support the payment, but it was still processed.
- b) According to the CFO a payment due in terms of a contract gets paid without him having to be approved, and it is for this reason that he only got to know about the payment subsequent to it being processed. He will be investigating to establish why the payment was processed in spite of the warning by the contract specialist.

Conclusion:

Our view is that given the fact that the escalation was provided in the tender, the payment was probably due. We note though that there was no sufficient engagement with this process by senior officials (DVC IS and CFO), which would have included asking questions about the delays on the part of the service provider, or even to establishing why the internal systems did not pick this up earlier. Had the necessary due diligence been done, this would have prevented the payment being made, if in their assessment it was not due.

Recommendations

- a) The revised SCM policy should include definitions of key concepts such as 'conflict of interest' and specify the 'cooling off period' (from what we can establish any period up to two years seem to be a reasonable period within which a person has to declare).
- b) We recommend that all Council and Committee Members, EMT, Supply Chain and Finance Units staff should annually declare their interest. This process can be systematically extended to other staff members at a later stage.
- c) The Internal Audit can as an immediate step access the ID numbers of the EMT, Supply Chain and Finance Units, and trace these to the CIPC information of the service providers.
- d) As one way of minimising potential tender risks, UFH should consider bringing in additional procurement specialists (there are a number of service providers who specialise in managing tenders), and the SCM policy can be structured such as to allow the appointed service provider to run the with the entire Specification, Evaluation and Adjudication process.
- e) All people who participate in bids process should undergo a training on how to manage a tender, and the training should include the latest case law.
- f) In the interest of managing potential conflict of interest, there should be a provision that regulates who can be a chairperson of BEC or BAC.
- g) UFH should do immediately do the risk assessment and if required so go through a bidding process, and use the State Security Agency to vet the shortlisted companies. The VC may have to try and engage with the Provincial Head of SSA.

- h) We strongly support the SCM consideration of having UFH register with the National Treasury's Central Supplier Database (CSD) in order to ensure a more credible supplier database.

C.6 Credit Card

The following is the list of items bought with the credit card between August 2018 and July 2019. (At the time of writing this report we had not yet been provided with the statements for the periods May 2019 to July/August 2019).

Items	Party/Parties	Amount
Hotel Accomodation	VC	4 703
Meals	Council Members Meeting to brief the Minister	1 160
	VC briefs the Chancellor and other stakeholders	3 498
	VC meets with Gauteng UFH Alumni Chapter	2 057
	Induction of a DVC	642
Gift	Retiring employee	4 128
Travel	VC	1 357
		17 545

Findings

- In April 2018 the Council approved the issuing of an official credit card to the VC to enable him to effectively engage with potential funders and external stakeholders. The costs were to be managed through the Office of the CFO.
- The CFO indicates that due to AFS pressures, he has not been able to review the bank statements.
- At the time of completing the report the VC had not come back to us regarding why the card was spent on travel and accommodation. The CFO confirms that there have been instances where for some reasons the VC's flights or accommodation were not booked by Finance/SCM and this resulted in the VC having to use the card.

Conclusion

The credit card seems to have been used for legitimate expenditure, even though we are of the view that the gift for a retiring employee should be accommodated by the university finance system in general, as it does fall into the category of stakeholders and external funders.

Recommendation

There should be a credit card procedure, which amongst other things details the restrictions on the use of the card and detail the responsibilities of the user and the Finance Unit. The procedure should cover the use of petrol cards.

2. CONSIDERATION OF THE UFH 2009 TASK TEAM and FAST TRACK REPORTS, and AFS FROM 2016.

The university has made concerted effort towards addressing the concerns raised in the two reports, as demonstrated partly by the fact that the Finance Committee had the Fast Track Report. We are of the view that had the university robustly dealt with all the findings of the two reports (its five years after the Fast Track Report and ten years after the Finance Review Report) all except systemic issues would have been addressed by now. Some of the outstanding issues are material.

Listed below are some of the key issues raised by the two processes (our own emphasis), over and above the determination that the university was showing signs of bankruptcy:

Key issues raised	
Task Team 2009	Findings/Current Status
1 Post Retirement Medical Aid Obligation increasing.	PRMA can only be resolved if there is enough surplus cash.
2 NSFAS claims not processed by the university.	It is now a NSFAS process but there are still challenges.
3 Cost recovery is poor.	Cost recovery in general is still a challenge.
4 Student debt management problem.	A debt collector is used and NSFAS additional funding but there are still challenges.
5 Leave calculation incorrect.	Seems correct, a R4m adjustment was processed at end December 2015.
6 Utilities audit to be done.	Still to be done.
7 Poor management of outsourced services process.	University has changed to in-sourcing.
Fast Track Review 2015	Findings/Current Status
1 Various taxes not paid to SARS.	Tax practitioner was appointed at the problem seems resolved.
2 Bursaries and Fee Waiver Policy not in place.	Policies still to be developed.
3 Projected accounts showing a negative balance.	Process better managed and closely monitored by the Finance Committee
4 Supply Chain Policy often ignored.	Fewer procurement waivers in 2019 compared to 2018, there is progress.
5 Main lease agreement not in place (Equicent).	Agreement in place but needs further refinement.
6 UFH funding a bankrupt entity - UFH Solutions.	UFH Solutions finances have improved significantly.
7 Telephony and utilities - not optimal	Still to be addressed.
8 Staff members inter-campus travel not controlled, there are cases of over-claiming.	No process in place yet to manage this.

Further finding

The Fast Track Report has been submitted to the FC for their review.

Conclusion

There is still a lot to be done by the university to extract in-efficiencies (prevent over-claiming, perform utilities audits and do cost recovery). Financial sustainability remains an important consideration and will only be systematically addressed once the university finalises its finance plan.

Recommendation

- a) We support the approach that has been suggested by the CFO of consolidating all findings (2009, 2015, EY and 2019 audit findings).

- b) There are many old and even new findings, and therefore prioritisation is critical.
- c) The Council and its Committee have to actively manage the process of revitalising the Finance Unit.

3. UFH 2009 TASK TEAM AND 2015 FAST TRACK REPORT (BOTH SUGGESTED THAT THE UNIVERSITY WAS BANKRUPT). IS UFH A GOING CONCERN, AND WHAT IS ITS CURRENT HEALTH, AND FUTURE PROGNOSIS

There are several models that are used to describe “bankruptcy” and if the findings of the two processes (2009 and 2015) regarding “bankruptcy” described a situation where the university was already or likely to experience financial distress, i.e. have short term cash flow challenges, then we agree with the characterisation of the university as having signs of being “bankrupt”.

A definition of “bankruptcy” which implies the ability of the creditors to forcibly liquidate an entity that is considered insolvent (in a net liability position) or gain some kind of access to its assets through court action, is in our view not an appropriate tool for assessing the financial standing of a public higher education institution. Part of the complication with this formula (net liability position) is that a significant portion of the universities’ assets cannot be sold in an open market, and a different formula may be required to make an assessment.

	2018	2017	2016	2015
Income	989 632	914 848	815 822	711 780
Salaries	- 546 805	- 495 724	- 420 150	- 385 790
Operating Expenditure	- 366 017	- 361 725	- 525 931	- 271 105
Operating Surplus/(Deficit)	76 810	57 399	- 130 259	54 885
Potential NSFAS losses	- 40 000	- 40 000		
	36 810	17 399		
Overall cash generated by operations	397 515	204 378	196 510	28 491

Specific findings

- a) The operating cash equivalent position (i.e. excluding depreciation) had increased from a deficit of R130m as at end of 2016 to a surplus of R76m as at end of 2018, signifying a R206m improvement in a space of two years.
- b) Overall cash generated by operations has been on the increase during the past three years (from R196m in 2016 to R397m in 2018).

The ability to maintain the upward trajectory in operating surplus and cash is currently largely dependent on the extent to which UFH gets the cash due to it from NSFAS. The CFO indicates that there exists a risk of the university not getting about R80m of the student debt relating largely to 2017 and 2018.

- c) The increase in the NSFAS allocation has made a big difference, and with respect to the 2013 to 2015 historic debt UFH received R300.6m.

- d) Included in the 2018 and 2019 D HET allocation is an amount of R49m per year being a grant to cater for poor and missing middle students. Per D HET's allocation, the grant will be reduced to R32m in 2020 and R16m in 2021 and nil in 2022.
- e) The cash component relating to the Deferred Income (DI) (R1.373bn) has been calculated at R319m. The university uses separate bank accounts to manage the unspent portion of the DI. Based on our own calculation (we took the additions to land and buildings for the years 2009 to 2018), the balance of R319m seems reasonable, and this is supported by cash. The test was critical for us perform in order to determine if the university is using infrastructure grants to fund its operations, and as at 31 December 2018 this does not appear to be the case.
- f) From a strategic perspective (a factor confirmed by the VC), has been urging the University to change the focus from just being a historically disadvantaged by to a university that can compete at all levels. He wants to reach a level where UFH can attract research and other forms of funding. He reasons that this will result in the university being able to recruit experienced and reputable academics, and this will in turn attract more funding
- g) The university did some detailed costings in the past but seemingly these were not ever used to assist in doing a cost benefit analysis of programmes offered or the sustainability of the multi-campus arrangement.

Opinion

Past: With respect to both the 2009 and 2015 processes, we are of the view that they were correct to say that the university was showing signs of 'bankruptcy', i.e. financial distress.

Current: The surplus generated in 2017 and 2018 is a sign that some of the interventions e.g. instituting zero based budgeting (and not permit deficit budgets) and increase in NSFAS yearly funding have made significant contribution to the finances of the university. The cash injection of R300.6m from NSFAS in 2017 has gone a long way towards improving the short term liquidity of the university and the recovery of the bulk of the R80m is critical in order to significantly decrease the chance of having financial distress in the next twenty four months.

Future: The determination of whether the university is a going concern is depends on a number of factors, and critical factor being whether or not D HET would be willing to inject more cash into the university or allow it to divert grant money towards operations in the event of financial distress. The future cost structure will also depend on the overall cost of insourcing (at the time of preparing this report partial insourcing had been implemented). We also note the willingness by a development funding institution (DFI) to lend an amount of R247m to the university as one sign of their confidence in the university's ability to continue functioning in the foreseeable future.

Recommendations

- a) The DHET should consider sourcing expertise to design a risk based model (this could include econometric or actuarial science models) that serves as an early warning system to determine whether or not an institution is likely to have problems. Inputs other than finances will have to be incorporated into the model.

- b) We note the efforts of the student leadership, the management and administrator in trying to resolve the issue of outstanding NSFAS money, and we of the view that the efforts should be intensified.
- c) The CFO needs to detail a financial sustainability plan that has timelines and shows priority areas. The university should derive some of the VC's and CFO's KPIs for the next 2 to 3 years.
- d) As part of the financial sustainability plan, the CFO should prepare a three cashflow projection, to be presented at the FC and Council meetings for review.

4 OVER ENROLLMENT AND IS IT LINKED TO THE NSFAS CASH RECOVERY PROBLEMS, AND THE EFFECT ON THE FINANCIAL HEALTH

According to the Manager - Planning, UFH and D HET have agreed on new targets for the new cycle of 2020 - 2024. The final approval from D HET has not yet been communicated.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Agreed upon targets	13 075	13 795	14 450	15 200	15 945	17 310	17 673	18 048	18 842	19 260
Actual enrolment	13 458	13 831	15 426	16 982	16 908					
Change	383	36	976	1 782	963					
NSFAS approved		8 865	8 995	9 834	7 400					
Change			130	839						

Findings

- According to the Enrolment Monitor document prepared by the Manager, UFH has been over enrolled throughout the 2015 - 2019 cycle. His explanation for this is that university was put under pressure to register more students and that should explain the big increases between 2017 and 2019.
- The 2019 NSFAS approved number is not final as there are registration profiles still to be approved by NSFAS. There is a dispute with NSFAS as to whether the registration profiles have been uploaded or not. It appears that more than it being a problem of NSFAS not being in position to fund certain students because they presumably do not meet the requirements, it is rather a problem of how efficient the process of NSFAS registration is, and to what extent students can submit the appropriate the required documentation.

Opinion

Based on the trend in the past, we are of the view that the university will be able to stay within the new targets. We also did not come across evidence suggesting that the problems with NSFAS are linked to over-enrolment.

5. HOW ARE STUDENT RESIDENCE LEASES REFLECTED IN THE AFS, AND HOW DOES THIS AFFECT THE FINANCIAL HEALTH OF THE UNIVERSITY

Currently the accounting rules distinguish between financial and operating leases. Payments made to Equicent (lease property and leaseback developed property arrangement and the university owns or will own the property at the end of the contract) are classified as finance lease and operating leases are payments made to various landlords. With effect from 2019 there will be no distinction made financial and operating, and for the purposes of our analysis we are going to focus on the cash-outflow (equivalent cash payments)

The student leases are reflected as follows:

Element	Source	AFS	Equivalent Cash Payments					
		2018	2018	2019	2020	2021	2022	2023
Finance lease cost - 4 075 students (Alice)	Statement of profit or loss	104	103	112	123	136	148	
Operating lease cost - 3 621 students (EL)	General expenses	99	99	108	118	128	140	152
		203	202	220	241	264	288	152
DBSA Loan Repayments						39	39	39
Total Cash Outflow						303	327	191

Findings

- The AFS reflect a student residence income of R217m as at 31 December 2018, however we are not in a position to compare this to the cost of R202m because the auditors found material errors in the calculation of R217m.
- DBSA loan repayment largely relates to the construction of the Student Village (1437 beds) and the university is working on the basis that this will be funded fees from NSFAS paying students.
- The Equicent contract will cease in 2022 and to a great extent this will free up cash of up to R148m per annum.

Opinion

Given the auditors' disclaimer on the student residence revenue we are not in a position to determine as to whether the student fees can sufficiently cover the cost of running the residences. Regarding the operating lease cost of R99m per annum, for an equivalent loan repayment over a twenty year period, the UFH could probably get between R900m and R1bn loan from a DFI 9 (assuming interest rate of 9-10%). Given the estimated cost of R275 000 per bed, the university could provide as many as 3 600 beds (R1bn/275 000) and therefore avoid a perpetual expense in the form of rentals paid to landlords.

Recommendation

As part of the university's financial sustainability plan, they should explore the possibility of the university buying land in order to build its own residences.

DEPARTMENT OF HOME AFFAIRS

NO. 1593

13 DECEMBER 2019

ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the surnames printed in *italics*:

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133. Lingani Tshivhidzo - 960828 1210 089 - 689 Tshikhwani Ha-Rathidili, Sinthumule, MAKHADO, 0920 - *Nekokwane*
134. Roman Dean Knowles-February - 000729 5059 088 - 7 Man Repo Street, DURBANVILLE, 7550 - *Knowles*
135. Professor Mahlatsi Mtshweni - 001018 5369 088 - 9198 Xenon Street, Extension 8, NELLMAPIUS, 0122 - *Mashego*
136. Harrison Boulanger Nothard - 950424 5050 085 - 550 Outeniqua Lane, Hoekwil, WILDERNIS, 6538 - *Boulanger*
137. Ogodiseng Looseboy Sekgetho - 920630 5568 085 - 350 Modimong Village, TAUNG, 8584 - *Pitoro*
138. Thato Claudia Ramatseba - 940805 0012 083 - 2510 Block Gg, Dikwankwetla Street, SOSHANGUVE, 0152 - *Motsepe*
139. Thapelo George Motsoane - 910131 5317 088 - 959 E Section, BOTSHABELO, 9781 - *Molibola*
140. Keneiloe Relebogile Pauline Motsoenyane - 990821 0094 087 - 16 Umtata Street, Three Rivers, VEREENIGING, 1900 - *Kubheka*
141. Inga Makhaphela - 931018 6038 083 - Lot 1634, Charles Adam Road, RAMSGATE, 4285 - *Nomdlange*
142. Zamokwakhe Telphord Mzozo - 740910 6111 087 - 6399 Pilot Street, KAALFONTEIN, 1600 - *Maranjana*
143. Hlulukwenza Lucas Nojiyela - 760303 7657 081 - 254701 Lower, Maphephethe, INANDA, 4309 - *Dlamini*
144. Pamma Siphamandla Khoza - 760402 5966 088 - B 633 Ngwelezane, EMPANGENI, 3880 - *Buthelezi*
145. Hlabirwa Vincent Rachidi - 820626 5397 088 - 652 Church Street, Mosesetjane, MOKOPANE, 0600 - *Bezuidenhout*
146. Mbuzana Amos Magagula - 820620 5676 088 - B 16 Sephaku, GROBLERSDAL, 0470 - *Masanya*
147. Bernard Mosotho - 821206 5855 085 - Ga-Madiba Village, MOKOPANE, 0600 - *Mabela*
148. Sipiwe Siyabonga Humphrey Motloung - 910926 5752 089 - 7034 Sam Matle Street, Duduza, NIGEL, 1496 - *Nkosi*
149. Gideon Teboho Mosia - 960708 5777 087 - 4586 Hippo Street, Extension 42, DOWNPARK, 1459 - *Mashiloane*
150. Vuyiseka Nqungule - 870726 0253 085 - 27 Pope Street, Haven Hills, EAST LONDON, 5100 - *Jack*
151. Precious Cebisile Mbhele - 930627 0839 089 - 692 Mthiyane Road, Transict, ISIPINGO RAIL, 3601 - *Shazi*
152. Andreas Alexander George Rheeder - 010811 5030 083 - L 05 Bohen Kloof, AKASIA, 0118 - *Coetzee*
153. Godfrey Mokibelo Mamashela - 850702 5685 088 - 930 Zone 3, SESHEGO, 0742 - *Letsoalo*
154. Lucas Morwamosehlane Seroka - 770212 6087 083 - Mohaletse Village, SEKHUKHUNE, 0739 - *Molatudi*
155. Sipho Mfanafuthi Dube - 970407 5236 081 - 9024 Extension 20, VOSLOORUS, 1475 - *Motloung*
156. Simanga Jonas Ngomane - 830217 5731 084 - 10164 Extension 9, Ivory Park, MIDRAND, 1685 - *Zikhali*
157. Mduduzi Nicholas Ndobe - 920525 5422 087 - 1524 Luegi Road, Alliance , Extension 2, BENONI, 1501 - *Nkosi*
158. Njabulo Reginal Temba - 920325 5144 082 - 132 Teanong Section, TEMBISA, 1632 - *Hlophe*
159. Mhlengi Celukwanda Thabethe - 960925 6032 086 - Mzweni Road, Ngcengeni Area, TUGELA FERRY, 3010 - *Mvelase*
160. Michelle Caroline Van Deventer - 920623 0704 086 - 315 Park Station Road, Greenwood Park, DURBAN, 4001 - *Mbhele*
161. Chamaine Sarah Mokoena - 930816 1293 087 - Private Bag X1008, WHITE RIVER, 1200 - *Tjie*
162. Tshepiso Wiseman Dumisa - 970107 5576 086 - 505 Bigden House, Atonehembede Street, DURBAN, 4001 - *Seshea*
163. Ketty Lungile Busakwe - 911019 0335 081 - 131 F Nkaneng Section, WONDERKOP, 0200 - *Malapela*
164. Maria Sechache - 930329 0436 087 - 5725 Maboloka, Section 6, BRITS, 0150 - *Khanye*
165. Mzwandile Mbatha - 940317 6135 082 - P O Box 5022, HLABISA, 3937 - *Ndwandwe*

166. Thabane Humphrey Mahalika - 870822 5308 089 - Dolfin Colt, South Beach, DURBAN, 4001 - *Khumalo*
167. Sihle Cedrick Cele - 850302 5780 086 - C 3332 California Street, NTUZUMA, 4359 - *Sibiya*
168. Philani Mzobe - 820823 5820 082 - 4878 Borrow Road, MAYVILLE, 4091 - *Msomi*
169. Alice Jane Truter - 580119 0019 089 - 63 Condere Estate, Epic Street, Extension 2, EDENVALE, 1600 - *Hall*
170. Tebogo Justice Mashiane - 900610 5846 081 - 2109 Siyabuswa, MDUTJANA, 0472 - *Pila*
171. Siphesihle Wiseman Mhlana - 920324 6361 084 - A 114 Bilanyoni, PAULPIETERSBURG, 3185 - *Nkosi*
172. Lindiswa Zamisa - 981110 1033 083 - 19 Mbokwane Street, MOTHERWELL, 6211 - *Lloyd*
173. Asavela Qabaka - 950925 0667 087 - Bm 73 Didiza Street, Gansbaai, MASAKHANE, 7220 - *Dlova*
174. Emmanuel Kabelo Guliwe - 960511 5897 081 - 36 / 8152 Extension 18, Gelderblom, WINDMILL PARK, 1430 - *Mathekga*
175. Lungelo Reuben Theo Blose - 940421 5254 082 - No 5519, UMLAZI, 4031 - *Mathonsi*
176. Shane Kevin Vosloo - 941011 5033 088 - 59 Swinborne Rock, SOUTH HILLS, 2197 - *Harris*
177. Tshepo Nicholas Mosia - 960328 5450 088 - 96 Ruby Street, Meredale, JOHANNESBURG, 2001 - *Motsepe*
178. Muimeleli Vincent Havhi - 990220 5348 087 - 4478 Khensani Street, Lawly 2, SOWETO, 1717 - *Musweswe*
179. Asibonge Sabelweyinkosi Khuzwayo - 920319 5336 087 - C 4565 Illovu , AMANZIMTOTI, 4126 - *Ngema*
180. Lesiba Daniel Raphadu - 981222 5389 088 - P O Box 127, GA-SELOLO, 0757 - *Mahlaba*
181. Mbongeni Masipa - 760507 5581 081 - 7685 Limbeek Street, Orlando West, SOWETO, 1717 - *Vezi*
182. Asemahle Mpumpa - 010129 0527 080 - 37 Afram Street, Leiden, DELFT, 7100 - *Mdoyi*
183. Patience Nomonde Ntini - 700606 1836 086 - Amandawe Mission, Ward 17, Slengeni, SCOTTBURGH, 4180 - *Ngcobo*
184. Masilo Velley Mabitsela - 750505 6755 086 - Burgersdorp Area, TZANEEN, 0800 - *Rakoma*
185. Simphiwe Deon Dimba - 760811 5631 080 - Caquba Area, PORT ST JOHNS, 5100 - *Mza*
186. Siphamandla Cyprian Nzimande - 780531 5605 084 - Ndulwini Location, CREIGHTON, 3263 - *Nxele*
187. Godfrey Vusi Mnguni - 810421 5463 086 - 174 New Stand, Klipgat, MABOPANE, 0201 - *Mokhondo*
188. Nthabiseng Mkhobong - 000926 0479 085 - Sonnydala Street, Ackerville, WITBANK, 1039 - *Mthombeni*
189. Mathews Kubi Mabuse - 750710 6069 088 - 1867 Moloto, Block 15, KWAMHLANGA, 1022 - *Matlala*
190. Yandiswa Mancam - 990820 0828 080 - 4114 Hermans Booi Street, Mnandi Location, SOMERSET EAST, 5800 - *Mabula*
191. Ronald Mashakeni - 890820 5615 087 - 3243 Phase 1, OUKASIE, 0250 - *Manganye*
192. Nqobile Enock Ngcobo - 961017 5052 080 - 32 – 11th Avenue, ALEXANDRA, 2010 - *Ndawonde*
193. Lucky Bhekisisa Ngubane - 790629 5377 080 - 7 / 2546 Umbabane Location, Taylors Halt, PIETERMARITZBURG, 3200 - *Mhlanzi*
194. Thandi Lungile - 980520 0546 086 - 3341 Maluleke Street, SOSHANGUVE, 0152 - *Maluleka*
195. Bongane Lubisi - 901208 5490 080 - 254 Block F, LETLHABILE, 0200 - *Mashele*
196. Victor Nelson Lebyane - 900211 5509 082 - 20 Dunuza, MASHISHING, 1120 - *Mahungela*
197. Masizole Mpangeva - 800508 5687 086 - 1484 Lukhele Street, Phomolong, TEMBISA, 1619 - *Mthethwa*
198. Connie Buyisile Dlamini - 940813 0076 082 - 1087 Sam Ngema Drive, Extension 1, Kwa Thema, SPRINGS, 1560 - *Mkwanazi*
199. Bhekinkosi Khala - 810606 5515 089 - 22 Ward, Modokana Location, PORT SHEPSTONE, 4240 - *Nzama*

200. Lindokuhle Prince Mdluli - 991210 5977 083 - P O Box 2177, EMONDLO, 3105 - *Mlangeni*
201. Lerato Revelation Ntwane - 001109 0594 083 - 4155 Extension F, BOTSHABELO, 9781 - *Kabi*
202. Nokuthula Molobela - 010312 0441 086 - 3969 Extension 2, KANANA, 0400 - *Aphane*
203. Meisi Yvonne Moatshe - 001118 0314 087 - 8425 Block 4, TSHEPISONG, 1724 - *Nkhuna*
204. Andile Cyril Sbonelo Ngcobo - 980816 5508 083 - Elandskop Location, PIETERMARITZBURG, 3200 - *Shezi*
205. Kanelo Kirston-Leigh Lekena - 990520 0325 083 - 361 Chief Albert Luthuli Street, PIETERMARITZBURG, 3200 - *Nhlumayo*
206. Wandile Twala - 000503 0377 088 - 21 Pelikaan Street, MEYERTON, 1430 - *Masina*
207. Lerato Phala - 960605 5212 083 - 554 A Mlangeni Street, White City, JABAVU, 1700 - *Maswanganyi*
208. Siyabonga Madlala - 870322 5753 087 - P O Box 75717, Mpolweni Mission, PIETERMARITZBURG, 3200 - *Twala*
209. Khathide Sphiwe Twala - 850312 5910 088 - 7 Mcakumbane Street, KWA THEMA, 1575 - *Kubeka*
210. Zolile Ntshiza - 770505 5958 083 - Luthengele Area, PORT ST JOHNS, 5120 - *Mphakathi*
211. Lungisile Enock Mayila - 811217 5425 086 - 38 Nomyayi Street, Ilitha Park, KHAYELITSHA, 7784 - *Ntsoto*
212. Zimi Nokulunga Ngomane - 010519 0466 083 - P O Box 5592, PONGOLA, 3170 - *Mbatha*
213. Lefa Chauke - 001129 5466 087 - Stand No 13, SIYABUSWA, 0472 - *Zitha*
214. Phedisho Desmond Gafane - 900423 5657 080 - 9708 Zone 4, Winnie Mandela, TEMBISA, 1632 - *Mphahlele*
215. Keenan Marcl Davis - 940404 5146 086 - 121 First Road, Cnr Of 18 Th Avenue, GRASSY PARK, 7941 - *Bell*
216. Msizi Jacob Mngoma - 910117 5419 081 - Mazibuko Area, OZWATHINI, 3242 - *Khoza*
217. Fedinant Maloisane - 920417 5620 086 - 3018 Section D, MABOLOKA, 0200 - *Fikamva*
218. Madire Cynthia Makola - 790622 0940 085 - Stand No 505, Manyapyane, MOGANYAKA, 0459 - *Moloto*
219. Sabelo Lawrence Mahlangu - 930327 5278 082 - 19 Aurret Road, Nortons Home Estate, BENONI, 1500 - *Manzini*
220. Nkosikhona Tshabalala - 800112 5886 085 - Kwanikhwe Area, BIZANA, 4800 - *Nomazele*
221. Charles Tebogo Mashigo - 901119 5415 086 - 1822 Block F, SOSHANGUVE, 0152 - *Nkomo*
222. Promise Selwana - 940117 5838 086 - 33267 Sompisi Street, MAMELODI EAST, 0122 - *Maleka*
223. Marthinus Johannes Prinsloo - 980316 5042 084 - 17 Zuiden Zicht, Orster Road, CENTURION, 0157 - *Schoeman*
224. Nkateko Phala - 950111 5467 084 - 554 A Mlangeni Street, White City, JABAVU, 1818 - *Maswanganyi*
225. Innocent Thulani Makwakwa - 990818 5330 086 - Stand No 1083, TWEEFONTEIN, 1072 - *Chigo*
226. Nthute Motaung - 910619 5469 081 - 11099 Extension 11, EVATON, 1980 - *Makume*
227. Rendani Dennis Kakulubela - 900129 5888 084 - Tshikwarani Village, Kutama, MAKHADO, 0940 - *Ramathuba*
228. Tervin Maemo Sello Thamaga - 970219 5722 089 - P O Box 14725, MIDRAND, 1685 - *Makhura*
229. William Kurukutia Magakwe - 950323 5958 083 - P O Box 123, STEELPOORT, 1133 - *Makua*
230. Simon Kubane Mokwena - 830813 5717 089 - 619 Block Ff, SOSHANGUVE, 0152 - *Mabatle*
231. Nobuhle Prudence Jili - 851123 0521 088 - House No 418437, Manqindi Road, Othwebe Location, CATO RIDGE, 3860 - *Sumo*
232. Ramasela Shirley Marakalla - 801005 0867 085 - 191 Lesodi Mmotana Village, MOKOPANE, 0600 - *Mokitlana*
233. Mzokhona Welcome Mkhize - 810612 5953 080 - Matimatolo Area, GREYTOWN, 3250 - *Sibiya*

234. Bongani Brenda Tshabalala - 810305 5556 082 - House No 82, Seven Street, MELVERN, 2001 - *Mgini*
235. Mbali Aphiwe Mthethwa - 960626 0716 084 - Gobinismbi Area, OZWATINI, 3242 - *Chamane*
236. Nomvelo Neliswa Mthethwa - 990422 0949 089 - Gobinsimbi Area, OZWATHINI, 3242 - *Chamane*
237. Nozipho Mbatha - 920204 0920 087 - 214 Ndelela Street, Bhokuzulu Location, VRYHEID, 3100 - *Sibiya*
238. Phathutshedzo Symon Luvhimbi - 010119 5686 080 - Private Bag X1230, VUWANI, 0952 - *Nyathela*
239. Tsholofelo Sekanyane Mabela - 000911 0874 089 - 5374 Mabodisa Section, MORULENG, 0310 - *Monageng*
240. Piet Digashu - 920808 5716 082 - 82 A Mmotong, BAKENBERG, 0611 - *Kwetsi*
241. Andries Mpho Masenya - 760510 6053 084 - House No 1051, Extension 14, MOKOPANE, 0600 - *Bapela*
242. Mohlotsoane Ephraim Ndaba - 851003 5775 089 - House No 2387, Phase One, OUKASIE, 0200 - *Komane*
243. Jacques Bradley Maingard - 010807 5057 084 - 106 Main Street, PAARL, 7646 - *Neethling*
244. Thato Paul Maloka - 010128 5251 084 - 2792 Bluegumbosch, WITSIESHOEK, 9870 - *Mofokeng*
245. Hessie Aneka Montwedi - 000321 0856 088 - 1703 Thambo 2, WOLMARANSSTAD, 2630 - *Miltus*
246. Ben Dhlantalala - 840528 5430 081 - 768 Mthetla Street, DUDUZA, 1400 - *Maduna*
247. Thandolwethu Mathebula - 991104 5631 081 - P O Box 4777, PONGOLA, 3170 - *Shandu*
248. Andrea Cellistine Isidore - 010621 0248 089 - 30 De Labat Avenue, WORCESTER, 6849 - *Januarie*
249. Mxolisi Percy Sibande - 941008 5741 082 - 2267 Sefoloshe Street, MHLUZI, 1053 - *Sebokwane*
250. Angelina Mokgadi Makhade - 771123 0661 089 - Stand No 569, MAKHADO, 0920 - *Makgato*
251. Phiwinhlahlhla Velenkosini Magwaza - 761017 5581 080 - Lot 480075, Ematabetulu, INANDAS, 4310 - *Khanyile*
252. Judith Maidibale Tselane - 970608 0630 083 - P O Box 509, MOETLADIMO, 0891 - *Mokhondo*
253. Bonolo Nkhoma - 980608 5906 080 - 3 Ga-Madiba, MAFEFE, 0738 - *Mogottlane*
254. Robert Adiba Mashapa - 790901 5332 088 - P O Box 23, MASHASHANE, 0743 - *Ledwaba*
255. Lehlohonolo Moeketsi Melato - 010722 5319 089 - 123 Middle Crescent, PRETORIA WEST, 0183 - *Magongwa*
256. Ntando Ngidi - 001122 5564 084 - 202 Acacia Park, 106 Oribi Road, PIETERMARITZBURG, 3200 - *Ngcobo*
257. Innocent Bongani Sipheka - 841018 5605 089 - 1648 Miya Street, Mofolo North, SOWETO, 1717 - *Nkosi*
258. Lebogang Weltrud Phaladi - 920605 0587 082 - 3824 Block L, Sesedi Street, SOSHANGUVE, 0152 - *Mogwatseleng*
259. Thabo Teddy Selepe - 920130 5145 083 - Unit 34, Waterfall Heights, Bekker Street, MIDRAND, 2010 - *Magongwa*
260. Matthews Makhudu - 831206 5449 085 - 668 Block K, SOSHANGUVE, 0152 - *Matjebele*
261. Siphwe Gift Maswanganye - 930611 5281 083 - 1668 A Chauke Street, CHIAWELO, 1818 - *Mabungu*
262. Sifiso Steven Kubheka - 981009 5235 084 - 37 White City, JABAVU, 1700 - *Makobela*
263. Koko Vinolia Manganye - 991028 0406 084 - Stand No 105, Malopeng Primary School, POLOKWANE, 0700 - *Matlou*
264. Lusanda Peter - 940220 1216 081 - Caguba Area, PORT ST JOHNS, 5120 - *Bhezile*
265. Malibongwe Wiseman Mhlebi - 721001 5444 084 - Vaalbank Area, LADY FRERE, 5410 - *Kwanini*
266. Moses Nonyane - 730514 5664 088 - Stand No 2698, KWAGGAFONTEIN, 0400 - *Mametsa*
267. Siyanda Madwe - 960212 6430 085 - A 387 John Road, UMLAZI, 4041 - *Mhlongo*

268. Jan Lucky Mahlangu - 870923 6580 088 - K 1646 Setswetla, ALEXANDRA, 2010 - *Ramontja*
269. Thabiso Minenhle Hlombe - 000510 6114 084 - Moyeni Area, LOSKOP, 3380 - *Shabalala*
270. Sicelo Vusumuzi Gumede - 901104 6060 081 - Private Bag X527, JOZINI, 3968 - *Mazibuko*
271. Bakang Bankutlwang - 000821 5546 089 - Extension 71, Nhole Village, TAUNG, 8584 - *Monnamme*
272. Phumzile Pretty Nzimande - 880404 0642 081 - Holaleni Area, RICHMOND, 3780 - *Mtungwa*
273. Mlamuli Masuku - 900401 5094 082 - 237 Cottonwood Drive, MTUBATUBA, 3935 - *Tembe*
274. Bredlyn Trevor Pretorius - 930503 5141 088 - 6 Ferdinand Street, WELKOM, 9400 - *Anderson*
275. Tshepo Kenneth Bankutlwang - 860224 5566 083 - 171 X Nhole Village, TAUNG, 8584 - *Monnamme*
276. Onkabetse Doreen Bankutlwang - 920818 0815 086 - 171 X Nhole Village, WELKOM, 8584 - *Monnamme*
277. Choshi Kenny Manamela - 900909 5628 089 - 584 Stoffel Park, MAMELODI EAST, 0122 - *Phalane*
278. Mthokozisi Christopher Radebe - 760929 5865 084 - 27 Nonkombi Road, Ashdown, PIETERMARITZBURG, 3200 - *Khumalo*
279. Phontshi Zacharia Mabula - 850325 5569 084 - 38 Harmsteede Bld, SUNNYSIDE, 0001 - *Mahlangu*
280. Percy Privillage Mncube - 881008 6121 088 - 8001 Tshepisong West, EBUMNANDINI, 1863 - *Mkhize*
281. Wiseman Mxolisi Sibiya - 800610 6180 085 - 9444 Nkanyamba Road, Umhlahuze Village, EMPANGENI, 3880 - *Ngema*
282. Ondy Moyane - 860815 5749 080 - House No 184, THULAMAHASHE, 1345 - *Sihlangu*
283. Siyabonga Siphesihle Chonco - 820825 5731 086 - 20 Andries Pretorius, Pelham, PIETERMARITZBURG, 3200 - *Ndlovu*
284. Doctor Sboniso Ngcobo - 920415 5587 081 - Swayimani Location, WARTBURG, 3233 - *Ntuli*
285. Elizabeth Mosana - 891122 0413 082 - 1806 Block, Mokone, STINKWATER, 0400 - *Luvhimbe*
286. Julia Chelly Ntombi Mazibuko - 750928 1271 083 - 24428 Extension 6, SOSHANGUVE, 0152 - *Matjeny*
287. Avela Makobotloana - 000617 5602 082 - 62 End President Street, JOHANNESBURG, 2001 - *Silangwe*
288. Kagiso Herman Lebele - 890316 5920 080 - 2782 Grey Loerie Street, Gem Valley Extension 1, MAMELODI, 0122 - *Moalusi*
289. Ntokozi Zungu - 930709 6297 080 - Depho Section, Wembezi, ESTCOURT, 3310 - *Dlamini*
290. Naledi Ntantiso - 950502 1172 084 - Mpoza Area, TSOLO, 5170 - *Lizo*
291. Happiness Lindokuhle Mabunda - 030301 0335 089 - Stand No 1358, UTHOKOZANI, 1346 - *Hlatshwyo*
292. Remember Selowe - 950707 6492 086 - Arthurseat Trust, Stand No D37, ACORNHOEK, 1360 - *Khoza*
293. James Richard Baxter-Pope - 000301 5289 089 - 9 Beach Road, Glen Anil, DURBAN, 4001 - *Pope*
294. Sello Lucas Mogata - 860620 6062 081 - Stand No 913, LEEUFONTEIN, 0400 - *Magoro*
295. Andile Gosa - 770428 5986 089 - Engojini Area, NGCOBO, 5050 - *Nelani*
296. Nhlanhla Billy Moshitwa - 841219 5548 085 - Plot 40, Wildebeeslaagte, NORTHAM, 0350 - *Malebe*
297. Calvin Katlego Nkalan - 830719 5597 084 - 1681 A / 54 Molele Street, Molapo Ext, KWA-XUMA, 1868 - *Mogatusi*
298. Masego Maseko - 941211 0055 082 - 9 Wisbeck Street, Unit 8, Barbados Island Villas, MULBARTON, 2190 - *Isaac*
299. Kgalalelo Mosala - 980115 0977 082 - 10053 Penryn Village, KURUMAN, 8460 - *Saku*
300. Queen Cynthia Khanyile - 840127 0319 082 - K 1094 Skwehle Road, KWAMASHU, 4360 - *Nxumalo*
301. Pampata Elias Nhlapo - 880530 5836 086 - House No 789, Longville, WITSIESHOEK, 9870 - *Mofokeng*

302. Onkabetse Herman Ramafoko - 930622 5511 080 - 13157 Extension 15, BOITEKONG, 0301 - *Masemola*
303. Thobani Thembela Khoza - 010130 5707 081 - A 1127 Siyanda, DURBAN, 4001 - *Mhlongo*
304. Tebogo Jeffrey Mokgathe - 861129 5363 085 - 1237 Unit 1, Lerato, LEHURUTSHE, 2880 - *Mokgojwa*
305. Sphamandla Muntusobala Magnificent Gumede - 860710 5426 088 - Thoyane Mpulo Area, UMBUMBULU, 4105 - *Nzuza*
306. Mpyane Benjamin Tebeile - 801025 5459 084 - Stand No 1630, Leeuwfontein, MOGANYAKE, 0459 - *Tebeila*
307. Prince Mashabane - 910726 5500 086 - No 1666 E, MAMELODI, 0100 - *Mphahlele*
308. Thobile Nosihle Hlatshwayo - 980726 1116 080 - Thandizwe Area, KWANGWANASE, 3973 - *Moyana*
309. Isiah Andrew Lee - 611130 5218 082 - 3096 Mphe Street, TLHABANE, 0309 - *Robinson*
310. Mpumelelo Mahlangu - 010827 5709 088 - 1209 Block Xx, SOSHANGUVE, 0152 - *Kekana*
311. Khethukuthula Nelson Dlamini - 900905 5292 082 - Morningside Area, IXOPO, 3276 - *Ngcobo*
312. Lawrence Tebogo Sebe - 900106 5525 080 - 132 Stegmann Street, EAST LYNNE, 0186 - *Mogaadile*
313. Sphephelo Goodwill Ngcobo - 980816 5769 081 - Cc 114 Umlazi Township, UMLAZI, 4001 - *Mhlongu*
314. Masabatha Lipholo - 961014 0590 081 - 264 Lebea Street, Moseleke Section, KATLEHONG, 1431 - *Mosebo*
315. Thobeka Ngcobo - 920121 0733 080 - G 362 Umlazi Township, UMLAZI, 4001 - *Mhlongo*
316. John Tshepiso Mpshe - 851207 5396 081 - No 10230, MOGOPA, 2710 - *Tladinyana*
317. Nomsa Mkateko Baloyi - 960823 1117 087 - 2631 A Zone 10, MEADOWLANDS, 1852 - *Mazibuko*
318. Siyanda Mathenjwa - 961213 6251 082 - Postdunford Area, ESIKHAWINI, 3900 - *Sbiya*
319. Migoivela Theophilus Lawrence Manganyi - 751024 5616 082 - No 593, GIYANI, 0826 - *Malatjie*
320. Minenhle Kenneth Mthimkhulu - 870329 5281 084 - 1220 Skweyiya Street, DUDUZA, 1496 - *Dineka*
321. Kholeka Dlamini - 010913 0238 081 - Kwaqanda Location, PIETERMARITZBURG, 3200 - *Mkhize*
322. Sindiso Khanyeza Ngubane - 000115 5692 088 - Dipeslot-Emmaus, WINTERTON, 3340 - *Khanyeza*
323. Puleng Kekana - 890415 0680 085 - 701 Lokaleng Village, TAUNG, 8584 - *Mosiapoa*
324. Mahlatse Thomas Dikotsi - 010903 5887 081 - 26801 Extension 6, SOSHANGUVE, 0152 - *Chipana*
325. Tshepiso Moaga - 931223 0602 088 - Stand No 82, STAANPLAAS, 0701 - *Seleka*
326. Tshegofatso Moaga - 960502 0690 084 - Stand No 82, STAANPLAAS, 0701 - *Seleka*
327. S'thembile Suzan Treasure Mlangeni - 880122 0704 087 - 2668 Mphahane Street, Thlibelihle, KRIEL, 2271 - *Msimango*
328. Trevor Nhlanhla Mosheledi - 821106 5759 081 - 47 Maile Street, Kwa Thema, SPRINGS, 1575 - *Mnisi*
329. Kabelo Paulo Bopape - 001016 5494 088 - P O Box 404, KGAPANE, 0838 - *Ramalepe*
330. Ntndazo Pikini - 010503 5651 089 - K 400 Ny 111, GUGULETHU, 7750 - *Witbooi*
331. Lebohang Pearl Mohlala - 980107 0295 086 - 86 Champion Street, Cason, BOKSBURG, 1410 - *Ntamele*
332. Mamsy Refilwe Sebothoma - 781103 0321 080 - Stand No 994, Leeuwfontein, MOGANYAKA, 0459 - *Makota*
333. Buhle Pretty Masango - 931029 0351 083 - Kwaximba Area, CATORIDGE, 3680 - *Mbanjwa*
334. Nonhlanhla Come - 900716 0970 089 - 13 Windermere Street, Strubenvale, SPRINGS, 1575 - *Sangweni*
335. Cassius Tshepo Mohloai - 911209 5876 086 - 570 Tshiame B, HARRISMITH, 9886 - *Selepe*

336. Thabang Mosia - 820811 5712 086 - 29 Slovo Street, Powerville Park, VEREENIGING, 1930 - *Dhlamini*
337. Mduduzi Welcome Mavimbela - 811001 5168 080 - 36 Sebra Street, MEYERTON, 1900 - *Nzimande*
338. Tshagofatso Jacop Rangaka - 970521 5244 083 - 27 Endayeni Section, TEMBISA, 1620 - *Ngwetshana*
339. Lebohang Mohlapamaswi - 860801 5298 088 - 308 Jeff Place, Fanus Baart Street, PRETORIA, 0001 - *Sefudi*
340. Mahlodi Remelda Marema - 000426 0956 083 - Simson Village, Raditshaba, BOCHUM, 0790 - *Mphaho*
341. Malusi William Sulwana - 690325 5781 089 - Kwalidenge Location, STUTTERHEIM, 4930 - *Tokwe*
342. Hluphi Meshack Mahlangu - 690111 5511 084 - 913 Mogi Street, RETHABISENG, 1026 - *Masuku*
343. Lesetja Michael Makhafola - 680308 5408 087 - Ga-Ntamaties, GROOTHOEK, 0628 - *Masanya*
344. Aaron Joe Mahlangu - 671020 5667 080 - 1733 Section A, SIYABUSWA, 0472 - *Masombuka*
345. Jessie Retse Ledwaba - 931123 1524 085 - 1848 / 12 September Street, Extension 2, IVORY PARK, 1693 - *Dhlamini*
346. Phillimon Kgotelele Marore - 920312 5544 081 - Stand No 96, Riba Cross, BURGERSFORT, 1150 - *Nkosi*
347. Oratile Bernice Ngobeni - 970511 0080 087 - 127 Phase 1, 8th Avenue, ALEXANDRA, 2090 - *Ngwenya*
348. Simiso Lwazi Madlala - 951204 5848 087 - Private Bag X027, INANDA, 4310 - *Mazibuko*
349. Khanyisani Excellent Ngubane - 920518 5705 080 - P O Box 210, Thuthukani, MAZIBUKO, 3310 - *Hadebe*
350. Psycho Sedingwane Matlejoane - 860424 5986 089 - 3024 Phenyio Crescent, Mahube Valley, MAMELODI EAST, 0122 - *Mashiloane*
351. Mzamo Zondi - 871223 6134 088 - 140392 No, Mpolweni Mission, PIETERMARITZBURG, 3201 - *Xulu*
352. Phikolomzi Nyamezele - 860902 5934 084 - Esikhobeni Area, COFIMVABA, 5380 - *Maggo*
353. Ayanda Perceverence Mngadi - 830402 0842 082 - 19374 Mpongo Road, KLAARWATER, 3610 - *Mabaso*
354. Kaelo Ernest Tiharesengwe - 780309 6024 088 - 69 Mokgethi Street, Ipelegeng, SCHWEIZER RENEKE, 2780 - *Makaudi*
355. Alfred Kgowa Shuma - 961221 5617 088 - P O Box 757, GA-MARABA, 0705 - *Mashaba*
356. Zwelakhe Welcome Makhubu - 650604 5453 081 - 9437 Pimville, PIMVILLE, 1809 - *Mchunu*
357. Khethukuthula Mpungose - 990309 6150 087 - 2072 Maaskraal, MADADENI, 2951 - *Sithole*
358. Tshilidzi Norval Thenga - 640908 5742 085 - P O Box 1, MASHAU, 0943 - *Mutele*
359. Philile Mthembu - 890707 1771 081 - P O Box 109, EMPANGENI, 3150 - *Mathaba*
360. Lazarus Mangena - 880313 6291 084 - 8217 Extension 8, IVORY PARK, 0800 - *Mogale*
361. Sphakamiso Patrick Ndlangamandla - 840410 6443 084 - 630 Dumbe Locationi, EDUMBE, 3180 - *Luvuno*
362. Zakhele Tebello Namu - 860919 6101 083 - 6572 Seeiso Street, TSAKANE, 1550 - *Methula*
363. Mthandeni Msomi - 820720 6160 080 - House No 51, Section 1, MADADENI, 2951 - *Xulu*
364. Azariel Motseki - 820602 6908 082 - 150 Sediba Trust, THABA NCHU, 9780 - *Mokala*
365. Maboshego Ennie Malleka - 820626 1219 088 - Ga-Makgeru, SEKHUKHUNE, 1129 - *Mosotho*
366. Teboho France Mhlongo - 960415 5528 086 - 1728 Extension 1, ORANGE-FARM, 1841 - *Mvala*
367. Nthabiseng Sharmain Modjalefa - 950310 0617 087 - 309 Block F East, Kgodu Street, SOSHANGUVE, 0152 - *Mahlangu*
368. Lulama Kene - 840414 5453 086 - 27 Sweet William, Terenure, KEMPTON PARK, 1619 - *Gxowa*
369. Mzwandile Lawrence Baholo - 920614 5653 089 - 22 Dorothia Kitty, VIRGINIA, 9430 - *Mcandi*

370. Mzwandile Jordaan - 010516 5235 083 - 189 New Location, ZASTRON, 9950 - *Mokhanya*
371. Tyreek Craig Jooste - 991212 5083 086 - 15a Beck Avenue, WORCESTER, 6850 - *Lakey*
372. Gift Ditiro Moabelo - 000911 5621 089 - C236 Mini Street, GERMISTON, 1400 - *Selolo*
373. Siyabonga Cyprian Ngwenya - 880718 5308 087 - 21 Rooi Steadville, LADYSMITH, 3370 - *Mthethwa*
374. Lebohlang Nhlapo - 900215 5395 087 - 1030 Gelukwaarts, KROONSTAD, 9499 - *Mothobi*
375. Brendon Delport - 000817 5201 089 - 23 Blairgowrie Road, WESTVILIE NORTH, 3629 - *Waters*
376. Sakie Khazamula Maswanganyi - 870623 5541 087 - G 432 Danisane Village, MAPELA, 5610 - *Mahlangu*
377. Thulani Pule - 890507 5204 083 - 313 Rangane Street, MEADOWLANDS, 1852 - *Malindi*
378. Lwamkelo Ngqoyiyana - 010718 5267 088 - Ats Primrose Street, KHAYELITSHA, 7785 - *Ntshokoma*
379. Rebhone Vuyisile David Qacha - 000421 5046 089 - 36 Morgans Creek, Fiddle Road, STRUBENS VALLEY, 1724 - *Mbulawa*
380. Bonginkosi Ndlovu - 010303 5642 083 - J 127 Sandlwani Road, NTUZUMA, 4359 - *Dlamini*
381. Lethukuthula Zindela - 820617 5689 087 - 870 Kwamakhutha Township, AMANZIMTOTI, 4126 - *Buthelezi*
382. Mduduzi Vincent Nene - 820103 5382 080 - 1104 Bottle Brush Road, CHATSWORTH, 4092 - *Ncwane*
383. Onke Jackie Ndlotyeni - 870317 0220 082 - Ny 27 No 37, Gugulethu, CAPE TOWN, 7750 - *Klaas*
384. Johanna Shadile Mashapa - 840311 0354 089 - Mashashane Moshate, POLOKWANE, 0743 - *Ledwaba*
385. Thabang Motshwane Selesho - 901104 5474 085 - Masanteng Village, NEBO, 1059 - *Matsekoleng*
386. Katlego Michael Mahlangu - 990530 5536 089 - 283 Accralane Street, REEDVILLE, 1559 - *Mokohe*
387. Alex Nkonzo Dlodla - 851028 5445 086 - 8000 Slangspruit Location, PIETERMARITZBURG, 3201 - *Mkuzo*
388. Sfiso Jonathan Dlamini - 920131 5384 086 - Kwa Ngcolosi Reserve, Mepho Road, No 030238, HILLCREST, 3600 - *Zakwe*
389. Siyabonga Mtshali - 810325 5866 083 - 130205 Cutshwayo Area, KWANDENGEZI, 3607 - *Mthembu*
390. Busisiwe Sithole - 990304 0068 088 - Esigodlweni Area, ESCOURT, 3310 - *Van Wyk*
391. Thabang Mokallane - 9209216135 085 - 4571 Lesedi , Phomolong , TEMBISA, 1632 - *Molefe*
392. Thembelani Christophare Mhlebi - 930610 5177 085 - 14005 Thabo Mbeki Square, BONGOLETHU, 6625 - *Ntsede*
393. Letlhogonolo Pokisi Abram Sekwele - 861117 5474 085 - 1664 Block Gg, SOSHANGUVE, 0152 - *Moche*
394. Thandokuhle Lucaster Nkosi - 860901 5268 089 - 11 Apalis Street , Crystal Park, BENONI, 1505 - *Mntungwa*
395. Kwazi Smanga Ncube - 010720 5379 087 - Luvisi Area, NQUTU, 3135 - *Sibisi*
396. Mpho Shepherd Lisene - 810724 5440 081 - 68 Gesternt Road, SUNWARD PARK, 1459 - *Moholo*
397. Shadrack Thabo Makhanya - 790212 5947 085 - 28542 Napo Street, Extension 5, MAMELODI EAST, 0122 - *Shaku*
398. Pretty Maluleke - 840529 0641 086 - 10888b Macingwane Street, ORLANDO , 1804 - *Rikhotso*
399. Tebogo Stacey Nkwane - 930703 0262 083 - 1408 C Mavi, White City, JABAVU, 1868 - *Gqoloda*
400. Sibonelo Mawick Mthwane - 880731 5243 089 - 107- Block 15, Klipvalley Road, KLIPTOWN, 1864 - *Zondi*
401. Sithembiso Prosesca Ndwandwe - 770405 5449 086 - 1709 Dube Street, Wattville, BENONI, 1501 - *Mazibuko*
402. Thabang Bridgette Rapulane - 860821 0498 087 - 17039 Mamelodi East, MAMELODI, 0122 - *Selalohe*
403. Floyd Khoza - 890426 5760 087 - 4001 Mhlaba Drive, CHIAWELO, 1818 - *Bill*

404. Moloko Sydney Mphaho - 900829 5861 086 - 7 Callifonia Groove, GRACELAND, 1429 - *Maphakela*
405. Diago Khutledi - 920712 5303 083 - 643 Mokhobo Street, MOLETSANE, 1868 - *Legwale*
406. Johannes Motsusimang Sebe - 871229 5494 084 - 132 Stegmann, EAST LYNNE, 0186 - *Mogaadile*
407. Romeo Potlako Sebotsane - 960611 5539 087 - 8553 Block Ruth, STINKWATER, 0400 - *Mahlangu*
408. Tsako Austin Mbubana - 990410 5958 080 - Mapayeni Village, MOPANI, 0826 - *Mabunda*
409. Fikile Nonhlanhla Mtshali - 920906 1197 081 - 408 Section 01, MADADENI, 2951 - *Mthembu*
410. Siphamandla Solomon Radebe - 890226 6020 089 - D7275 Section 4, MADADENI, 2951 - *Shabalala*
411. Andile Matshoba - 940526 5457 087 - 53 Catfish Street, LAWLEY, 1830 - *Mavhungu*
412. Thulani Collen Miya - 951114 5975 089 - Denver Room 18bb, Diantate Street, GERMISTON, 2094 - *Khumalo*
413. Mfundo Raymond Khuzwayo - 860211 5844 081 - 260 Plot 52, Honeydew, ZANDSPRUIT, 2050 - *Nyoka*
414. Jappie Vusi Mnguni - 750607 6044 089 - 133 Vezubuhle, KWAMHLANGA, 1022 - *Mokoni*
415. Kgabele Lebogang Brian Molahlegi - 750330 5472 082 - Stand No 72, Ga-Kopa Village, BOLEU, 0474 - *Matsepe*
416. Tshegane Godfrey Madiseng - 731109 5664 086 - 18 – 4th Avenue, ALEXANDRA, 2090 - *Mmangoato*
417. Botshelo Kwenane - 980703 0562 085 - 738 Ferop Street, Dorandia, PRETORIA, 0001 - *Ledwaba*
418. Mthobisi Ngwane - 990105 5596 084 - Ward 14, Kwamadlala Location, UMZUMBE, 4225 - *Mkhungo*
419. Jacques Oosthuizen - 930721 5225 087 - 15 Madeliefie Street, Denne-Oord, GEORGE, 6529 - *Van Wyk*
420. Moses Mohitshane - 950819 5813 087 - 21147 Extension 13, KANANA, 2619 - *Wesinyana*
421. Bontle Malebogo Thuto Tseloane - 970404 0995 084 - 191 Dioka Street, HUHUDI, 5601 - *Mokgara*
422. Victor Matakang - 770219 5663 087 - 440 A Phiri Mabalane Street, Chiawelo, JOHANNESBURG, 1818 - *Mahlakanya*
423. Selina Sekhoga Khalane - 951205 0161 087 - 3646 Molapo Street, MONYAKENG, 9680 - *Moke*
424. Reotshepile Pororo - 931211 5346 082 - 8 Sai Street, UPINGTON, 8800 - *Molefe*
425. Odrie Philile Mbambo - 880405 0735 080 - 330 Mpumelelo Location, Foxhill, PIETERMARITZBURG, 3200 - *Duma*
426. Briliance Masego Ndilele - 001226 0670 083 - 5633 Extension 3, Boikhutso, LICHTENBURG, 2740 - *Moaludi*
427. Ayanda Sinegugu Msimang - 930221 0380 086 - E 1540 Umbalane Circle, NTUZUMA, 4020 - *Xaba*
428. Nhlakanipho Trevor Shange - 910722 5982 085 - 2040 Tholeni Reserve, UMBUMBULU, 4105 - *Gumede*
429. George Risimate Baloyi-Mahahola - 880916 5615 085 - 347 Ramogodi, GA-RANKUWA, 0208 - *Mahahola*
430. Bongani Oliphant - 880121 5355 085 - 2374 Extension 1, ORANGE FARM, 1841 - *Makhanya*
431. Msizeni Ephraim Ngubeni - 800315 5900 083 - 12191 Extension 7 A, ORANGE FARM, 1841 - *Mdakane*
432. Nkosinathi Wiseman Khumalo - 961018 5406 086 - 6091 Zwelisha Street, Zola 1, KWA-XUMA, 1868 - *Maphanga*
433. Katlego Theodore Sereme - 910220 5403 087 - 10422 Madlebe Street, Kwa-Thema, SPRINGS, 1575 - *Nkosi*
434. Sello Daniel Magwaza - 780301 5649 080 - 2235 Ngweng Street, Zone 2, PIMVILLE, 1809 - *Mashishi*
435. Tshepo Flip Moima - 891216 5778 083 - 1026 Phase 10, BLOEMFONTEIN, 9300 - *Magoloza*
436. Lungelo Vilakazi - 971114 5424 084 - 4611 Extension 11, Klipspruit, PIMVILLE, 1809 - *Buthelezi*
437. David Moreya - 791115 5805 089 - 779 B Gama Street, Zone 6, MEADOWLANDS, 1852 - *Kwinda*

438. Zama David Mpongose - 920211 5754 080 - 52 Tiflin Crescent, Extension 9, ENNERDALE, 1830 - *Mdletshe*
439. Mohube Gleopa Moguba - 860409 5696 085 - 1933 Mofaka Street, OLIEVENHOUTBOSCH, 0178 - *Makola*
440. Mary Immaculate Tenane - 731224 0828 089 - 924 B Kgagamasigo Street, Naledi, KWA XUMA, 1865 - *Tshikane*
441. Lamulani Milton Shabalala - 920822 5531 086 - 75 – 18th Avenue, Selborn Street, ALEXANDRA, 0100 - *Zungu*
442. Nomfundiso Kaspot - 890315 0885 082 - 1332 Toplo Houses, OLD CROSS ROADS, 7750 - *Mqikela*
443. Tselane Emily Mafabatho - 800514 0295 081 - 3869 Nyakallong, ALLAN RIDGE, 9490 - *Moletsane*
444. Ukho Makha - 961007 5761 087 - 6574 Ipepile Street, SOWETO, 1717 - *Mgedezi*
445. Tshedisegang Caroline Taaibosh - 010711 0506 089 - House No 79, Mogajaneng Village, KURUMAN, 8460 - *Taaibos*
446. Sithembiso Nhlonipho Gumede - 830912 5732 088 - D 526 Mangeni Road, KWAMASHU, 4360 - *Mkhize*
447. Nozipho Ntuli - 880321 0395 082 - B 1123 Hubo Road, KWA MASHU, 4360 - *Ngubane*
448. Ntombenhle Mhlongo - 980805 0745 089 - Mahlabatini Area, OZWATINI, 3242 - *Nzama*
449. Nzuzo Nduduzo Ngcobo - 880516 5368 089 - 103 Bowood Crescent, MAYVILLE, 4091 - *Goba*
450. Jabulani Jayson Mhlambiso - 960811 5752 082 - 75 Myhill Road, Sea Cow Lake, DURBAN, 4001 - *Gumbi*
451. Shane Thabang Mothabane - 960922 5225 084 - 295 Chief Mogale, Rietvalley, KAGISO, 1754 - *Mthuzula*
452. Tshagofatso Seemela - 920904 5781 083 - P O Box 1298, PHALABORWA, 1390 - *Nkoane*
453. Stephen Mroko Lekoko - 800606 6437 087 - 8310 Lusaka Section, Parys, TUMAHOLE, 1900 - *Letanta*
454. Massimo Paolo Evangelista - 910812 5070 088 - 2 Rylands, 133 Douglas, JOHANNESBURG, 2001 - *De Freitas*
455. Jack Thami Mkize - 770119 5343 088 - 46 Elijinga Section, TEMBISA, 1632 - *Mphahlele*
456. Masawuko Harry Kgolane - 910925 5012 080 - 23 – 11th Avenue, ALEXANDRA, 2012 - *Mkhungu*
457. Banele Wonder Mokoena - 001012 5458 082 - 310 Sokhulum C, BRONKHORSTSPRUIT, 1020 - *Ngozo*
458. Sibusiso Masena - 010421 5177 080 - 12220 Tsalha Street, Extension 14, SOWETO, 1717 - *Dlamini*
459. Raphoko Macdonald Nakene - 880712 5966 085 - 199 Larnite Street, SUIDERBERG, 0001 - *Mphaki*
460. Siphesihle Prichard Radebe - 830221 5349 087 - 1940 Khumalo Road, Imbali, PIETERMARITZBURG, 3200 - *Makhathini*
461. Philimon Tebogo Seemo - 910805 5915 088 - 30024 Mapoteng Village, MOKOPANE, 0600 - *Letlalo*
462. Linda Mchunu - 980927 5094 089 - Wembezi Newlands Section, ESTCOURT, 3310 - *Cebekhulu*
463. Mmantutule Onicious Setumu - 970716 0513 082 - 101365 Mapey Street, MOKOPANE, 0600 - *Manala*
464. Mzondas Joyce Mdakane - 890630 0840 089 - 620 Bolota Village, WITSIESHOEK, 9870 - *Mthembu*
465. Phuti Victor Mamaleka - 750920 5947 081 - 20120 Ga-Motala, GA-SEEMA, 2748 - *Seema*
466. Slindile Cynthia Mkhwanazi - 901103 0554 081 - C 1089 Mount Moriah, Ingongoni Road, PHOENIX, 4368 - *Hlengwa*
467. Lobisa Joseph Thamane - 740825 5485 086 - Stand No 176, SEHLAKWANE, 1059 - *Taba*
468. Karabo Sandlana - 000309 5360 081 - 335 Suurman, HAMMANSKRAAL, 0100 - *Mathibe*
469. Doris Bonani Mchunu - 670119 0409 083 - 1517 Ezibulini Area, EMONDLO, 3105 - *Kubheka*
470. Gontse Malven Masemola - 000822 5946 089 - 165 Block Vv, SOSHANGUVE, 0152 - *Lephera*
471. Sepeke Mac-Donald Sekgala - 950203 5597 083 - Jane Furse Village, JANE FURSE, 1085 - *Kgoloko*

472. Thamsanqa Lucky Monxhisana - 900306 5301 082 - 8671 Snake Park, ZAMDELA, 1949 - *Nono*
473. Hlolane Stuard Nkuna - 991209 5506 082 - Rasewana Village, MODJADJISKLOOF, 0835 - *Hlongwane*
474. Sarah Letageng - 970829 0802 080 - 849 Phase 3, ITSOSENG, 0196 - *Moila*
475. Nonceba Masupe - 921006 0813 082 - 45 La Monte, Dorchester Drive, PARKLANDS, 7441 - *Ntuli*
476. Mpho Mathole - 950507 5188 085 - 1825 A Lekgwale Street, Naledi, JOHANNESBURG, 2001 - *Mopeli*
477. Katleho Karabelo Likole - 990823 5449 084 - 1900 Mamahabane, VENTERSBURG, 9430 - *Mazibuko*
478. Veekesh Pram - 750223 5113 089 - 40 Marcellin Drive, Nirvana Hills, NORTHdene, 4093 - *Ramdeo*
479. Shaun Keith Voigt - 750711 5306 083 - 52 Vleiland Crescent, Sonkring, BRACKENFELL, 7570 - *Beukman*
480. Avril Anthea Arendse - 700821 0176 083 - 122 De Waal Road, SOUTHFIELD, 7800 - *Herrendoerfer*
481. Eric Siyabonga Zondi - 890130 5384 084 - 2056 Angola, Nhlalakahle, GREYTOWN, 3250 - *Cele*
482. Katlego Sekubata Mathabatha - 890127 5430 081 - 64 Ramskin Street, ATTERIDGEVILLE, 0008 - *Mashilo*
483. Hlupheka Ephraim Manganya - 800202 5163 088 - 1665 Section E, MAMELODI WEST, 0001 - *Ndukula*
484. Letta Mmasebeso Ramutle - 951005 0681 088 - 1415 Block H, SOSHANGUVE, 0152 - *Makhubela*
485. Thobani Dlamini - 010822 5394 080 - Hlokozi Location, HIGHFLATS, 3200 - *Maluleka*
486. Martha Mahlaola - 770107 0431 081 - 8563 B Zone 6, DIEPKLOOF, 1700 - *Khalemthe*
487. Ziyaad Allie - 941021 5130 081 - 11 Patton Road, MAITLAND, 7405 - *Sarlie*
488. Phillip Maphoko Monyeke - 790923 5731 085 - 1058 Block V, SOSHANGUVE, 0152 - *Gebuza*
489. Thobishi Kenneth Ramulivho - 810803 5933 087 - 92 – 2 Avenue, ALEXANDRA, 0152 - *Maimela*
490. Axolile Cira - 981202 5436 089 - 10 Luyolaville, Funda Close, GUGULETHU, 7750 - *Banisi*
491. Mangaliso S'qobile Dladla - 990729 0788 089 - 1690 France, Nhlalakahle, GREYTOWN, 3250 - *Lembetha*
492. Bongani Voki - 900825 5528 089 - 130 Zone 2, Fort Grey, EAST LONDON, 5200 - *Planga*
493. Michael Mbuyiseni Nxumalo - 701224 6031 080 - Ntshawini, KWADUKUZA, 4450 - *Mtembu*
494. Nosipho Mthembu - 000222 0879 080 - Ngudwini Dawn, DONNYBROOK, 3200 - *Mtolo*
495. Phinias Onthusitse Silinda - 780307 5417 089 - 27 B Kgapamadi Section, TAUNG, 8580 - *Thobi*
496. Mlungisi Victor Majozi - 860722 5472 087 - 995 Mqayi Road, Unit 1, PIETERMARITZBURG, 3200 - *Duma*
497. Bethen Sekgoba Maleka - 750507 5538 083 - 4 Shilenge Street, ATTERIDGEVILLE, 0152 - *Maleka-Tsiane*
498. Sandile Nduduzo Mngadi - 931212 5636 084 - C 1036 Ingcebo Road, NTUZUMA, 4359 - *Seme*
499. Selby Kamogelo Thoka - 000903 5222 083 - 137 Mashemong Section, TEMBISA, 1632 - *Matloa*
500. Nkosinathi Patrick Dlamini - 770809 5884 087 - 35 Lot 1338, Quarry Heights, DURBAN, 4001 - *Mlungwana*
501. Simphiwe Richard Mkabela - 910919 5638 085 - 85 Ngema Street, Phola Location, WITBANK, 1035 - *Mabena*
502. Tshililo Jerry Sikala - 540105 5655 083 - Ha-Melula, NZHELELE, 0993 - *Ramantswana*
503. Hazel Kedibone Gabonewe - 600806 0781 082 - 1379 Skosana Street, Munsieville, KRUGERSDORP, 1739 - *Busang*
504. Gezane Amos Mdungazi - 460703 5411 089 - Mapapila School, MALAMULELE, 0982 - *Hlongwane*
505. Ntovhedzeni Moran Ramuedzisi - 841118 5647 089 - P O Box 3144, DZANANI, 0955 - *Phungo*

506. Wessley Matthew Thring - 960801 5131 080 - 30 Alison Road, Kenridge, CAPE TOWN, 7550 - *Archary*
507. Pamella Bukeka Zangqa - 850317 0228 089 - 67 Mayixhale Street, KWANONQABA, 6500 - *Mapu*
508. Medupe Jacob Mokotong - 830119 5548 080 - 473 Extension 24, Ga-Ranka, MABOPANE, 0201 - *Modiba*
509. Zakhele Cele - 990804 5683 088 - Ntambanana Reserve, EMPANGENI, 3910 - *Mchunu*
510. Ntokozo Hopewell Mtshali - 970206 5349 088 - K 530 Mabele Road, UMLAZI, 4066 - *Mthembu*
511. Thabo Sodeck Gumbu - 960920 5479 081 - Madleka Digoko, ZEBEDIELA, 0631 - *Nkuna*
512. Tshepiso Lillian Lengoabane - 951022 0390 081 - 726 Komako Street, TLADI, 1868 - *Mohale*
513. Puseletso Alinah Ralengoele - 950703 0213 081 - 11384 Kgotsong, BOTHAVILLE, 9660 - *Moholo*
514. Eudlit Lesibana Mahapa - 800205 6065 087 - 812 Block Gg, SOSHANGUVE, 0152 - *Segooa*
515. Pamella Haizel Dyantyi - 700618 0704 082 - 889 David Street, NEW CROSS ROADS, 7550 - *Mvana*
516. Bongani Thando Fakude - 960902 5284 083 - 22706 Comfrey Close, Extension 22, PROTEA GLEN, 1700 - *Sibiya*
517. Nhlanhla Methe - 001109 5752 082 - 833 E Tshipa Street, Zone 1, MEADOWLANDS, 1700 - *Mbele*
518. Taola Simon Mosweu - 851212 5577 086 - 70064 Lerome South, SAULSPOORT, 0318 - *Masilo*
519. Luyanda Yengwa - 010610 5329 085 - 809 Muthaledi, Diepkloof, SOWETO, 1862 - *Mapeyi*
520. Justice David Kubayi - 820504 5439 087 - Stand No 1061, Tshikoty Location, MAKHADO, 0920 - *Baloyi*
521. Paballo Palesa Moeder Sefularo - 970806 0203 089 - 13974 Chirwa Place, KAGISO, 1754 - *Matlotse*
522. Lesedi Macdonald Selepe - 870805 5623 086 - 58 Chris Morris Street, KIMBERLEY, 8300 - *Tshesejane*
523. Prince Matesa Mdluli - 930630 5806 087 - Bothashoek, PRAKTISEER, 1100 - *Sebulele*
524. Amanda Bantwini - 960716 0536 085 - 1124 Zolile Street, OLD CROSS ROADS, 7755 - *Beja*
525. Sibohelo Macmillan Sihlangu - 820306 5282 081 - 1527 Magadeni, PIET RETIEF, 2380 - *Madi*
526. Mpho Amos Nkhuna - 850511 5594 087 - 28 – 5th Avenue, ALEXANDRA, 2090 - *Molebale*
527. Mthokozisi Phiweyinkosi Christopher Mkhize - 940401 5354 082 - 1931 Dube Village, INANDA, 4309 - *Makhanya*
528. Tsietsi Gordon Gabanathake - 650725 5188 086 - 10732 Logageng, MAFIKENG, 2700 - *Modise*
529. Peter Tankiso Mhlakane - 910919 5547 088 - 6300 Ngomba, BLOEMFONTEIN, 9300 - *Mokhethi*
530. Mabushe Reuben Moloto - 830414 5907 083 - Seelane Village, DRIEKOP, 1129 - *Nkosi*
531. Thandazani Ntombela - 001208 5918 089 - Mpempeni Area, HLABISA, 3937 - *Ntshangase*
532. Ms Ntombimphela Zinhle Queen Nkabinde - 880202 0358 082 - 2316 Thimulcrescent, CATO CREST, 4091 - *Sikakane*
533. Sizwe Owen Ndim - 910429 5774 088 - Kwa Nqundu Area, NKANDLA, 3855 - *Gumede*
534. Michael Mpho Marneweck - 961123 5484 081 - 1691 Mothotlung, MOTHOTLUNG, 0268 - *Mphela*
535. Phelo Zondi - 990801 5947 083 - P O Box 491, KWADAKEZWA, 3866 - *Maphumulo*
536. Nnditsheni David Muvhango – 790503 6129 081 – your wife – Emily Lindiwe Muvhango – 860623 0413 086 - Tshikuwi Village, DZANANI, 0955 - *Ramakokovhu*
537. Sipho Abel Manyele – 690924 5450 081 – your wife – Mahlako Sister Manyele – 731024 0500 088 – and two minor children – Tshogofatso Harrington Manyele – 041006 5177 082 – Letago Rose Manyele – 070507 0665 082 - Stand No 186, Leeuwfontein, MOGANYAKA, 0459 - *Mashile*

538. Sibusiso Mbuduzi Anthony Mahlangu – 660212 5673 084 – your wife – Ellen Pyle Mahlangu – 711106 0438 080 - B1215 Ncotshane, PONGOLA, 3170 - *Shabangu*
539. Simon Tshepo Komie – 740402 5367 084 – your wife – Eunice Zinhle Komie – 750323 1124 088 - 17730 Motshabeng Street, Kutlwanong, KIMBERLEY, 8345 - *Moholo*
540. Shirley Mahlakwane Seloana – 760114 0722 081 – and two minor children – Tiego Legobole Seloana – 030208 0603 087 – Omphile Seloana – 120926 6269 089 - Bydrift Village, GA-SELOANE, 0737 - *Raphala*
541. Dineo Mopalami – 830430 0676 085 – and two minor children – Gomotsegang Mopalami – 090602 0226 088 – Omosa Sophie Mopalami – 061103 0596 088 - Ncwelengwe Village, KURUMAN, 8460 - *Pitso*
542. Lechoka Victor Mogashoa – 610222 5572 088 – your wife – Janet Busisiwe Mogashoa – 820201 1142 084 – and two minor children – Khethukuthula Mogashoa – 120110 0554 081 – Bohlale Pleasure Mogashoa – 020222 6169 086 - 107 Duiker Street, THERESAPARK, 0182 - *Motebele*
543. Phineas Rapula Masilo – 721110 5913 087 – your wife – Refilwe Merriam Masilo – 800225 0314 083 – and three minor children – Keaorata Oreneile Masilo – 030103 0593 083 – Tlotlo Phineas Masilo – 130705 5146 086 – Lethabo Omolemo Masilo – 070419 5185 084 - 5340 Purslane Street, Lavender Estate, THE ORCHARDS, 0182 - *Mavuso*
544. Monaheng Samuel Baloi – 720118 5538 086 – your wife – Pauline Baloi – 790930 0397 085 – and a minor child – Tebogo Mpho Baloi – 111002 5206 083 - 288 Tlamatlama Section, TEMBISA, 1632 - *Makgata*
545. Nozihlalo Suzan Lekoko – 880316 0333 083 – and a minor child – Oarabile Kuhle Angelina Lekoko – 161206 0501 088 - 100 Monala Street, MUNSIEVILLE, 1739 - *Mabutho*
546. Nkosinathi Nicholas Velebayi – 560225 5224 089 – your wife – Nokuzola Getrude Velebayi – 580408 0320 088 - 487 Zone 13, Mdantsane, EAST LONDON, 5219 - *Mngxaso*
547. Rasupi Aaron Lekoadi – 780410 5833 089 – your wife – Maria Kgolane Lekoadi – 810128 0764 083 – and four minor children – Mbongiseni Patience Maeyane – 010921 0551 080 – Thabo Mixo Jacky Lekoadi – 090713 6357 080 – Motheo Rametse Mphela Lekoadi – 160121 5564 083 – Naledi Mohlale Maria Lekoadi – 140402 1449 080 - P O Box 129, DRIEKOP, 0749 - *Maepa*
548. Bhekinkosi Walter Mbatha – 690102 6415 086 – your wife – Ellen Petronella Mbatha – 710818 0401 089 - Ezinyosini Area, NTABAMHLOPHE, 3310 - *Mtshali*
549. Mbali Stella Shabalala – 840417 0947 085 – and three minor children – Nkosikhona Shabalala – 110121 5347 084 – Muzi Musa Shabalala – 140108 5910 080 – Sinethemba Shabalala – 061007 0406 083 - No 1435 Extension 1, ORANGE FARM, 1841 - *Mkhatshwa*
550. Mluleki Mkhize – 850605 5473 084 – your wife – Silindokuhle Thandeka Ntombizethu Mkhize – 830802 0380 084 – and a minor child – Azabelulutho Sandile Mkhize – 160829 5411 085 - 417 Johnross HSE, Victoria Embankment, DURBAN, 4001 - *Ninela*
551. Figeland Platjes – 741007 5191 084 – your wife – Shirley Platjes – 750128 0160 086 – and a minor child - Shanté Hermien Bantom – 061122 0623 080 - 82 Kawarie Street, KAREEDOUW, 6400 - *Plaatjies*
552. Thulani Sidney Shabalala – 800710 5541 087 – your wife – Thembekile Zinhle Shabalala – 850103 1297 087 - Slahla Area, RICHMOND, 3780 - *Duma*
553. Kgomotso Mofeditse – 880605 0576 083 – and a minor child – Kago Peggy Mofeditse – 160831 0192 082 - 772 Melatwaneng Section, DITHAKONG, 8460 - *Mosinki*
554. Makomane Caine Mabilu – 661007 5626 083 – your wife – Jaqualine Tonosa Masilu – 770311 0394 089 – and two minor children – Oarabile Mabilu – 070225 5154 081 – Kelebogile Paledi Mabilu – 111213 5199 083 - Ga-Masete Village, MOROKE, 1154 - *Moraba*
555. Michael Mbukeni Mhlongo – 530214 5693 086 – and your two wives – Makhi Nikeziwe Mhlongo – 640125 0775 081 – Gladys Ntombizemizi Mhlongo – 660917 0350 088 - 2219 Gwala Road, Lamontville, DURBAN, 4001 - *Hlabisa*
556. Michael Kretzmann – 771110 5137 082 – your wife – Heidi Louise Kretzmann – 780315 0152 080 – and a minor child – Michaela Danella Kretzmann – 120828 0330 083 - 26 Kwagga Street, JEFFREYS BAY, 6330 - *Johnson*
557. Kgotlelelo Ramathetje Makgai – 940218 0695 081 – and two minor children – Shane Oratilwe Makgai – 151223 5243 089 – Ofentse Makgati Latoya Makgai – 121114 1353 088 - Masioneng Village, MATHABATHA, 0733 - *Mokgopui*
558. Tebogo Mogaladi – 931203 0501 084 – and a minor child – Kgotlelo Proud Mogaladi – 110408 6036 083 - Stand No 119, Keerom, DIBASABOPHELO, 0457 - *Tjiane*
559. Sinesipho Kometsi – 980518 0181 086 – and a minor child – Nangesi Lunambitho Kometsi – 190625 5707 082 - Pasha Street, COLESBERG, 9795 - *Gcanga*

560. Duduzile Linette Ntuli – 910319 0240 088 – and a minor child – Zanolukhle Nonhlanhla Ntuli – 150703 0699 089 - 6976 Extension 08, STANDERTON, 2435 - *Tshabalala*
561. Nomvuyiso Bandezi – 790720 0790 086 – and two minor children – Kuhle Bandezi – 130911 5957 080 – Sinelizwi Bandezi – 080131 0675 088 - Bomvini Area, LUSIKISIKI, 4822 - *Mahlange*
562. Simon Titoes Ntanzu – 771010 6306 084 – and three minor children – Mnotho Aphelele Mwandla – 120923 1238 086 – Mantombazane Onke Ntanzu – 171222 0214 083 – Ayongezwa Mwandla – 160725 5582 083 - 18 Reserve, ESIKHAWINI, 3887 - *Gumede*
563. Mokgohlwe Shinny Sebatjane – 940421 0713 082 – and a minor child – Tiisetso Praise Sebatjane – 160921 0492 085 - Stand No 753, Kopanong Section, GA-MOTHAPO, 0720 - *Lesufi*
564. Thulani Buthelezi – 730506 5745 081 – and two minor children – Asanda Pretty Buthelezi – 031125 0312 080 – Siphelele Lesley Buthelezi – 120111 5699 087 - Madanyini Area, PONGOLA, 3170 - *Msibi*
565. Nomthandazo Mvelase – 850210 0394 086 – and two minor children – Bavumile Femi Siphosihle Mvelase – 170908 5447 089 – Boitumelo Precious Mvelase – 100713 1337 085 - 2198 Mfundo Street, Siluma View, KATLEHONG, 1432 - *Ngozo*
566. Phindile Silvia Mnisi – 800505 1493 089 – and two minor children – Junior Bongumusa Mnqobi Mnisi – 150715 6140 082 – Vuyo Sisanda Mnisi – 090106 5408 089 - Stand No 1913 , TJAKASTAD, 1192 - *Nkambule*
567. Bongane Innocent Makhoba – 790918 5353 088 – your wife – Ntombenhle Mary Makhoba – 820911 0806 089 - Esgeleleni, Ward 28, GAMALAKHE, 4249 - *Sitole*
568. Paula Khacha – 880312 1121 080 – and two minor children – Simamkele Khacha – 041118 6253 083 – Sibabalwe Junior Khacha – 150327 5964 080 - 1329 Hawkfish Street, Extension 2, Kaalfontein, MIDRAND, 1685 - *Mhlongo*
569. Kgotso Ambrose Mphahane – 770822 5315 085 – your wife – Nombulelo Jostina Mphahane – 791126 0485 082 – and two minor children – Khotso Mphahane – 070601 5864 087 – Lehlohonolo Oratiwe Mphahane – 141128 5364 087 - 32 Smits Street, Dunnottar, NIGEL, 1496 - *Sekhonyane*
570. Zola Sydney Mbenyana – 810912 5268 087 – your wife – Phoziswa Mbenyana – 870615 0977 084 – and three minor children – Mhlali Mayekiso – 060523 5579 089 – Unako Mayekiso – 091122 0996 084 – Anovuyo Mbenyana – 140702 1547 084 - M23 New Mandela Square, ZWELETEMBA, 6850 - *Jordaan*
571. Abigale Lebo Sebothoma – 940117 0350 087 – and a minor child – Mashudu Sebothoma – 131215 5103 086 - Stand No 994, Leeufontein, MOGANYAKA, 0459 - *Makota*
572. Thando Dyili – 830109 5569 087 – your wife – Thumeka Dyili – 870831 0857 081 – and a minor child – Ivakele Camagwini Nangamso Dyili – 180808 0870 087 - 123 Zone 2, ZWELITSHA, 5608 - *Mashologu*
573. Zakhele Mbambo – 760129 5306 086 – your wife – Nokukhanya Purity Mbambo – 840229 0397 082 – and a minor child – Snethemba Madison Mbambo – 030318 0777 086 - 30 Hlomuka Road, Unit 13, Imbali, PIETERMARITZBURG, 3201 - *Ntuli*

DEPARTMENT OF HOME AFFAIRS

NO. 1594

13 DECEMBER 2019

ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the Forenames printed in *italics*:

1. Mashego Betty Malata - 640505 0473 086 - Stand No 65 / 292, Leeukop, GROBLERSDAL, 0470 - *Tabudi Betty*
2. Samson Ngala - 930216 6059 080 - Stand No 252, Phakama, Block C, KOMATIPOORT, 1340 - *Sammy*
3. Zizipho Nobelungu Zungula - 010711 0580 084 - 14 Ny 64, GUGULETHU, 7750 - *Zizipho*
4. Nomabamba Snyman - 881025 0847 088 - 11021 Gwadu Crescent, Phillipi Browns Farm, CAPE TOWN, 7700 - *Nomabamba Noxolo*
5. Loviso Mbene - 680705 5837 084 - Upper Mount, KING WILLIAMS TOWN, 5600 - *Loyiso*
6. Edwina Sandra Kampher - 650725 0202 080 - 8 Thime Crescent, Statis Heights, KEWTOWN, 7000 - *Safia*
7. Juanita Angelina Mercedes Louw - 661209 0041 084 - 703 De Oude Schuur, 120 Bree Street, CAPE TOWN, 8001 - *Juanita*
8. Rama Ganesh - 670829 5226 080 - 7 Yardley Avenue, BLUFF, 4052 - *Daniel Levi*
9. Petrus Terblanche - 720513 5117 081 - 20 Bonito Street, Extension 13, MOSSELBAY, 6506 - *Deon Petrus*
10. Cecelia Carolissen - 510405 0013 080 - 34 Ophnees Crescent, Eastridge, MITCHELLS PLAIN, 7789 - *Sakiena*
11. Enie Nomanguza Mkhulisi - 840321 0450 084 - 427 Nomzamo Park, ORLANDO EAST, 1804 - *Enie*
12. Unity Kedibone Ramabopo - 940325 0134 084 - 538 Makhado Street, Tshiawelo, SOWETO, 1818 - *Faith Kedibone Pinkie*
13. Phumelele Mdakane - 880206 0264 083 - 1469 A Thabo Street, Emndeni South, SOWETO, 1717 - *Phumelele Nicolai*
14. Ryno Donorico Van Reenen - 921017 5096 086 - 17 Constitution Court, Lavender Hill, RETREAT, 7800 - *Abdulrazak*
15. Jaqueline Lebepe - 900508 0551 088 - 568 Ramokopi West, KATLEHONG, 0700 - *Lesiba Jequeline*
16. Ayanda Neo Makua - 930409 5353 089 - 48 Grasvoel Crescent, Liefde En Vrede, ALBERTON, 2190 - *Neo Seloka*
17. Lindokuhle Masondo - 880313 0751 083 - Tholeni Area, LADYSMITH, 3370 - *Lindokuhle Vanessa*
18. Rebinhood Molepo - 000530 5228 081 - Ga-Molepo, Tshebela, POLOKWANE, 0700 - *Mogodu Robinhood*
19. Sihle Bright Miya - 900806 5726 089 - C 532 Amanzamyama Road, KWA MASHU, 4359 - *Sihle*
20. Mosenene Esther Legalanyane - 850610 0957 081 - 7079 Kgotsong, BOTHAVILLE, 9400 - *Esther*
21. Kamogela Vivian Matlhoahela - 770113 0765 080 - 171 M Lokgabeng, TAUNG, 8584 - *Kamogelo Vivian*
22. Mamannye Peter Nkoagatse - 000211 5636 082 - 20107 Makhutjo, GA-MAMPANE, 0450 - *Mamannye Kholofelo*
23. Candice Goodwin - 971127 0622 080 - 28 Moray Court, HANOVER PARK, 7780 - *Tauhirah*
24. Pleasure Anthony Kubayi - 741111 5435 085 - 291 General Beyers Street, PRETORIA NORTH, 0182 - *Langutelani Anthony*
25. Baba Lisbeth Mafa - 980407 0411 083 - 9286 Extension 2, PRETORIA, 0001 - *Baba Kgaogelo*
26. Gaudiath Hlatshwayo - 881119 0556 086 - 110 Relly Street, 107 On Th Park, SUNNYSIDE, 0002 - *Claudia*
27. Sandile Mzochithwayo Conco - 820911 5823 089 - P O Box 14027, CAMPERDOWN, 3720 - *Sandile Melusi*
28. Motjila Edward Malebye - 530203 5556 088 - 675 Block B, Lehlabile, BRITS, 0250 - *Thabiso Edward*
29. Machoene Fisha - 930118 0527 080 - Stand No 6584, Extension 8, Phomolong, MODIMOLLE, 0510 - *Flourish*
30. Nushka Naudé - 000920 0059 088 - Plot 3, Mary-Ann Small Holdings, BETHLEHEM, 9700 - *Zanuschka*

31. Lucine Esmeralda Guff - 960421 0282 083 - 51 Searle Road, Schauderville, PORT ELIZABETH, 6001 - *Layaan Layla*
32. Bukiswa Gloria Dayimani - 811028 0354 084 - 25 Tsotsa Street, Kwanobuhle, UITENHAGE, 6242 - *Bukiswa Simanye*
33. Mbali Mookamedi - 011208 0366 084 - Mandhakazi Village, TZANEEN, 0850 - *Mbali Maria*
34. Emily Caitlin Burroughs - 020509 0166 088 - 3 Springfield Road, ,RONDEBOSCH, 7700 - *Zachary Elliot*
35. Shiyamo Romeo Mohapi - 010728 0314 082 - 2815 Mompoti Street, Botchabelo, BLOEMFONTEIN, 9300 - *Tshiamo Romeo*
36. Nomthandazo Nthabiseng Mpulo - 001009 0922 088 - B 67 R Sacco Reserver, C Put Bellville Campus, BELLVILLE, 7530 - *Nomthandazo Nthabiseng Celestial*
37. Lifekhoza Khoza - 000917 5047 084 - 177 Makhulong Section, TEMBISA, 1600 - *Life Ntsako*
38. Kim Moesha Geduld - 970613 0115 085 - 90 Feyenoord Way, Dennemere, BLACKHEATH, 7700 - *Kulthum*
39. Harriet Qubeka - 530423 0163 082 - 11476 Jemelane Street, ORLANDO WEST, 0100 - *Nomvuyo Harriet*
40. Carolyn Lauren Canterbury - 930608 0151 089 - Kirkby Road, BEDFORDVIEW, 1600 - *Kalo Christian*
41. Tsepo Lovelu Moloi - 011006 5328 087 - 2331 Ihobe Street, Extension 5, REIGER PARK, 1450 - *Tshepo Lovely*
42. Sabelo Gift Gumede - 921215 5692 082 - 600 Nzimela Road, Unit 18, Imbali, PIETERMARITZBURG, 3200 - *Sabelo Deshaun Gift*
43. Growener Jean-Paul Jones - 000310 5028 082 - 6 Longmood Road, Harmony Village, MITCHELLS PLAIN, 7789 - *Abdul-Khaliq*
44. Bhekuthemba Mhlongo - 700224 5900 088 - Ward 12, Kwabombo Location, UMZUMBE, 4226 - *Bhekithemba*
45. Jermaine Benedict Arnold Gallant - 910630 5150 084 - 74 Jamaica Street, Timothy Valley, PORT ELIZABETH, 6001 - *Jermaine Benedict Avionne Sabastian Arnold*
46. Gugu Kamva Mgwaza - 961008 5620 083 - 184 Sobukwe Street, Extension 7 A, BRAKPAN, 1550 - *Kamva African*
47. Gift Masemola - 961208 5735 085 - 17 Komane Street, ATTERIDGEVILLE, 0008 - *Lehlagare Gift*
48. Sabelo Lesego Makofane - 960320 5667 084 - 64 A South Road, Rewlatch, JOHANNESBURG, 2001 - *Lesego Sabelo*
49. Thetsi Tshepo Mofokeng - 971011 0450 082 - 7555 Phase 4, BLOEMFONTEIN, 9300 - *Khanya Tshepo*
50. Helngiwe Angeline Shezi - 770910 0329 084 - 2334 Ukuthula Road, KWANDENGEZI, 3607 - *Hlengiwe Angeline*
51. Benjamin Khuzwayo - 831213 5386 085 - B 865 Ward 7, OSIZWENI, 2952 - *Bheki Benjamin*
52. Bueran-John Mc Carthy - 950311 5345 088 - 13 Crinum Crescent, Sancto, PORT ELIZABETH, 6001 - *Basheer Ahmed*
53. Mahupanyana Caiphos Khoza - 960918 5643 086 - Stand No 1361, ,KABOKWENI, 1247 - *Mthandazo Comfort*
54. Mphumzi Moses Matinyane - 880208 5324 086 - 6 Cola Lane, New Brighton, PORT ELIZABETH, 6200 - *Mphumzi*
55. Aphelele Qhekeka - 971124 5923 084 - Mbongweni, MT AYLIFF, 5100 - *Bongokuhlo*
56. Mangwedi Mahlatse Mokomane - 990413 5463 085 - 29 Union Street, Riviera, PRETORIA, 0001 - *Daniel-Addison Millford Hagley-Regham*
57. Letladi Albinah Maoma Matheka - 971205 0170 084 - 5687 Malokong Street, Mashiomong, HAMMANSKRAAL, 0402 - *Letladi Albinah*
58. Oko Gosani - 971124 5877 082 - Mangati Area, DUTYWA, 5001 - *Nkwenkwezi Oko*
59. Lindinkosi Hendrietta Shezi - 890227 0205 080 - 10 – 97 Thango Road, INANDA, 4310 - *Lindokuhle Henrietta*
60. Vuyisile Mngoma - 870813 0563 083 - 30 Edenberry Road, Avoca Hills, DURBAN, 4001 - *Vugisile Nosipho Faith*
61. Mampe Julia Kotwana - 931119 0136 087 - 35785 Freedom Square, BLOEMFONTEIN, 9300 - *Boitumelo*
62. Baba Kageso Lourens Goitirwang - 980311 5777 086 - House No A482, Seloshesha Section, MOROKWENG, 8613 - *Kagiso Lourens*
63. Lebohang Mxongo - 980611 0769 081 - Stand No 162, Ga-Phaahla, SIYABUSWA, 0472 - *Lebohang Raesetše*

64. Malose Johannes Molekoa - 820123 5378 086 - 30017 Rauwele, MAPELA, 0500 - *Malose Mmakgere*
65. Matome Emanuel Taveatsoala - 931223 5117 082 - House No 1305, Kgapanne, TZANEEN, 0838 - *Kgobuki Emanuel*
66. Meagun Smiles - 021217 1234 082 - B 1 Remfasmaak, LOTUS RIVER, 7941 - *Meagan*
67. Refilwe Given Masimini - 020928 1035 086 - Bolahlagomo, GOMPIES, 0631 - *Refilwe Pansy*
68. Kgothatso Pule Makola - 000204 5782 089 - 163 Brazil Street, Mayfield, DAVEYTON, 1520 - *Kgothatso Legare*
69. Sphiwe Kevin Nchabeleng - 980428 5417 081 - 10462 Hurutse Street, BENONI, 1500 - *Calvin Sphiwe*
70. Sylvia Mxongo - 991223 0636 083 - 162 Ga-Phaahla, SIYABUSWA, 0472 - *Sylvia Lahliwe*
71. Mmabatho Shirley Rapolai - 971012 0978 080 - A 032 Manapjane, MOGANYAKA, 0459 - *Shirley Nomvula*
72. Matlabase Theophilus Thipe - 980213 5016 087 - Stand No 192, Mogaletsana, MARBLE HALL, 0450 - *Jacobus Tshitane*
73. Rofhiwa Nkhata - 981017 0477 080 - 7540 Zamakuhle Street, Extension 5, MAYIBUYE, 1700 - *Rofhiwa Vanessa*
74. Simjongile Sophila - 810701 5700 086 - 39471 Leratong Park, KIMBERLEY, 8300 - *Simjongile Vincent*
75. Ben Blom - 871215 5412 085 - 5 Siyathemba, KATHU, 8446 - *Benjamin Joshwill*
76. Mabitisa Annah Morojele - 911015 0599 080 - 230 Zone 1, LETLHABILE, 0264 - *Lineo Anna*
77. Bronwyn Boonzaier - 920827 0171 085 - 134 Fourth Avenue, GRASSY PARK, 7941 - *Aaliyah*
78. Thabang Samuel Chabalala - 930320 5467 086 - 6 Maboloka Section, BRITS, 0250 - *Moses Elijah*
79. Fikelaphi Mthiyane - 011117 0536 085 - 26683 Snipe Street, CARLETONVILLE, 3500 - *Fikkie Nichole*
80. Dumisang Abram Moshoadiba - 920823 5261 088 - 247 Rethabile Street, Extension 5, SIMUNYE, 1701 - *Tshwarelo*
81. Badirisana Modise - 010413 5176 089 - 7736 Pedi Street, TSAKANE, 1500 - *Tirisano*
82. Mhlupheki Jonas Lepphoto - 821009 5304 082 - 5684 Mohale Street, Ratanda Extension 7, HEIDELBERG, 1441 - *Busta Jonas*
83. Pogiso Dorah Maimane - 910804 0213 086 - 32 Malawe Street, Extension 28, Phase 3, VOSLOORUS, 1475 - *Kagiso Dorah*
84. Portia Rambauli - 940101 0954 080 - 287 Thea Avenue, Unit 301, Oval Gardens, CENTURION, 0100 - *Matsebo Portia*
85. Kidibone Margaret Lefifi - 880811 0546 080 - 2566 Mshongoville, MAHWELERENG, 0626 - *Kagiso Margaret*
86. Kingsley Mokhomole Shai - 991006 5656 085 - 210 Mosemaneng, MASHISHIMANE, 1397 - *Kingsley*
87. Ntshengedzeni Melta Tshivhangani - 810815 0708 082 - 11 A Aalwyn Crescent, Flora Park, TZANEEN, 0850 - *Ndivhuwo Melta*
88. Nkosikhona Magula - 880505 5811 081 - 315 Phola Park, Thokoza, ALBERTON, 1450 - *Nkosikhona Steven*
89. Noloyiso Ngalo - 900325 0840 084 - 4 Western Avenue, EAST LONDON, 5200 - *Noloyiso Unolali*
90. Mchasisi Nare - 660224 5198 087 - 29 Oakhurst, Astra Road, Whiteney Gardens, ALBERTON, 1450 - *Motsamai Mchasisi*
91. Lucia Sekabate - 930214 5325 081 - 93 Lupiri Street, Extension 28, GERMISTON, 1400 - *Louis*
92. Kehilwe Selotlegeng - 830828 0967 083 - House No 721, Extension 3, Paardekraal, RUSTENBURG, 0300 - *Kehilwe Eunice*
93. Ntja Samuel Moloi - 870808 5629 087 - 413 Chris Hani Park, QWA-QWA, 9800 - *Samuel*
94. Eloff Geraldine Phaahlamohlaka - 790110 5892 089 - D/O, JANE FURSE, 1085 - *Selematsela Morwaswi*
95. Richard Mbekeleni Ngwane - 770129 5751 081 - Rauka Location, UMZIMKULU, 3297 - *Mbekezeli Richard*
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280. Mpho Caroline Nkomo - 980716 0135 082 - 15 Outeniqua Street, Noordheuwel, KRUGERSDORP, 1740 - *Mpho Bianca Caroline*
281. Nnuku Zelda Le Roux - 010105 0522 081 - 18801 Thabong, WELKOM, 9460 - *Kganya Zelda*
282. William Tsiamo Phalane - 010601 5488 088 - 1416 Block Mn, SOSHANGUVE, 0152 - *William Tshiamo*
283. Joseph Mgongxo - 871020 5733 088 - 2026 Sekontle Street, EVATON, 1984 - *Majozi Joseph*
284. Somila Mgqolozane - 880907 5488 086 - 1503 Aintree, Turdhope & Orielly, JOHANNESBURG, 2001 - *Bongani Brian*
285. Mloyi Piet Mthimunye - 450703 5418 086 - No 2249, Kwagga A, MKOBOLA, 1010 - *Johannes Daniel*
286. Kifiwe George Khalata - 951012 5510 080 - 1530 Revonia, DEWETSDORP, 9940 - *Kefuwe George*
287. Sehodi Lizel Manyane - 010418 0439 085 - 2746 Graphite Street, Extension 21, Clayville, OLIFANTSFONTEIN, 0110 - *Molatelo Lizel*
288. Mabocha Surprise Mathagu - 950506 0189 080 - 730 Schlapo Street, Groblerpark, ROODEPOORT, 1725 - *Mpho Princess*
289. Soli Elisa Britz - 920712 0385 085 - 2328 Geluksoord, CHRISTIANA, 2680 - *Lesedi Elisa*
290. Babalwa Mpakato - 930724 0430 082 - 20167 Nzuzo Street, STRAND, 7140 - *Sibabaliwe Babalwa*
291. Sithebisio Mdladla - 880528 5452 086 - C 1802, Yigwababa Road, KWA DABEKA, 3601 - *Sthembisio*
292. Bhekumuzi Shange - 911020 5753 088 - 70269 Sihonqane Road, KWAXIMBA, 3601 - *Bheki Nicholas*
293. Katleho Prince Molaoa - 991113 5062 080 - 62052 Zone 17, SEBOKENG, 1983 - *Rethabile Katleho Prince*
294. Nkadimeng Alina Sithole - 720311 0773 085 - 125 Molapo Street, WITSIESHOEK, 9870 - *Dimakatso Alina*
295. Christina Magritha Seale - 430712 0086 082 - 5 Marina Street, LANGEBAAN, 7357 - *Christine Magritha*
296. Magdalena Lucia Maarman - 570711 0093 080 - 38 Voortrekker Street, POFADDER, 8890 - *Lucia Magdalena*
297. Siva Pillay - 590923 5181 085 - 50 Van Koller Street, STANDERTON, 2430 - *Rudi*
298. Vellima Naidoo - 620618 0173 087 - 52 Newcastle Avenue, RESERVOIR HILLS, 4091 - *Kate Jenny*
299. Abdul-Munem Toefy - 630603 5190 086 - 8 Klein Parys Avenue, PAARL, 7646 - *Munem*
300. Emile Heinrich Karl Siebritz - 630720 5194 080 - 42 Hibiscus Street, Extension 31, PORT ELIZABETH, 6001 - *Jamiel*

301. Leatechia Veronica Vollmer - 630926 0166 086 - B 1 Sonwood Lifestyle Village, Crawley Crescent, PORTLANDS, 7441 - *Laetitia Veronica*
302. Rendel Anthony Malan - 631212 5205 081 - 272 – 8th Avenue, Lotus River, GRASSY PARK, 7945 - *Abdur Rashied*
303. Khanyiso Florence Manare - 940218 1360 081 - 615 L Section, BOTSHABELO, 9781 - *Khanyiso Florance*
304. Hawukelani Magubane - 981128 1228 081 - Private Bag X5509, NQUTU, 3135 - *Nondumiso*
305. John Joseph Khomo Pholo - 901219 5512 088 - 6971 K 8, Kutloaneng, ODENDAALRSRUS, 9485 - *Pholo Joseph*
306. Sergio Enrico Adams - 900502 5129 081 - 25 Lagonda Crescent, Beacon Valley, MITCHELLS PLAIN, 7785 - *Imtiyaz*
307. Ncumisa Sisikelelo Bam - 910510 1227 088 - 79 Gillespie Street, 605 Capello Flats, DURBAN, 4001 - *Chumisa Sisikelelwe*
308. Anelisiwe Ndede - 920906 6182 088 - 24482 Hock Street, Bardale, MFULENI, 7100 - *Anele*
309. Ashwin Donvino Simonse - 920317 5276 089 - 72 Fallstaff Crescent, Eastridge, MITCHELLS PLAIN, 7789 - *Ansaar*
310. Matruba Lucas Ledimo - 690524 5339 084 - 14013 Zone 11, SEBOKENG, 1982 - *Lucas*
311. Babini Sofute - 660923 5776 087 - 6 Mozane Street, Nu 6, MOTHERWELL, 6211 - *Babini Mark*
312. Hlekiseleni Sitole - 910121 0378 086 - 13004 Sihogane Road, CATORIDGE, 3680 - *Lungile*
313. Shanice Brown - 980204 0229 080 - 58 Chopin Street, RETREAT, 7945 - *Thanaa*
314. Marcelino Michael Hartzenberg - 910917 5411 081 - 5 St Urban Close, Seawinds, STEENBERG, 7945 - *Miraan*
315. Francis Baloyi Kgoedi - 840824 5831 083 - 659 Endulwini Section, KEMPTON PARK, 1620 - *Francis Tshepan*
316. Keikeditse Lena Monnapula - 881003 0443 083 - 23 Kgathane Street, POSTMANSBURG, 8420 - *Keikeditse Lucricia*
317. Khanya Madasa - 010301 0176 081 - Mjika Area, TSOLO, 5120 - *Siphokuhle Khanya*
318. Ntombizodwa Princess Zondi - 010906 0454 088 - P O Box 179, EDENDALE, 3217 - *Ayanda*
319. Kean Alexander Battle - 960214 5129 080 - 13 Entea Drive, GEORGE, 6530 - *Alexander Kean*
320. Qaphela Nala - 971114 5276 088 - 35 Kotze Street, HILLBROW, 2001 - *Sagcinokuhle Qaphela Bright*
321. Constance Vuyisile Ndlala - 790420 0344 089 - Emthaleni Area, POMEROY, 3020 - *Nokuphiwa Vuyisile*
322. Ongeza Lindokuhle Lutshaba - 950609 0611 085 - 361533 Fundale Street, Makhaza, KHAYELITSHA, 4700 - *Ongezwa Lindokuhle*
323. Johannes Tseke Nyoni - 870325 5803 083 - 17 Erasmus, BRAMLEYVIEW, 2090 - *Johannes Tseke Khutso*
324. Tumisane Matildah Mahloko - 971109 0134 084 - 436 A More Street, Zone 2, MEADOWLANDS, 1717 - *Tumisang Matilda*
325. Floyd Mbongeni Mathibela - 790218 5422 086 - 15 Eton Park, 6 Eton Road, SANDHURST, 2196 - *Mbongeni Floyd Muhal*
326. Thulaganyo Roseline Mothoagae - 900820 0920 084 - The Landmark Apartments, 31 Dover Street, RANDBURG, 2125 - *Thulaganyo Katlego*
327. Nelly Ramatsimela Mphahlele - 880312 0711 089 - 761 Prosperity, Unit 44, GROBLERSDAL, 0714 - *Meta Ramatsimele*
328. Bhekabakubo Chiliza - 981216 5378 083 - Myodi Location, HIGHFLATS, 3270 - *Bhekokwakho*
329. Megan Sweetness Matiwana - 971109 0053 086 - 17 Mbila Street, Nu 1, MOTHEWELL, 6211 - *Megan Sweetness Nolvuyo Taskne*
330. Emmanuel Ricardo Somana - 000503 5546 083 - Mceula Area, CALA, 5100 - *Emmanuel Ricardo Zusakhe*
331. Joseph Khuzilwe Cumbie - 950712 5536 081 - House No E999, Coronaryne, TAUNG, 8384 - *Khuzilwe Stone*
332. Ikechukwu Junior Okoye - 010817 5292 086 - 19 Eagle Street, Horison Extension, ROODEPOORT, 1725 - *Iyke Jackson Ikechukwu Junior*
333. Nonhlanhla Xulu - 961024 0597 085 - Mzulwini Area, MAPHUMULO, 4400 - *Andile Siyamkela*
334. Thembeke Monica Mbuli - 001225 0327 082 - 69 Meridian Drive, Block A 111, DURBAN, 4001 - *Thandeka Monica*

335. Gorden Nthongwa Kgare - 940706 5577 080 - 66 Inhaca Flat, 131 Joubert Street, SUNNYSIDE, 0002 - *Mpho Owami*
336. Siyethemba Zinhle Aisha Ndlovu - 990520 0131 085 - 46 Innerwest Place, Newlands West, DURBAN, 4001 - *Siyethemba Zinhle*
337. Rosinah Ntebaleng Matabane - 801114 0421 081 - 39 Amberboom Street, Extension 4, Geelhout Park, RUSTENBURG, 0300 - *Nthabeleng*
338. Rapoho Mashola John Moloto - 720921 5777 087 - 709 Spook Park, MOLETJIE, 0700 - *Jona*
339. Hilda Moetsi Moate - 850426 0675 080 - 6920 Zone 6, GA-RANKUWA, 0208 - *Hilda Mmabatho*
340. Madambi Sharon Raluswinga - 830227 0640 081 - Ha-Magipi Village, THOHOYANDOU, 0950 - *Sharon*
341. Chinaedu Clinton Okoye - 000410 5155 081 - 19 Eagle Street, Horison Extension 1, ROODEPOORT, 1725 - *Clinton Chinaedu*
342. Kgotsa Desmond Molapo - 770615 5351 088 - 15814 Mcmeza Street, DAVEYTON, 1520 - *Khotso Desmond*
343. Makhosi Ngidi - 860303 0457 082 - 11189 Main Road, Marianhill, ST WENDOLINS, 3609 - *Moesha Makhosi*
344. Machiel Koloi Dlamini - 920628 5346 080 - 366 Matlwanyitlwang, STEYNSRUS, 9515 - *Michael*
345. Barney Stanford Dupisanie - 000210 5570 085 - 38 St Luke Street, Bloemendal, PORT ELIZABETH, 6001 - *Navern Stanford*
346. Manoko Elizabeth Lesia - 941215 0483 087 - 219 Makoane, WITSIESHOEK, 9870 - *Luthando*
347. David Thabananyana - 970730 5879 083 - 1134 Bolata Village, WITSIESHOEK, 9870 - *Lehlohonolo David*
348. Tshokolo Taole - 960314 5642 080 - 13508 Snake Park, KROONSTAD, 9499 - *Tshokolo Itumeleng*
349. Experience Macala - 810113 5597 084 - 17 Main Service Road, KIBLER PARK, 2190 - *Landela*
350. Tseke Makofane - 851220 5864 081 - 3665 Extension 25, Finross, SECUNDA, 2270 - *Piet*
351. Sarah Tshanka Lesego Mothabeng - 990325 0266 083 - Doorenhoeck Farm, COLIGNY, 2724 - *Lesego*
352. Dumsani Sithembiso Khoza - 870321 5535 080 - Mnyameni Area, MAPHUMULO, 4470 - *Khalid Muhammad*
353. Ngwanamatsoetsi Legwale - 561224 0803 087 - 354 Modirated Street, Molopo, SOWETO, 1717 - *Rebecca Ngwanamatsoetsi*
354. Nceba Mgole - 600825 5327 089 - Perspake Mission, DEBENEK, 5604 - *Nceba Badi*
355. Mmarakeng Frans Tshehla - 610811 5726 080 - Mogolaneng, ATOK, 0749 - *Makgobisane Hlabirwa*
356. Mirriam Tshethlane Tshethlane - 491113 0643 087 - 948 F Tong Section, GANYESA, 8613 - *Pulentle Mirriam*
357. Tolo Enoch Khundla - 511108 5627 081 - Imizizi Area, BIZANA, 4800 - *Nikelile Enoch*
358. Shontay Lesley Ellen Du Plooy - 960727 0148 086 - 49 Seemeeu Circle, Seawinds, RETREAT, 7945 - *Tayyibah*
359. Tsietsi Aubrey Selepe - 760719 5194 084 - 1171 Block L, SOSHANGUVE, 0152 - *Kgotso Aubrey*
360. Philemon Molepo - 750108 5444 081 - 5031 Tengwe Street, OLIEVENHOUTBOSCH, 2100 - *Sekgena Philemon*
361. Phineas Mhlopheki Thabethe - 730525 5365 088 - 1003 Section F, EKANGALA, 1021 - *Phineas Mphikeleli*
362. Lekina Thembinkosi Gabela - 611206 0636 088 - Landman Road, WASBANK, 2920 - *Lusiwe Thembi*
363. Justine Chetty - 881105 5148 086 - 8 High Terrace, Moorton, CHATSWORTH, 4692 - *Justin*
364. Louise Rooney - 760601 0240 080 - 36 A Fernwood Way, Edgemoor, CAPE TOWN, 7600 - *Anachorita Stoicus*
365. Richard Dean Mc Carthy - 881230 5097 081 - 31 Dan Pienaar Road, Clarendon, PIETERMARITZBURG, 3200 - *Dean*
366. Chandrie Blanche Kariem - 860910 0099 084 - 4 Helena Street, WORCESTER, 6850 - *Sakeenah*
367. Rudi Malcolm Swart - 880721 5066 085 - 35 Excelsior Street, Highbury, KUILSRIVER, 7580 - *Zoey*
368. Simeone André - 000907 5292 087 - 16 Marigold Street, Arcon Park, VEREENIGING, 1939 - *Simeone Paiva*

369. Keretso Patricia Selepe - 991012 0532 081 - 175 Kgotsong, BOTHAVILLE, 9660 - *Keletso Patricia*
370. Anna Cecelia Du Plessis - 600331 0062 086 - 10 Venus Street, Wilkoppies, KLERKSDORP, 2570 - *Anna Cecilia*
371. Charlotte Gangazhe - 700324 0364 080 - 79 Saddlebrook Drive, Saddlebrook Estate, KYALAMI, 1685 - *Kgomotso*
372. Lulamile Nkangana - 761129 5402 082 - 24 Kopo Street, Kwanobuhle, UITENHAGE, 0230 - *Lulamile David*
373. Anthony Bhengu - 770210 5752 087 - D 203 Ncanana Road, MPUMALANGA, 3699 - *Nhlanhla Anthony*
374. Edna Pule - 760719 0442 082 - 3047 Block 6, MABOPANE, 0100 - *Martha Edna*
375. Nabeelah Diedericks - 840208 0181 084 - 4 Strelitzia Street, PAARL, 7620 - *Natalie Alicia*
376. Sara Philander - 900619 0265 080 - 37 Bougainvilla, LOUISVALEWEG, 8801 - *Ivonna Nicky*
377. Annita Mashishi - 891116 0361 085 - 264 Mxhasa Street, KLIPSPRUIT, 1809 - *Rethabile Annita*
378. Johanna Mamokgokologi Mosehla - 880729 0501 089 - 9 Moseu Street, Mopedi Section, KATLEHONG, 1431 - *Jacob Serame*
379. Maria Gasalahwe - 990811 0786 089 - House No 10085, TAUNG, 8500 - *Galaletsang Maria*
380. Sandisiwe Bimbi - 960823 0788 086 - 4253 Boipatong Street, Samora Machell, MITCHELLS PLAIN, 7789 - *Sisipho*
381. Marlou Gordon Adams - 910707 5213 086 - 156 First Avenue, GRASSY PARK, 7941 - *Natasha Elizabeth*
382. Nomasithandaze Bevu - 831220 0667 088 - 20240 Phase 5, Lower Cross Roads, PHILLIPI, 7785 - *Nomthandazo*
383. James Stewart Currie - 980721 5150 086 - F 30 Albow Gardens, Koeberg Road, MILNERTON, 7405 - *Jameel*
384. Bethuel Alpha Buthelezi - 651127 5568 087 - B North 1157, ULUNDI, 3838 - *Alpha Bethuel*
385. Nikita Snyder - 920622 0198 083 - 27 – 5th Avenue, GRASSY PARK, 7941 - *Iqra*
386. Muhammad Baaizeed Cassim - 970713 5099 084 - 9 Lallaway, 7 Zunis Close, MT EDGECOMBE, 4302 - *Muhammad Bayezid*
387. Jacques Adriaan Syster - 890707 5085 082 - 29 Waterbok Street, PAARL, 7620 - *Jacques Adriaan*
388. Bellina Zuma - 920318 1132 086 - 22658 Phalaborwa Street, Extension 32, BARCELONA, 1501 - *Princess Bellina*
389. Noxolo Dlamini - 981201 1060 083 - 3 / 2674 Quil Street, Blyebank, CARLETONVILLE, 2500 - *Archana Angela*
390. Phumlani Phelelani Myeza – 940105 6366 082 – Mthandeni Area, MAPHUMULO, 4470 - *Sanele*
391. Njongo Ngxameleni – 951228 5757 089 – 2702 – Nkqubela Street, FISH HOEK , 5099 - *Sinenjongo*
392. Kedibone Aubrey Phalane - 700202 6384 080 - Mogoto- Makiting Village, KORINGPUNT, 0632 - *Lethlekge Aubrey*

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 1595

13 DECEMBER 2019



**NOTICE OF ERRATUM IN RESPECT OF THE NOTICE OF INTENTION TO REVIEW
THE PRICE CAP REGULATIONS FOR RESERVED POSTAL SERVICES, 2013
NOTICE (GG 42657)**

1. The Independent Communications Authority of South Africa ("the Authority") hereby issues an erratum, to Government Gazette No: 42657 **published on 23 August 2019** ("the Notice"), to the extent reflected in the schedule.
2. The Erratum seeks to clarify that the Review Process (Clause 4 of the Notice) is conducted in terms of regulation 10 of the Price Cap Regulations for Reserved Postal Services, 2013 ("Regulations") and does not include an inquiry in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).
3. All enquiries should be directed to the Chairperson (Price Cap Regulations Review Council Committee) at PCRreview@icasa.org.za. or 012 568 3601.

DR KEABETSWE MODIMOENG
ACTING CHAIRPERSON

ERRATUM

Paragraph 4 of the Notice is hereby substituted to the extent reflected below:

"4.The Review Process

4.1.The Authority will conduct the review of the Regulations in a series of phases as follows.

4.1.1.Phase 1 (commencement of the review and publication of questionnaire)

- (a) The Authority will publish a questionnaire or request for information and opinions from market participants and stakeholders.
- (b) The information and opinions obtained from the market participants (i.e. SAPO and stakeholders) will be taken into account which will cover:
 - (i) SAPO's financial sustainability and efficiency;
 - (ii) competition in the parcels and letters sectors;
 - (iii) levels of customer satisfaction; and
 - (iv) the appropriateness of past and proposed regulatory conditions.
- (c) Stakeholders will be invited to submit written responses to the questionnaire within thirty (30) working days from the date of publication for the attention of the Chairperson (Price Cap Regulations Review Council Committee) at PCRreview@icasa.org.za.
- (d) The Authority may request one-on-one meetings in relation to information submitted by a stakeholder where necessary to clarify information that is submitted. The Authority will inform the relevant stakeholder in advance of the information to be clarified and will give adequate notice to stakeholders of the proposed meetings.

4.1.2.Phase 2 (Report in terms of regulation 10 of the Regulations)

The Authority will publish in the *Gazette* a report of the review conducted in terms of regulation 10 of the Regulations).

4.1.3.Phase 3 (draft Regulations)

If necessary, the Authority will publish draft regulations for public comment for a period of thirty (30) working days, in terms of sections 2(a), 8(a) and 30(2) of the PSA, regulation 10 of the Regulations read with section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

4.1.4.Phase 4 (Public Hearings on the draft Regulations)

- (a) The Authority may hold public hearings in respect of the draft Regulations.
- (b) The Authority will, if it deems it necessary to hold public hearings, notify stakeholders of the date, time and the venue of the public hearings.

4.1.5.Phase 5 (Final Regulations and the Reasons Document)

Having considered the views of all stakeholders, the Authority will publish in the *Gazette* final regulations and the reasons document.

4.2 Confidentiality

4.2.1 A stakeholder may request confidentiality on the information submitted in terms of section 4D of the ICASA Act. The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential in terms of section 4D(4)(a) to (e) of the ICASA Act. The Authority may determine that such representations or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be granted an opportunity to withdraw such representations or portion(s) thereof."

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1596

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property as set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MOFOKENG INDIA PAULUS	830204 5343 086
2	MAKOBA MAMI AGNES	370708 0186 080
3	NHLAPHO KHEHLA JIM	751023 5613 081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 15 (Remaining Extent) of the farm Rietkuil No.397 Registration Division I.S	Lekwa Local Municipality (Gert Sibande)	T7839/1974	W & F Lyons Pty Ltd	K3025/1979RM K4432/1999RM

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**



MR S THOKA

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION

DULY AUTHORISED

DATE: 15/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1597

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET; PIET RETIEF 2380

BOSHOEK NO 442 JT

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	MASEKO FANIPELA SAMSON	
2	MASEKO MFANASIBILI	631114 55564 089

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
442JT	PTN 1 BOSHOEK	GERT SIBANDE ALBERT LUTHULI	TT10309/924	CLERCQ ELIZABETH	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoke

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1598

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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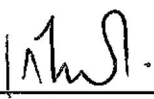
The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Mhlongo Tshingo Petros	4802055188085

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
288IT	PTN 12 ZWARTWATER	GERT SIBANDE LEKWA	T31873/951	MERWE HENDRIK JACOBUS	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**
SIGNED BY: S. Thopa
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1599

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET; PIET RETIEF 2380

BUSHMANSPRUIT NO 307IT

SCHEDULE

Applicants:


No.	Name and Surname	Identity Number
1	THWALA DUMA FIOS	
2	NGWENYA MGFANE SAMUEL	540317 5406 082
3	NZIMANDE THEMBA PHILLIP	740606 6503 089
4	MOFOKENG ALFRED GIJIMANI	770612 6227 086
5	MNISI NTOMBE MARTHA	480114 0293 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
307 IT	PTN 0 BUSHMANSPRUIT	GERT SIBANDE MSUKALIGWA	T1199/1885	TIENIE HATTINGH TRUST	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY:


DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1600

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X5020, Piet Retief, 2380; or 91 Church Street, Piet Retief

File Reference: ET6/5/SHL

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	SEKHOTO MGABAYI EZEKIEL	660606 5864 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	FRAM SPAN DE KROON NO 29 HS	LEKWA	T/6674/1995	BOTHA JOHAN DEWALD	N/A


MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 29/10/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1601

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET ;PIET RETIEF 2380

MPISIKAZI CPA :CPA/07/1004/A

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	Mshayise Mbulaleni Amos	4608155299080
2	Sikhosane Abednick Ndiza	5111035556083
3	Motha Veli Sunnboy	
4	Motha Thoko Anna	6308160589088
5	Ngwenyama Amos	5507285458088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	MAVIRIESTAD 321	GERT SIBANDE	21946/2001	Masihlanganeni Madlangeni CPA	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: SEBITSO THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / ~~LABOUR TENANTS~~

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1602

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MASONDO MPHIKELELI THOMAS	
2	MAGANGANE MABHUSI ALFRED	4509175247085
3	MAGANGANE NYONI ZABULON	5706195493082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
510IS	PTN 1 PLATBERG	GERT SIBANDE SEME MUNICIPALITY	T3565/1914	LOTZ FRANCOIS DANIEL	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1603

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street ;
Private Bag X5020
Piet Retief 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MNDAWE TOKISI PETROS	440335387084
2		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
6	PTN 8ROODEPOORT	ALBERT LUTHULI	T55737/1991	FISCHER DON	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: 

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1604

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MAKEBENGA REGINALD VELI	
2	DHLUDHLU MESHACK MUZI	700206 5607 086
3	MOTHA MBHOJA ISSAC	620527 5514 080
4	HLOPHE MZUZU ZEPHANI	720809 5744 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
182IT	PTN 2 GOEDEHOOP	GERT SIBANDE ALBERT LUTHULI	T6158/919	TONY MASON TRUST	

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: 

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1605

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	FANYANA MPHIKELELI ZULU	5105265433088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
270IT	PTN ROODEWAL	GERT SIBANDE MSUKALIGWA LOCAL MUNICIPALITY	T5920/910	CELLIERS JACOB ZACHARIA	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**
SIGNED BY: S. Goka
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1606

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	NGWENYA GIDEN JOSEPH	
2	MADELA MAPHUMZANA BATINUS	690807 5295 087
3	NGWENYA ELLIOT ESAU	500210 5339 080

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
62HS	PTN 2;5,&8 OUHOUTKRAAL	GERT SIBANDE SEME	T8092/1935	KRIEK FILIPPUS JACOBUS	

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1607

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to: **The Deputy Director: Tenure Systems Implementation, 23 Corner Henshall & Brander Streets, Nelspruit. File Reference: ET6/5/L12066**

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	MKHABELA JACOB MOTHUPI	420911 5248 08 3
2.	MABASA JOHANNES MANTJIE	450825 5493 08 0
3.	NGWENYA WILLY MATLALE	470513 5422 08 7
4.	MATHEBULA WLLIAM	470730 5234 08 6
5.	NKOSI MABUNZIBUNDZI DANIEL	520825 5413 08 4
6.	MAMPURU LAURENCE MOSES	590125 5682 08 4

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 16 OF FARM KLIPSPRUIT 89, REGISTRATION DIVISION J.T, MPUMALANGA PROVINCE..	ENHLANZENI	T136250/2006	M.M NKOSI TRUST	

SIGNED BY:  DEPUTY DIRECTOR: LABOUR TENANTS, DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1608

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X5020, Piet Retief, 2380; or 91 Church Street, Piet Retief

File Reference: ET6/5/SHL

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	NKAMBULE JABHI ABRAM	710502 5390 089
2.	MYENI MKHALELWA THOMAS	390901 5154 080

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	PORTION REMAINING EXTENT OF THE FRAM EBENHEAZER NO 20 HS	EASTERN VAAL MSS	T/104405/1998	BHAGALIA SHEHNAAZ CAJEE	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION
DATE: 29/10/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1609

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	NKOSI JOSEPH SAMUEL	

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
76IT	PTN2 BELLEVUE	GERT SIBANDE MSUKALIGWA	G264/20	ROUXTJIE LE ROUX TRUST	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1610

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	DLAMINI MKHIPHENI ELIAS	

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
33HT	PTN 0 FARM EDELSTEEN	GERT SIBANDE SEME	DB91/22	KERNEELS GRETILING TRUST	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1611

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	SIBAYA MIKI SHRARACK	
2	KUBEKA KATRINA GETRUDE	460718 0364 084
3	THABETHA THEMBA AMON	720506 5374 082
4	MOHOKOA MIELIES PETER	340213 5183 080
5	NGWENYA BAFANA ISAAC	681220 5610 084
6	VILAKAZI MAFIKA PAULOOS	630830 5639 081
7	MAHLANGU HENRY KHAKHI	740104 6133081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
579 IR	PTN 5 GROOTVLEY	GERT SIBANDE DIPALISENG	T8671/906	LEIGHGOR	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1612

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
GERT SIBANDE REGINAL SHARED SERVICE CENTRE;
DIRECTORATE: TENURE REFORM IMPLEMENTATION; Private Bag X5020, Piet Retief,
2380; 91 Church Street, Piet Retief; Tel: 017 826 4363; Fax 017 826 4878; Web:
www.drdlr.gov.za
File Reference: ET6/5/SH L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Ndleleni Mthethwa	No id
2	Busisiwe Winny Mthembu	510211 0375 085
3	Juliet Sdudla Phakathi	590616 1089 084
4	Piet Boy Mndebele	370411 5206 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 5 of the farm DE VEREENIGING No 448 IS	MSUKALIGWA LOCAL MUNICIPALITY	T79695/2001	BARNARD MYBURGH TRUST	N/A


 For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka
 DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
 DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**NO. 1613****13 DECEMBER 2019****LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

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Department of Rural Development and Land Reform
GERT SIBANDE REGIONAL SHARED SERVICE CENTRE;
DIRECTORATE: TENURE REFORM IMPLEMENTATION; Private Bag X5020, Piet Retief,
2380; 91 Church Street, Piet Retief; Tel: 017 826 4363; Fax 017 826 4878; Web:
www.drdir.gov.za
File Reference: ET6/5/SH L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Gumbi Ntombizodwa Jessie	620625 0488 084
2	Cathrine Maria Mkhwanazi	620408 0064 084
3	Bhasa Lucas Mahlaba	570411 5544 084

GOVERNMENT NOTICE**Property:**

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 0 (RE) of the farm GROOTPAN No 592 IR	DIPALISENG LOCAL MUNICIPALITY	T35991/1984	MOOLMAN HERMANUS JOHANNES	N/A
2	Portion 1 of the farm GROOTPAN No 592 IR	DIPALISENG LOCAL MUNICIPALITY	T35991/1984	MOOLMAN HERMANUS JOHANNES	N/A
3	Portion 5 of the farm GROOTPAN No 592 IR	DIPALISENG LOCAL MUNICIPALITY	T35991/1984	MOOLMAN HERMANUS JOHANNES	N/A

12
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Tholca
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1614

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

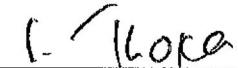
SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	DHLAMINI NJAMBO ZEPHANIAH	
2	KUMALO MAKIA AARON	731203 5390 089
3	MASHININI MACALENI TIMOTHY	490615 5691 086
4	MAKHUBO POPANA LAXMAN	491019 5604 083

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
629IR	PTN0 OTTERSKUILEN	GERT SIBANDE LEKWA	DB120/19	RENSBURG CASPARUS JANSE VAN	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: 

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1615

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
GERT SIBANDE REGIONAL SHARED SERVICE CENTRE;
DIRECTORATE: TENURE REFORM IMPLEMENTATION; Private Bag X5020, Piet Retief,
2380; 91 Church Street, Piet Retief; Tel: 017 826 4363; Fax 017 826 4878; Web:
www.drdlr.gov.za
File Reference: SHR6/5/SHR/11936 L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Jabulani Devide Shabangu	No id
2	James Nhlapho	770330 5615 082
3	Mdoyisile Stanford Madotyeni	410115 5449 087
4	Ntshenyedzeni Piet Rambau	620712 5160 080
5	William Mhlanga	511004 5201 086

6	Themba Nkosi	740524 5764 083
7	Mbalekelwa Alfred Vilakazi	481107 5359 089
8	Nhlanhla Elias Madlala	700505 7096 085
9	Joseph Skhubabeni Nkosi	551108 5529 080
10	Msindo Simon Nsibande	521207 5409 082
11	Gonyane Aaron Thomo	370714 5190 085
12	Vusi Patrick Mbokane	690330 5571 084
13	Mangothobani Felani Vilakazi	570929 5757 083
14	Amon Mcalelwa Mbuyisa	671225 5589 081
15	Ntuli Gidion Madlala	600207 5607 085
16	Macaleni Andrius Nhlapho	570402 5419 088
17	Piet Ben Bahula	270828 5151 086
18	Vusumuzi Eselomo Hlophe	741211 5447 088
19	Solomon Beji Shabangu	670310 6107 082
20	Nana Tryphina Maseko	590223 0677 082
21	Nyovu Jockonia Madlala	620326 5629 083
22	Mfanimpela Moses Madlala	660501 5492 085

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)

1	Portion 3 of the farm JAN HENDRIKSFONTEIN No 263 IT	MSUKALIGWA LOCAL MUNICIPALITY	T41997/1990	VOS JOHANNES	N/A
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For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**NO. 1616****13 DECEMBER 2019****LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
GERT SIBANDE REGIONAL SHARED SERVICE CENTRE;
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www.drdir.gov.za
File Reference: ET6/5/SH L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Mandla Lucas Shabalala	790601 5295 083
2	Mphikeli Jothan Mahlangu	510903 5419 088
3	Muntu Amos Tshabalala	620607 5397 080
4	Mfika Simon Zikalala	600717 5309 086

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 4 of the farm VILLIERSSCHRIK No 338 IS	LEKWA LOCAL MUNICIPALITY	T11807/1985	ZWARTS JAN HENDRICK & ZWARTS BEATRICE BARBARA	N/A


 For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka
 DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
 DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1617

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
GERT SIBANDE REGINAL SHARED SERVICE CENTRE;
DIRECTORATE: TENURE REFORM IMPLEMENTATION; Private Bag X5020, Piet Retief,
2380; 91 Church Street, Piet Retief; Tel: 017 826 4363; Fax 017 826 4878; Web:
www.drdlr.gov.za
File Reference: ET6/5/SH 12334 L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Panya Abednigo Tembe	490616 5238 084

GOVERNMENT NOTICE**Property:**

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 8 of the FARM VOLGELFONTEIN	MSUKALIGWA LOCAL MUNICIPALITY	T154084/2000	MKWEBANE ABNON	N/A


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1618

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo

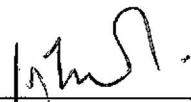
File Reference: ET6/5/SH L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Dhlamini Njambo Zephaniah	140810 5152 080
2.	Kumalo Mafika Aaron	731203 5390 089
3.	Makhubo Popana Laxman	491019 5604 083
4.	Mashinini Macaleni Timothy	490615 5691 086

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portions 0(RE) of the farm Otterskuilen 629 IR	Gert Sibande	T4995/1955	Rensburg Casparus Janse Van	N/A


MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 14/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1619

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo

File Reference: SHR6/5/SHR/12093 L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Dladla Khethi Joko	530902 5265 083
2.	Dladla Thambo Anget	170814 5070 089
3.	Dladla Swelanto Enoch	460219 5259 089
4.	Dladla Isaac	540614 5334 086

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portions 0(RE) & 4 of the farm De Emigratie 327 IT	Gert Sibande	T11288/2015	Johannes Rudolph Buhrman	N/A



MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 14/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1620

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform

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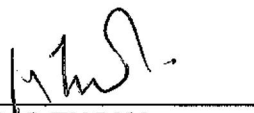
File Reference: ET6/5/SH 12170 L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Nhlapho Martha Thembi	350910 0470 084
2.	Nhlapho Teens Mfo	590112 5352 082
3.	Nhlapho Johannes Skoot	630826 5389 081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portions 0 of the farm Kafferskuilen 349 IR	Gert Sibande	T147503/1998	Erasmus Casper Jan Hendrik	N/A



MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 14/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1621

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo

File Reference: ET/5/SH L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Dube Sonto Roselina	481102 0421 083
2.	Motau Thembele Catharina	660823 0627 089
3.	Ndlela Mcoshwa Solomon	620727 5502 081
4.	Shongwe Bessie Nyanisile	740210 0603 084
5.	Nkosi Keke Absalom	460904 5338 088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	The Brook farm 196 IT	Gert Sibande	T127464/2007	York Timbers Pty Ltd	N/A


MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 14/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1622

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo


File Reference: ET6/5/SH

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Ntuli Mbatshwa Petrus	321212 5170 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portions 1 & 2 of the farm Willemsdal 330 IT	Gert Sibande	T11879/1997	Steenkamp Carel Gert	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION
DATE: 14/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1623

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo

File Reference: MPU/PR/8/755

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Dlamini Mkhapheni Elias	490903 5495 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portions 0(RE) of the farm Edelsteen 33 HT	Gert Sibande	T945/2012	Steenkamp Carel Gert	N/A


MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 14/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1624

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street
Private bag X 5020, Piet Retief 2380

File Reference: ET6/5/SH L

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Sebeloane Joseph	460805 5192 088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
586 IR	Portion 10 of the farm Oudehoutspruit	Lekwa	T9668/939	Dick Kerkslake family trust	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DATE: 14/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1625

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform
91 Church Street
Private bag X 5020, Piet Retief 2380

File Reference: ET6/5/SH L

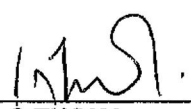
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	MOLOI METSING JACOB	360816 5272 086
2.	MAZIBUKO NOMHLOLO EVELYN	180526 0136 081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
591 IR	Portion 0 (Remaining extent), 3 & 9 of the farm Grootpan	Dipaleseng	T9770/951	Dick Kerslake Family Trust	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DATE: 14/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1626

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church street
Private bag X 5020, Piet Retief 2380

File Reference: ET6/5/SH L

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	MNDEBELE SIGOJANS OBED	
2.	NKOSI DHLALAMBI JOHANNES	420623 5235 081
3.	MNDEBELE MKHULUNYELWA RICHARD	531015 5383 084
4.	SHONGWE SILUANE LUKE	570624 5479 081
5.	NKONDE GABRIEL SAY	630415 5943 087
6.	SIMELANE THANDI TRYPHINA	580416 1059 084
7.	SIBANYONI ENOCK ZAKHELE	660712 5305 082
8.	NKOSI VELI AMOS	710113 5837 085

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
271 IT	Portion 4 of the farm blaauwkop	Dipaleseng	T6676/909	Randells Ranch PTY LTD	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DATE: 14/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1627

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878


SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	HLATSHWAYO MBANDLENI SAMUEL	510716 5644 087

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 2 (Remaining Extent) of the farm Normandie No.178 Registration Division H.T	Mkhondo Local Municipality (Gert Sibande)	T3126/2004	Wolfgang Bohmer Familie Trust	ABSA Bank Ltd - B2720/2004 - B8338/2013

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**


MR S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DULY AUTHORISED
DATE: 13/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1628

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878


SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MZIBINI PAULUS DHLADHLA	480120 5378 083

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 4 of the farm Smitsfield No.130 Registration Division I.T	Msukaligwa Local Municipality (Gert Sibande)	T26382/1997	Wiek Cloete Trust	K166/1969RM

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**


MR S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS AND IMPLEMENTATION
DULY AUTHORISED
DATE: 15/12/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1629

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	NKOSI GORANZI ALFRED	480901 5221 088
2	DLHUDLHU NHISA JOHANNES	300315 5182 088
3	MASEKO MAKIVANE JONAH	531022 5259 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 3 and Portion 7 of the farm De Hoop No.402 Registration Division I.T	Lekwa Local Municipality (Gert Sibande)	T19193/1989	Naude Johannes Erikus	First Rand Bank Ltd - B100816/2002 - B6244/2011 - B95932/2003

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**



MR S THOKA

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION

DULY AUTHORISED

DATE: 15/4/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1630

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	VILAKAZI SONNYBOY ELIJAH	830204 5343 086
2	VILAKAZI KGOSENI HARRY	760421 5306 087
3	HLOPHE PAUL MBULAWA	470701 5674 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 0 (Remaining Extent) and Portion 17 of the farm Halfgewonnen No.190 Registration Division I.S	Govan Mbeki Local Municipality (Gert Sibande)	T14700/2014	Overlooked Colliery Pty Ltd	Industrial Development Corp of South Africa Ltd - B1722/2017

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**



MR S THOKA

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION

DULY AUTHORISED

DATE: 15/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1631

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X 11305
Nelspruit
1200
17 Van Rensburg Street, Bateleur Building Block E
013 754 8000 (Fax) 013-755 2820

File Reference:

SCHEDULE

Applicants:

No.	NAME AND SURNAME	ID NUMBER
1.	Nkambule Doli Hendrik	4402085370082
2.	Zulu Osie Maria	5608170290089

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portion 4 of the farm De Goode Hoop 532, J.T	Mbombela Local Municipality	T8581/1924	Mawubuye Umhlaba Wethu	



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: J.E. Motoring

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION, DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1632

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X5020, Piet Retief, 2380; or 91 Church Street, Piet Retief


File Reference: ET6/5/SHL

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	TSHABALALA SIFO MESHACK	580823 5564 086
2.	TSOTETSI RALIPEKE FANYANA	390901 5154 080
3.	NKUTA SIPHIWE WILLIAM	691227 5335 081
4.	NHLAPHO PAMPOEN	501014 5691 081
5.	MTHABELA JUBERT PIET	630328 5306 082
6.	RADEBE THABISO FANYANA	340313 5106 089
7.	SIBEKO ALBERT MPENDULO	461015 5258 082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	PORTION 8 OF THE FRAM RONDEVAL NO 403 IS	LEKWA	T13668/2011	RENSBURG CASPRUS JANSE VAN	N/A

**MR. S THOKA****DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION****DATE:** 29/10/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1633

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street;
Private Bag X5020
Piet Retief 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	MOTLOUNG MOHLOPHENI DANIEL	6310025708089
2	MOLOI LETELA LUCAS	5408175772086
3	KUBEKA ANDRIES	2408205153086
4	FAKUDE SIPHIWE STEPHEN	7105225267087

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
17HS	PTN17GOEDGENOEG	LEKWA	T6813/945	TONDER LYNETEN KAREN VAN	


For **DIRECTOR –GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: 

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1634

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X9081, Ermelo, 2350; or 23 Taute Street, Ermelo

File Reference: ET6/5/SH

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	Davi Oupa Moloi	520804 5470 089
2.	Duma Absalom Dhladhla	650710 5311 086
3.	Jeremia Mndebele	630112 5630 083
4.	Solom Mvelase	720227 5444 086
5.	Solly Fred Moloi	460720 5292 087
6.	Mdayi Elias Mbuli	390110 5325 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	Portion 3 of the farm Schuilplaats 511 IS	Pixkey Ka Seme	T6859/1975	Jacobus De Jager	N/A


MR. S THOKA

DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION

DATE: 07/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1635

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
23 corner Henshall & Brander street, Home affairs Building 4th Floor
Nelspruit 1200. Tel: 0137522064; Fax: 013752820
File Reference: ET6/5ET 1247L

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	MAREDI AARON KUTU	570131 5298 089
2.	JOHN MKATUDI MNGUNI	610503 5488 080
3.	DAVID LETSWALO	450531 5285 084
4.	SIRUTHU P KUTU	531222 5230 089
5.	JOHN MAKUNYANA	500722 5281 088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions
	Portion of the farm 14Goedehoop 142 JT. Mpumalanga Province	Ehlanzeni	T1723/1964	NICOLUS JACOBUS NEL	n/a


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: T.B. Motaung.
DEPUTY DIRECTOR: LABOUR TENANTS
DULY AUTHORISE

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1636

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street;
Private Bag X5020
Piet Retief 2380

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	ZULU JOHAN MAPEMBA	6202205868082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
480	PTN4 HOLLANDIA	GERT SIBANDE (LEKWA)	T2430696	ASWEGEN BARBARA JACOB	

[Signature]
For DIRECTOR –GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *[Signature]*

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1637

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street ;
Private Bag X5020
Piet Retief 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	HLABATHI MKHATHALI ALFRED	
2		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
68	PTN4 PALMIETSPRUIT	SEME LOCAL MUNICIPALITY	T4955/2015	MERWE CORNELUIS JOHANNES	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1638

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	DLADLA BAFANABODWA MOSES	6610205460082

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
53IT	PTN16 WITKRANZ	GERT SIBANDE ALBERT LUTHULI	T26454/1971	NEL STEPHANS JACOBUS	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoka

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1639

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE


Applicants:

No.	Name and Surname	Identity Number
1	NKONYANE AARON MHLANGWANE	
2	NKOMO NOMACALA REBECCA	3406290213087

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
199IT	PTN 1&2 ISSABELLADALE	GERT SIBANDE MSUKALIGWA	T32861/1944	T W K INV LTD	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: 

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1640

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General: Department of Rural Development and Land Reform c/o Deputy Director: Tenure Systems Implementation Ehlazeni District Office
4th Floor, Home Affairs Building 23 Corner Henshall & Brander Street Nelspruit 1200

File Reference:


SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	SKOSANA BUSANE HENDRICK	411001 5267 084
2.	MADALANE MAHLALELA AARON	420226 5387 082
3.	MADALANE SARAH	520306 0837 080
4.	SEKELE REGESE ROSINA	560550 0271 086
5.	MADALANE ANNAH JOHANNAH	570221 0331 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 23 OF LUNSKLIP FARM 105 REGISTRATION DIVISION J.T, MPUMALANGA PROVINCE, MPUMALANGA PROVINCE.	EHLANZENI CITY OF MBOMBELA	T31553/1977	SANTA ESTATE PTY LTD	

SIGNED BY: 
DEPUTY DIRECTOR: LABOUR TENANTS
DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1641

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General: Department of Rural Development and Land Reform c/o Deputy Director: Tenure Systems Implementation Ehlanzeni District Office 4th Floor, Home Affairs Building 23 Corner Henshall & Brander Street Nelspruit 1200

File Reference: ET6/5/L / 12424L

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	NTSWANE MARTHA	6902230276085
2.	MNGUNI LIDUKA MANEL	4404105179089
3.	MAKUNYANE TOPISI KLAAS	1406075095081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 3 OF WATERVAL FARM 120, REGISTRATION DIVISION J.T, MPUMALANGA PROVINCE, MPUMALANGA PROVINCE.	EHLANZENI CITY OF MBOMBELA	T47654/2006	LUNSKLIP BELEGGINGS PTY LTD	

SIGNED BY: 
 DEPUTY DIRECTOR: LABOUR TENANTS
 DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1642

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform

Private Bag X5020, Piet Retief, 2380; or 91 Church Street, Piet Retief

File Reference: SHR6/5SHR/11887/L

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	VILAKAZI VUSUMUZI SIMON	580131 5451 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
	PORTION 2 OF THE FRAM RIETVLEI NO 433 IS	MSUKALIGWA	T7597/1950	EKSTEEN HENDRIETTE OOSTENDE	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE REFORM IMPLEMENTATION
DATE: 29/10/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1643

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street;
Private Bag X5020
Piet Retief 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	SHONGWE BEDNOG DAVID	
2	SOKO MAGWABO ENOCK	6610255381089

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
168IS	PTN13 HELPMAKAAR	ALBERT LUTHULI MUNICIPALITY	T19989/1961	P W STEINBERG TRUST	


For **DIRECTOR –GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoko

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1644

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 Church Street;
Private Bag X5020
Piet Retief 2380

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	SAMUEL SOLOMON	6705065344085

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
170	PTN11 LANGGEWACHT	MKHONDO	T3378/915	KRH TRUST	



For **DIRECTOR –GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: S. Thoker

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1645

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Rural Development and Land Reform

SCHEDULE**Applicants:**

NO	NANE AND SURNAME	ID NUMBER
1.	SAMSON DELISA SKOSANA	740316 5295 089,
2.	MBULAWA JOHN SKOSANA	491211 5438 089,
3.	DANIEL MTHOMBENI	481017 5410 081,
4.	JOHN PETROS MTHOMBENI	570701 5623 080,
5.	HLAKWENI JOHANNES MAHLANGU	5303185491084,
6.	ASAIA MTHOMBENI	470101540487

Property:

NO.	PROPERTY DESCRIPTION	LOCALITY (DISTRICT)	CURRENT TITLE DEED NO	CURRENT OWNER	BONDS AND RESTRICTIVE CONDITIONS (INTERDICTS)
1	Portion 7 Of The Farm Bultfontein 187 JS	Nkangala	T14247/2010	Beestepan Boerdery Pty Ltd	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: *Hani Nematandeni*

DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1646

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Rural Development and Land Reform


SCHEDULE

Applicants:

NO.	NAME AND SURNAME	IDENTITY NUMBER
1.	LOZY MATHEWS ZWANE	600130 5418 081
2.	FANYANA WILLEM DLAMINI	361208 5190 089
3.	SIMAMELA MABIA MNGQOSINI	270110 0287 086
4.	NTWANYANA DANIEL GULE	510828 5360 083

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	PORTION 2 OF THE FARM HARTEBEEKSKUIL, NO. 185, REGISTRATION DIVISION: IS	Nkangala	T21193/1996	DIRK WOUNDENBERG TRUST	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
SIGNED BY: Hani Nematondani
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1647

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET
PRIVATE BAG X 5020; PIET RETIEF 2380

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	NZIMA BESULELO CHRISTINA	
2	NDLANGAMANDLA BOY MICA	531009 5203 087
3	FAKUDE HENNIE HENRY	260415 5164 095

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
315IT	PTN 1FARM KIEL	GERT SIBANDE	T7320/994	TRANSNET LTD	


For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**
SIGNED BY: S. Thoka
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1648

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878

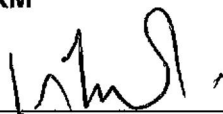
SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	KHANYE NHLETHE ANDRIES	360822 5196 085
2	MOFOKENG MNYAKENI ANDRIES	410109 5168 086
3	TSOTETSI DANIEL FREDDY	470407 5667 082
4	CINDI ZAKWELE DAVID	561018 5407 088

Property:

No	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Property Description Portion 2 of the farm Rietkuil No.397 Registration Division I.S	Lekwa Local Municipality (Gert Sibande)	T137876/2001	Basson Wynand	Land & Agricultural Development Bank of South Africa - B2193/2019 - B597/2011 Anglo Operations Pty Ltd - K4432/1999RM K315/1980RM

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**



MR S THOKA

DEPUTY DIRECTOR: TENURE SYSTEMS AND IMPLEMENTATION

DULY AUTHORISED

DATE: 15/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1649

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property as set out in the Schedule.

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The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Private Bag X5020, Piet Retief, 2380; 91 Church Street
Tel: 017 826 4363; Fax: 017 826 4878

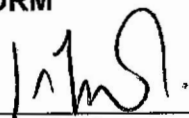
SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	NDLANGAMANDLA JABULANE MESHACK	620513 5891 082
2	TSOTETSI YANETSI ABRAM	490626 5561 088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 2 of the farm Rietkuil No.397 Registration Division I.S	Lekwa Local Municipality (Gert Sibande)	T137876/2001	Basson Wynand	Land & Agricultural Development Bank of South Africa - B2193/2019 - B597/2011 Anglo Operations Pty Ltd - K4432/1999RM K315/1980RM

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**



MR S THOKA

DEPUTY DIRECTOR: TENURE SYSTEMS AND IMPLEMENTATION

DULY AUTHORISED

DATE: 15/11/2019

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1650

13 DECEMBER 2019

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
91 CHURCH STREET ;PIET RETIEF 2380

FARM BRANDSRUIT FARM 318 IS**SCHEDULE****Applicants:**

No.	Name and Surname	Identity Number
1	MOTSHWENE MANIGELELO	
2		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
318IT	PTN2 BRANSRUIT	GERT SIBANDE GOVAN MBEKI	T3941/1960	VISSER GERHARD	

[Signature]
For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *S. Thope*

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE 647 OF 2019

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM088Aug19	Old Mutual Life Assurance Company (SA) Ltd	African Infrastructure Investment Fund	06/11/2019	Approved
LM096Sep19	Carlyle SMD Investment Mauritius holding company	SMD Technologies (Pty) Ltd	06/11/2019	Approved
LM107Sep19	Enyuka Prop Holdings (Pty) Ltd	Redefine Properties Ltd	06/11/2019	Approved
LM114Oct19	Roos Holdings (Pty) Ltd	Roosenekal Foods Investments Holdings (Pty) Ltd	06/11/2019	Approved
LM055Jun19	CFAO Holdings South Africa (Pty) Ltd	Unitrans Motor Holdings (Pty) Ltd	14/11/2019	Approved
LM109Sep19	Momentum Metropolitan Strategic Investments (Pty) Ltd	The Short Term Insurance Business of Alexander Forbes	14/11/2019	Approved
LM115Oct19	Vector Logistics (Pty) Ltd	CPG Cold Storage	14/11/2019	Approved
LM127Oct19	Ivestec Asset Management Holdings (Pty) Ltd and Ivestec Asset Management Ltd	Ivestec Asset Management SA Group Ltd and Ivestec Asset Management UK Group	27/11/2019	Approved

The Chairperson
Competition Tribunal

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE 648 OF 2019

COMPETITION TRIBUNAL

NOTIFICATION OF COMPLAINT REFERRAL

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the complaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CR134Nov19	Competition Commission	KAP Diversified Industrial (Pty) Ltd; Steinhoff International Holdings (Pty) Ltd; Sonae Arauco South Africa (Pty) Ltd	12/11/2019	4(1)(b)(i)

The Chairperson
Competition Tribunal

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 649 OF 2019



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion.

Private Bag X10, Highveld Park 0169

Telephone number: (012) 568 3000/1

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005) AS AMENDED

**APPLICATION FOR AMENDMENT OF RADIO FREQUENCY SPECTRUM LICENCE BY
CENTRAL MEDIA GROUP (PTY) LTD ("OFM")**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received an application from Central Media Group (PTY) LTD ("the Applicant") also known as OFM, for the amendment of its Radio Frequency Spectrum (RFS) Licence.
2. The Applicant seeks to amend its radio frequency spectrum licence within its licensed service area of Free State by adding a transmitter in Harrismith as per table 1.

Table 1: Proposed Technical Amendments

Parameter	Proposed Technical Specifications
Site	Harrismith
Coordinates	28S 16 13; 29E12 47
Frequency	107.2 MHz
Mid Antenna Height	100 m
Maximum ERP	10 kW

3. The application is lodged in terms of the provision of section 31(4) of the Electronic Communications Act, No. 36 of 2005 (ECA) read with procedures set out in Regulation 9 of the Authority's Radio Frequency Spectrum Regulations, Notice 279 of 2015 as published in Government Gazette No. 38641 as amended by Government Gazettes No.: 38754 of 2015 and 40436 of 2016 (RFSR2015).
4. Interested persons are invited to submit written representations in relation to the application within fourteen (14) working days from the date of the publication of this notice in the Government Gazette.
5. Any persons who make representations must indicate whether they require an opportunity to make oral representations in the event that the Authority decides to hold public hearings
6. All written representations must be directed to Mr. Khomotso Motsepe in the Licensing Broadcasting and Frequency Coordination Division, at Block B, Eco Point Office Park, 350 Witch-Hazel Avenue, Eco Park, Centurion OR Private Bag X10, Highveld Park 0169 OR by e-mail: kmotsepe@icasa.org.za.
7. All written representations submitted to the Authority in response to this notice shall be made available for inspection by interested persons at the ICASA Library or website and copies of such representations and documents will be obtainable on payment of a fee.
8. Persons who lodge representations in terms hereof, shall at the time of submission, furnish the Authority with proof that a copy of the representation has been delivered by hand OR registered post to Mr. Nick Efstathiou at Central Media Park, 7 Christo Groenewald Street, Pentagon Park, Bloemfontein, 9301 OR by email to: nick@centralmediagroup.co.za.
9. The Applicant shall be entitled to respond in writing to written representations made by interested persons on the amendment application, and such written response must be lodged with the Authority within twenty-one (21) days of the date of publication of this notice in the Government Gazette.
10. The Applicant must, at the time of lodging such written response, furnish proof to the Authority's satisfaction that it has delivered a copy of such response by hand

OR has sent a copy of such response by registered mail OR has sent a copy of such response by email to the relevant person(s) having made such written representations.



KEABETSWE MODIMOENG
ACTING CHAIRPERSON

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 650 OF 2019



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion

REVIEW OF THE ICASA MUST CARRY REGULATIONS, 2008
DISCUSSION DOCUMENT

INVITATION FOR WRITTEN REPRESENTATIONS

In terms of Section 4B of the Independent Communications Authority of South Africa Act (Act No 13 of 2000), the Authority hereby conducts an Inquiry regarding the effectiveness of the Must Carry Regulations, 2008 ("the Regulations") and whether there is a need to amend them.

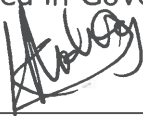
Interested persons are hereby invited to submit their written representations on the Discussion Document, which will also be made available on the Authority's website at <http://www.icasa.org.za> and in the Authority's Library at 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion, (Ground Floor at Block B), between 09h00 and 16h00, Monday to Friday.

The representation must be submitted to the Authority by no later than 06 March 2020 by post, hand delivery or electronically (in Microsoft Word) and marked specifically for attention: Mamedupe Kgatshe. Delivery address: 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion, (Ground Floor at Block B). Where possible, written representations should also be e-mailed to mkgatshe@icasa.org.za and MustCarryRegulationsCouncilCommittee@icasa.org.za. Enquiries should be

directed to mkgatshe@icasa.org.za or 012 568 3259; between 10h00 and 16h00, Monday to Friday.

Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library and such copies will be obtainable upon payment of the prescribed fee.

At the request of any person who submits written representations pursuant to this notice, the Authority may determine that such representations or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be given an opportunity to withdraw such representations. Persons requesting confidentiality are urged to acquaint themselves with the Guidelines for Confidentiality Request published in Government Gazette No. 41839 (Notice No. 849) of 17 August 2018.



DR KEABETSWWE MODIMOENG

ACTING CHAIRPERSON

DATE: 04 December 2019



REVIEW OF THE ICASA MUST CARRY REGULATIONS, 2008

DISCUSSION DOCUMENT

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1. INTRODUCTION AND BACKGROUND

The Independent Communications Authority of South Africa (hereinafter referred to as "ICASA" or "the Authority") derives its mandate to regulate the South African broadcasting sector from the Constitution of the Republic of South Africa, 1996¹ ("the Constitution"), the Independent Communications Authority of South Africa Act, 2002 (Act No. 13 of 2000)², as amended ("the ICASA Act"), the Electronic Communications Act, 2005 (Act No. 36 of 2005)³, as amended ("the ECA") and the Broadcasting Act, 1999 (Act No. 4. of 1999)⁴, as amended ("the Broadcasting Act"). In line with the provisions of section 4B(1) (a) to (e) of the ICASA Act, the Authority is undertaking an inquiry regarding the review of the ICASA Must Carry Regulations, 2008⁵ ("the Regulations").

On 25 September 2018, the Authority conducted a Regulatory Impact Assessment (RIA) to determine whether or not the Regulations have fulfilled the intended objectives. In March 2019, the Authority published a *RIA report* on the Regulations which concluded that:

- (a) The Authority cannot make a conclusive finding at this stage on whether the resultant implementation of the Regulations on costs carried by the Public Broadcasting Service (PBS) and Subscription Broadcasting Service (SBS) licensees warrant that the Regulations be amended. However, the figures provided by Multichoice on costs incurred (although one-sided) are indicative of a need to probe the matter further through an Inquiry.

¹ See section 192 of the Constitution which states that national legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.

² See section 2 (a) of the ICASA Act which states that the object of the ICASA Act is to establish an independent authority which is to regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution.

³ See section 2 of the ECA.

⁴ See section 2 of the Broadcasting Act.

⁵ ICASA, 2008, Must Carry Regulations published in Government Gazette no.31500 of 10 October 2008

- (b) The Inquiry will enable the Authority to reach a comprehensive and accurate conclusion on the effectiveness of the regulations and consequently whether the Regulations require an amendment.

The Authority believes that the inquiry will allow it to reach a comprehensive and accurate conclusion on the effectiveness of the Regulations and consequently, the extent of the amendment.

1.1 Policy and Legislative Framework Overview

The ECA:

Section 60(3) of the ECA enjoins the Authority to "*... prescribe regulations regarding the extent to which subscription broadcast services must carry, subject to commercially negotiable terms, the television programmes provided by a public broadcast service licensee*".

The Regulations:

The primary objects of the Regulations are to:

- (a) Provide for terms and conditions under which the SBS licensees will carry the programmes of the PBS licensee;
- (b) Determine the transparent, equitable and reasonable terms and conditions under which the PBS licensee may offer its programmes to the SBS licensee;
- (c) Provide exemptions for certain SBS licensees from compliance with the regulations; and
- (d) Regulate all matters incidental to Must Carry.

The Broadcasting Digital Migration Policy of 2008:

The Broadcasting Digital Migration Policy of 2008⁶ states in paragraph 2.3.5 thereof that *"the "must carry" arrangements, which require broadcasting services to carry public broadcasting services, continue in the new digital environment, fulfilling the important aspect of providing public broadcasting services to all citizens."*

1.2 Purpose

The purpose of the Inquiry is to:

- (a) determine the extent to which SBS must carry the tv programmes of the PBS;
- (b) determine whether it is still practical for the PBS Licensee to offer its television programmes, at no cost, to SBS licensees;
- (c) determine whether it is still practical for the SBS licensee to carry television programmes of PBS at no cost;
- (d) determine whether the exemption, as contained in regulation 5 of the Regulations, must continue to apply; and
- (e) determine whether the cost of Must Carry must be left to the PBS and SBS to negotiate, and if so, what are the recommended dispute resolution mechanisms to avoid delays in implementing Must Carry.

1.3 Process

The Authority started the process of reviewing the Regulations by conducting a RIA which was concluded in March 2019. Following the RIA, the Authority conducted desktop research to benchmark the Regulations vis-a-vis Regulations in other countries that have Must Carry obligations.

The Authority is intending to publish a Discussion Document to solicit inputs from stakeholders. The Discussion Document will provide information to the Authority on

⁶ Government gazette 31408 of 08 September 2008

the extent of the amendments necessary to the Regulations and subsequent to that, the Authority will publish the Findings document and possibly a Position paper with draft regulations on Must Carry Obligations in the 2020/21 financial year.

2. INTERNATIONAL BENCHMARKING

The countries which the Authority benchmarked for this process include the European Union, The United Kingdom, Australia, the United States of America, India and Ireland. The broadcasting industry of these countries are considered to be developed and to have advanced broadcasting policies. The information from these countries provide guidance in terms of regulation of Must Carry, including Must carry in a digital broadcasting environment. Like the Authority, the broadcasting industry in the said countries have three (3) tiers, namely public, commercial and community broadcasting.

2.1 EUROPEAN UNION (EU)

The work of the European Commission in 2015 provided an overview of different approaches to Must Carry across Europe. In Europe, most countries prescribe Must Carry rules to comply with Article 31 of the Universal Services Directive⁷ ("US Directive"). Article 31 of the US Directive provides that Must Carry obligations should apply only to "networks that have a significant number of end-users using the service as their main means of accessing television broadcasts"⁸.

There are many reasons provided for the requirement for Must Carry obligations by each European country⁹. In Denmark, the purpose of the rules is to provide access to specific public service broadcasting content, such as the Danish parliamentary television channel and specific services for the visually and hearing-impaired population of Denmark¹⁰. In Finland, it is to transmit services that are in the public

⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 10.

⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 10.

⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 84.

¹⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 101.

interest.¹¹ In Lithuania, the purpose of the Must Carry rules is to ensure the re-broadcasting of all unencoded national terrestrial television programmes of the Lithuanian public service broadcaster on all platforms regardless of the technology used¹².

In Norway, the Must Carry rules are there to ensure the provision of programme services that are in the public interest¹³. In Poland they are there to ensure the transmission of public and specific commercial channels on all platforms, apart from DTT¹⁴. In the Republic of Serbia, Must Carry rules are based on the criteria of public interest and media pluralism¹⁵.

On the other hand, the reason for the Must Carry obligation in Estonia is to guarantee the distribution of particular types of services, such as public service television channels and free digital terrestrial television ("DTT") channels on cable, Internet Protocol television ("IPTV") and DTT networks.¹⁶

In Hungary, Article 73(1) states that the purpose of the Must Carry rules is "to preserve, protect and further develop Hungarian and European culture and the culture of nationalities, support and sustain the languages of nationalities, satisfy the information needs of citizens and facilitate their participation in democratic public affairs and preserve diversity of opinions"¹⁷. In Sweden, it is to provide programme services that offer impartiality and objectivity and to ensure a diversified range of programmes that must include news coverage¹⁸. Furthermore, it is to achieve broad freedom of expression and information to the greatest possible extent. In Germany, article 52b states that the overall purpose of the Must Carry rules is to safeguard the plurality of opinion and variety of offers.

¹¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 110.

¹² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 145.

¹³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 162.

¹⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 165.

¹⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 178.

¹⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 103.

¹⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 126.

¹⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 182.

The purpose of Must Carry rules in Iceland is to guarantee the transmission of Icelandic channels on all platforms, except those classified as teleshopping channels¹⁹.

In Latvia, the purpose of the Must Carry rules is to ensure the re-transmission of public television broadcasting programmes and free-to-air commercial television programmes on cable platforms²⁰. Malta requires this obligation to ensure that television broadcasting networks that are viewed by significant numbers of end-users as their main source of receiving television broadcast reserve part of their network capacity for the re-transmission of television channels qualifying as meeting general interest objectives²¹. While in the Netherlands the requirement is there to maintain a sufficiently varied media offer in standard television packages and to ensure a level playing field between broadcasters²².

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
1. Bosnia and Herzegovina	Yes - Art. 8 and 9 of Rule 56/2011 on Licences for the Distribution of Audio-visual Media Services and Radio Media Services ²³ .	All platforms, except DTT ²⁴ .	Silent on costs for Must Carry.

¹⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 135.

²⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 150.

²¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 154.

²² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 159.

²³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 61.

²⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 61.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
2. Czech Republic	Yes - Article 54(1) of Broadcasting Act of 2001 ²⁵ .	Public service channels and local channels. The four multiplexes in operation are required to carry seven public channels ²⁶ .	
3. Denmark	Yes - Art. 1-4 of the Executive Order on the distribution of television programmes in communal antenna systems ²⁷ .	DTT, cable and IPTV platforms ²⁸ . However, they do not apply to satellite platforms. Channels that are Must Carry are the parliamentary television channel, TV FRA Folketinget and services for the visually and hearing-impaired population ²⁹ .	
4. France	Yes - The Law no. 86-1067 of 30 September 1986	Cable, satellite, ADSL and UPTS networks. Distributers Must	

²⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 79.

²⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 82.

²⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 85 - 86.

²⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 100.

²⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 101.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
	on freedom of communication ³⁰ .	Carry Arte and France Television that are transmitted by analogue terrestrial networks; TV5 channel; Réseau France Outre-Mer that are destined to the metropolitan public; local channels that so request; parliamentary channel and services for disabled people associated with the channels to be carried ³¹ .	
5. Netherlands	Yes. Art. 6.12 to 6.14d of the Media Act 2008 provide for Must Carry rules. ³²	All platforms. Each platform is obliged to include six national channels by the public service broadcasters of the	

³⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 113.

³¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 113 - 114.

³² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 157.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		Netherlands and the Flemish Community of Belgium, as well as the Dutch regional and local public broadcasters. ³³	
6. Slovak Republic	Yes- Section 17 of the Law 308/2000 on Broadcasting and Retransmission ³⁴ .	Cable broadcasting. The types of services that are Must Carry include: ³⁵ 1. the programme services of a public service broadcaster; 2. licensed broadcasters that can be receive free of charge; 3. the programme service of a broadcaster licensed for local digital broadcasting of a television programme	

³³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 159.

³⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 190.

³⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 190 - 191.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		<p>service, for which public capacity was reserved in the local multiplex available at the place of reception pursuant to specific legislation; and</p> <p>4. if such inclusion is not possible, the operator shall be obliged to ensure that the channels in a telecommunication s network or on telecommunication s facility include one channel reserved for local broadcasting free of charge available to the public in the basic programme package³⁶.</p>	
7. Spain	Yes- The Audio-visual law, the Royal Decree	In terms of Art. 14, Must Carry rules apply to distributor	

³⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 190 - 191.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
	920/2006 and Art. 11 of Law 42/1995 of December 22, on Cable ³⁷ .	with more than 30 television channels in its service, at least 30% of the Spanish language channels should be from independent operators not owned by the distributor ³⁸ .	
8. Bulgaria	Yes- Articles 37, 37a and 44 of the Law on Radio and Television ³⁹ .	The channels should be Must Carry on DTT platforms if they: <ul style="list-style-type: none"> 1. have a licence for national coverage for television or radio; 2. distribute their channels over the analogue terrestrial broadcasting system; 3. provide services to at least 50% of the population; and 	Free/No cost

³⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 104.

³⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 106.

³⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 75.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		<p>4. unencoded form.⁴⁰</p> <ul style="list-style-type: none"> The multiplex operator (NURTS Digital EAD) is obliged to distribute channels that fulfil the criteria of section 37 and 37a. First Digital EAD (multiplex operator) is obliged to distribute the public broadcasters (BNT1, BNT2, BNT HD). Article 44 obliges the 	

⁴⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 75.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		<p>cable and satellite service providers to carry the programmes of the public service broadcasters (BNT and BNR)</p> <p>Free to air national coverage channels reaching at least 50% of the population over analogue terrestrial networks are must-carry only on DTT (not on cable and satellite)⁴¹.</p>	
9. Lithuania	Yes. Art. 33 of the Law on Provision of Information to the Public ⁴² .	All unencoded national terrestrial television programmes of the Lithuanian public service broadcaster LRT (e.g. LRT	

⁴¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 76.

⁴² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 144.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		televizija and LRT kultūra) ⁴³ .	
10. Romania	Yes- Art. 82 of Audiovisual Law ⁴⁴ .	Cable broadcasting. The law specifies public and private television channels as Must Carry channels. The regulator develops the list of Must Carry channels based on audience shares ⁴⁵ .	
11. Albania	Yes- The Law no. 97/2013 as well as in the AMA's Decision no. 4, dated 26.03.2014 ⁴⁶ .	Cable only for the carriage of public television and the two (2) main national free to air private channels ⁴⁷ .	
12. Finland	Yes- Section 227 in Chapter 27 of the new Information Society Code ⁴⁸ .	Cable, IPTV, and joint antenna networks within a real estate (DTT). Further, the rules	

⁴³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 145.

⁴⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 173.

⁴⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 174.

⁴⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 53.

⁴⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 53-54.

⁴⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 108.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		apply to broadcasting services licensed for public interest television operations; public service television and radio programmes, which includes all the channels of the Finnish Broadcasting Company YLE that are receivable in the municipality through antenna network ⁴⁹ .	
13. Iceland	Yes- Article 44 of Section VII of the Icelandic Media Law No. 38/2011 ⁵⁰ .	Channels under Icelandic jurisdiction with the exception of teleshopping channels ⁵¹ .	Must Carry cost may be determined by the National Regulator.
14. Portugal	Yes- Electronic Communications Act ⁵² .	Electronic communications networks used for	

⁴⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 110.

⁵⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 135.

⁵¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 136.

⁵² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 169.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		the distribution of radio or television broadcasts where such networks are used by a significant number of end-users as the principal means of receiving radio and television broadcasts. The television services that qualify as Must Carry are: services in original Portuguese language of general contents, with general information contents, or with a scientific, education or cultural nature, taking into account its coverage scope and conditions for access ⁵³ .	

⁵³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 169.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
15. Austria	Yes - Section 20(1) of the Audiovisual Media Services Act - AMD-G ⁵⁴ .	Cable operators are obliged to transmit the ORF radio and television programmes (including ORF Sport + and ORFI III - Culture and Information) ⁵⁵ .	1. Cable operators (with regard to multiplex platforms the principle applies that the distribution of the programmes of the ORF has to be done in exchange for a reasonable fee. 2. For satellite there is no corresponding rule with regard to costs ⁵⁶ .
16. Belgium	Yes- Art. 81, 82, 83 and 87 of the AVMS Decree. Further, Art 185 of Media Act, Art. 186 and Art. 187 ⁵⁷ .	Broadcasting services for French Community, Flemish Community and German-speaking Community. The Must Carry rules apply to cable networks (Art. 82 Of the Act), satellite (Art. 87 of the Act)	1. The Media Act is silent on costs incurred as a result of compulsory transmission of services for the French Community. 2. Section 1 2 ° in Art. 186 of Media Act states that for the Flemish Community, local

⁵⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 55.

⁵⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 57.

⁵⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 58.

⁵⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 63.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		and any electronic communications network with significant number of end-users as their principal means to receive radio and television broadcasts ⁵⁸ .	broadcasters have to be transmitted free of charge. 3. The Act is silent on costs incurred as a result of compulsory transmission of services for the German-speaking Community. ⁵⁹
17. Switzerland	Yes- Articles 45 and 46 of Ordinance on Radio and Television Articles 59 and 60 of Swiss Federal Radio and Television Act (RTVA); and Article 52 of Ordinance on Radio and Television (ORTV) ⁶⁰ .	Wireless terrestrial broadcasting as well as broadcasting by wire. Further, Must Carry apply to the following services: 1. television programmes by national/regional-linguistic public service broadcaster SRG SSR, as defined in Art. 8 of the SRG licence: SRF 1, SRF 2, TSR	1. In terms of Art. 59, transmission by wire of access-entitled programmes must be free of charge 2. Further, the law states that in case of an unreasonable economic burden, access-entitled broadcasters have to pay appropriate compensation to the

⁵⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 64.

⁵⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 70.

⁶⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 77 - 78.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		<p>1, TSR 2, RSI LA 1, RSI LA 2 9 (throughout Switzerland) and SF Info (in the German-speaking part of Switzerland).</p> <p>2. foreign television programmes which contribute especially to public service objectives (Art. 59(2) RTVG).</p> <p>3. television programmes based on a licence to fulfil a public service mandate (e.g. local channels in the respective regions according to Art. 59(1b) RTVG (13 in total).</p> <p>4. other television programmes, which contribute to the</p>	<p>telecommunication s service provider.</p> <p>3. With regard to the carriage cost of access-entitled channels on terrestrial broadcasting Art. 55(2) of the RTVA mentions that "broadcasters pay the owner of a radio communication licence cost-based compensation for the broadcasting of access-entitled programme services". This is provided for in Art. 48⁶².</p>

⁶² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 78.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		fulfilment of public service goals 5. services which are coupled with access-entitled television programmes (such as services for the visually and hearing impaired or information for EPGs) ⁶¹	
18. Germany	Yes - Articles 51(b), 52(1), 52(b) and 52(d) of the Interstate Broadcasting Treaty ⁶³ .	The digital transmission of broadcasting to all forms of distribution by private platform providers that offer linear audiovisual media services via closed networks (e.g. cable and IPTV). The Must Carry rules only apply if the platform provider	Cable operators are paid for retransmission of content instead of paying for it ⁶⁵ .

⁶¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 78.

⁶³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 82.

⁶⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 84.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		also operates the technical infrastructure ⁶⁴ .	
19. Estonia	Yes- Articles 90 and 90 ¹ Of the Electronic Communications Act ⁶⁶ .	Cable, IPTV and DTT networks. ⁶⁷ The television channels under must-carry rules are the public service television channels ETV and ETV2, and channels having licences for provision of free access television services: Tallinn municipal Tallinna TV (TTV) and private commercial channels Kanal2 and TV3 ⁶⁸ .	In terms of the Electronic Communications Act, broadcasters offering FTA television services have the right to ask from cable operators a reasonable charge for re-transmitting their television programmes. However, there is no provision on how calculation of costs is done ⁶⁹ .
20. Hungary	Yes. The Act CLXXXV of 2010 on Media Services	Cable television networks, satellite and terrestrial media service distribution	The distribution platforms are obliged to carry "a total of four linear audiovisual media

⁶⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 84.

⁶⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 101.

⁶⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 103.

⁶⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 103.

⁶⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 104.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
	and Mass Media ⁷⁰ .	networks, as well as transmission systems allowing for transmission of media services by use of Internet Protocol. Further, in terms of Art. 73 (3-4), the obligations extend to "providers and operators distributing media services on other transmission systems or networks, if this transmission system or network is the one which is widely used by subscribers and users as the main instrument for receiving radio and audiovisual media services" ⁷¹ .	services and three linear radio media services of the public media service provider free of charge, with the exception of media service distribution performed by means of broadcasting transmission ⁷² .

⁷⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 126.

⁷¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 126.

⁷² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 128.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
21. Italy	Yes - The Decree Law no. 34 of 31 March 2011, as converted by Law no. 75 of 26 May 2011 as well as the AGCOM Resolution 353/11/CONS and the Decree Law no. 145 of 23 December 2013, as converted by Law no. 9 of 21 February 2014, as modified by Art. 1, comma 147, of Law no. 190 of 23 December 2014 ⁷³ .	Digital terrestrial multiplex platforms. Digital terrestrial platforms are obliged to transport local channels as stipulated by Art. 27 of the AGCOM Resolution no. 353/11/CONS ⁷⁴ .	In terms of Art. 27 AGCOM Resolution no. 353/11/CONS, with regard to the costs for transfers of transmission capacity the regulation specifies the range of costs (minimum of 0,010 Euros and maximum of 0,016 Euros per 1 M/bits per inhabitant) and stipulates that the price lists are to be made public on the website of AGCOM ⁷⁵ .
22. Lithuania	Yes- Art. 33 of the Law on Provision of Information to the Public ⁷⁶ .	All unencoded national terrestrial television programmes of the Lithuanian public service broadcaster	In terms of Art. 33(3) of the Law on Provision of Information to the Public, re-broadcasters and

⁷³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 138 - 140.

⁷⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 141.

⁷⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 141.

⁷⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 144.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
		LRT (e.g. LRT televizija and LRT kultūra). ⁷⁷	the LRT shall not pay each other for must-carry television programmes ⁷⁸ .
23. Latvia	Yes- Art. 19 of the Electronic Mass Media Law ⁷⁹ .	Cable operators, public television broadcasting programmes (LTV1 and LTV7) and also apply to national commercial television programmes available free-to-air (e.g. Riga TV 24, OTV and Re: TV) ⁸⁰	The Electronic Mass Media Law states that for the re-transmission of Must Carry services neither broadcasters nor re-transmission operators may request a fee for Must Carry ⁸¹ .
24. Malta	Yes- Regulation 49 of the Electronic Communications Networks and Services (General)	Cable networks. The Broadcasting Authority identifies channels qualifying to meet general interest objectives. These channels are thus entitled for carriage on the	Regulation 49 of the Regulations state that where Must Carry obligations place an excessive or undue burden on the operator of a particular network,

⁷⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 145.

⁷⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 145.

⁷⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 149.

⁸⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 150.

⁸¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 150.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
	Regulations, 2011. ⁸²	free-to-air DTT broadcast network managed by Public Broadcasting Services Limited (PBS) and for Must Carry status ⁸³ .	the MCA will, where it deems appropriate, consider alternative measures for the General Interest TV (GI TV) channels to be seamlessly available to all end-users of that network provided that no undue burdens are placed on end-users. Further, when determining whether remuneration for the retransmission of the GI TV channels should be provided, the MCA will need to satisfy itself that any remuneration

⁸² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 153.

⁸³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 154.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
			provided can be justified ⁸⁴ .
25. Norway	Yes- Article 4.3 in Chapter 4 of the Norwegian Broadcasting Act, 1992 ⁸⁵ .	Cable networks only. In Norway, both the state-funded public broadcaster NRK and the private commercial public service channel TV 2 have a must-carry status ⁸⁶ .	The provisions stipulate that the retransmission of TV 2 shall be based on commercial terms ⁸⁷ .
26. Poland	Yes- Article 43 of the Broadcasting Act of 29 December 1992 ⁸⁸ .	All platforms, apart from DTT ⁸⁹ .	The law stipulates that broadcasters under Must Carry rules cannot demand fees from platform operators for the re-transmission of their services ⁹⁰ .
27. Republic of Serbia	Yes- The Law on Electronic Media, the Law on Public Media Services	All platforms except DTT. The rules oblige operators to carry	Art. 15 of Law on Public Media Services states that the public media

⁸⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 154.

⁸⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 161.

⁸⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 162.

⁸⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 162.

⁸⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 164.

⁸⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 165.

⁹⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 167.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
	and the Law on Electronic Communications ⁹¹ .	the services of the public service media, and allow the regulator to create a list of other services that should be Must Carry on the basis of the criteria of public interests and media pluralism ⁹² .	service broadcaster is obliged to pay fees to an operator for transmission of these services. The fee and other important issues are regulated by contract ⁹³ .
28. Sweden	Yes- Section 1 of Chapter 9 of the Swedish Radio and Television Act ⁹⁴ .	Cable and IPTV networks. The services that are Must Carry are public service Company Swedish Television and its four channels ⁹⁵ .	The provider has the right to charge a reasonable service and maintenance fee for the network. However, audiences are protected from paying extra fees by section 1 of Swedish Radio and Television Act ⁹⁶ .

⁹¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 177.

⁹² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 178.

⁹³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 178 - 179.

⁹⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 181.

⁹⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 182.

⁹⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 183.

Country	Must Carry Obligations	Channels that are Must Carry	Costs/ payment
29. Slovenia	Yes- The Mass Media Act. ⁹⁷	Operators (terrestrial networks, satellites or cable distribution). The channels that are Must Carry are listed in an Official Gazette of the Republic of Slovenia ⁹⁸ .	<p>Under cable/satellite platform and terrestrial broadcasting platform, television and radio channels with the status of special importance should be must carried free-of-charge.⁹⁹</p> <p>In the case of DTT, television and radio channels with the status of special importance are obliged to pay the proportional costs of depreciation and maintenance expenses¹⁰⁰.</p>

⁹⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 185.

⁹⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 186.

⁹⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 187.

¹⁰⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 189.

2.2 UNITED KINGDOM

Unlike South Africa which has three (3) public broadcasting service channels, the United Kingdom (UK) has five (5) public broadcasting service channels, namely, BBC, Channel 3, Channel 4, Channel 5 and S4C. These public service channels have a similar mandate being to generate high quality programming across a diverse range of genres such as news, current affairs, drama, arts and regional programming. The UK government believes that sustaining the plurality of Public Service Broadcasting (PSB) providers who both complement and compete has been important in ensuring that quality and diversity of programming are maintained¹⁰¹.

The Office of Communications ("OFCOM"), determines conditions under which the Must Carry obligations are to be implemented as empowered by the UK's Communications Act of 2003 ("Communications Act").

Obligation to Carry Television programmes

The conditions for Must Carry obligations in the UK are provided for in terms of section 64 as well as sections 272, to 275 of the Communications Act¹⁰², to regulate electronic communication networks namely, cable, satellite, terrestrial networks, IPTV etc. The electronic communication networks are obliged to carry PSB television channels.

In terms of section 64(2) of the Communications Act Must Carry rules should apply under the following conditions:

- when a network has a significant number of end-users that use its network as the primary source for receiving television programmes; and
- when services are included in the list of Must Carry services.

¹⁰¹file:///F:/New%20folder%20(3)/Broacasting/Broadcasting%20%20Policy%20%20Proposal/BBC%202006%206763.pdf

¹⁰² Communications Act 2003, Chapter 21

The Communications Act has listed Must Carry services as:

- (a) any service of television programmes provided by the BBC so far as it is provided in digital form and is a service in relation to which OFCOM has functions;
- (b) Channel 3 services so far as provided in digital form;
- (c) Channel 4 so far as provided in digital form;
- (d) Channel 5 so far as provided in digital form;
- (e) S4C Digital; and
- (f) the digital public teletext service¹⁰³.

However, even though there is a list of Must Carry services, the Secretary of State has the power to review the Must Carry list from time to time, and any requirements according to the terms on which services in that list must be broadcast.

In carrying out the review the Secretary of State must consult OFCOM and other parties that are likely to be affected by a modification to the Must Carry list. Following such a review, the Secretary of State may, by order, amend the Must Carry list¹⁰⁴.

Before determining whether it is appropriate to amend the Must Carry list, the Secretary of State must consider the following:

- the public benefit in doing so;
- the extent to which a service would otherwise be made available even if not added to the list;
- the amount of spare network capacity of providers of electronic communications networks to whom the Must Carry obligations apply; and
- whether the burden of compliance is proportionate to the objective of securing that Must Carry services are made available to the public.

¹⁰³ Communications Act 2003, section 64(3).

¹⁰⁴ Communications Act 2003, section 64

The Must Offer Obligation on the digital format

On top of the obligation to carry, there is also an obligation to offer. Must offer obligations require relevant broadcasters to make their PSB channels available to every appropriate network and satellite services. The scope does not extend to PSBs' video-on-demand or portfolio services.¹⁰⁵ The Communications Act set out must-offer obligation for electronic communication networks, and satellite respectively, for digital format. In terms of section 64 of Communications Act¹⁰⁶ the must-offer obligations apply to every other licensed television service for the purposes of Must Carry obligations as obligated by Secretary of State¹⁰⁷.

The following must offer obligation objectives were identified to ensure that¹⁰⁸:

- channel or other services are provided in digital format and are broadcast and distributed on appropriate networks;
- the channel or other service providers are to ensure that agreements entered into comply with the following principles:
 - a) that the channel or other services, are broadcast and accessible to citizens in the UK; and
 - b) that broadcasting is in accordance with agreed terms and is accessible to intended audiences.

The Must Provide Obligation

Section 274 of the Communication Act sets out obligations for must provide services to secure their reception in certain areas, and states, that the must provide services, are to be offered at a fee agreed between the parties. Section 274(2) set out the powers of OFCOM to impose conditions appropriate for securing reception of must provide service in the terms of the following:

¹⁰⁵ UK Department of Culture, Media and Sports, 2015, The balance of payments between television platforms and public service broadcasters

¹⁰⁶ Communication Act 2003, section 272 and 273

¹⁰⁷ Communication Act 2003, section 272

¹⁰⁸ Communication ,Act 2003, section 272 and 273

- (a) the persons providing must provide services fail to enter into or maintain arrangements satisfying the requirements of this section; and
- (b) the person bound by the must provide conditions is required to act in accordance with arrangements imposed by OFCOM¹⁰⁹.

The arrangements that are to be entered into, or may be imposed, are arrangements that secure:

- (a) that a facility for receiving each must-provide service, is made available to every member of the intended audience for that service who is unable, without the use of that facility, to receive it in an intelligible form and free of charge;
- (b) that the facility is one under which every such member of the intended audience for a must-provide service is entitled, free of charge, to receive in an intelligible form so much of a service broadcast from a satellite as includes that must-provide service;
- (c) that the cost of making that facility available is shared, in appropriate proportions, by all the persons providing must-provide services;
- (d) that procedures are established and maintained for dealing with complaints from persons claiming to be entitled, in accordance with the arrangements, to receive a service free of charge, and for resolving disputes about the existence or extent of such an entitlement; and
- (e) that the availability of those procedures is adequately publicised in accordance with guidance given from time to time by OFCOM.

Must Carry for digital terrestrial broadcasting

Must Carry obligations are the same in digital environment as it is in an analogue environment. According to section 64(2)(b) of the Communications Act, Must Carry conditions should be limited to networks by means of which public electronic communications services are used by a significant number of end-users as their principal means of receiving television programme.

¹⁰⁹ Communication Act 2003, Section 274

OFCOM gave directive to two terrestrial transmission providers namely National Transcommunications Limited (NTL) and Crown Castle to provide transmission of the Must Transmission Services (MTS), as they provide PBS and are considered to be appropriate networks because they have significant numbers of end-users¹¹⁰. MTS refers to the broadcast or transmission of the Must Carry Services by NTL or Crown Castle through using equipment installed and operated by them for that purpose¹¹¹. Moreover, the NTL and Crown Castle are required to provide MTS on fair and reasonable terms, conditions and charges. In terms of fair and reasonable terms, conditions and charges, OFCOM follows Article 31(2) of the Universal Service Directive which acknowledges that Member States should be able to determine appropriate payment, in respect of Must Carry obligations¹¹².

OFCOM is of the view that the cost of providing MTS is substantial, therefore, for the purpose of investment in infrastructure, other operational costs should be taken into account in order to encourage innovation¹¹³, as such, it is important for transmission service providers to charge for MTS that they provide. OFCOM is of the view that this would allow a reasonable opportunity to return of investments. OFCOM does not however determine the charges for MTS, but allows these to be determined in commercial agreements.

2.3 UNITED STATES OF AMERICA (USA)

The Federal Communications Commission (FCC) is the USA's communications regulator established in terms of the Communications Act of 1934.¹¹⁴

¹¹⁰ Provision of Managed Transmission Services to Public Service Broadcasters **Proposal to give a Direction setting must-carry obligations on the terrestrial transmission network February 2005, page 2**

¹¹¹ Ibid, **page 3**

¹¹² Universal Services Directive <http://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:32002L0022&from=EN>

¹¹³ Provision of Managed Transmission Services to Public Service Broadcasters **Proposal to give a Direction setting must-carry obligations on the terrestrial transmission network February 2005, page 8**

¹¹⁴ Communications Act of 1934, section 1.

The television market in the USA consists of public, commercial and community broadcasting transmitted through various platforms. The PBS is an American public broadcaster established in terms of the Public Broadcasting Act of 1967.¹¹⁵ There are four traditional commercial television service networks, namely; American Broadcasting Company (ABC), Columbia Broadcasting System (CBS), National Broadcasting Company (NBC) and FOX.¹¹⁶

In terms of section 611 of the Communications Act, local franchising authorities may require cable operators to set aside channels for public, educational, or governmental use.¹¹⁷ Community television services that are available in the USA are provided through the cable television system.¹¹⁸ They comprise of Public-access television, Educational-access, Government-access and Leased access (pay per view) television.¹¹⁹

In the USA's television market, the pay or subscription television market is dominated by cable and satellite television service providers.¹²⁰

Must Carry Obligations

Must Carry obligations in the USA were introduced in 1965 to require cable systems to carry local broadcast television stations.¹²¹ Cable television operators bear a statutory obligation to reserve up to one third of their channel capacity for the compulsory carriage of significantly viewed local, terrestrial broadcast television

¹¹⁵ Public Broadcasting Act of 1967, section 396(b).

¹¹⁶ Hélène Palmeri, « U.S. public television in the digital era: from niche to "Greek marketplace"? », *Transatlantica* [En ligne], 2010, mis en ligne le 13 avril 2011, consulté le 05 mai 2019. URL : <http://journals.openedition.org/transatlantica/5193>, p 8.

¹¹⁷ Communications Act of 1934, section 611.

¹¹⁸ Communications Act of 1934, section 611(b).

¹¹⁹ Janes, BT. History and Structure of Public Access Television, *Journal of Film and Video* Vol. 39, No. 3, Community Access Cable Television (Summer 1987), p 14.

¹²⁰ <https://www.statista.com/statistics/251793/pay-tv-providers-with-the-largest-number-of-subscribers-in-the-us>, retrieved on 20 August 2019.

¹²¹ <https://mtsu.edu/first-amendment/article/1000/must-carry-rules>, retrieved on 13 August 2019.

stations.¹²² In the mid-1980s, as cable networks increased, cable operators found Must Carry rules to be increasingly burdensome because the operators were being forced to carry local broadcast stations in preference to the more popular and lucrative cable network channels.¹²³ This led cable operators to approach court for relief.

In the *Quincy Cable TV Inc v FCC*¹²⁴, the court had to consider the Must Carry provision that required cable television operators, upon request and without compensation, to transmit to their subscribers every over-the-air television broadcast signal that is “significantly used in the community” or other considered local broadcasters under Commission’s rules. Furthermore, the Act required a cable system to carry all commercial broadcasters within a 35-mile radius of the communities served, in addition to providing the same service to other broadcasters in the same market and even others in various yet competing markets. Thus, cable broadcasting was to grow within the spirit that is consistent with the public interests that would preserve local content. The Circuit Court of Appeals for the District of Columbia found Must Carry rules to be impermissible content-based regulations in violation of the First Amendment to the United States Constitution.¹²⁵

The Cable Television Consumer Protection and Competition Act of 1992 (“Cable Act”), enacted by Congress after extensive hearings and over a presidential veto, re-established the Must Carry rules for cable operators.¹²⁶ In 1993 the new Must Carry requirements were immediately challenged in *Turner Broadcasting System, Inc. v Federal Communications Commission*¹²⁷. Sections 4 and 5 of the Cable Act required cable systems to allocate a percentage of their channels to local public broadcast stations for Must Carry.¹²⁸ The rules limited the channels available for exclusive

¹²² Closs W & Nikoltchev S “To Have or Not to Have Must-Carry Rules”, the European Audiovisual Observatory, p 21.

¹²³ <https://www.mtsu.edu/first-amendment/article/1000/must-carry-rules>, retrieved on 13 August 2019.

¹²⁴ *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434, 1455 (D.C.Cir. 1985).

¹²⁵ *Quincy Cable TV, Inc. v. FCC*, 768 F.2d 1434, 1455 (D.C.Cir. 1985).

¹²⁶ <https://www.mtsu.edu/first-amendment/article/1000/must-carry-rules>, retrieved on 13 August 2019.

¹²⁷ *Turner Broadcasting System, Inc. v. Federal Communications Commission*, 512 U.S. 622 (1994).

¹²⁸ Cable Television Consumer Protection and Competition Act of 1992.

control by cable programmers and increased competition for the remaining channels.¹²⁹

The FCC regulates cable operators ancillary to broadcasting.¹³⁰ As a result, cable operators face significant rules designed to preserve over-the-air television or terrestrial television, including providing access and channel capacity to carry the signals of local stations.¹³¹

The Cable Act, specifically, section 4 provides for Must Carry rules and requires cable operators to carry local broadcasting stations.¹³² In terms of section 4(a) of the Cable Act, each cable operator shall carry, on the cable system of that operator, the signals of local commercial television stations and qualified low power stations as provided by this section.¹³³ Carriage of additional broadcast television signals on such system shall be at the discretion of such operator.¹³⁴

2.4 AUSTRALIA

The Australian Communications and Media Authority Act 2005 ("ACMA Act") established the Australian Communications and Media Authority (ACMA) for the purposes of regulating the broadcasting, radio communications and telecommunications sectors according to the provisions of relevant legislation. ACMA's mandate is to deliver a communications and media environment that balances the needs of the industry and the Australian community with regulation, education and advice.¹³⁵

¹²⁹ ¹²⁹ <https://www.oyez.org/cases/1993/93-44>, retrieved on 13 August 2019.

¹³⁰ <https://www.mtsu.edu/first-amendment/article/1000/must-carry-rules>, retrieved on 13 August 2019.

¹³¹ Cornell Journal of Law and Public Policy, volume 15 Issue 1 Fall 2005, Article 2, Digital Must Carry and the Case for Public Television, p 74.

¹³² Cable Television Consumer Protection and Competition Act of 1992.

¹³³ Cable Television Consumer Protection and Competition Act of 1992.

¹³⁴ Cornell Journal of Law and Public Policy, volume 15 Issue 1 Fall 2005, Article 2, Digital Must Carry and the Case for Public Television, p 82.

¹³⁵ <https://www.acma.gov.au/theACMA/About/Corporate/Responsibilities/regulation-responsibilities-acma>, retrieved on 3 May 2019.

The Broadcasting Services Act No. 110 of 1992, as amended ("BSA") sets out the regulatory environment for the broadcasting industry in Australia¹³⁶. Further, the Australian Broadcasting Corporation Act ("ABC Act") of 1983 provides for the establishment and operation of the Australian Broadcasting Corporation ("ABC").¹³⁷

Australia has two subscription television services excluding Telstra which provides Netflix services. Galaxy is Australia's first subscription television service broadcaster¹³⁸, there is also another subscription television service broadcaster being Foxtel. Foxtel acquired Galaxy customer subscriptions when Galaxy ceased operations.¹³⁹ As of 2012, there were only 28% of Australian households subscribed to a pay television service, with Foxtel dominating most of the market. The second pay television provider in Australia is Fetch¹⁴⁰. Australia has two national broadcasters, that is ABC and Special Broadcasting Service ("SBS").¹⁴¹

According to the ABC Charter, it is required to provide informative, entertaining and educational services that reflect the breadth of the Australian nation. SBS is founded on the belief that all Australians, regardless of geography, age, cultural background or language skills should have access to high quality, independent, culturally-relevant Australian media¹⁴². SBS operates under the Special Broadcasting Service Act and operates six free-to-air television channels, eight radio stations and World Movies, a subscription television channel. Although it provides a subscription television channel, SBS is considered to be a free-to-air public broadcaster¹⁴³.

¹³⁶https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/MediaCommsResources, retrieved on 2 May 2019.

¹³⁷<https://www.acma.gov.au/theACMA/About/Corporate/Responsibilities/regulation-responsibilities-acma>, retrieved on 3 May 2019.

¹³⁸<https://www.finder.com.au/internet-tv/pay-tv>, retrieved on 7 May 2019.

¹³⁹<https://www.finder.com.au/internet-tv/pay-tv>, retrieved on 7 May 2019.

¹⁴⁰<https://www.acma.gov.au/theACMA/About/Corporate/Responsibilities/regulation-responsibilities-acma>, retrieved on 3 May 2019.

¹⁴¹https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/MediaCommsResources, retrieved on 2 May 2019.

¹⁴²https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/MediaCommsResources, retrieved on 2 May 2019.

¹⁴³<https://www.sbs.com.au/aboutus/our-story>, retrieved on 6 May 2019.

Must carry obligations

The Australian Law Reform Commission ("ALRC") undertakes research and provides recommendations to reform the law on topics selected by the Attorney-General of Australia¹⁴⁴. The ALRC has suggested that a US-style 'Must Carry' regime should be implemented for Australia. Under Australia's Must Carry regime, free-to-air broadcasters have the option of either requiring that they be carried on cable or on satellite platform, or requiring that the free to air broadcaster be remunerated where the satellite platform chooses to re-transmit the signal.¹⁴⁵

The purpose of a Must Carry regime is to provide a framework for commercial negotiations between free to air broadcasters and subscription television companies about payments for broadcasts retransmitted by the latter. A Must Carry regime would also ensure that, in future, free-to-air broadcasters are not forced to pay for carriage on subscription platforms (particularly if IPTV becomes a primary platform with the advent of Australia National Broadband Network) and prevent 'cherry-picking' of channels where subscription television only retransmits some of the free-to-air broadcaster's channels¹⁴⁶.

During the Must Carry inquiry conducted in Australia, a number of stakeholders addressed the issue of Must Carry. Free-to-air television broadcasters were in favour of retransmission of free-to-air television broadcasts permitted with the consent of, and in accordance with commercial terms agreed with the broadcaster or with "Must Carry" obligations. The other submissions were in disagreement with the proposed Must Carry obligations especially the subscription television broadcasters.

The ALRC concluded that the Australian Government should consider a repeal of the retransmission scheme for free-to-air broadcasts. However, the ALRC makes no

¹⁴⁴ <https://www.alrc.gov.au/about>, retrieved on 2 May 2019.

¹⁴⁵ Copyright and the Digital Economy (ALRC report 122).

¹⁴⁶ Copyright and the Digital Economy (ALRC report 122).

recommendation on whether reform should also involve the imposition of Must Carry obligations on subscription television service providers.¹⁴⁷

Must Carry provisions would operate to impose obligations to communicate copyright materials (broadcasts), at the behest of the copyright holder. This issue does not directly concern the operation of copyright exceptions. Further, the policy rationales for Must Carry regimes are based primarily on communications policy and are not issues that can, or should, be driven by reform of copyright laws.¹⁴⁸

2.5 IRELAND

The main piece of legislation for the media sector in Ireland is the Broadcasting Act, No 18 of 2009. The Broadcasting Act outlines the Must Carry rules and provides the framework for the establishment of digital terrestrial broadcasting in Ireland¹⁴⁹.

The current Irish television landscape is a mix of national, regional and local services which can be public, commercial or community in nature, offering differing and varied content¹⁵⁰. The Irish state or public television service broadcaster is Raidió Teilifís Éireann (RTÉ) TV¹⁵¹. The Irish pay television services include EIR Sport, Virgin Media and Virginia Media Sports¹⁵². However, many other subscription television services from outside Ireland, such as Sky and Vodafone are available for interested viewers¹⁵³.

¹⁴⁷ Copyright and the Digital Economy (ALRC report 122).

¹⁴⁹ European Audiovisual Observatory for the European Commission – DG COMM, p 130.

¹⁵⁰ <https://www.bai.ie/en/broadcasting/licensing-2/#al-block-4>, retrieved on 6 May 2019.

¹⁵¹ <https://www.bai.ie/en/broadcasting/licensing-2/#al-block-4>, retrieved on 6 May 2019 .

¹⁵² <https://www.bai.ie/en/broadcasters>, retrieved on 7 May 2019.

¹⁵³ <https://switcher.ie/broadband/compare/digital-tv>, retrieved on 7 May 2019.

Must Carry Obligations

Section 77 of the Broadcasting Act addresses the issue of the Must Carry rules.¹⁵⁴ The Must Carry rules apply to “appropriate networks” and these are defined as follows:

“an electronic communications network provided by a person (“appropriate network provider”) which is used for the distribution or transmission of broadcasting services to the public”.

An appropriate network provider must be “used by a significant number of end-users as their principal means of receiving transmissions of programme material” to qualify for Must Carry. In the case of digital cable, there is a “Must Carry” obligation for community television services. The channels that are Must Carry are listed under sections 77 (3) and 77(4) of the Broadcasting Act.

In terms of section 77(3) of the Broadcasting Act, in the case where the appropriate network is a digital system, the appropriate network provider shall ensure the re-transmission of the Houses of the Oireachtas Channel and the Irish Film Channel. Section 77(4) provides that an appropriate network provider shall ensure the re-transmission of each free-to-air television service provided for the time being by RTE, TG4 and the free-to-air service provided under Section 70 of the Broadcasting Act by the television service programme contractor which that body requests the appropriate network provider to re-transmit. In total this includes the Houses of the Oireachtas Channel (Parliamentary channel) and the Irish Film Channel (not yet established) and the free-to-air services of public service broadcaster, i.e. RTÉ; TG4¹⁵⁵.

In addition, the Must Carry obligations has other access rules such as Must Offer Rules. The Must Offer services are listed under Section 77 (11-12) of the Broadcasting Act to include TG4, RTÉ 1, RTÉ 2, TV3/ 3e. In terms of section 77(11), without

¹⁵⁴ Broadcasting Act No. 18 of 2009.

¹⁵⁵ Ibid, Sections 77(3) and (4).

prejudice to the requirements imposed under section 77(4), RTE, TG4 and the television service programme contractor shall ensure that their Must Offer services are always offered for re-transmission (subject to agreement that is fair, reasonable and has non-discriminatory terms of use) by means of any appropriate network that is available for reception in an intelligible form by members of the public in the whole of, or in part of the State¹⁵⁶.

2.6 INDIA

The Public Broadcasting Corporation of India called Prasar Bharti was established under the Prasar Bharti Act, 1990. The main obligation of the Public Broadcasting Corporation of India¹⁵⁷ is to organize and conduct public broadcasting services to inform, educate, and entertain the public and to ensure a balanced development of broadcasting of radio and television¹⁵⁸.

Obligation to Carry Television programmes

To enforce Must Carry obligations in India, section 8 of Cable Television Networks (Regulation) Act, 1995 ("Cable Act") requires that specific channels be transmitted. Therefore, the Central Government in India, has a mandate to specify by notification in the government gazette the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable operators on their cable services. Moreover, these channels are re-transmitted without any deletion or alteration of any programme transmitted on such channels.

The prime band is limited to the carriage of two Doordarshan terrestrial channels and one regional language channel of the state in which the network of the cable operator is located¹⁵⁹.

¹⁵⁶ Ibid.

¹⁵⁷ The Prasar Bharati Act, 1990, Section 12

¹⁵⁸ Prasar Bharati (Broadcasting Corporation of India) Act, 1990 – An overview

¹⁵⁹ Must carry obligations in India, section 8 of Cable Television Networks (Regulation) Act, 1995, page 5

Unlike other jurisdictions, the multi system operator ("MSO") enters into a written interconnection agreement with the local cable operator for providing signals of television channels to the local cable operator, in line with the model of interconnection agreement.

In India the Central Government may issue a government directive in the public interest to the Telecom Regulatory Authority of India ("TRAI") to specify, through notice in the government gazette, that one or more free-to-air channels must be included in the package of channels forming basic service tiers¹⁶⁰. Moreover, any one or more of such channels may be specified in the notice in terms of genre for providing a programme mix of entertainment, information, education and other programmes.

There is a fixed tariff for the basic service tier which is offered by the cable operators to consumers, whereby consumers have the option to subscribe to any such tier, provided that the cable operator shall also offer the channels in the basic service tier on an *a la carte* basis to the subscriber at a specified tariff.

The Central Government or the TRAI may in the notification specify the following:

- (a) the number of free to air channels to be included in the package of channels; and
- (b) basic service tiers for the purposes of section 1(1) and different numbers may be specified for different States, cities, towns or areas.¹⁶¹

The Obligation to offer Television programmes

According to regulation 3(14) of the Telecommunication, Broadcasting and Cable Services Interconnection regulations¹⁶², "every multi system operator or their authorized agent shall provide the signals of television Channels to a local cable

¹⁶⁰ section 36, section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997),

¹⁶¹ Section 36, section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997),

¹⁶² Digital Addressable Cable Television Systems) Regulations, 2012 Page 2 of 85 (9 of 2012)

operator in accordance with its reference interconnect offer within sixty days from the date of receipt of such request. In case the request for providing signals of television channels is not agreed to, the reasons for such refusal to provide signals shall be conveyed to the local cable operator or to the person making a request within sixty days from the date of request¹⁶³.

The MSO shall make available signals of television channels to the local cable operator, on non-exclusive basis, to re-transmit the same to the subscribers in the territory, in terms of the agreement and as per prevailing norms, policies, the applicable laws and rules, regulations, directions and orders of the concerned authorities¹⁶⁴.

Transmission of television programmes

Regulation 13B, states that every MSO shall, within a period of thirty (30) days from the date of receipt of a request from the local cable operator, to provide the signals of television channels, enter into an interconnection agreement in accordance with the terms and conditions of the model interconnection agreement or standard interconnection agreement¹⁶⁵.

Regulation 5.2 states that the local cable operator shall carry signals of TV channels received from the MSO, on non-exclusive basis, for distribution to the subscribers in the territory¹⁶⁶. It is compulsory for parties to transmit, re-transmit or otherwise carry any channel, content or programme only in encrypted mode through a digital

¹⁶³ The Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Seventh Amendment) Regulations, 2016 (No. 3 Of 2016)

¹⁶⁴ Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 Page 2 of 85 (9 of 2012)

¹⁶⁵ Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 Page 2 of 85 (9 of 2012)

¹⁶⁶ The Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Seventh Amendment) Regulations, 2016 (No. 3 Of 2016)

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addressable system strictly in terms of and in accordance with the applicable laws and regulations¹⁶⁷.

3. KEY LESSONS FOR MUST CARRY REGULATION IN SOUTH AFRICA

3.1. Legislative Context of Must Carry

Section 60(3) of the ECA provides that:

"The Authority must prescribe regulations regarding the extent to which subscription broadcast services must carry, subject to commercially negotiable terms, the television programmes provided by a public broadcast service licensee".

As per the ECA, section 60(3), the Authority impose the obligation to carry the television programmes of the Public Service Broadcasting Licensee on the Subscription Broadcasting Service licensees. The Subscription Broadcasting Service Licensees must carry the channels of the Public Service Broadcasting Licensee designated as must carry channels as part of their service offering.

The benchmarking conducted indicates that must carry obligations in most countries, specifically, in Europe are prescribed to comply with Article 31 of the Universal Services Directive¹⁶⁸ ("US Directive"). Article 31 of the US Directive provides that Must Carry obligations should apply only to "networks that have a significant number of end-users using the service as their main means of accessing television broadcasts"¹⁶⁹.

3.1.1. Television programmes to be carried

During the regulation making process that led to the 2008 Regulations, the Authority assessed the television programmes provided by a public broadcast service licensee

¹⁶⁷ Telecom Regulatory Authority of India, Consultation on Draft Tele - Communication (Broadcasting and Cable Services) Inter Connection (Addressable Systems) Regulations, 2016, p 116-119

¹⁶⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 10.

¹⁶⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 10.

that qualify for carriage. The Authority indicated that the definition of “public broadcasting service” in the Broadcasting Act mirrors that contained in the ECA and specifically states that the “public broadcasting service” includes the commercially operated service of the public broadcaster, arguably casting the net wider than it is in terms of the ECA.¹⁷⁰ As a result, all the television programmes comprising a channel and broadcast by a Public Broadcast Service licensee as part of its broadcasting service are subject to Must Carry obligations.¹⁷¹

All free-to-air commercial broadcasting service licensees will have to negotiate their individual arrangements for access and carriage in a commercial agreement to be reached with the respective Subscription Broadcasting Service Licensees until such time that there is a different dispensation. The legislation only recognises the television programmes provided by a public broadcast service licensee for carriage.

In terms of the benchmarking conducted, the must carry obligations in other countries do not compel subscription television services to carry public broadcasting service. Rather it compels networks that have a significant number of end-users using the service as their main means of accessing television broadcasts. The intention is to provide wider access to programmes of public interest.

3.1.2. Obligation to offer programmes

The Authority deemed it necessary to pronounce on the obligation to offer television programmes to make for a smooth process for the carriage of the television programmes of the Public Broadcasting Service. The Authority therefore mandated the Public Service Broadcasting Licensee to offer its television programmes to a Subscription Broadcasting Service Licensee upon a request from the Subscription Broadcasting Service Licensee. The Public Service Broadcasting Licensee must offer

¹⁷⁰ ICASA Must carry Obligations: Position paper and Draft Regulations, published in Government gazette 31081 of 22 May 2008, page 30-31

¹⁷¹ ICASA Regulations: Extent to which subscription broadcasting services must carry the television programmes provided by the Public Broadcast Service Licensee, Government Gazette 31500, published on 10 October 2008, page 5

its programmes to a Subscription Broadcasting Service Licensee within three (3) months from the date of the request submitted by an Subscription Broadcasting Service Licensee. The Public Service Broadcasting Licensee must deliver its signal to the Subscription Broadcasting Service Licensee in an unencoded and compatible format.¹⁷²

In Ireland, RTE, TG4 and the television service programme contractor shall ensure that their Must Offer services are always offered for re-transmission (subject to agreement that is fair, reasonable and has non-discriminatory terms of use) by means of any appropriate network that is available for reception in an intelligible form by members of the public in the whole of, or in part of the State¹⁷³.

3.1.3. Obligation to carry programmes

In terms of the current Must Carry Regulation, a Subscription Broadcasting Service Licensee must submit a request to carry the television channels of the Public Service Broadcasting licensee within six (6) months of the coming into effect of the Regulations or within six (6) months from the date of issue of the Subscription Broadcasting Service Licence. Retransmission of must carry channels must commence within three (3) months of the receipt of the must carry channels.¹⁷⁴

The obligation on the Subscription Broadcasting Service Licensee to carry television programmes of the Public Service Broadcasting Licensee shall not be applicable to Subscription Broadcasting Service Licensees whose service offering has twenty-nine (29) channels or less. A Subscription Broadcasting Service Licensee must ensure that every twentieth (20th) channel added to its bouquet over the minimum thirty (30) is a must carry channel (being the 30th, 50th, 70th, 90th channels and so forth).¹⁷⁵

¹⁷² Ibid, page 7

¹⁷³ Broadcasting Act No. 18 of 2009, Section 77(4).

¹⁷⁴ ICASA Regulations: Extent to which subscription broadcasting services must carry the television programmes provided by the Public Broadcast Service Licensee, Government Gazette 31500, published on 10 October 2008, page 5

¹⁷⁵ Ibid, page 6

The countries benchmarked do not go into detail in respect of the above. In most countries, specifically, in Europe the must carry obligations are prescribed to comply with Article 31 of the US Directive. Article 31 of the US Directive provides that Must Carry obligations should apply only to “networks that have a significant number of end-users using the service as their main means of accessing television broadcasts”.¹⁷⁶

3.1.4. Transmission of programmes and costs of Must Carry

The Authority decided that the Public Service Broadcasting Licensee must bear the costs of transmission of the broadcast signal to the Subscription Broadcasting Service Licensee. The Subscription Broadcasting Service Licensees are required to transmit simultaneously and without any alteration, the entire television programmes of the Public Service Broadcasting Licensee.¹⁷⁷

The wording requiring that the Subscription Broadcasting Service Licensees are required to carry the programmes of a Public Service Broadcasting Licensee at no cost is, at face value, in direct contradiction to section 60(3) of the ECA that requires ICASA to “prescribe regulations regarding the extent to which subscription broadcast services must carry, subject to commercially negotiable terms ...”. Thus, the SABC has identified this apparent inconsistency as rendering regulation 6(1) to be ultra vires.¹⁷⁸

The apparent inconsistency between section 60(3) and regulation 6(1) of the Regulations is however given context in the Position Paper¹⁷⁹ published prior to the

¹⁷⁶ Council of Europe, “Access to TV platforms: must-carry rules, and access to free-DTT, p. 10.

¹⁷⁷ ICASA Regulations: Extent to which subscription broadcasting services must carry the television programmes provided by the Public Broadcast Service Licensee, Government Gazette 31500, published on 10 October 2008, page 7

¹⁷⁸ ICASA Regulatory Impact Assessment Report on the Must Carry Regulations, published on the ICASA website in March 2019, page 6

¹⁷⁹ ICASA Must carry Obligations: Position paper and Draft Regulations, published in Government gazette 31081 of 22 May 2008

promulgation of the Regulations and the submissions by stakeholders made thereto. The Position Paper shows that stakeholders, such as Multichoice, had foreseen the need for Public Service Broadcasting and Subscription Broadcasting Service to agree on each other's remuneration and a cost structure that is transparent, non-discriminatory and fair. This included a proposition that the Public Service Broadcasting Licensee must offer its channels to all broadcasters. However, the SABC disputed the must-offer aspect, as it is not an obligation in terms of legislation.¹⁸⁰

Further, in relation to the discussion of the contractual terms, stakeholders highlighted that section 60(3) of the ECA did not grant the Authority powers to ascertain the commercial terms of Must Carry contracts between the Public Service Broadcasting Licensee and Subscription Broadcasting Service Licensees.¹⁸¹

To arrive at a position that catered for all parties, the Authority resolved in the Position Paper to ensure that there would be no discrimination amongst Subscription Broadcasting Service Licensees, the Authority would exempt both the Public Service Broadcasting and Subscription Broadcasting Service Licensees from paying a fee to the other or receiving financial compensation for must-carry or offer obligations. In terms regulation 4 of the Regulations, all Subscription Broadcasting Service Licensees must carry the Public Service Broadcasting Licensee television programmes as part of their service offerings and are further required to submit a request to the Public Service Broadcasting Licensee to carry such programmes.¹⁸²

Furthermore, regulation 6 requires the Public Service Broadcasting Licensee to offer its television programmes, upon request from an Subscription Broadcasting Service Licensee, free of charge and deliver the signal to the Subscription Broadcasting Service Licensee at its own cost. The Subscription Broadcasting Service Licensees would however incur the cost of broadcasting the must carry channels. Any other cost in excess, which is not related to the delivery of the signal or carriage of

¹⁸⁰ ICASA Regulatory Impact Assessment report on the Must Carry regulations, published on the ICASA website in March 2019, pages 6-7

¹⁸¹ Ibid, page 7

¹⁸² Ibid, page 7

channels, would be based on commercial negotiations between the broadcasters. It is therefore on this premise that the different wording of “at no cost” in the Regulations came about.¹⁸³

The Public Broadcast Service Licensees should offer their designated television programmes free of charge, and, should deliver the signal to the Subscription Broadcasting Service Licensees at its own cost in an acceptable quality. The Subscription Broadcasting Service Licensees will incur the costs of broadcasting the television programmes for must carry obligations. Any other cost over and above that (i.e. not related to the delivery of the signal or the carriage of the channels) will be based on commercial negotiations between the broadcasters themselves.

The Authority could not, through the RIA, make a conclusive finding on whether the resultant implementation of the Regulations on costs carried by the Public Broadcasting Service Licensee and Subscription Broadcasting Services Licensees warrant that the Regulations be amended.¹⁸⁴

Nonetheless, with regards to universal access, the Regulations have been effective and have ensured that Public Broadcasting Service Licensee’s channels are universally accessible. The Regulations have enabled the public, who ordinarily would not have access to Public Broadcasting Service television programmes due to coverage deficiencies, to access Public Broadcasting Service television programmes.¹⁸⁵

The benchmarking conducted indicates that some regulators prescribe fees for must carry obligations. In Italy, for example, Article 27 AGCOM Resolution no. 353/11/CONS, with regard to the costs for transfers of transmission capacity the regulation specifies the range of costs (minimum of 0,010 Euros and maximum of

¹⁸³ Ibid, page 7

¹⁸⁴ Ibid, page 22

¹⁸⁵ Ibid, page 21

0,016 Euros per 1 M/bits per inhabitant) and stipulates that the price lists are to be made public on the website of AGCOM.¹⁸⁶

In Bosnia and Herzegovina, Czech Republic, Denmark, France, Netherlands, Slovak Republic and Spain, the must carry obligations are silent on costs. On the other hand, in countries such as Bulgaria, Lithuania, Romania, Albania, Finland, Iceland, Portugal, Austria, Belgium and Switzerland the must carry obligations state that the retransmission must be at no cost.

Germany cable operators are paid for retransmission of content instead of paying for it. In Estonia, the Electronic Communications Act states that broadcasters offering FTA television services have the right to ask from cable operators a reasonable charge for re-transmitting their television programmes. However, there is no provision on how calculation of costs is done¹⁸⁷. In Hungary, the distribution platforms are obliged to carry "a total of four linear audio-visual media services and three linear radio media services of the public media service provider free of charge, with the exception of media service distribution performed by means of broadcasting transmission."¹⁸⁸

In Lithuania, Article 33(3) of the Law on Provision of Information to the Public states that re-broadcasters and the LRT shall not pay each other for must-carry television programmes¹⁸⁹. In Latvia, The Electronic Mass Media Law states that for the re-transmission of Must Carry services neither broadcasters nor re-transmission operators may request a fee for Must Carry ¹⁹⁰.

In Malta, Regulation 49 of the Regulations states that where Must Carry obligations place an excessive or undue burden on the operator of a particular network, the MCA will, where it deems appropriate, consider alternative measures for the General

¹⁸⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 141.

¹⁸⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 104.

¹⁸⁸ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 128.

¹⁸⁹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 145.

¹⁹⁰ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 150.

Interest TV (GI TV) channels to be seamlessly available to all end-users of that network provided that no undue burdens are placed on end-users.

Further, when determining whether remuneration for the retransmission of the GI TV channels should be provided, the MCA will need to satisfy itself that any remuneration provided can be justified.¹⁹¹

In Norway, the provisions stipulate that the retransmission of TV 2 shall be based on commercial terms¹⁹². This is similar to section 60(3) of the ECA. In Poland, the law stipulates that broadcasters under Must Carry rules cannot demand fees from platform operators for the re-transmission of their services.¹⁹³ In the Republic of Serbia, Art. 15 of Law on Public Media Services states that the public media service broadcaster is obliged to pay fees to an operator for transmission of these services. The fee and other important issues are regulated by contract.¹⁹⁴

In Sweden, the provider has the right to charge a reasonable service and maintenance fee for the network. However, audiences are protected from paying extra fees by section 1 of Swedish Radio and Television Act.¹⁹⁵ In Slovenia, under cable/satellite platform and terrestrial broadcasting platform, television and radio channels with the status of special importance should be must carried free-of-charge.¹⁹⁶ In the case of DTT, television and radio channels with the status of special importance are obliged to pay the proportional costs of depreciation and maintenance expenses.¹⁹⁷

In the UK, the NTL and Crown Castle are required to provide MTS on fair and reasonable terms, conditions and charges. In terms of fair and reasonable terms, conditions and charges, OFCOM follows Article 31(2) of the Universal Service Directive which acknowledges that Member States should be able to determine

¹⁹¹ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 154.

¹⁹² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 162.

¹⁹³ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 167.

¹⁹⁴ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, pp. 178 - 179.

¹⁹⁵ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 183.

¹⁹⁶ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 187.

¹⁹⁷ Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 189.

appropriate payment, in respect of Must Carry obligations.¹⁹⁸ OFCOM is of the view that the cost of providing MTS is substantial, therefore, for the purpose of investment in infrastructure, other operational costs should be taken into account in order to encourage innovation¹⁹⁹, as such, it is important for transmission service providers to charge for MTS that they provide. OFCOM is of the view that this would allow a reasonable opportunity to return of investments. OFCOM does not however determine the charges for MTS, but allows these to be determined in commercial agreements.

3.1.5. Filing of terms and conditions

On issues of the contracts for the smooth implementation of must carry, the Authority is convinced that there should be two forms of contracts being the one for commercial negotiations between the stakeholders, and the terms of carriage that is guided by the prescribed regulations.²⁰⁰

The Authority decided that the Subscription Broadcasting Service Licensee must submit to the Authority a copy of the Must Carry agreements within thirty (30) days of such signed²⁰¹. The Authority will not scrutinize the commercial nature of the agreements as that is left to the parties to negotiate.

In Norway, the provisions stipulate that the retransmission of TV 2 shall be based on commercial terms.²⁰²

¹⁹⁸ Universal Services Directive <http://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:32002L0022&from=EN>

¹⁹⁹ Provision of Managed Transmission Services to Public Service Broadcasters **Proposal to give a Direction setting must-carry obligations on the terrestrial transmission network February 2005, page 8**

²⁰⁰ ICASA Must carry Obligations: Position paper and Draft Regulations, published in Government gazette 31081 of 22 May 2008 page 32

²⁰¹ ICASA Regulations: Extent to which subscription broadcasting services must carry the television programmes provided by the Public Broadcast Service Licensee, Government Gazette 31500, published on 10 October 2008, page 8

²⁰² Council of Europe, "Access to TV platforms: must-carry rules, and access to free-DTT, p. 162.

3.1.6. Exemption from compliance with the regulations

The Authority considered the size of the Subscription Broadcasting Service Licensee concerned in providing exemption from compliance with the Must Carry regulations. This ensures that the financial viability of the Subscription Broadcaster will not be compromised as broadcasters are encumbered in relation to the size of their operations and the obligation is discharged equitably and fairly as amongst broadcasters.²⁰³

The obligation on the Subscription Broadcasting Service Licensee to carry television programmes of the Public Service Broadcasting Licensee is not applicable to Subscription Broadcasting Service Licensees whose service offering has twenty-nine (29) channels or less. A Subscription Broadcasting Service licensee must submit a notice requesting exemption for approval by the Authority.²⁰⁴

As stated above, in most countries, specifically, in Europe the must carry obligations are prescribed to comply with Article 31 of the Universal Services Directive. There are no provisions with regards to exemptions.

3.1.7. Monitoring compliance with the regulations

The Authority mandate the licensees to submit a compliance report annually no later than the end of June to demonstrate compliance with the Regulations.²⁰⁵

The benchmarking indicates that most countries encourages compliance with the relevant legislation and the Must Carry obligations.

²⁰³ ICASA Must carry Obligations: Position paper and Draft Regulations, published in Government gazette 31081 of 22 May 2008 page 34

²⁰⁴ ICASA Regulations: Extent to which subscription broadcasting services must carry the television programmes provided by the Public Broadcast Service Licensee, Government Gazette 31500, published on 10 October 2008, page 6-7

²⁰⁵ Ibid, page 8

3.2. Key Considerations for Must Carry Regulation in South Africa

Principles that can be drawn from the above research on the application of the Must Carry obligations are as follows:

- that even in a digital environment, channels or other services are provided in digital format, and are broadcast and distributed on appropriate networks; and
- Must Carry obligations are imposed to:
 - meet public interest objectives;
 - safeguard the plurality of opinion and to provide a variety of offers to the public;
 - provide access to specific public service broadcasting content such as public service television channels and free digital terrestrial television channels and specific services for the visually and hearing-impaired population to;
 - facilitate public participation in democratic public affairs;
 - preserve, protect and further develop a country's culture, and to support and sustain the languages of that nation;
 - achieve broad freedom of expression and information to the greatest possible extent;
 - satisfy the information needs of citizens and facilitate their participation in democratic public affairs and preserve diversity of opinions; and
 - provide a service to the extent to which it would otherwise have been made available even if not added.

4. CONCLUSION

The research undertaken shows that the Must Carry obligations in most of the countries studied aim at ensuring public access to particular content or programme services. In several countries, the free-to-air commercial broadcasters may also be included as Must Carry and not only public broadcasting services, as is the case in South Africa. Furthermore, a range of other types of channels including local, community, regional channels may also be designated Must Carry. The issue of cost

to Must Carry remains contentious as a result of the obligations placed on affected broadcasters. And hence in other countries there were legal battles and court cases that ensue over these obligations.

The key issues addressed above have been central to the broadcasting service licensees responsible for Must Carry Regulations. In the current review the Authority expects stakeholders to assess these mechanisms that have been used by the Authority and to suggest the way forward in terms of the regulation of Must Carry.

5. QUESTIONS

The purpose of these questions is to solicit input from stakeholders, if any, on the imposition of the Must Carry obligations.

1. What in your view is the purpose of Must Carry in South Africa? Please substantiate.
2. What are the advantages and disadvantages of the current Must Carry Regulations to both PBS and SBS licensees?
3. Should the Authority monitor compliance with the requirement of section 60(3) on an annual basis? If yes, how should such monitoring be done in an effective manner?
4. What role, if any, should the Authority play in the negotiation of contracts for must carry?
5. Should the Authority provide a framework for commercial agreements? Please substantiate your answer. What should be the content of such a framework?
6. If the Authority should not play a role in the negotiation of contracts, what are the proposed dispute resolution mechanisms and by when should the agreement be concluded subsequent to receiving a must-offer or must-carry request.
7. What are the compliance burdens associated with Must Carry regulations if any? How can these burdens best be addressed?
8. What changes, if any, should there be in the digital environment with regard to Must Carry regulations?

9. Should the Authority continue exempting some subscription broadcasting service licensees based on the number of channels they provide? Should there be other forms of exemptions, and why?
10. What are the actual costs incurred associated with meeting the Must Carry obligations by the PBS and SBS licensees? To support assertions, kindly provide a detailed breakdown of costs for the previous 3 financial years. In your response kindly ensure the following are answered:
 - a. What are the cost drivers and associated costs for Must Carry?
 - b. What are the costs (breakdown required) to the PBS licensee for offering must carry channels?
 - c. What are the costs (breakdown required) to the SBS licensees of carrying the channels?
11. How should the costs for Must Carry be apportioned between the PBS and SBS licensees, if at all?
12. What are the costs associated with meeting the Must Carry obligations on an analogue platform versus over a digital platform?
13. Do you think Must Carry obligations should apply during the dual illumination period? What will be the impact of Must Carry during dual illumination?
14. Should the requirement be that all programmes provided by the PBS licensee channels be carried, or should there be room to elect programmes for carriage? If you advocate for the right to elect programmes to carry, what criteria should be used for such a choice?
15. What are the benefits of offering channels for Must Carry?
16. What are the benefits of carrying the public broadcasting channels?

17. Are there any other issues that the Authority will have to consider regarding the amendment of regulations on Must Carry?

**DEPARTMENT OF LABOUR
NOTICE 651 OF 2019**

**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993
(ACT No. 130 OF 1993), AS AMENDED**

DATA CLEANSING ON ALL ACTIVE PENSIONS IN THE COMPENSATION FUND

I, Vuyo Mafata, the Commissioner for the Compensation Fund, hereby issue a notice in terms of section 6A of the COID Act to inform all the pensioners who are currently receiving a monthly pension from the Fund that the Fund is embarking on a process to cleanse pensions data from the 1st September 2019. The process will assist the Fund to identify and eliminate fraudulent/invalid pensions as well as to improve the integrity of pension's data.

This notice will affect injured employees who receive a pension from the Fund because of disability as well as dependents of deceased pensioners. The notice applies to pensioners who reside in South Africa as well as those outside South Africa.

The cleansing of pensions data is with regard to the following:

1. Validating the identity of the pensioners and dependents of deceased employees.
2. Verifying the life of the pensioners and dependents of deceased employees.
3. Verifying the marital status of children who are receiving pensions from the CF.
4. Banking details will also be verified to confirm that they belong to the correct pensioner or dependent.

5. Terminating pensions after verification for all individuals who cannot be verified, those who are deceased, beneficiaries with no identification number, children who are married, beneficiaries with no identification number, children above the age of 18 years who have not submitted supporting documents to prove that they are studying as well as all invalid pensions.


The Fund will inform the pensioners who will be terminated about the decision to terminate the pension as well as the reasons for the termination. The correspondence will be sent to the available postal address that was submitted by the pensioner to the Fund.

The pensioners are hereby called upon to update their information with the Fund to avoid termination.

The following information must be updated: Certified copy of identity document or passport of the injured employee and dependents

1. Certified copy of the death certificate of the deceased employee/ dependent
2. Certified copy marriage certificate
3. Unabridged birth certificate for children below the age of 18 years
4. Birth certificate in the approved format for non-South African citizens
5. Proof of active banking details
6. Recent proof of residence

The information to support a pension should be submitted to any Department of Employment and Labour Office or via email to PensionCleansing@LABOUR.gov.za



MR. V. MAFATA

COMMISSIONER: COMPENSATION FUND

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
NOTICE 652 OF 2019



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

Parliament: Following up on our commitments to the people

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

**INVITATION TO COMMENT ON DRAFT CONSTITUTION EIGHTEENTH AMENDMENT
BILL, 2019**

Notice is hereby given in terms of section 74(5)(a) of the Constitution of the Republic of South Africa, 1996, that the ad hoc committee to initiate and introduce legislation amending section 25 of the Constitution intends to introduce the Constitution Eighteenth Amendment Bill, 2019.

Interested persons are invited to submit written comment on the draft Constitution Eighteenth Amendment Bill by 16h00 on 31 January 2020. A further call for comments will be made in national newspapers early in January 2020.

Should you require the Memorandum on the Objects of the Bill in any of the official languages, please contact the Committee Secretary (details below).

Kindly direct all enquiries and written submissions to the Committee Secretary, Mr Vhonani Ramaano:

By email:

section25@parliament.gov.za

By post/hand delivered:

W/S 3/080
3rd Floor
90 Plein Street
Cape Town
8000

By telephone:

021 403 3820 or 083 709 8427.

Issued by Dr Mathole Motshekga, MP

Chairperson: ad hoc committee to initiate and introduce legislation amending section 25 of the Constitution

REPUBLIC OF SOUTH AFRICA

CONSTITUTION EIGHTEENTH AMENDMENT BILL

(As introduced in the National Assembly (proposed section 74(2); initiated by the Ad Hoc Committee on the amendment of section 25 of the Constitution of the Republic of South Africa, 1996; Particulars of the proposed amendments and prior notice of introduction published in Government Gazette No. of)

(The English text is the official text of the Bill)

**(AD HOC COMMITTEE ON THE AMENDMENT OF SECTION 25 OF THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996)**

[B 20...]

GENERAL EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Constitution of the Republic of South Africa, 1996, so as to provide that where land and any improvements thereon are expropriated for the purposes of land reform, the amount of compensation payable may be nil; and to provide for matters connected therewith.

PREAMBLE

WHEREAS there is a need for urgent and accelerated land reform in order to address the injustices of the past that were inflicted on the majority of South Africans and especially as the hunger for land amongst the dispossessed is palpable and the dispossessed are of the view that very little is being done to redress the skewed land ownership pattern;

AND WHEREAS section 25 of the Constitution of the Republic of South Africa, 1996, must be amended to make explicit that which is implicit therein, so that an amount of nil compensation is explicitly stated as a legitimate option for land reform;

AND WHEREAS such an amendment will contribute to address the historic wrongs caused by the arbitrary dispossession of land;

AND WHEREAS such an amendment will further ensure equitable access to land and will further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programs,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 25 of Constitution

1. Section 25 of the Constitution of the Republic of South Africa, 1996, is hereby amended—

(a) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court: Provided that in accordance with subsection (3A) a court may, where land and any improvements thereon are expropriated for the purposes of land reform, determine that the amount of compensation is nil.”;

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) The amount of the compensation as contemplated in subsection (2)(b), and the time and manner of any payment, must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—”;

(c) by the insertion after subsection (3) of the following subsection:

“(3A) National legislation must, subject to subsections (2) and (3), set out specific circumstances where a court may determine that the amount of compensation is nil.”.

Short title and commencement

2. This Act is called the Constitution Eighteenth Amendment Act, 2019, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE CONSTITUTION EIGHTEENTH AMENDMENT BILL, 2019

1. INTRODUCTION

This Bill aims to amend the Constitution of the Republic of South Africa, 1996, by providing for the expropriation of land without the payment of compensation. During the Fifth Parliament, the Constitutional Review Committee was mandated by the two Houses of Parliament to solicit the views of the public on the possible review of section 25 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”). The review focused on allowing the state to expropriate land in the public interest without compensation, as well as on mechanisms for expropriating land without compensation. After an extensive consultation process, the Constitutional Review Committee filed a report in the two Houses recommending that:

“Section 25 of the Constitution must be amended to make explicit that which is implicit in the Constitution, with regards to expropriation of land without compensation, as a legitimate option for land reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programs.”

It further recommended that Parliament must urgently establish a mechanism to effect the necessary amendment to the relevant part of section 25 of the Constitution. That mechanism was established by a resolution of the National Assembly first during the Fifth Parliament, and then again in the Sixth Parliament, which resulted in the development of this Bill.

2. OBJECTS OF THE BILL

The purpose of the Constitution Eighteenth Amendment Bill, 2019 (“the Bill”), is to amend section 25 of the Constitution so as to provide that the right to property may be limited in such a

way that where land is expropriated for land reform, the amount of compensation payable may be nil. Further to clarify that such limitation is a legitimate option for land reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programs.

3. CONTENTS OF THE BILL

3.1. Clause 1 proposes an amendment to section 25 of the Constitution to provide that where land and any improvements thereon are expropriated for the purposes of land reform, the amount of compensation payable may be nil.

3.2. Clause 2 provides for the short title and commencement.

4. FINANCIAL IMPLICATIONS FOR THE STATE

None

5. PARLIAMENTARY PROCEDURE

5.1 The Committee proposes that the Bill must be dealt with in accordance with the procedure established by section 74(2) of the Constitution since its object is to amend a section within Chapter 2 of the Constitution of the Republic of South Africa, 1996.

5.2 The Committee is of the opinion that it is necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and

Governance Framework Act, 2003 (Act No. 41 of 2003), since it contains provisions pertaining to customary law or customs of traditional communities.

DRAFT

DEPARTMENT OF PUBLIC WORKS**NOTICE 653 OF 2019****RULES FOR THE PROPERTY VALUERS PROFESSION, 2020**

The South African Council for the Property Valuers Profession, under section 37 of the Property Valuers Profession Act, 2000, hereby makes the rules in the Schedule.

ARRANGEMENT OF RULES

Rules

PART I**Interpretation**

1. Definitions

PART II**Registrar's performance agreement**

2. Performance agreement

PART III**Specific Rules pertaining to registration in various categories**

3. Specific rules and specified categories

PART IV**Scope, variety, nature and standard of practical experience required for registration as professional and specified categories**

4. Required practical experience
5. Required scope, variety, nature and standard
6. Assessment of practical experience
7. Application of assessment

PART V**Qualifications obtained outside the Republic of South Africa**

8. Requirements

PART VI**Registration – General matters**

9. Application form
10. Registration certificates
11. Confirmation of payments and registration cards
12. Validity of registration
13. Renewal of registration
14. Granting of continuous education and training (CET) hours

15. Abbreviations and acronyms

PART VII

Candidates and valuations

16. Candidates prohibited from canvassing valuation work

PART VIII

Valuation reports

17. International valuation standards

PART IX

Voluntary associations

18. Renewal of recognition

PART X

General

19. Transitional provision

20. Repeal of Rules

21. Short title and commencement

Annexures

- A. Registrar's performance agreement

- B. Assessment of practical experience

- C.1: Further specific requirements – professional valuer, professional associated valuer and candidate valuer

- C.2: Specific requirements – single residential property assessor and candidate single residential property assessor

- C.3: Specific requirements – Public sector professional associated valuer

- C.4: Specific requirements – Plant and machinery assessors and candidate plant and machinery assessors

SCHEDULE

PART 1

Interpretation

Definitions

1. In these rules any word or expression to which a meaning has been assigned to in the Act shall bear that meaning, and unless the context otherwise indicates—

“cluster” means the same type of properties referred to in paragraph (b) of item 4 of Annexure C.1;

“item” refers to any provision in all Annexures;

“restricted” means to be permitted or registered to perform property valuation work in respect of only a specified field of property valuation, and “restriction” has a corresponding meaning;

“RPVP” means the Rules for the Property Valuers Profession, 2019;

“rule” refers to any provision in the RPVP, excluding an item;

“supervisor” means the professional under the supervision and control of whom a candidate performs work in the property valuers profession, and “mentor” has a corresponding meaning;

“the Act” means the Property Valuers Profession Act, 2000 (Act No. 47 of 2000); and

“types of properties” mean the various types of properties referred to in paragraph (b) of item 4 of Annexure C.1.

[When interpreting and applying the RPVP, the abovementioned definitions as well as the following words as defined in section 1 of the Act must always be borne in mind, namely – “candidate”, “professional”, “property valuation”, “registered person” and “registration”.]

PART II

Registrar’s performance agreement

Performance agreement

2. The performance agreement contemplated in section 8(2) of the Act shall be as set out in Annexure A.

PART III

Specific Rules pertain registration in various categories

Specific rules and specific categories

3. (1) The specific rules applying in respect of persons who may be registered in a category referred to in section 19(1)(a), (b) or (c) of the Act, are contained in Annexure C.1.
- (2) The specified categories contemplated in section 19(1)(d) of the Act, the corresponding titles referred to in section 22(2) of that Act, and the corresponding Annexures containing the specific rules (in such Annexures referred to as items) applying in respect of persons who may be registered in such categories, are as follows-

	Category	Title	Annexure
(a)	Single residential property assessor	Single residential property assessor	C.2
(b)	Candidate in respect	The word “candidate”	The Annexure

	of any of the following categories	followed by the title of the relevant category	pertaining to the relevant category
(c)	Public sector professional associated valuer	Public sector professional associated valuer	C.3
(d)	Plant and machinery assessor	Plant and machinery assessor	C.4

PART IV

Scope, variety, nature and standard of practical experience required for registration as professional and specified categories

Required practical experience

4. (1) The practical experience in property valuation contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration as professional in the categories of professional valuer and professional associated valuer, are set out in item 3 of Annexure C.1.
- (2) The practical experience in property valuation contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration in the categories specified in rule 3(2) are set out in the respective Annexures referred to in that rule.

Required scope, variety, nature and standard

5. (1) The scope, variety, nature and standard of practical experience in property valuation contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration as professional in the categories of professional valuer and professional associated valuer, are set out in item 4 of Annexure C.1.
- (2) The scope, variety, nature and standard of practical experience in property valuation contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration in the categories specified in rule 3(2) are set out in the respective Annexures referred to in that rule.

Assessment of practical experience

6. (1) The assessment of the practical experience in property valuation, contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration as professional in the categories of professional valuer and professional associated valuer, is set out in item 5 of Annexure C.1.
- (2) The assessment of the practical experience in property valuation, contemplated in section 20(2)(a)(iii) of the Act and required to have been gained by an applicant for registration in the categories specified in rule 3(2) is set out in the respective Annexures referred to in that rule.

Application of assessment

7. (1) The application of the outcome of the assessment referred to in rule 6(1) in respect of professional in the categories of professional valuer and professional associated valuer, is set out in item 6 of Annexure C.1.

- (2) The application of the outcome of the assessment referred to in rule 6(2) in respect of the categories specified in rule 3(2), is set out in the respective Annexures referred to in that rule.

PART V

Qualifications obtained outside the Republic of South Africa

Requirements

8. In addition to the information and documents required in respect of academic qualifications in the application form referred to in rule 9, an applicant wishing to be registered in a category referred to or contemplated in section 19(1) of the Act, and who is in possession of a foreign examination or academic qualification, must submit the following information in respect thereof to the council—
- (a) curriculum of the course leading to such examination or qualification and a detailed syllabus of each subject in the course;
 - (b) duration of the course; and
 - (c) any other relevant information.

PART VI

Registration – General matters

Application form

9. (1) An application for registration in terms of the Act or the RPVP shall be made on the form approved by the council from time to time.
- (2) An applicant may apply to the council for registration in more than one category referred to or contemplated in section 19(1) of the Act; provided—
- (a) that separate supporting information and documents accompany the application in respect of each category;
 - (b) that an applicant may not at the same time be registered in more than one category; and
 - (c) that when the council register an applicant in a category other than the category in which the applicant has been registered, the previous registration lapses by that very fact.

Registration certificates

10. (1) A registration certificate issued in terms of the Act shall contain at least the following information:
- (a) Full name of registered person;
 - (b) category of registration;
 - (c) section of Act applicable to registration;

- (d) permitted area of valuation work (restrictions), if any;
 - (e) date of registration;
 - (f) date of issue;
 - (g) period of validity; and
 - (h) registration number.
- (2) A registration certificate referred to in subrule (1) shall be signed by the president and the registrar of the council or their respective nominees.

Confirmation of payment and registration card or document

11. (1) Without derogating from the provisions of section 20(2) of the Act, and in addition, the council may issue to a registered person a registration card or document stating that the registered person is registered in terms of the Act, including—
- (a) the category in which he/ she is so registered; or
 - (b) any other relevant information the Council deems fit.
- (2) The registration card/ document shall be in the form determined by the Council from time to time.
- (3) A registered person shall at all times produce the registration card or document contemplated in subrule (1) if requested to do so by any party requiring details of the registered person's registration in terms of the Act.
- (4) The provisions of section 24 of the Act applies, with the necessary changes, to the registration card or document contemplated in subrule (1).

Validity of registration

12. (1) For the purposes of this rule –
- (a) “date of registration” means the date of registration endorsed on a registration certificate referred to in rule 10 or the date deemed to be that date by virtue of sub-rule(4);
 - (b) “effective date” means 1 April 2007; and
 - (c) “expiry date” means the date on which the validity of the registration of a registered person expires in accordance with this rule.
- (2) Subject to subrules (4), (5) and (8), a registration in terms of section 20(2) of the Act shall with effect from the effective date and as a general rule be valid for a period of five years from the date of registration.
- (3) The period of validity of the registration of a registered person prescribed in terms of this rule shall be endorsed on all registration certificates issued with effect from the effective date.
- (4) The date of registration of a person who, on the effective date is registered as—

- (a) a professional;
- (b) a single residential property assessor; or
- (c) candidate single residential property assessor,

shall, for the purposes of subrule (1), be deemed to be that of the effective date.

(5) The period of validity of the registration of—

- (a) a professional or a registered single residential property assessor may, on the expiry date, be extended for a further period not exceeding five years, if the council is satisfied that the registered person concerned complies with the applicable conditions relating to and the nature and extent of continuing education and training determined by the council under section 13(k) of the Act.
- (b) a candidate valuer may, on the expiry date of his or her registration referred to in subrule (4), be extended for a further period determined by the council—
 - (i) if the council is convinced that circumstances beyond the control of the candidate valuer prevented him/ her from obtaining a recognized academic qualification or from complying with at least the other requirements for registration as a professional person; or
 - (ii) if the registration of the candidate valuer as a professional is pending and under consideration by the council or that the candidate valuer is about to apply for that registration; and
- (c) a candidate single residential property assessor may, on the expiry date, under the circumstances referred to in paragraph (b), with the necessary changes, be extended for a further period not exceeding one year.

(6) When the council extends the period of registration of a registered person in accordance with sub-rule (5), the council—

- (a) may determine conditions applicable to the extension; and
- (b) must convey the determination to the registered person in writing.

(7) An application for an extension of the period of validity of a registration shall be made in writing and be accompanied by—

- (a) any charge determined by the council under section 12 of the Act;
- (b) any certificate in possession of the applicant; and
- (c) any information or document required by the council.

(8) If the council refuses to extend the period of validity of the registration of a registered person the registered person may, after a period of one year from the date of the refusal, apply for registration in accordance with section 20(2)(a) or (b), as the case may be, of the Act.

Renewal of registration

13. Notwithstanding anything to the contrary contained in the RPVP, a person who was previously registered and whose registration-
- (i) was cancelled at his/ her request;
 - (ii) was cancelled in terms of section 21(1) (a) (iii) of the Act; or
 - (iii) was suspended or cancelled in terms of section 33(3) (a) of the Act,

shall not for a period of one year from the date of the renewal of his/ her registration be eligible to write any of the admission examinations referred to in item 2 of Annexure C.1, item 2 of Annexure C.2 or item 2 of Annexure C.3 of the Rules as the case may be.

Granting of continuous education and training (CET) hours

14. (1) With effect from 1 April 2020 the council shall only allocate CET points to a registered person who has attained such points from and accredited service provider contemplated in subrule (2);
- (2) A service provider wishing to be accredited by the council to offer continuous education and training in property valuation, shall apply to the council to be so accredited; and
- (3) The application contemplated in subrule (2); shall—
- (i) be in writing on the letterhead of the service provider;
 - (ii) be signed by a person having the authority to do so.

Abbreviations and acronyms

15. A registered person may use the following abbreviations or acronyms for the following titles, respectively:
- (a) professional valuer: Pr Val;
 - (b) professional associated valuer: Pr Assoc Val;
 - (c) candidate valuer: Ca Val;
 - (d) single residential property assessor: SRPA; or
 - (e) candidate single residential property assessor: CSRPA.

PART VII**Candidates and valuations****Candidates prohibited from canvassing valuation work**

16. (1) A candidate in any category of registration must at all times and circumstances comply with section 19(3) of the Act, read with item 8 of Annexure C.1 or item 8 of Annexure C.2, as the case may be, which provides clearly that he/ she may perform

work in the property valuers profession only under the supervision and control of a professional ("the supervisor or mentor") and, consequently, that he/ she or any person or body for or on his/ her behalf-

- (a) shall not canvass or solicit valuation work or publish his/ her services in his/ her capacity as a candidate;
- (b) shall accept an instruction or request to assist in the performance of a property valuation only from his /her supervisor or mentor or another professional ("the instructing professional"), which instruction or request shall—
 - (i) be in writing, stating the name, registration category and postal address of the instructing professional;
 - (ii) contain the name of the person requiring the property valuation ("the client"), the registration particulars and description of the property to be valued, the type of registration particulars and description of the property to be valued; type of property; the purpose of the valuation; and the work to be performed by the candidate; and
 - (iii) form part of the resulting valuation report.
- (c) shall, if requested by any person or body ("the client") to perform property valuation work, refer the client or the request to an instructing professional;
- (d) except where a candidate is in fact also the client he/ she shall not, directly or indirectly, instruct a professional to perform property valuation work for a client.
- (2) A professional shall not, directly or indirectly, take instructions from a candidate, or any person other than a client or his/ her duly appointed agent, to perform property valuation work for that client.
- (3) The statement of account for services rendered in respect of property valuation work performed as a result of an instruction or request referred to in sub-rule (1)(b), shall be issued by and in the name of the instructing professional or his/ her practice, and payment thereof shall be made only to him/ her or the practice, as the case may be.

PART VIII

Valuation reports

International valuation standards

17. Without derogating from any rule or item contained in the RPVP, the Code of Conduct for Registered Persons or any other determination or resolution made or adopted by the council with regard to property valuation reports, for a valuation report to comply with the International Valuation Standards—

- (1) The purpose of the valuation, the complexity of the asset being valued and the users' requirements will determine the level of detail appropriate to the valuation report.
- (2) Compliance with this standard does not require a particular form or format of report, however, the report must be sufficient to communicate to the intended users

the scope of the valuation assignment, the work performed and the conclusion reached.

(3) The report should also be sufficient for an appropriately experienced valuation professional with no prior involvement with the valuation engagement to review the report and understand it.

(4) The report must convey at the minimum—

- (a) the scope of work performed;
- (b) the intended use of the report;
- (c) the approach or approaches adopted;
- (d) the method or methods applied;
- (e) the key inputs and considerations;
- (f) the assumptions made;
- (g) the conclusion(s) of value and principal reasons for the conclusions reached; and
- (h) the date of the report (which may differ from the date of valuation).

PART IX

Voluntary associations

Renewal of recognition

18. An application by a voluntary association for renewal of its recognition as a voluntary association in terms of section 26(7) of the Act shall—

- (a) be in writing on the letterhead of the voluntary association;
- (b) be signed by the president of the voluntary association or his/ her nominee;
- (c) state –
 - (i) that the voluntary association complies with the requirements determined by the council in terms of section 15(d) of the Act; and
 - (ii) that it will at all times comply with the said requirements; and
- (d) be accompanied by—
 - (i) the current constitution of the voluntary association;
 - (ii) a list containing the names and postal and e-mail addresses of the committee and its office-bearers; and
- (e) a list of the voluntary association's members and the category of membership of each member.

PART X**General****Transitional provision**

19. Any act performed, notice given, decision taken, exemption or permission granted in terms of the Rules for the Property Valuers Profession, 2008, as amended, remains valid and is deemed to be performed, given, taken or granted in terms of the corresponding provision of the RPVP until repealed.

Repeal of Rules

20. The Rules set out in the Schedule hereinafter are hereby repealed.

Short title and commencement

21. These Rules shall be called the Rules for the Property Valuers Profession, 2020, and shall commence on 1 January 2020.

SCHEDULE

(Rule 20)

<u>Short Title</u>	<u>Board Notice ("BN")</u>	<u>Extent of Repeal</u>
The Rules for the Property Valuers Profession, 2008	BN 119 of 2008	The whole
Rules, First Amendment	BN 45 of 2012	The whole
Rules, Second Amendment	BN 79 of 2013	The whole
Rules, Third Amendment	BN 135 of 2013	The whole
Rules, Fourth Amendment	BN 235 of 2013	The whole
Rules, Fifth Amendment	BN 70 of 2014	The whole
Rules, Sixth Amendment	BN 162 of 2016	The whole

ANNEXURE A**Registrar's performance agreement**

The Registrar commits himself/ herself to the following:

- (a) Assisting and supporting the council in performing the duties and exercising its powers in terms of the Act;
- (b) as accounting officer, to effectively manage the Council's budget and financial affairs;
- (c) managing the council's office effectively by ensuring that the maximum potential of each employee is utilised properly in an environment in which the employees work and communicate harmoniously, productively, and are given opportunities to display initiative and develop their skills; and
- (d) liaising, co-operating and working with the private and public sectors, other interested persons and bodies, registered persons and members of the public, for the enhancement of the property valuers' profession.

ANNEXURE B**Assessment of experience in property valuation**

Weights for different types of properties valued for different purposes of property valuation										
		Expropriation	Insurance	Investments & Financial statements	Land reform	Mortgage bonds & Security	Municipal Rating and Endowments	Purchase, Sale, Estates and Municipal Objections	Rental determination	
		01	02	03	04	05	06	07	08	
Single residential land	01	12	0	8	8	3	1	5	4	
General residential land (flats)	02	180	0	120	120	45	15	75	60	
Single dwellings	03	60	5	40	40	15	5	25	20	
Blocks of flats	04	300	20	200	200	75	25	125	100	
Individual single residential units (sectional title & share block)	05	60	5	40	40	15	5	25	20	
Sectional title schemes & share block schemes	06	360	20	240	240	90	30	150	120	
Timeshare schemes	07	480	20	320	320	120	40	200	160	
Leasehold	08	420	20	280	280	105	35	175	140	
Commercial & Office land	09	240	0	160	160	60	20	100	80	
Commercial & Office buildings	10	420	20	280	280	105	35	175	140	
Industrial land	11	120	0	80	80	30	10	50	40	
Industrial buildings	12	360	20	240	240	90	30	15k0	120	
Potential township land	13	360	0	240	240	90	30	150	120	
Partially developed townships	14	600	0	400	400	150	50	250	200	
Small holdings (Agricultural, Commercial, Industrial and Residential)	15	120	5	80	80	30	10	50	40	
Servitudes	16	360	0	240	240	0	30	150	120	
Land on which mines are situated	17	420	20	280	280	105	35	175	140	
Farms (including forest land)	18	420	10	280	280	105	35	175	140	
Special type properties	19	420	20	280	280	105	35	175	140	

ANNEXURE C.1**Further specific requirements: Professional valuer, professional associated valuer and candidate valuer****Academic requirements and prior learning**

1. (1) For the purposes of this item “relevant prior learning in property valuation” means the practical process or assessment by or on behalf of the council of what a person applying for registration as a candidate valuer knows and can do and may lead to the recognition of (practical) knowledge and skills, regardless of how it has been required, and includes, but not limited to—
 - (a) confirmed workplace experience and aptitude;
 - (b) oral questioning;
 - (c) oral or written examinations;
 - (d) assignments;
 - (e) essays;
 - (f) workshops and workschools; or
 - (g) any other technique, tool or assessment method the council may determine from time to time so as to assess the candidate’s competency and suitability for registration.
- (2) A person wishing to be registered in terms of this Annexure shall submit written proof—
 - (a) in the case of a candidate valuer that, he/ she—
 - (i) is enrolled for an academic qualification recognized by the council; or
 - (ii) has the relevant prior learning in property valuation contemplated in section 20(2) (b) (iii) of the Act; and
 - (b) in the case of a professional, that he/ she is in possession of an academic qualification recognized by the council.
- (3) A person wishing to invoke or rely on the provisions of section 20(2)(b)(iii) of the Act, shall comply with the determinations made by the council from time to time in respect of relevant prior learning in property valuation, which must be satisfied by him/ her.
- (4) Notwithstanding anything contained in the RPVP with regard to section 20(2) (a) (ii) of the Act, a registered person wishing to be registered as a professional valuer, must with effect from 1 October 2020 or such further period as the council may determine in general or in a particular case, be in possession of the following academic qualifications recognised by the council—
 - (a) a four year degree in property valuation recognized by the council; or

- (b) another relevant or equivalent degree recognized by the council together with a (national) diploma in real estate recognized by the council.
- (5) (a) A professional associated valuer who, on 30 September 2020, is not in possession of a qualification referred to or contemplated in subitem (4), but wishing to sit for the admission examination referred to in item 2(1) must, within a period of five years from 1 October 2020, or a further period as the council may determine in general or in particular, attend, complete and pass a course, programme or advanced diploma from an educational institution offering an accredited property valuation programme in order to attain the following competencies—
 - (i) advanced property valuation
 - (ii) property investment analysis and
 - (iii) property market analysis.
- (b) The council may, pending the commencement of the requirements referred to in paragraph (a), exempt the professional associated valuer concerned from complying with the time limits or minimum periods referred to in the condition to rule 13 or item 2(2)(b).

Admission examinations

- 2. (1) Subject to subitem (2), the following examinations are hereby prescribed as a test of practical competence, proficiency and experience in property valuation—
 - (a) for a professional valuer, the admission examination for professional valuers; or
 - (b) for a professional associated valuer, the admission examination for professional associated valuers.
- (2) The following minimum periods of registration apply to a registered person wishing to be admitted to an examination referred to in sub-item (1)—
 - (a) three years from the date of his/ her registration if he/ she was registered without a prescribed or recognized academic examination or qualification; or
 - (b) two years from the date of his/ her registration or re-registration if he/ she was registered with a prescribed or recognized academic examination or qualification.
- (3) A failure to comply with any instruction or condition governing or regulating any examination in terms or contemplated in the RPVP, constitutes improper conduct.

Required practical experience

3. The practical experience in property valuation contemplated in section 20(2) (a) (iii) of the Act in respect of a person applying for registration as a professional is as follows, that the applicant concerned—
- (a) has attended a practice orientated workschool administered by the council or its nominee, and where appropriate and deemed necessary by the council, and passed the examination conducted at the end thereof; and
 - (b) has gained practical experience of work in property valuation in the Republic of the scope, variety, nature and standard set out in this Annexure; and
 - (c) has passed either a practical examination approved by the council or the admission examination referred to in sub-item (1) (a) or (b), as the case may be.

Required scope, variety, nature and standard of practical experience

4. It is the responsibility of a candidate valuer and his/ her supervisor, recorded and confirmed as such in terms of item 8 to ensure that the candidate valuer gains a sufficient scope, variety, nature and standard of practical experience of work in property valuation by having him/ her exposed to as many of the following as possible:
- (a) Purposes of property valuation
 - (i) expropriation;
 - (ii) insurance;
 - (iii) investment and financial statements;
 - (iv) land reform (restitution, development, tenure and redistribution);
 - (v) mortgage bonds and security;
 - (vi) municipal rating (mass valuations) and endowments;
 - (vii) purchase, sale, estate and municipal objection; and
 - (viii) rental determination.
 - (b) Types of properties
 - (i) business property cluster, comprising—
 - (aa) blocks of flats;
 - (bb) commercial and office land;
 - (cc) commercial and office buildings;
 - (dd) industrial buildings;
 - (ee) industrial land;
 - (ff) general residential land (flats);
 - (gg) leaseholds;
 - (hh) partially developed townships;
 - (ii) potential township land;
 - (jj) sectional title schemes and share block schemes;
 - (kk) small holdings (commercial and industrial uses); and
 - (ll) timeshare scheme;
 - (mm) servitudes;
 - (ii) farms or agricultural property cluster, comprising—
 - (aa) farms (including forests);

- (bb) agricultural small holdings;
 - (cc) land on which mines are situate; and
 - (dd) servitudes;
- (iii) single residential property cluster, comprising—
 - (aa) individual single residential sectional title units;
 - (bb) single dwellings;
 - (cc) single residential land (including land for special type properties); and
 - (dd) small holdings/ plots; (residential use);
 - (ee) servitudes; and
- (iv) special type or miscellaneous property cluster, such as museums, public schools, public health facilities and any other properties of a specific or special nature.

Assessment of practical experience

5. (1) To assess, for the purposes of section 20(2)(a)(iii) of the Act, the practical experience of work in property valuation of an applicant applying in terms of section 20 of the Act in the category of professional valuer or professional associated valuer, the relative weights set out in Annexure B in valuations so listed, shall be applied to the number of property valuations provided and substantiated by the applicant in his/ her application form submitted by him/ her, and shall be processed to determine a total weight, which, together with the various types of properties valued by the applicant for different purposes of property valuations shall form the basis of the assessment.
- (2) In the assessment process referred to in subitem (1), the number, to a maximum of 100, provided and substantiated by an applicant in each cell reflected in Annexure B, shall be multiplied by the relative weight concerned and the aggregate of the resulting calculations shall be divided by 100 to determine the final outcome.

Application of assessment outcome

6. As a general norm, the minimum outcome reached in the assessment referred to in item 5, shall be —
- (a) an assessed weighted score of 80 and three types of property valued for one purposes of property valuation, in the case of registration as a professional associated valuer (registered with restrictions or conditions) permitted to performing valuations for the following—
 - (i) single residential property cluster;
 - (ii) mortgage bond and security;
 - (iii) insurance; or
 - (iv) municipal rating and endowment;
 - (b) an assessed weighted score of 130 and four types of properties valued for three purposes of property valuation, in the case of registration as a professional associated valuer (registered with restrictions or conditions) permitted to performing more than one of the valuations referred to in item 4; and

- (c) an assessed weighted score of 190 and nine types of properties valued for four purposes of property valuation, in the case of registration as a professional valuer.

Additional requirements

- 7. Without derogating from the provisions of this Annexure, the council may, in order to be satisfied that a person applying for registration as a professional, and with due regard to his/ her application as a whole, require that that person—
 - (a) gain further practical experience of work in property valuation in general or in respect of any purpose of property valuation or type of property valuation referred to in paragraph (a) or (b) of item 4, including the time during which he/ she must gain such experience;
 - (b) perform a minimum of one property valuation assignment, consisting of the performance of any type of property referred to in paragraph (b) of item 4 including a fully motivated written valuation report or reports thereof, determined by the council;
 - (c) submit at least one certified copy of a property valuation report done by him/ her, as identified by the council;
 - (d) appear before the council for an interview regarding his/ her experience in property valuation work; or
 - (e) submit any information or document relevant to his/ her application, as identified by the council.

Supervision and control

- 8.
 - (1) For the purposes of this Annexure and with due regard to the provisions of rule 15, the professional under the supervision and control of whom a candidate valuer must perform his/ her work as provided for in section 19(3) of the Act, shall be a professional valuer, the supervisor or mentor, or professional associated valuer permitted to performing all types of property valuations for all purposes of valuation (previously termed “without restrictions”) required by the candidate, recorded and confirmed as such by the council.
 - (2) The supervisor or mentor shall countersign all property valuation reports and other documentation relating to work in property valuation, prepared by the candidate valuer, as verification of the fact that the supervisor/ mentor has exercised the supervision and control contemplated by the said section 19(3) in respect of that work.
 - (3) Only work in property valuation done under supervision and control in accordance with subitem (1), shall be taken into account by the council for the purposes of the assessment referred to in item 5.

Removal of registration conditions

- 9. A professional associated valuer registered with restrictions or conditions may not since 15 November 2016 by virtue of Annexure C.1 to the Rules for the Valuers Profession Act, 2008 (repealed), apply for the removal or lifting of the restrictions or conditions. He/ she may, if he/ she qualifies, sit for a professional valuer examination referred to in item 2, the passing of which shall then permit him or her to perform property valuations of all types and for all purposes.

ANNEXURE C.2**Specific requirements: single residential property assessor and candidate
single residential property assessor****Academic requirements and prior learning**

1. (1) Without derogating from anything contained in the RPVP, and in addition, a person wishing to be registered in terms of this Annexure shall submit written proof—
 - (a) in the case of a candidate single residential property assessor, that he/ she—
 - (i) is enrolled for at least two of the following subjects of the (National) Diploma in Real Estate (Property Valuation), namely Property Valuation I; Property Economics and Finance I; Property Practice 1; Law of Property Valuation; and Principles of Property Law; or
 - (ii) has the relevant prior learning in property valuation (as defined in item 1(1) of Annexure C.1) contemplated in section 20(2)(b)(iii) of the Act; and
 - (b) in the case of a single residential property assessor, that he/ she is in possession of the five subjects referred to in paragraph (a)(i) or any other academic qualification recognized by the council;
 - (c) the names of the subjects mentioned in subparagraph (i) may be different according to the educational institution offering the valuation programme;
 - (d) the subject, Law on Property Valuation mentioned in sub-paragraph (i) may be combined with Property Valuation 1; and
 - (e) the provisions of subitem (3) of item 1 of Annexure C.1, shall apply with the necessary changes to a person referred to in paragraph (a) (ii) of item 1.
- (2) The following minimum periods of registration apply to a person registered in terms of this Annexure wishing to be admitted to the examination referred to in paragraph (a) of subitem (1)—
 - (a) two years from the date of his/ her registration if he/ she was registered without the academic requirement referred to in paragraph (a) of subitem (1); and
 - (b) one years from the date of his/ her registration or re-registration if he/ she was registered with the academic requirement referred to in paragraph (a) of subitem (1); or
- (3) subject in general to rule 12, the period of validity of the registration of a candidate single residential property assessor shall be valid for a period of five years from the date of registration.

Examinations and requirements

2. The following examinations or requirements are hereby prescribed as a test of practical competence, proficiency and experience in property valuation.

- (a) the admission examination for single residential property assessors; and
- (b) written proof of completion of a practice orientated workschool administered by the council or its nominee; or
- (c) a property valuation assignment, consisting of the performance of a single residential property, including a fully motivated written valuation report determined by the council from time to time.

Required practical experience

3. The practical experience in property valuation contemplated in section 20(2)9a(iii) of the Act in respect of single residential property assessor is as follows, namely that the applicant concerned has gained practical experience of work in property valuation in the Republic of the scope, variety, nature and standard set out in item 4.

Required scope, variety, nature and standard of practical experience

4. It is the responsibility of a candidate single residential property assessor and his/ her supervisor, approved in terms of item 8, to ensure that that candidate gains a sufficient scope, variety, nature and standard of practical experience of work in property valuation by having him/ her exposed to as many purposes of property valuation as is possible as set out in item 4(a) of Annexure C.1 and as many types of properties of the single residential property cluster referred to in paragraph (b) (iii) of item 4 of Annexure C.1.

Assessment of practical experience

5. (1) To assess, for the purposes of section 20(2)(a)(iii) of the Act, the practical experience of work in property valuation of an applicant applying in terms of section 20 of the Act in the category of single residential property assessor, the relative weights set out in Annexure B in respect of the various types of single residential properties for the different purposes of property valuations listed in item 4 shall be applied to the numbers of property valuations provided and substantiated by the applicant in his/ her application form submitted by him/ her, and shall be processed to determine a total weight, which, together with the various types of single residential properties valued by the applicant for different purposes of property valuations shall form the basis of assessment.

(2) In the assessment process referred to in subitem (1), the number, to a maximum of 100, provided and substantiated by an applicant in each cell reflected in Annexure B, shall be multiplied by the relative weight concerned and the aggregate of the resulting calculations shall be divided by 100 to determine the final outcome.

Application of assessment outcome

6. As a general norm, the minimum outcome reached in the assessment referred to in item 5, shall be an assessed weighted score of 40 and one type of property valued for one purpose of property valuation.

Additional requirements

7. Without derogating from the provisions of this Annexure, the council may, in order to be satisfied that a person applying for registration as a single residential property assessor, and with due regard to his/ her application as a whole, require that that person—
- (a) gain further practical experience of work in the valuation of single residential properties, including the time during which he/ she must gain such experience;
 - (b) perform at least one property valuation assignment, other than the one contemplated in paragraph (c) of item 2, of a single residential property determined by the council, including a fully motivated written valuation report or reports thereof;
 - (c) submit at least one certified copy of a valuation report (other than the one contemplated in paragraph (c) of item 2, done by him/ her;
 - (d) appear before the council for a personal interview regarding his/ her experience in property valuation work; or
 - (e) submit any information or document relevant to his/ her application, as identified by the council.

Supervision and control

8. (1) For the purposes of this Annexure and with due regard to the provision of rule (15), the professional under the supervision and control of whom a candidate single residential property assessor must perform his/ her work as provided for in section 19(3) of the Act, shall be a professional valuer or professional associated valuer or a single residential property assessor, recorded and confirmed as such by the council ("supervisor/ mentor").
- (2) The supervisor or mentor shall countersign all property valuation reports and other documentation relating to work in property valuation, prepared by the candidate single residential property assessor, as verification of the fact that the supervisor/ mentor has exercised the supervision and control contemplated by the said section 19(3) in respect of that work.
- (3) Only work in property valuation performed under supervision and control in accordance with subitem (1), shall be taken into account by the council for the purposes of the assessment referred to in item 5.

Restrictions and conditions

9. (1) A person registered in the category of single residential property assessor or candidate single residential property assessor, shall be permitted to performing property valuation work in respect of only the single residential cluster referred to in paragraph (b)(iii) of item 4 of Annexure C.1.
- (2) The provisions of subitem (1) shall not derogate from the council's powers under section 20(3) of the Act in respect of any applicant applying, in terms of section 20(1) of the Act, for registration in the category of single residential property assessor or candidate single residential property assessor.

Cancellation or variation of restrictions and conditions

10. A person registered in terms of this Annexure who wishes the restrictions or conditions referred to in item 9 to be cancelled or varied, must comply with all the requirements applicable to the registration of a professional valuer, a professional associated valuer or a candidate valuer, as the case may be, including any other requirements prescribed or determined by the council from time to time.

ANNEXURE C.3**Specific requirements: Public sector professional associated valuers****Definitions**

1. For the purposes of this Annexure “public sector official” includes-
 - (a) any person who is employed by any organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996; or
 - (b) any person who lectures at any educational institution accredited by the council in terms of section 13 of the Act.

Registration of public sector professional associated valuers

2.
 - (1) Subject to subitems (2) and (3), the council may register a public sector official as a public sector professional associated valuer if the official—
 - (a) is in possession of a recognised qualification in property valuation or built environment;
 - (b) assesses property valuation work;
 - (c) lectures in property valuation education programmes; or
 - (d) is deemed to be a person who performs services which fall within the scope of services referred to or contemplated in item 4 of Annexure C.1.
 - (2) The following examinations or requirements are hereby prescribed for purposes of section 20(2) (a) (iii) of the Act—
 - (a) the admission examination for professional associated valuer or for public sector professional associated valuer; and
 - (b) written proof of completion of a practice orientated workschool administrated by the council or its nominee.
 - (3) The council may require any public sector official wishing to be registered in terms of this Annexure to-
 - (a) perform a property valuation assignment of any type of property referred to in Annexure C.1 or C.2, including a fully motivated written valuation report thereof;
 - (b) submit a property valuation report done by him/ her, if any;
 - (c) submit full details of his/ her-

- (i) employment, including management functions (powers and duties) or other activities in property valuation work; or
 - (ii) academic or educational qualifications, academic publications, scriptures or documents regarding his/ her involvement in property valuation educational programmes;
- (d) submit any other information or document relevant to his/ her application, as identified by the council; or
- (e) appear before the council for a personal interview regarding his/ her application.

ANNEXURE C.4

Specific Rules in respect of Plant and equipment assessors and candidate plant and equipment assessors

Definitions

1. For the purposes of this Annexure—
 - (a) “field” refers to any aspect, component, division, element, feature, part, piece, segment, type or unit in respect of or pertaining to plant and equipment; and
 - (b) “plant and equipment” means plant and equipment, including equipment, as defined and applied from time to time by the International Valuation Standards Council.

Registration of an Assessor

2. (1) Subject to subitems (2) and (3), and without derogating from the provisions of section 20(2)(a) and (3) of the Act and any relevant determination made by the council from time to time, a person wishing to be registered as a plant and equipment assessor, must—
 - (a) apply to the council to be registered as such; and
 - (b) satisfy that he/ she has, for a period of not less than five years been regularly engaged, in the Republic or elsewhere, in the performance of work in the valuation of plant and equipment or of a field thereof, which, in the opinion of the council is of sufficient scope and variety and of a satisfactory nature and standard.
- (2) The council may, for the purposes of subitem (1), require that the applicant—
 - (a) in the case of a professional as defined in section 1 of the Council for the Built Environment Act, 2000 (Act No. 43 of 2000), submit written proof such registration;
 - (b) in the case of membership of a recognised voluntary association, submit written proof of such membership;

- (c) submit proof and details of any academic or other qualification, examination or course obtained or done by him/her;
- (d) provide proof and details of his/her practical experience and to this end furnish a copy of at least one relevant valuation assignment or report;
- (e) supply, when requested to do so by the council, any other relevant information or document;
- (f) attend a practice orientated workschool approved by the council and sit for the examination set at the end thereof;
- (g) sit for any and pass a written examination conducted by the council or any educational institution or body recognised or accredited by the council; and/or
- (h) be interviewed by the council or a committee of the council.

(3) If, after consideration of the application, the council is satisfied that the applicant is a suitable person for registration as an assessor of plant and equipment, or a field thereof, the council shall register the applicant as such, with or without restrictions and conditions.

Registration of Professional

3. The provisions of item 2 apply, with the necessary changes, to a professional valuer or professional associated valuer who is engaged in or wishes to be engaged in the performance of work in the valuation of plant and equipment or a field thereof, may apply to the council to have his/ her certificate of registration, after due consideration of the application, be endorsed to that effect.

Registration of Candidate

4. Subject to section 20(2) (b) and (3) of the Act and with due regard to any relevant provision in Annexure C.1, the council may from time to time make determinations regarding academic or other qualifications or examinations; required practical experience; supervision and control; restrictions; conditions and requirements in respect of a person wishing to be registered as candidate plant and equipment assessor.

Registrar

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 654 OF 2019

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Rule 5 (a) regarding procedure of the Commission of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to the Regional Land Claims Commissioner: Western Cape. The particulars regarding this claim are as follows:

Reference Number : Various

Areas : Various

Compensation : Unknown

Number of Claimants : previous owners and tenants have lodged individual claims on various erven

Num	Reference	Claimant Initial and Surname	Property Description	Extent	Capacity	Date Submitted
1	KRK6/2/3/A/6/0/422/73/A575	JG Arendse	3 Strawberry Lane Constantia	Cant view file	Cant view file	16/09/1998
2	KRK6/2/3/A/4/2117/0/15/B210	M Battis	Erf 11289- 9 - 18 Avenue Goodwood	472 sqm	Owner	25/11/1996
3	KRK6/2/3/A/4/12314/0/76/C32 7	LM Cloete	Erf 3617 Goodwood	Not Available	Owner	19/08/1998
4	KRK6/2/3/A/4/12314/0/136/D2 92	G Daniels	Erf 4281 Goodwood	495sqm	OWNER	24/03/1997
5	KRK6/2/3/A/6/2742/0/11/E95	G Effendi	Erven 59718 Lansdowne	VARIOUS	Owner	28/11/1996
6	KRK6/2/3/A/4/2117/0/59/F165	E Franken	Erf 10679 Goodwood	495 sqm	Not Available	17/02/1997
7	KRK6/2/3/A/6/51/0/1/H217	IW Hosford	Erven 693, 695, 698, 703, 704, 705, 706, 707 Zeekoevlei	Various	Owner	11/12/1996
8	KRK6/2/3/A/3/391/46/H633	HB Hoosain	Erven 13493,13524, Woodstock	Various	Owner	17/03/1997
9	KRK6/2/3/A/4/12314/0/231/I71	C Ismail	Erf 21457 a ptn of Erf 11443 Goodwood	471sqm	Not Available	01/04/1997
10	KRK6/2/3/A/6/27421/0/108/J79 4	AJ Jansen	Erf 59665 Landsdowne	4500sqm	Owner	14/04/1994

11	KRK6/2/3/A/1/12314/1718/2/L 17	D Labetea	Erf 25725 Observatory	4048 sqm	Owner	18/10/1998
12	KRK6/2/3/A/6/0/422/45/M1095	Matthews	Hill Cottages Paggasvlei	Not Available	Not Available	29/11/1996
13	KRK6/2/3/A/1/0/2261/1/M311	GC Matthys	Lot no 1 Portion of lots 42 & 43, Crowlands Stikland; Erf 11299 Bellville	302sr 140sf	Owner	27/11/1996
14	KRK6/2/3/A/1/0/1368/29/P503	L Parker	Erf 23610,23609 Goodwood	Various	Owner	31/12/1998
15	KRK6/2/3/A/1096/0/0/4/S1327	VJ Stewart	Farm 604/30 Phillipi	Not Available	Owner	21/12/1998
16	KRK6/2/3/A/6/2742/52/W312	W Gierdien	Erf 58682 Lansdowne	Not Available	Not Available	Not Available
17	KRK6/2/3/A/4/12314/0/447/M1 464	M Mentoor	Erf 3240 Goodwood	Not Available	Not Available	31/12/1998
18	KRK6/2/3/A/1/0/655/1/O14	EE Omar	Erf 44412 Rondebosch	412SQRD 79sf	Owner	07/12/1995
19	KRK6/2/3/A/1/0/1084/493/P27 5	A Parker	Erf 21864 Kensington	104sqrd 24sqf	Owner	27/03/1997
20	KRK6/2/3/A/5/21/0/8/F465	GI Foster	Erf 504 Kraaifontein	Not Available	Not Available	26/03/1997
21	KRK6/2/3/A/4/12314/0/447/M1 464	M Mentoor	Erf 3240 Goodwood	Not Available	Not Available	31/12/1998

Date Submitted : Various Dates

The Regional Land Claims Commission investigated this claim in terms of provisions of the Restitution Of Land Rights Act, Act 22 of 1994. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 30 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X 9163
Cape Town
8000

Tel: (021) 409-0300

Fax: (021) 424-5146

CHECKED.....

DATE.....06/11/2019

APPROVED.....

DATE.....20/9/19/29

Mr LH Maphutha
RLCC

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 655 OF 2019

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT
1994, (ACT No. 22 OF 1994) AS AMENDED.**

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Claimant : Mr Brian Pool
ODI : Rynse Sendinggemeente van Stellenbosch
Date Submitted : 25 March 1997

Ref No	Property description	size
KRK6/2/3/9/77/0/17(D302)	Erven 622 and 623 Stellenbosch, Cape Winelands District, Western Cape	8622m ² & 8389
	Erven 602, 603, 605, 608 and 612 Stellenbosch, Cape Winelands, Western Cape.	1069m ² , 1193m ² , 706m ² , 522m ² , 659m ²

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 30 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300

Fax: (021)409-0538

CHECKED.....

DATE.....

APPROVED.....

DATE.....

SOUTH AFRICAN RESERVE BANK**NOTICE 656 OF 2019****Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

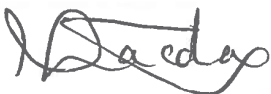
**Mrs Yuling Chen with Peoples Republic of China passport number G61673852
(the 'Respondent')**

of:

27 Bult Street
Rustenburg
0299

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R461 866.39 being capital standing to the credit of the Respondent in account number 62585314447, held with FirstRand Bank Limited, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Regulation 22B of the Exchange Control Regulations, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 2 day of December 2019.



K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK**NOTICE 657 OF 2019****Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

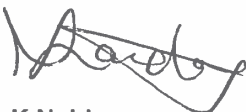
Raafe Trading (Pty) Limited (registration number 2014/076664/07 (hereinafter referred to as the Respondent))

of:

Shop 4 Oriental City
72 Anton Lembede Road
South Beach
Durban
Kwazulu Natal
4001

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to the Governor or Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 The amount of R150 000-00, being capital standing to the credit in the name of the Respondent in the Credits Outstanding Suspense Account, held with The Standard Bank of South Africa Limited, together with any interest thereon and/or accrual to such capital.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice and Order of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by depositing it into the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 20 day of November 2019.



K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK**NOTICE 658 OF 2019****Notice and Order of Forfeiture**

Notice of Forfeiture to the State of money in terms of the provisions of Regulation 22B of the Regulations ("the Exchange Control Regulations") made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

**Star Drone Trading Proprietary Limited, Company Registration number 2017/373020/07
(the "Respondent")**

of:

Dragon City Wholesale Mall
Shop No PB12
CNR. Main Reef and Park Drive
Crown Mines
Johannesburg
2000

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Deputy Governors of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in the Deputy Governors of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeited to the State the following money, namely:
 - 2.1 Capital amount of USD71 560-80, standing to the credit of the Respondent, held with FirstRand Bank Limited, together with any interest thereon or any other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit of the proceeds thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Regulation 22B of the Exchange Control Regulations, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 21 day of November 2019



K Naidoo
Deputy Governor
South African Reserve Bank

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 659 OF 2019

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 10400-B Ed 4	<i>The application of the National Building Regulations Part B: Structural design.</i> Provides deemed-to-satisfy.	2020-01-07
SANS 10320 Ed 2	<i>Systematic evaluation of coal exploration results, inventory coal, coal resources and coal reserves.</i> Provides a detailed framework for reporting on coal resources and coal reserves for the purposes of the Securities Exchange and the National Coal Inventory.	2019-12-30
SANS 10198-14 Ed 3	<i>The selection, handling and installation of electric power cables of rating not exceeding 33 kV Part 14: Installation of aerial bundled conductor (ABC) cables.</i> Provides guidance on the installation of insulated Aerial Bundled Conductors (ABC) systems up to 33 kV that comply with the requirements of SANS 1418-1 and SANS 1418-2. It covers installations performed under de-energised conditions only.	2019-12-17
SANS 8775 Ed 1	<i>Testing of fibre optic cables.</i> Provides a high performance communications pathway whose characteristics can be degraded by inadequate installation and handling by explaining typical optical test procedures to validate optical fibre installations and the characterization of these links installed in the industry.	2020-01-07
SANS 22717 Ed 2	<i>Cosmetics - Microbiology - Detection of Pseudomonas aeruginosa.</i> Gives general guidelines for the detection and identification of the specified micro-organism Pseudomonas aeruginosa in cosmetic products. The method described in this standard is based on the detection of Pseudomonas aeruginosa in a non-selective liquid medium (enrichment broth), followed by isolation on a selective agar medium.	2020-01-13
SANS 50021 Ed 1	<i>Energy management and energy savings - General guidelines for selecting energy savings evaluators.</i> Gives guidelines for selecting energy savings evaluators to determine ex-post (realized) energy savings for projects, organizations and regions	2020-01-07
SANS 10085-1 Ed 2	<i>The design, erection, use and inspection of access scaffolding Part 1: Steel access scaffolding.</i> Covers steel tube and fitting, type scaffolding and steel system type scaffolding commonly used for providing safe access; supporting people, materials, small plant and equipment during use; construction, maintenance and demolition type work; and any other work where the method of access makes use of steel scaffolding.	2020-01-15
SANS 214-1:2019 Ed 4	<i>Electromagnetic compatibility - Requirements for household appliances, electric tools and similar apparatus Part 1: Emission.</i> Applies to the conduction and the radiation of radio-frequency disturbances from appliances whose main functions are performed by motors and switching or regulating devices, unless the r.f. energy is intentionally generated or intended for illumination.	2020-12-21
SANS 56002 Ed 1	<i>Innovation Management Assessment – Guidance.</i> Help the user understand why it is beneficial to carry out an Innovation Management Assessment (IMA), what to assess, how to carry out the IMA, and thus maximize the resulting benefits, which are universally applicable to: organizations seeking sustained success in their innovation activities; organizations performing IMAs; users and other interested parties (e.g. customers, suppliers, partners, funding organizations, universities and public authorities) seeking confidence in an organization's ability to manage innovation effectively; interested parties seeking to improve communication through a common understanding of Innovation Management (IM), via an assessment; providers of training, assessment, or advice in IM; developers of related standards; academics interested in research related to IMA.	2020-01-19

SATR 56004 Ed 1	<i>Innovation Management - Innovation management system – Guidance.</i> Provides guidance for the establishment, implementation, maintenance, and continual improvement of an innovation management system for use in all established organizations	2020-01-19
SANS 15883-4 Ed 2	<i>Washer-disinfectors Part 4: Requirements and tests for washer-disinfectors employing chemical disinfection for thermolabile endoscopes.</i> Specifies the particular requirements, including performance, for washer-disinfectors (WDs) that are intended to be used for cleaning and chemical disinfection of thermolabile endoscopes. It also specifies the performance requirements for the cleaning and disinfection of the washer-disinfector and its components and accessories which may be required to achieve the necessary performance. The methods, instrumentation and instructions required for type testing, works testing, validation (installation, operational and performance qualification on first installation), routine control and monitoring and re-validation, periodically and after essential repairs, are also specified.	2020-01-21

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 60079-14 Ed 5	<i>Explosive atmospheres Part 14: Electrical installations design, selection and erection.</i>	Included to clarify the issues relating to the installation of the converter supply or reduced voltage starting of electric motors.	2019-12-31
SANS 60269-3 Ed 3.2	<i>Low-voltage fuses Part 3: Supplementary requirements for fuses for use by unskilled persons (fuses mainly for household and similar applications) - Examples of standardized systems of fuses A to F</i>	Amended to remove the introduction, to modify the scope, to update the requirements for fuse system A – D type fuse system, fuse system B – cylindrical fuses (NF cylindrical fuse system), fuse system C – cylindrical fuses (BS cylindrical fuse system) and fuse system F – cylindrical fuse-links for use in plugs (BS plugtop system), to remove requirements for fuse system D – cylindrical fuses, type C (Italian cylindrical fuse system) and fuse system E – pin-type fuses.	2020-01-17
SANS 1515-1 Ed 3.1	<i>Gas measuring equipment primarily for use in mines Part 1: Battery-operated portable, flammable gas measuring instruments and warning devices</i>	Amended to update the annex on assessment of compliance with this part of SANS 1515, and the referenced standards.	2020-01-21

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 20066:2019 Ed 1	<i>Uniform provisions concerning the approval of large passenger vehicles with regard to the strength of their superstructure.</i> Applies to single-deck rigid or articulated vehicles designed and constructed for the carriage of more than 16 passengers, whether seated or standing, in addition to the driver and crew.
SANS 60601-2-2:2019 Ed 2	<i>Medical electrical equipment Part 2-2: Particular requirements for the basic safety and essential performance of high frequency surgical equipment and high frequency surgical accessories.</i> Applies to the basic safety and essential performance of high frequency surgical equipment and high frequency surgical accessories.
SANS 13909-5:2019 Ed 2	<i>Hard coal and coke - Mechanical sampling Part 5: Coke - Sampling from moving streams.</i> Specifies procedures and requirements for the design and establishment of sampling schemes for the mechanical sampling of coke from moving streams and the methods of sampling used.
SANS 50455-1:2019 Ed 1	<i>Medical gloves for single use - Part 1: Requirements and testing for freedom from holes.</i> Specifies requirements and gives the test method for medical gloves for single use in order to determine freedom from holes.
SANS 50455-2:2019 Ed 1	<i>Medical gloves for single use Part 2 - Requirements and testing for physical properties.</i> Specifies requirements and gives test methods for physical properties of single-use medical gloves (i.e. surgical gloves and examination/procedure gloves) in order to ensure that they provide and maintain in use an adequate level of protection from cross contamination for both patient and user.
SANS 50455-3:2019 Ed 1	<i>Medical gloves for single use Part 3: Requirements and testing for biological evaluation.</i> Specifies requirements for the evaluation of biological safety for medical gloves for single use.
SANS 50455-4:2019 Ed 1	<i>Medical gloves for single use Part 4: Requirements and testing for shelf life determination.</i> Specifies requirements for shelf life for medical gloves for single use.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 10219-3:2019 Ed 2.1	<i>The determination of performance (at net power) of industrial internal combustion engines Part 3: Test measurements. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 784:2008	<i>Design for access and mobility - Tactile indicators.</i>

SCHEDULE B.4: REINSTATEMENT OF WITHDRAWN STANDARD

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Draft Standard No. and Edition	Title	Scope of amendment	Reason

SCHEDULE B.5: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Technical Committee No.:	Title	Scope

SCHEDULE B.6: DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has disbanded the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 660 OF 2019

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 51824 Ed 1	<i>Road Marking Materials - Road Trials.</i> Specifies the requirements for conducting road trials for road marking materials intended for use in both permanent and temporary road marking.	2020-01-29
SANS 53284-1 Ed 1	<i>Stationary source emissions. Determination of low range mass concentration of dust - Part 1 Manual gravimetric method.</i> Specifies the standard reference method (SRM) for the measurement of low dust concentration in duct gaseous streams in the concentrations below 50 mg/m ³ at standard conditions.	2020-01-29
SANS 23210 Ed 1	<i>Stationary source emissions -- Determination of PM10/PM2,5 mass concentration in flue gas -- Measurement at low concentrations by use of impactors.</i> Specifies a standard reference method for the determination of PM10 and PM2,5 mass concentrations at stationary emission sources by use of two-stage impactors. The measurement method is especially suitable for measurements of mass concentrations below 40 mg/m ³ as half-hourly averages in standard conditions (273 K, 1 013 hPa, dry gas)	2020-01-29
SANS 11607-1 Ed 2	<i>Packaging for terminally sterilized medical devices Part 1: Requirements for materials, sterile barrier systems and packaging systems.</i> Specifies the requirements and test methods for materials, preformed sterile barrier systems, sterile barrier systems and packaging systems that are intended to maintain sterility of terminally sterilized medical devices until the point of use.	2020-02-03
SANS 11607-2 Ed 2	<i>Packaging for terminally sterilized medical devices Part 2: Validation requirements for forming, sealing and assembly processes.</i> Specifies the requirements for development and validation of processes for packaging medical devices that are terminally sterilized. These processes include forming, sealing, and assembly of preformed sterile barrier systems, sterile barrier systems and packaging systems.	2020-02-03
SANS 54791 Ed 1	<i>Stationary source emissions. Determination of mass concentration of sulphur oxides.</i> Specifies the standard reference method (SRM) for the determination of the sulphuric oxide SO ₂ in flue gases emitted to the atmosphere from ducts and stacks.	2020-01-29
SANS 20696 Ed 1	<i>Sterile Urethral Catheters for Single Use.</i> Specifies requirements and test methods for sterile urethral catheters for single use, with or without a balloon.	2020-02-03

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 10086-1 Ed 4.2	<i>The installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations including surface installations on mines</i>	Amended to update referenced standards.	2020-01-28

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdrawn them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SATR 61131-8:2019 Ed 1	<i>Programmable controllers - Part 8: Guidelines for the application and implementation of programming languages.</i> Applies to the programming of programmable controller systems using the programming languages defined in IEC 61131-3.
SANS 10780:2019 Ed 1	<i>Stationary source emissions - Measurement of velocity and volume flowrate of gas streams in ducts.</i> Specifies manual methods for determining the velocity and volume flowrate of gas streams in ducts, stacks and chimneys vented to the atmosphere.
SANS 12039:2019 Ed 1	<i>Stationary source emissions - Determination of carbon monoxide, carbon dioxide and oxygen - Performance characteristics and calibration of automated measuring systems.</i> Specifies the principles, the essential performance characteristics and the calibration of automated systems for measuring carbon dioxide, carbon monoxide and oxygen in the flues of stationary sources.
SANS 12141:2019 Ed 1	<i>Stationary source emissions -- Determination of mass concentration of particulate matter (dust) at low concentrations -- Manual gravimetric method.</i> Describes a reference method for the measurement of low dust content in ducted gaseous streams at concentrations below 50 mg/m ³ under standard conditions.
SANS 14164:2019 Ed 1	<i>Stationary source emissions - Determination of the volume flowrate of gas streams in ducts -- Automated method.</i> Defines the operating principles and performance characteristics of automated flow-measuring systems to determine the volume of flowrate in the ducts for stationary sources.
SANS 60137:2019 Ed 4	<i>Insulated bushings for alternating voltages above 1 000 V.</i> Specifies the characteristics and tests for insulated bushings.
SANS 61058-2-5:2019 Ed 3	<i>Switches for appliances Part 2-5: Particular requirements for change-over selectors.</i> Applies to change-over selectors (mechanical or electronic) for appliances actuated by hand, by foot or by other human activity, to operate or control electrical appliances and other equipment for household or similar purposes with a rated voltage not exceeding 480 V and a rated current not exceeding 63 A.

Standard No. and year	Title, scope and purport
SANS 13909-6:2019 Ed 2	<i>Hard coal and coke - Mechanical sampling Part 6: Coke - Preparation of test samples.</i> Describes the preparation of samples of coke from the combination of primary increments to the preparation of samples for specific tests.
SANS 61724-1:2019 Ed 1	<i>Photovoltaic system performance - Part 1: Monitoring.</i> Defines the classes of photovoltaic (PV) performance monitoring systems.
SANS 215:2019 Ed 5	<i>Limits and methods of measurement of radio disturbance characteristics of electrical lighting and similar equipment.</i> Applies to the emission (radiated and conducted) of radiofrequency disturbances from lighting equipment; the lighting part of multi-function equipment where this lighting part is a primary function; UV and IR radiation equipment for residential and non-industrial applications; advertising signs; decorative lighting; emergency signs.
SANS 225:2019 Ed 3	<i>Vehicles, boats and internal combustion engines - Radio disturbance characteristics - Limits and methods of measurement for the protection of on-board receivers.</i> Contains limits and procedures for the measurement of radio disturbances in the frequency range of 150 kHz to 2 500 MHz.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 406:2019 Ed 1.1	<i>Coal and coke - Analysis and testing - Determination of trace elements - Guide to the determination of trace elements. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards.
SANS 5859:2019 Ed 3.1	<i>Pesticides - Biological efficacy of soil insecticides. Consolidated edition incorporating amendment No.1.</i> Amended to remove reference to a national department to the foreword.
SANS 60320-3:2019 Ed 1.1	<i>Appliance couplers for household and similar general purposes Part 3: Standard sheets and gauges. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards, general requirements, requirements to gauges, and the standard sheets.
SANS 62196-2:2019 Ed 2	<i>Plugs, socket-outlets, vehicle connectors and vehicle inlets - Conductive charging of electric vehicles Part 2: Dimensional compatibility and interchangeability requirements for a.c. pin and contact-tube accessories. Consolidated edition incorporating amendment No.2.</i> Amended to indicate the preferred configuration types for use in South Africa.
SANS 62196-3:2019 Ed 1	<i>Plugs, socket-outlets, vehicle connectors and vehicle inlets - Conductive charging of electric vehicles Part 3: Dimensional compatibility and interchangeability requirements for d.c. and a.c./d.c. pin and contact-tube vehicle couplers. Consolidated edition incorporating amendment No.1.</i> Amended to update the preferred configuration types for use in South Africa.
SANS 10219-1:2019 Ed 2.1	<i>The determination of performance (at net power) of industrial internal combustion engines Part 1: Standard reference conditions and declarations of power, fuel consumption and lubricating oil consumption. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 60044-7:1999	<i>Instrument transformers Part 7: Electronic voltage transformers.</i>
SANS 60044-8:2004	<i>Instrument transformers Part 8: Electronic current transformers.</i>

SCHEDULE B.4: REINSTATEMENT OF WITHDRAWN STANDARD

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Draft Standard No. and Edition	Title	Scope of amendment	Reason
SANS 1398	<i>Road tank vehicles for petroleum-based flammable liquids</i>	Covers the requirements for tank vehicles intended for use on public roads for transportation, at temperatures below their boiling point, of normally stable petroleum-based flammable liquids which are classified in SABS 0228-1 as Class I and Class II liquids.	

SCHEDULE B.5: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Technical Committee No.:	Title	Scope

SCHEDULE B.6: DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the South African Bureau of Standards has disbanded the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

DEPARTMENT OF TRANSPORT

NOTICE 661 OF 2019

**AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990)
APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR
SERVICE LICENCE**

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations, 1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX I

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) Aerial Photography Experts (Pty) Ltd; Aerial Photography Experts. (B) 36 Meyboom Ave, Platteklouf, Cape Town, 7501. (C) Class III. (D) Type G3, G4 & G16 (RPAS). (E) Category H1.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for.

(A) Compact Aerial Services (Pty) Ltd. (B) Cnr PDP Kruger Drive & Kiewiet Street, Secunda, 2302. (C) Class III; G1257D. (D) Type G3, G4 & G16 (RPAS). (E) Category H1. **Change to Shareholding:** Melvin Keith Jones has 100%, **change to Base of Operation and change to the MP:** Pieter Conley Annandale is appointed as RP: Aircraft, RP: Flight Operations, Jimmy Mathebula as the Air Service Safety Officer & Gert Nieuwoudt as the Accountable Manager.

(A) Diaruk (Pty) Ltd. (B) Kimberly Airport, General Aviation Hangers, Kimberly, 8301. (C) Class II & III; N1022D & G1354D. (D) Type N1, N2, G3, G4 & G16 (RPAS). (E) Category A3, A4, H1 & H2. **Changes to the MP:** J. D. Becker is appointed as the Air Service Safety Officer.

(A) Intergrated Aerial Systems (Pty) Ltd. (B) The Launhsite, Fairweather House, 176 Sir Lowry Road, Foreshore, Cape Town, 8001. (C) Class III; G1326D. (D) Type G3, G4, G8, G10 & G16 (RPAS). (E) Category A4 & H1. **Changes to an air service licence:** Adding type G5, G7 & G11 & **change to Base of Operations.**

(A) South African Aviation Authority; Flight Inspection Unit. (B) Execujet Terminal (Office 12A), Entrance 1, Lanseria International Airport, Lanseria, Randburg. (C) Class III; G599D. (D) Type G16 (Calibration of Navigational Aids). (E) Category A2, A3 & A4. **Changes to the MP:** Mr Z. C. Nhlapo is appointed as the Accountable Manager.

DEPARTMENT OF TRANSPORT**NOTICE 662 OF 2019****INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council)

Representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class and number of licence in which the amendment is made. (D) Type of International Air Service in respect which amendment was made. (E) Category or kind of aircraft in respect of which license was made. (F) Airport in respect of which the amendment was made. (G) Area to be served. (H) Frequency of flight of which the amendment was made. (I) Condition under which amendment was made.

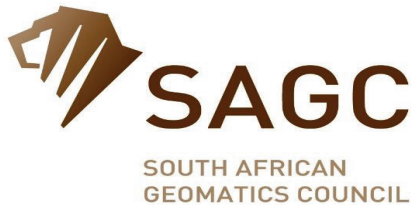
(A) South African Aviation Authority; Flight Inspection Unit. (B) Execujet Terminal (Office 12A), Entrance 1, Lanseria International Airport, Lanseria, Randburg. (C) Class III; I/G104. (D) Type G16 (Calibration of Navigational Aids). (E) Category A2, A3 & A4.

Changes to the MP: Mr Z. C. Nhlapo is appointed as the Accountable Manager.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 203 OF 2019

Published in terms of Section 30 of the Geomatics Profession Act No. 19 of 2013

**BOARD NOTICE****THE SOUTH AFRICAN GEOMATICS COUNCIL(SAGC)
CALL FOR COMMENT ON THE DRAFT TARIFF OF FEES
APPLICABLE TO THE SOUTH AFRICAN GEOMATICS COUNCIL**

*The South African Geomatics Council (SAGC) in accordance with Section 30(2) hereby **calls for comments** on the proposed guideline fees in respect of Land Survey Work. Comments must be received in writing to the following address Registrar@sagc.org.za within 30 days from publication of this notice in the government gazette.*

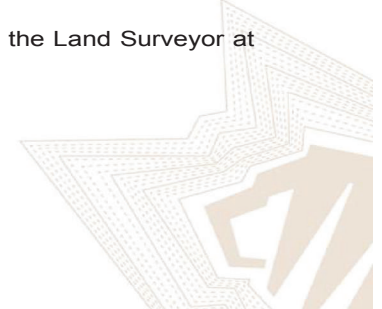
The proposed guideline fees can be downloaded from www.sagc.org.za

LAND SURVEYING: GUIDELINE PROFESSIONAL FEES**1. INTRODUCTION**

The following fees have been determined by the South African Geomatics Council (SAGC) as the recommended guideline professional fees for Professional Land Surveying tasks and is published in accordance with section 30 of the Geomatics Profession Act No. 19 of 2013. The Act seeks to protect the Public and in respect of any real right property related matter, reserves work in respect of such for a Professional Land Surveyor only.

The rates below are inclusive of the following responsibilities of the Professional Land Surveyor;

- The responsibility of protecting third party land rights in respect of diagrams, beacons and boundaries;
- The general duties performed by the Land Surveyor for procuring and overseeing the due and proper approval of Diagrams, General Plans, and Survey Records;
- The responsibility for the correctness of certificates, endorsements and documents to be filed or registered at the Office of the Surveyor General;
- Ensuring that the necessary statutory approvals have been granted and that the Diagram or General Plan complies with such;
- Filing with the Surveyor-General for the purpose of being examined and permanently filed in the Office of the Surveyor-General all records as prescribed in Law;
- Attendances to all general and relevant matters emanating in the course of a survey;
- Any attendance in connection with the resolution of a boundary dispute in the course of a survey; and
- Any formal certification of material facts relating to the land that places the Land Surveyor at professional risk.



Published in terms of Section 30 of the Geomatics Profession Act No. 19 of 2013

1.1. GENERAL NOTES

The professional guideline fees for any work involving rights in land should be explained and the fees set out between the Professional Land Surveyor and the client. Taking cognisance of the type, complexity and nature of the professional services to be rendered.

This section is applicable to both Sections 2 and Section 3.

1.2. COST UNITS (cu)

Reference to a Cost Unit (cu) in this professional fee guideline shall mean an amount equal to the **Category A** time charge.

The Category A rate for a Professional Land Surveyor is R 2026 per hour exclusive of VAT

Notwithstanding any reference to the Category A time charge above, where technical staff in the direct employ of the Professional Land Surveyor are used under his / her supervision, their services may be charged out at 0.15% of their gross annual remuneration including cost to business, to a maximum of R1 040.

1.3. OMISSIONS, ADDITIONS, REDUCTIONS AND SERVICES NOT PERFORMED

- 1.3.1. If any portion of the services described in this professional fee guideline are omitted from the services rendered, the cost units shall be reduced accordingly.
- 1.3.2. If abnormal circumstances affect the services rendered by a Professional Land Surveyor, additional cost units may be charged should the following circumstances be encountered: -
 - Access problems which typically include dense vegetation, walls and electrified fences, neighbours not providing access, difficult topography and geotechnical conditions.
 - The lack of existence of property beacons and or the availability of trigonometrical beacons in the area.
 - The age of the survey records, requiring extensive reconstructions.
 - The existence of underlying rights such as Quitrent, that needs to be addressed.
- 1.3.3. If on assessment of the survey, circumstances are identified which results in a reduction of cost units needed to perform the survey, then such shall be permissible. Such circumstances could include, but not limited to; -
 - Abundance of accessible beacons for the survey.
 - Previous surveys one has done in the area.
 - Simplicity of reconstruction and superposition.
- 1.3.4. Where the client appoints the Professional Land Surveyor for services described in both Section 2 (Amendments to Rights in Land) and Section 3 (Creation of Land Rights), the cost unit component may be reduced to account for activities already performed or Information already acquired through such appointment.
- 1.3.5. Where a single application is made as per Section 2 (Amendments to Rights in Land), which involves multiple sub types of applications, the predominant cost unit should be used, and the sum of the remaining cost unit sub application types shall be charged at 20% of such.
- 1.3.6. Where tasks in section 2 (Amendments to Rights in Land) are not required or are of a simplified nature, it shall be permissible to reduce the charge units accordingly.
- 1.3.7. Where tasks in section 2 (Amendments to Rights in Land) are complex and require extensive and detailed research, the charge units may be increased.

Published in terms of Section 30 of the Geomatics Profession Act No. 19 of 2013

- 1.3.8. Where no cost units have been prescribed for services or where the services are of such a nature that the cost units do not apply, the services may be performed on a time basis.
- 1.3.9. Where a combination of linked services are required in Section 3 (Creation of Land Rights) the cost unit component may be reduced to account for activities already performed or Information already acquired through such appointment.
- 1.3.10. In respect of section 3 (Creation of Land Rights), the basic cost unit shall be adjusted by a factor given below, dependent on property size. Such is not applicable to the parent property size.

Between 1 Ha to 10 Ha	Factor of 1.1
Between 11 Ha to 50 Ha	Factor of 1.3
Between 51 Ha to 100 Ha	Factor of 1.5
Between 101 Ha to 500 Ha	Factor of 1.7
More than 500 Ha	Factor of 2

Provided that in the case of servitudes no factor shall be applied.

2. APPLICATIONS: AMENDMENTS TO RIGHTS IN LAND – IN TERMS OF THE GEOMATICS PROFESSION ACT No. 19 of 2013.

The Charge units below are exclusive of the following costs

- Travelling Costs have been excluded from this professional fee guideline and unless agreed otherwise between the parties, the AA rates per km shall be applicable.
- Application Fees and or specialist studies as a result of an application for amendments to rights (planning application) have been excluded from the professional fee guideline and should be agreed with and paid for by the client.
- Subsistence cost necessarily incurred in the execution of the project shall be agreed with and recovered from the client.
- Attending to Objections and Appeals of Applications – See Section 4 of this professional fee guideline.
- Attending to exemption certification requests – See Section 4 of this professional fee guideline.

NOTE:

The fees hereunder provide for client engagement and agreement, compilation of data, consultations with client, consultation with organs of state and affected parties, site inspections and investigations, meetings as may be required, preparation of plans and application papers, preparation of supporting memorandum, reproductions as may be required, submission of application, posting of notices and obtaining the final Decision Notice.

2.1. LAND USE CONSENT / SPECIAL CONSENT

Cost unit 30 (cu)

2.2. REZONING / AMENDING TOWN PLANNING SCHEME

Cost unit 35 (cu)

2.3. SUBDIVISIONAL APPLICATION

Subdivision (Single)	20 (cu) Plus 1 (cu) for each additional Subdivision.
100 or more Subdivisions	119 (cu) Plus 1 (cu) per each additional 15 subs beyond 100 subs.

Published in terms of Section 30 of the Geomatics Profession Act No. 19 of 2013

2.4. CONSOLIDATION APPLICATION

Two Components (2)	10 (cu) Plus 0.5 (cu) for each additional component property.
50 or more Components	34 (cu) Plus 0.25 (cu) per each additional component property beyond 50.

2.5. AMENDING GENERAL PLAN APPLICATION

In terms of section 37(2) of the Land Survey Act, an application to the premier (or delegated Local Authority) or court shall be charged in accordance with par 2.3 above.

2.6. ROAD CLOSURE APPLICATIONS

Cost unit 20 (cu)

2.7. SERVITUDES AND LEASE APPLICATIONS

Servitude / Lease (Single)	20 (cu) Plus 1 (cu) for each additional servitude or lease.
100 or more Servitude / Leases	119 (cu) Plus 1 (cu) per each additional 15 servitude / leases beyond 100.

2.8. REMOVAL OF TITLE RESTRICTIONS

Title Deed (Single)	15 (cu) Plus 1 (cu) for each additional Title Deed.
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2.9. RELAXATIONS

Cost unit 15 (cu) **Plus** 1 (cu) for each additional property relaxation.

3. CREATION OF LAND RIGHTS IN TERMS OF THE LAND SURVEY ACT No. 8 of 1997

The Charge units below are exclusive of the following costs

- Travelling Costs have been excluded from this professional fee guideline and unless agreed otherwise between the parties, the AA rates per km shall be applicable.
- Fees incurred in accordance with the Surveyor-General's office scale of fees published in terms of section 3 and 6 of the Land Survey Act No. 8 of 1997, shall be recovered from the client.
- Subsistence cost necessarily incurred in the execution of the project shall be agreed with and recovered from the client.
- Where a Section 16 Diagram, as required by the Land Survey Act, is needed, an additional 1.5 cu shall be charged per Section 16.

NOTE:

The table of fees hereunder provides for, client engagement and agreement and includes the obtaining of relevant Surveyor General data, scrutinizing and consulting on statutory consent/s, locating trigs/town reference marks, scrutinizing survey data, digital compilation of cadastral data, electronic transference of digital data to field equipment, preparation of field plans, charging equipment for field surveys, loading of equipment for field operations, arrange access to the site, supervision of technical personnel and field assistants, establish WGS84 control, reconnaissance for the survey, search and survey for lost beacon or survey stations, downloading surveyed data, reconstruction calculations,

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calculations and placing data - missing or new beacons, placing of beacons, downloading field and placed data, drafting working plan and comparison plan/data, framing diagrams and or general plan, performing consistency of all data and plans, preparation of survey records including survey report, beacon and coordinate comparisons, comparison sketches, submission to the Surveyor-General's office, reporting to client and administration of appointment.

3.1. SUBDIVISIONS – SECTION 20 OF THE LAND SURVEY ACT

Subdivision (Single)	20 (cu) Plus 4 (cu) for each additional subdivision within a common control and boundary reconstruction. Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram. Plus 4 (cu) for each new servitude shown thereon. Plus 0.25 (cu) per additional side beyond 10.
20 or more Subdivisions	96 (cu) Plus 0.33 (cu) per each additional subdivision within a common control and boundary reconstruction. Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram / GP. Plus 4 (cu) for each new servitude shown thereon. Plus 0.25 (cu) per additional side beyond 10.

3.2. CONSOLIDATIONS – SECTION 38 OF THE LAND SURVEY ACT

Consolidation <u>by Compilation</u> (2 Properties)	8 (cu) Plus 1 (cu) for each additional component property Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram. Plus 0.25 (cu) per additional side beyond 10.
Consolidation <u>by Survey</u>	20 (cu) Plus 1 (cu) for each additional component property Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram. Plus 4 (cu) for each new servitude shown thereon. Plus 0.25 (cu) per additional side beyond 10.

3.3. SERVITUDES

Single Servitude	20 (cu) Plus 4 (cu) for each additional servitude within a common control and boundary reconstruction. Plus 0.25 (cu) per additional side beyond 10.
20 or more Servitudes	96 (cu) Plus 0.33 (cu) per each additional servitude.

3.4. LEASES

Single Lease	20 (cu) Plus 4 (cu) for each additional lease within a common control and boundary reconstruction. Plus 0.25 (cu) per additional side beyond 10.
20 or more Leases	96 (cu)

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	Plus 0.33 (cu) per each additional lease.
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3.5. DIAGRAMS OF SUBSTITUTION – SECTION 22 OF THE LAND SURVEY ACT

Diagram of substitution	19 (cu) Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram. Plus 0.25 (cu) per additional side beyond 10.
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3.6. AMENDING GENERAL PLANS – SECTION 37 OF THE LAND SURVEY ACT

Amending general plan comprising of a single land parcel	20 (cu) Plus 4 (cu) for each additional subdivision within a common control and boundary reconstruction. Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram. Plus 4 (cu) for each new servitude shown thereon. Plus 0.25 (cu) per additional side beyond 10.
Amending general plan comprising 20 or more land parcels	96 (cu) Plus 0.33 (cu) per each additional subdivision within a common control and boundary reconstruction. Plus 0.5 (cu) for each existing Servitude Note carried forward onto a new diagram / GP. Plus 4 (cu) for each new servitude shown thereon. Plus 0.25 (cu) per additional side beyond 10.

4. TIME BASED CATEGORIES OF WORK

The following tasks shall be charged on a time basis at the Category A rate and agreed to prior to commencement; -

- Attending to Objections and Appeals of Planning Related Applications.
- Land Audits.
- Relocation of Beacons and Beacon Certificates.
- Certificates of Non-Affection.
- Attending to exemption certification requests
- Certificate of Identity.
- Boundary Disputes.
- Any attendance or consultation, relating to compliance with the Conditions of Establishment for registration purposes in the Office of the Registrar of Deeds
- Any unforeseen attendances and correspondences with external organs or parastatals emanating from appointments.
- Matters which require attendance in court.
- Consultation with conveyancer and attendances on the opening of a Township Register
- Any attendance arising from negotiations between parties, resulting in a further agreement or addendum or amendment to an existing agreement
- Time in obtaining certified copies of any document, diagram or deed from the Office of the Surveyor General or Office of the Registrar of Deeds
- Attendance to matters as a result of incorrect or un-updated land survey records in the office of the Surveyor-General.

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5. BREAKDOWN OF CHARGE UNITS - APPLICATIONS: AMENDMENTS TO RIGHTS IN LAND – (PLANNING APPLICATIONS)

The table below reflects the breakdown of charge units per Amendment to Real Right Activity (Planning Applications), to aid the public in understanding this professional fee guideline and the functions to be performed._

SECTION 2 : CREATION OF LAND RIGHTS IN TERMS OF THE LAND SURVEY ACT									
ACTIVITY	Land Use / Special Consent	REZONING / AMENDING TOWN PLANNING SCHEME	Sub divisional Application	Consolidation Application	Amending General Plan	Road Closure	Servitude / Lease Applications	Removal of Restrictions	Relaxations
	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE
1. CONTACT INTERVIEW:									
Consultation with Principal	1	1	1	0.5	1	1	1	1	1
Site Visit.	0.5	0.5	0	0	0	0	0	0	0
2. LOCAL AUTHORITY:									
Consultation with official	1	1	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Documentation:									
Zoning Certificate	0.25	0.25	0.25	0.25	0	0	0	0.25	0.25
Application Form	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Policy Documents	0	0.25	0.25	0	0	0	0	0	0
List of adjoining owners	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
3. DOCUMENTATION:									
Government:									
Title Deed and Bond	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Surveyor General	0.25	0.25	0.25	0.15	0.15	0.25	0.25	0.25	0.25
Owner:									
Power of Attorney	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Applicant Detail	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Mineral Rights Holder	0	0	0	0	0	0	0	0	0
Bond Holder consent	0	0	0	0	0	0	0	0	0
4. SPECIALISTS REPORTS & CONSULTATION:									
Consultation with	0.5	0.5	0.5	0	0.5	0.5	0.5	0	0
Photogrammetrically Mapping	0	0	0	0	0	0	0	0	0
EIA	0	0	0	0	0	0	0	0	0
Geo-technical Report	0	0	0	0	0	0	0	0	0
Engineering Services Report	0	0	0	0	0	0	0	0	0
Flood line determination	0	0	0	0	0	0	0	0	0
Transport Impact assessment	0	0	0	0	0	0	0	0	0
Retail Study	0	0	0	0	0	0	0	0	0
Architectural SDP / Drawings	0	0	0	0	0	0	0	0	0
Landscape Framework Plan	0	0	0	0	0	0	0	0	0
Noise Impact assessment	0	0	0	0	0	0	0	0	0
Time on Information for Specialists	0.5	0.5	0.5	0	0.25	0.25	0.25	0	0
Scrutinize Reports	0.5	1	0.5	0	0.25	0.25	0.25	0	0
5. PREPARATION OF PLANS:									
Locality Plan	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Draft Scheme Clauses & Annexures	0	0	0	0	0	0	0	0	0
Layout/Site/Development/Zoning Plan	3	3	3	1	3	3	3	1	1
6. PREPARATION OF APPLICATION:									
Perusal of Policy Documents	1	1	1	0.5	1	1	1	1	1
Motivating Memorandum	13	17	3	1	4	4	4	2	2
Completion of application forms	0.5	0.5	0.5	0.25	0.5	0.5	0.5	0.5	0.5
Draft Conditions of Establishment	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
List of names & addresses (neighbouring erven)	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Letters to external organisations	0.5	0.5	0.5	0.25	0.5	0.5	0.5	0.5	0.5

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Application to Dep. Mineral Resources	0	0	0	0	0	0	0	0	0
7. COMPILATION OF APPLICATION:									
Compilation of Application	1	1	1	0.25	1	1	1	1	1
Proof of compliance forms	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
8. NOTICES:									
Press Notices									
Local Newspaper / Gazette	0.5	0.5	0.5	0.25	0.5	0.5	0.5	0.5	0.5
Site Notices (Placard)	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Notice of meeting	0	0	0	0	0	0	0	0	0
Proof of Notices & Photo	0.5	0.5	0.5	0.25	0.5	0.5	0.5	0.5	0.5
Sworn Statements	0	0	0	0	0	0	0	0	0
9. COMMUNITY FACILITATION									
Meeting with interested & effected parties	0	0	0	0	0	0	0	0	0
Meeting with Councilor	0	0	0	0	0	0	0	0	0
Community meeting (rate payers Assoc)	0	0	0	0	0	0	0	0	0
Minutes of meeting	0	0	0	0	0	0	0	0	0
10. APPLICATION - LODGE AND ADMIN:									
Covering Letter	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Attendance for Lodgement	0.15	0.4	0.5	0.25	0.5	0.4	0.4	0.5	0.5
Pursuing application	1	1	1	0.5	1	1	1	1	1
11. OBJECTIONS - HEARING/PLANNING COMMITTEE									
Time on preparation for	0	0	0	0	0	0	0	0	0
Time on meeting with legal representation	0	0	0	0	0	0	0	0	0
Legal Representation									
Liaison with Specialists	0	0	0	0	0	0	0	0	0
Preparation of Bundles and Annexures	0	0	0	0	0	0	0	0	0
Pre-Hearing	0	0	0	0	0	0	0	0	0
Address tribunal directives	0	0	0	0	0	0	0	0	0
Hearing	0	0	0	0	0	0	0	0	0
Time on meeting with Expert Witnesses	0	0	0	0	0	0	0	0	0
Expert Witnesses									
Alternative attendance at committee	0	0	0	0	0	0	0	0	0
Negotiations on disputes	0	0	0	0	0	0	0	0	0
Amendment of Application	0	0	0	0	0	0	0	0	0
Amend Layout/subdivision plans	0	0	0	0	0	0	0	0	0
Scrutinize conditions	0	0	0	0	0	0	0	0	0
Consultation re Conditions	0	0	0	0	0	0	0	0	0
12. POST HEARING/DECISION ACTIVITIES									
Scrutinize Conditions	0.25	0.25	0.5	0.25	0.5	0.5	0.5	0.5	0.5
Client consultation re Conditions	0.25	0.25	0.5	0.25	0.25	0.25	0.25	0.25	0.25
Attendance to alterations	0.25	0.25	0.15	0.25	0.5	0.5	0.5	0.15	0.15
13. MANAGEMENT OF PROCESES									
Administration and giving advice	0.5	0.5	0.5	0.25	0.5	0.5	0.5	0.5	0.5
TOTAL	30	35	20	10	20	20	20	15	15

6. BREAKDOWN OF CHARGE UNITS - CREATION OF LAND RIGHTS IN TERMS OF THE LAND SURVEY ACT

The table below reflects the breakdown of charge units per Land Survey Activity, to aid the public in understanding this professional fee guideline and the functions to be performed, but also to be used in respect of abnormal circumstances in respect of 1.2.2.

SECTION 3 : CREATION OF LAND RIGHTS IN TERMS OF THE LAND SURVEY ACT				
ACTIVITY	Subs / Servitude / Lease	Consolidation By Compilation	Consolidation By Survey	DIAGRAM OF SUBSTITUTION
	CHARGE RATE	CHARGE RATE	CHARGE RATE	CHARGE RATE
1. CONTACT INTERVIEW:				
Consultation with Principle	1	1	1	1
2. DOCUMENTATION:				
Surveyor General info (internet)	0.25	0.25	0.25	0.25
Surveyor General (visit for survey records)	0	0	0	0
Scrutinize and consult on consent	1	1	1	0
3. PREPARATORY WORK:				
Locating Trigs/Town Reference Marks	0.25	0	0.25	0.25
Scrutinize Survey Data	0.5	0	0.5	0.5
Geo Reference calculations of cadastral data	1	1	1	1
Load calculated data and information on equipment	0.25	0	0.25	0.25
Prepare equipment for field	0.25	0	0.25	0.25
Load Equipment on vehicle	0.25	0	0.25	0.25
Arrange access to the site	0.25	0	0.25	0.25
4. TIME ON SITE CONTROL & SEARCHING FOR BEACONS:				
Establish WGS84 control	0.5	0	0.5	0.5
Search and survey for lost beacon or survey stations	4	0	4	4
5. RECONSTRUCTION CALCULATIONS & PLACING BEACONS				
Download surveyed data	0.25	0	0.25	0.25
Reconstruction calculations	1	0	1	1
Calculations and placing data - missing or new beacons	0	0	0	0
Placing of Beacons	1	0	1	1
6. LAND SURVEY RECORDS				
Download field and placed data	0.25	0	0.25	0.25
Time on CAD, working plan and comparison plan/data	2.5	1	2.5	2.5
Time framing Diagram (General Plan)	2	1.5	2	2
Consistency of all data	0.25	0	0.25	0.25
Time on Survey Records	2	1	2	2
7. ADMINISTRATION OF APPOINTMENT				
Lodgement	0.25	0.25	0.25	0.25
Administration of Appointment	1	1	1	1
TOTAL	20	8	20	19

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