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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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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

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** **2021**

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

- **24 December 2020**, Thursday for the issue of Thursday **31 December 2020**
- **31 December 2020**, Thursday for the issue of Friday **08 January 2021**
- **08 January**, Friday for the issue of Friday **15 January 2021**
- **15 January**, Friday for the issue of Friday **22 January 2021**
- **22 January**, Friday for the issue of Friday **29 January 2021**
- **29 January**, Friday for the issue of Friday **05 February 2021**
- **05 February**, Friday for the issue of Friday **12 February 2021**
- **12 February**, Friday for the issue of Friday **19 February 2021**
- **19 February**, Friday for the issue of Friday **26 February 2021**
- **26 February**, Friday for the issue of Friday **05 March 2021**
- **05 March**, Friday for the issue of Friday **12 March 2021**
- **12 March**, Friday for the issue of Friday **19 March 2021**
- **18 March**, Thursday for the issue of Friday **26 March 2021**
- **25 March**, Thursday for the issue of Thursday **01 April 2021**
- **31 March**, Wednesday for the issue of Friday **09 April 2021**
- **09 April**, Friday for the issue of Friday **16 April 2021**
- **16 April**, Friday for the issue of Friday **23 April 2021**
- **22 April**, Thursday for the issue of Friday **30 April 2021**
- **30 April**, Friday for the issue of Friday **07 May 2021**
- **07 May**, Friday for the issue of Friday **14 May 2021**
- **14 May**, Friday for the issue of Friday **21 May 2021**
- **21 May**, Friday for the issue of Friday **28 May 2021**
- **28 May**, Friday for the issue of Friday **04 June 2021**
- **04 June**, Friday for the issue of Friday **11 June 2021**
- **10 June**, Thursday for the issue of Friday **18 June 2021**
- **18 June**, Friday for the issue of Friday **25 June 2021**
- **25 June**, Friday for the issue of Friday **02 July 2021**
- **02 July**, Friday for the issue of Friday **09 July 2021**
- **09 July**, Friday for the issue of Friday **16 July 2021**
- **16 July**, Friday for the issue of Friday **23 July 2021**
- **23 July**, Friday for the issue of Friday **30 July 2021**
- **30 July**, Friday for the issue of Friday **06 August 2021**
- **05 August**, Thursday for the issue of Friday **13 August 2021**
- **13 August**, Friday for the issue of Friday **20 August 2021**
- **20 August**, Friday for the issue of Friday **27 August 2021**
- **27 August**, Friday for the issue of Friday **03 September 2021**
- **03 September**, Friday for the issue of Friday **10 September 2021**
- **10 September**, Friday for the issue of Friday **17 September 2021**
- **16 September**, Thursday for the issue of Thursday **23 September 2021**
- **23 September**, Thursday for the issue of Friday **01 October 2021**
- **01 October**, Friday for the issue of Friday **08 October 2021**
- **08 October**, Friday for the issue of Friday **15 October 2021**
- **15 October**, Friday for the issue of Friday **22 October 2021**
- **22 October**, Friday for the issue of Friday **29 October 2021**
- **29 October**, Friday for the issue of Friday **05 November 2021**
- **05 November**, Friday for the issue of Friday **12 November 2021**
- **12 November**, Friday for the issue of Friday **19 November 2021**
- **19 November**, Friday for the issue of Friday **26 November 2021**
- **26 November**, Friday for the issue of Friday **03 December 2021**
- **03 December**, Friday for the issue of Friday **10 December 2021**
- **09 December**, Thursday for the issue of Friday **17 December 2021**
- **17 December**, Friday for the issue of Friday **24 December 2021**
- **23 December**, Thursday for the issue of Friday **31 December 2021**

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 |
| <i>Extraordinary Gazettes</i> | As required | Any day of the week | <i>Before 10h00 on publication date</i> | <i>Before 10h00 on publication date</i> |
| 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 CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 621

16 July 2021

**EPHRAIM MOGALE LOCAL MUNICIPALITY**

SPECIMEN RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 of 2004) AS AMENDED.

Notice No SC/17/06/2021

Date 01/07/2021

MUNICIPAL NOTICE NO:

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number **S 17/06/2021** to levy the rates on property reflected in the schedule below with effect from 1 July 2021.

| Category of property | Cent amount in the Rand determined for the relevant property category |
|--|--|
| Residential property | R0.0294 |
| Business and commercial property | R0.0294 |
| Industrial property | R0.0294 |
| Agricultural property | R0.0070 |
| Mining property | R0.0294 |
| Public service infrastructure property | R 0.0000 |
| Public benefit organisation property | R 0.0000 |

For any enquiries, please contact Mrs **Precious Chuene** (Acting Manager: Revenue) pchuene@emogalelm.gov.za 013 261 8452

NAME : HM PHAAHLA

DESIGNATION: ACTING MUNICIPAL MANAGER

MBD4**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid. Also select the applicable answers ☒**
 - 3.1 Full Name of bidder or his or her representative:
 - 3.2 Identity Number:
 - 3.3 Position occupied in the Company (director, trustee, shareholder²).....
 - 3.4 Company Registration Number:
 - 3.5 Tax Reference Number:
 - 3.6 VAT Registration Number:
 - 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
 - 3.8 Are you presently in the service of the state* YES ☐ / NO ☐
 - 3.8.1 If yes, furnish particulars.

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;

- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company

3.9 Have you been in the service of the state for the past twelve months? YES ☐ / NO ☐

3.9.1 If yes, furnish particulars

.....
.....

3.10 Do you, have any relationship (family, friend, other) with person in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES ☐ / NO ☐

3.10.1 If yes, furnish particulars

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between bidder and any persons in the service of the state who may be involved with the evaluation and adjudication of this bid? YES ☐ / NO ☐

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? YES ☐ / NO ☐

3.12.1 If yes, furnish particulars

.....
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES ☐ / NO ☐

3.13.1 If yes, furnish particulars

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other companies or business whether or not they are bidding for this contract? YES ☐ / NO ☐

3.14.1 If yes furnish particulars:

.....

4. Full details of directors / trustees / members / shareholders.

| Full Name | Identity Number | Employee Number |
|-----------|-----------------|-----------------|
| | | |
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CERTIFICATION**I, THE UNDERSIGNED****(NAME)****CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Capacity

.....

Name of Bidder

DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 622

16 July 2021

File Plan Ref Number: **CM Project**



**Guidelines on collaboration in the implementation of
the South African Value Chain Sugarcane Master
Plan to 2030**

09 July 2021

Final

1. PREFACE

- 1.1. These Guidelines have been prepared in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended) ("the Act") which authorises the Competition Commission ("Commission") to prepare and issue guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act. These Guidelines are not binding on the Commission, the Competition Tribunal or the Competition Appeal Court in the exercise of their respective functions in the interpretation of the Act. However, any person interpreting or applying the Act is obliged to take these Guidelines into account.¹
- 1.2. The purpose of these Guidelines is to provide guidance to the sugar industry on collaboration in the implementation of industry commitments to increasing sourcing of local sugar as contemplated in the South African Sugarcane Value Chain Master Plan to 2030 ("the Sugar Master Plan"). On 23 June 2020, the Minister of Trade, Industry and Competition, after consultation with the Minister of Agriculture, Land Reform and Rural Development, granted a designation to the sugar industry in terms of section 10(3)(b)(iv) of the Act for a period of 12 months, which may be extended, commencing on 1 July 2020. The designation is aimed at providing support to the economic development, growth, transformation, and stability of the sugar industry in line with the objectives of the Sugar Master Plan.
- 1.3. Subsequently, on 16 October 2020, the Commission granted an exemption to the South African Sugar Association ("SASA"), a statutory body established in terms of section 2(1) of the Sugar Act No.9 of 1978, as amended, to enable its members to collaborate in the implementation of the Sugar Master Plan, subject to certain conditions. SASA's members comprise of the South African Sugar Millers' Association, the South African Cane Growers Association and the South African Farmers Development

¹ Section 79(4) of the Act.

Association. As a result, the exemption granted by the Commission only covers the production and milling value chains of the sugar industry.

- 1.4. A key element of the social compact in respect of the commitment to restore the local market and off-take commitments in the Sugar Master Plan is that retail, wholesale and industrial sugar users, in support of the goals of stabilising and restructuring the sugar industry, will commit to increased sourcing of locally produced sugar for a period of 3 (three) years.
- 1.5. However, collaboration by retail, wholesale and industrial sugar users in the implementation of the Sugar Master Plan did not form part of SASA's exemption application to the Commission. Consequently, these Guidelines seek to provide guidance to the sugar industry on collaboration in delivering on industry commitments to increasing sourcing of locally produced sugar in the *implementation* of the Sugar Master Plan. The Commission may from time to time update these Guidelines when necessary.

2. DEFINITIONS

Unless the context indicates otherwise, the following terms are applicable to these Guidelines-

- 2.1. **“Act”** means the Competition Act No. 89 of 1998, as amended;
- 2.2. **“Aggregated information”** means information which does not identify an individual firm's competitively sensitive information;
- 2.3. **“Competitively sensitive information”** means information that is important to rivalry between competing firms and likely to have an impact on one or more of the dimensions of competition (price, output, quality, and innovation). Competitively sensitive information includes, *inter alia*, prices, customer lists, production costs, sales volumes, capacities, investments;
- 2.4. **“Commission”** means the Competition Commission, a juristic person established in terms of section 19 of the Act empowered to investigate, control and evaluate competition matters in South Africa in accordance with the Act;

- 2.5. **“Disaggregated information”** means information which identifies an individual's firm's competitively sensitive information;
- 2.6. **“DTIC”** means the Department of Trade, Industry and Competition;
- 2.7. **“Firm”** includes a person (juristic or natural), partnership or a trust. This may include a combination of firms that form part of a single economic entity, a division and/or a business unit of a firm;
- 2.8. **“Guidelines”** mean these guidelines that have been prepared and issued in terms of section 79(1) of the Act;
- 2.9. **“Independent Facilitator”** means a person or firm with no direct or indirect commercial links or otherwise with the sugar industry or the concerned firm, appointed to facilitate the sharing of competitively sensitive information between the DTIC and the sugar industry or the concerned firm;
- 2.10. **“Minister”** means the Minister of Trade, Industry and Competition; and
- 2.11. **“Sugar industry”** includes sugar cane growers, farmers, millers, industrial sugar users, wholesalers, and retailers.

3. INTRODUCTION

- 3.1. According to the Sugar Master Plan, the sugar industry is presently in a crisis and is facing a “perfect storm” driving accelerated decline in the industry over the last few years as a result of a number of factors that have combined to reduce local demand in the Southern African Customs Union (“SACU”) for sugar from 1.65 million to 1.25 million tonnes per annum, forcing increased exports into a global market where prices are below the local cost of production. Increased exports now mean the sugar industry has to absorb losses of approximately 2 billion rand per year.
- 3.2. Due to the nature of the immediate crisis facing the sugar industry, which threatens significant job losses in some of the most vulnerable areas of the country, and may result in the exit from the market of a significant number of players in the industry including small scale growers and independent

millers, the Sugar Master Plan was required to deliver a social compact aimed at, among other things, securing agreement amongst all stakeholders on a intervention plan to pull the industry back from the precipice of collapse.

3.3. The Sugar Master Plan has four main strategic objectives:

- 3.3.1. to stem the industry decline to preserve 2019 job numbers, an estimated 65 000 jobs, and over the long run to grow jobs again in a diversified industry based on sugarcane;
- 3.3.2. to restructure and rebalance industry capacity to reduce inefficiencies, reduce costs and restore competitiveness, reduce reliance on tariff protection and to set the foundations for diversification;
- 3.3.4. transformation through inclusive and broad-based participation in the value chain for workers, black and women farmers and black industrialists; and
- 3.3.5. to invest in globally competitive and sustainable diversified sugarcane-based value-chains.

3.4. The designation granted by the Minister in terms of section 10(3)(b)(iv) of the Act and the subsequent exemption granted by the Commission, is aimed at creating an enabling framework for the sugar industry to *implement the objectives* of the Sugar Master Plan. Although the designation granted by the Minister relates to the sugar industry broadly, only SASA, representing the interests of producers and millers, applied to the Commission for an exemption. As a result, the exemption granted by the Commission only applies to sugar producers and millers.

3.5. However, the Sugar Master Plan accords an important role to downstream players in the sugar industry in the initiative to turn-around the possible collapse of the South African sugar industry. In terms of *Action Commitment 1: restore the local market and off-take commitments*, retail, wholesale and industrial sugar customers, in support of the goals of

stabilising and restructuring the sugar industry, committed to **increased sourcing of locally produced sugar** for a period of three years as follows:

- 3.5.1. In year 1, the goal is to restore back to the local market at least 150,000 tonnes of sugar demand to the local industry in support of which, users commit to sourcing at least 80% of all sugar requirements from the local sugar industry;
 - 3.5.2. increased procurement of locally produced sugar will rise through years 2 and 3 such that by year 3, the goal is that at least 300,000 tonnes of sugar demand will have been restored to the local sugar industry, in support of which users commit to sourcing at least 95% of all sugar requirements from the local sugar industry; and
 - 3.5.3. increased procurement of local sugar by users beyond year 1 is subject to fulfilment of the Sugar Master Plan commitments by the other social partners, and is further subject to (1) the threshold exemption level, (2) the rate, and (3) the scope of application of the Health Promotion Levy remaining unchanged from the status quo as at 28 February 2020.
- 3.6. The Sugar Master Plan details and sets out specific stakeholder commitments by retailers; wholesalers; industrial sugar users; the sugar industry; and government to achieve the objective of increasing local sugar procurement.
 - 3.7. The achievement of commitments to increase the procurement of locally produced sugar as contemplated in the Sugar Master Plan may require industry collaboration.

4. PURPOSE

- 4.1 These Guidelines are aimed at providing guidance to the sugar industry and government on how the sugar industry can collaborate in implementing

the local procurement commitments contained in the Sugar Master Plan in a manner that does not raise competition concerns.

- 4.2 In view of the fact that the process of implementation of the Sugar Master Plan is dynamic and iterative in nature, to the extent that other issues may arise in the implementation of the Sugar Master Plan which are not covered in these Guidelines, specific guidance on those issues may be sought from the Commission.

5. LEGAL FRAMEWORK

- 5.1 The legal framework for assessing agreements on collaboration among competitors is found in section 4(1) of the Act. Section 4(1) of the Act states as follows:

“4. Restrictive horizontal practices prohibited

(1) An agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if –

(a) It has the effect of substantially preventing, or lessening, competition in a market, unless a party to the agreement, concerted practice, or decision can prove that any technological efficiency or other pro-competitive gain resulting from it outweighs that effect; or

(b) it involves any of the following restrictive horizontal practices:

(i) directly or indirectly fixing a purchase or selling price or any other trading condition;

(ii) dividing markets by allocating customers, suppliers, territories, or specific types of goods or services; or

(iii) collusive tendering.”

- 5.2 Section 4(1)(a) of the Act prohibits an agreement between competitors that has the effect of substantially preventing or lessening competition, unless

a party to the information exchange can prove efficiency benefits that arise from the information exchanged.

5.3 Section 4(1)(b) of the Act outright prohibits an agreement that involves:

5.3.1. the direct or indirect fixing of a purchase or selling price or any other trading condition;

5.3.2. the dividing of markets by allocating customers, suppliers, territories, or specific types of goods or services; and

5.3.3. collusive tendering.

5.4 The main difference between section 4(1)(a) and section 4(1)(b) is the opportunity given to parties in terms of section 4(1)(a) to put up an efficiency justification.

5.5 Section 4(1)(b) provides for an outright prohibition when an agreement results in the conduct listed under section 4(1)(b) and there is no opportunity for raising efficiency, pro-competitive or technological gains as a defence to the alleged anti-competitive conduct.

6 FRAMEWORK FOR COLLABORATION ON LOCAL SUGAR PROCUREMENT

6.1 As discussed in section 3, the Sugar Master Plan sets out a three-year procurement plan for increasing the sourcing of local procurement of sugar with the object of securing the local procurement of at least 150 000 tonnes in year 1, increasing in year 2 and restoring at least 300 000 tonnes in year 3. In order to achieve the 150 000 tonnes in year 1, retailers, wholesalers and industrial sugar users have committed to sourcing at least 80% of all sugar requirements from the local sugar industry. Similarly, in order to achieve the 300 000 tonnes in year 3, retailers, wholesalers and industrial sugar users have committed to sourcing at least 95% of all sugar requirements from the local sugar industry.

- 6.2 In the implementation of the three-year procurement plan, the sugar industry commitments made in the Sugar Master Plan necessarily have to be translated in two categories of local procurement targets:
- 6.2.1 the first category is industry local procurement targets; and
- 6.2.2 the second category is individual firm local procurement targets.
- 6.3 The industry local procurement targets and the individual firm local procurement targets may include targets for product categories such as refined sugar and brown sugar.

The process of setting industry local procurement targets

- 6.4 The process of setting industry local procurement targets may require discussions among retailers, wholesalers, and industrial sugar users. These discussions must be led by the DTIC or an independent facilitator appointed by the DTIC. No competitively sensitive-information or disaggregated information must be shared or discussed among retailers, wholesalers, and industrial users in the collective discussions on industry local procurement targets. Only aggregated information on the percentage and volumes of industry targets on local procurement can be shared and discussed among retailers, wholesalers, and industrial sugar users. The participation by retailers, wholesalers, and industrial sugar users in the discussions on industry local procurement targets in the implementation of the Sugar Master Plan does not amount to a contravention of section 4(1) of the Act.
- 6.5 The final industry targets must be determined by the DTIC or a facilitator appointed by the DTIC. In determining the industry targets, the DTIC or a facilitator appointed by the DTIC may obtain competitively-sensitive information on a bilateral and confidential basis separately from each individual firm, and this individual firm's information may not be shared or discussed in the collective discussions among retailers, wholesalers, and industrial sugar users.

- 6.6 Retailers, wholesalers, and industrial sugar users must not engage in collective procurement of sugar from suppliers and such conduct may constitute a contravention of section 4(1) of the Act. To the extent that a need has been identified for collective procurement among a specific category of users such as small retailers and small independent wholesalers to optimise procurement efficiencies, an exemption must be sought from the Commission in terms of section 10 of the Act.

The process of setting individual firm local procurement targets

- 6.7 The process of setting individual firm local procurement targets in the implementation of the Sugar Master Plan must be conducted on a bilateral and confidential basis between the DTIC or an independent facilitator appointed by the DTIC and the individual firm.
- 6.8 The DTIC or an independent facilitator appointed by the DTIC may obtain competitively-sensitive information from an individual firm for the purpose of reaching an agreement with the firm on its local procurement target(s), and this information must not be shared with other market participants. An agreement between the DTIC and an individual firm on its individual local procurement target(s) does not amount to a contravention of section 4(1) of the Act.
- 6.9 Progress reports on the achievement of milestones set out in the individual firm's local procurement plan in the implementation of the Sugar Master Plan must be submitted to the DTIC on a bilateral and confidential basis.

Demand forecasting

- 6.10 The Sugar Master Plan also includes industry commitments to providing timeous demand forecasting guidance to sugar suppliers to facilitate sugar industry planning against local sugar availability and supply commitments.
- 6.11 Individual firm demand forecasts must be provided on a bilateral and confidential basis to the DTIC or an independent facilitator appointed by the DTIC. The DTIC or its appointed facilitator must aggregate the individual firm demand forecasts.

- 6.12 The demand forecasting guidance provided to suppliers by the DTIC or an independent facilitator appointed by the DTIC must only contain aggregated information and must not contain firms' individual procurement plans and information.

7 CONCLUSION

- 7.1. These Guidelines set out the Commission's approach to collaboration in the implementation of the sugar industry commitments to increasing local procurement of sugar in support of the objective of stabilising and restructuring the sugar industry within the context of the implementation of the Sugar Master Plan. In accordance with the provisions of section 79(4) of the Act, the Commission will not regard the collaboration on local sugar procurement that is conducted in accordance with these Guidelines as a contravention of section 4(1) of the Act.
- 7.2. These Guidelines do not set out all the permutations of collaboration that may be required to increase local procurement of sugar and do not fetter the discretion of the Commission to consider other forms of collaboration on local procurement on a case-by-case basis, considering the market context and the nature of the collaboration.
- 7.3. Should market participants be uncertain as to whether any other collaboration on increasing local procurement of sugar may potentially contravene the Act, they may approach the Commission for further guidance.

8. EFFECTIVE DATE AND UPDATES

These Guidelines become effective on the date of publication in the Government Gazette and may be updated by the Commission when necessary.

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 623

16 July 2021

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****CONSULTATION ON THE DRAFT SOUTH AFRICAN ATMOSPHERIC EMISSION LICENCE AND
INVENTORY PORTAL (SAAELIP) DATA MANAGEMENT POLICY, 2021**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby for the purposes of the undertaking made in paragraph 5.2.4.3 of the National Framework for Air Quality Management, 2017, published under Notice No. 1144 in *Gazette* No. 41996 on 26 October 2018, read with sections 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), consult on the draft South African Atmospheric Emission Licence and Inventory Portal (SAAELIP) Data Management Policy (Draft Policy), as set out in the Schedule hereto.

Members of the public are invited to submit, within 30 days from the date of publication of this Notice in the *Gazette*, written representations or objections on the Draft Policy to the following addresses:

By post to: The Director-General: Department of Environment, Forestry and Fisheries
Attention: Mr Mapitso Nkoko
Private Bag X447
Pretoria
0001

By hand at: 473 Steve Biko Road, Environment House, Arcadia, Pretoria
Please note that anyone entering the Department's building will be subjected to COVID 19 procedures. Due to the COVID 19 pandemic delivering comments by hand at the Department is being discouraged.

By e-mail: MNkoko@environment.gov.za

Any inquiries in connection with the notice can be directed to Dr Vincent Gololo at 012 399 9203 or Mr Mapitso Nkoko at 012 399 9214

A copy of the Draft Policy is also available on SAAQIS (saagis.environment.gov.za)

Comments received after the closing date may not be considered.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE



DRAFT SOUTH AFRICAN ATMOSPHERIC EMISSION LICENSE AND INVENTORY PORTAL DATA MANAGEMENT POLICY, 2021

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SAELIP DATA POLICY STATEMENT

The Department of Environment, Forestry and Fisheries (DEFF) has developed a South African Atmospheric Emission Licence and Inventory Portal (SAELIP) to support reporting of air emissions nationwide through National Atmospheric Emission Inventory System (NAEIS) and the processing and management of Provisional /Atmospheric emission licenses through the System for National Atmospheric Emission Licensing (SNAEL). SAAELIP provides a platform for online reporting of air pollutants and GHGs towards the compilation of a national emissions inventory. SAAELIP provides an online platform for AEL holders to submit annual emissions inventory reports in the form necessary for the compilation of the national emission inventory profile. The SAAELIP also provides for an online lodging of an AEL application and the managements. The system also provides an emission inventory reporting platform for non-listed activities, including all sector categories from the Intergovernmental Panel for Climate Change (IPCC) such as Energy; Industrial Processes and Product Use (IPPU); Agriculture, Forestry and Other Land Use (AFOU) and Waste. Emissions are estimated inside NAEIS or outside the system depending on the emission sources types.

Section 5.2.4.3 of the National Framework for Air Quality Management (2017) states that the South African Atmospheric Emission Licence and Inventory Portal Data Management Policy will be developed to specify the protocols for data management and levels of accessibility for all users including stakeholders/general public. The Policy and manuals of the system will also give guidance with regard to the specific location of the NAEIS and SNAEL according to legal mandates, objectives of SAAELIP and the desired integrity of the system.

1.1 Purpose of this Policy

The purpose of this SAAELIP Data Management Policy, (hereinafter the Policy), is to give effect to Section 5.2.4.3 of the National Framework for Air Quality Management (2017) that states that the South African Atmospheric Emission Licence and Inventory Portal Data Management Policy will be developed to specify the protocols for data management and levels of accessibility for all users including stakeholders/general public.

1.2 Objectives of Policy

The objectives of the Policy are to:

- (a) Provide guidance on the collection, use and dissemination of data in the NAEIS and SNAEL.
- (b) Provide guidance on the dissemination of data held in SAAELIP for Public Good purposes.
- (c) Provide guidance on the dissemination/accessibility of data from SAAELIP to/by stakeholders/general public.
- (d) Ensure that dissemination of data in SAAELIP is done lawfully in a manner that protects data holders.
- (e) Ensure the protection and security of collected data and the SAAELIP infrastructure for future generations.
- (f) Give guidance with regard to the specific location of the NAEIS and SNAEL according to legal mandates, objectives of SAAELIP and the desired integrity of the system.
- (g) Uphold the constitutional right of South Africans to information held by the state.

1.3 Policy Scope

This SAAELIP Data Management Policy has been developed in line with section 5.2.4.3 of the National Framework for Air Quality Management (2017) to support the compilation of the national emission inventory profile through reporting on NAEIS and the processing and management of Provisional /Atmospheric emission licenses through the System for National Atmospheric Emission Licensing (SNAEL) by specifying protocols for data management and levels of accessibility for all users.

LEGISLATIVE CONTEXT OF THE POLICY

1.1 The Constitution of the Republic of South Africa, 1996

Section 32 of the Constitution states that all South Africans have the right of access to any information held by the state, and any information that is held by another person and that is required for the exercise or protection of any rights. Section 32 further states that national legislation must be enacted to give effect to this right.

1.2 Promotion to Access of Information Act, 2000 (Act No. 2 of 2000)

The Promotion of Access of Information, 2000 (Act No. 2 of 2000), was enacted to give effect to the section 32 of the Constitution. The objects of the Act are:

- (a) to give effect to the constitutional right of access to any information held by the State or held by another person and that is required for the exercise or protection of any rights subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution; and
- (b) to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible.

1.3 Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

The Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI), gives effect to the constitutional right to privacy provided in section 14 of the Constitution –

- (i) by safeguarding a person's personal information when processed by public and private bodies;
- (ii) in a manner which balances the right to privacy with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution, particularly the right to access to information; and
- (iii) subject to justifiable limitations, including, but not limited to effective, efficient and good governance and the free flow of personal information, particularly trans-border transfers.

1.4 The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA)

Chapter 1 of NEMA deals with the national environmental management principles and in terms of section 2(4) (k) it is provided that decisions by government must be taken in an open and transparent manner and access to information must be provided in accordance with the law.

1.5 National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (AQA)

Section 8(c) of AQA provides that the National Framework must establish national standards for the collection and management of data necessary to assess, among other things access to information by the public.

1.6 2017 National Framework for Air Quality Management in South Africa, Section 5.2.4.3

Section 5.2.4.3 states that a SAAELIP Data Management Policy will be developed to specify the protocols for data management and levels of accessibility for all users including stakeholders/general public. Emission inventory information from all sources as well as a summary of AELs will be available on the SAAELIP.

1.7 References to Other Policies

Government Information Communication and Technology Policy of the Department of Environment, Forestry and Fisheries

The Department of Environment, Forestry and Fisheries Information Technology Security policy (April 2019) provide standardised procedure and processes for the effective implementation of Information Technology (IT) security requirements in order to protect and manage information and IT assets against internal and external threats while adhering to the information security principles of confidentiality, integrity and availability.

SAAELIP ORGANISATIONAL CONTEXT AND APPLICATION

3.1 SAAELIP System Management and Organisational Context

The SAAELIP is structured in accordance with information management governance functions of AQA as detailed in the National Framework. In this regard, the management of information and information in the AEL reported by facilities is a function of the Atmospheric Emission Licencing Authority within the respective jurisdictions.

3.2 SAAELIP Data Access according to the roles

In order to fulfil the purpose of the SAAELIP, the various users will have access to data or information as shown in the Table 1.

Table 1: SAAELIP users' data or information access

| National | Province | District/Metro and Local Municipalities | Facility/data provider | Public |
|--|---|--|--|--|
| Users can view all facility information in SAAELIP, nationally. However, users can ONLY MANAGE those facilities whose AEL has been issued by National. Users' roles are detailed in Appendix 2 | Users can view all facility information in their provinces. However, users can ONLY MANAGE those facilities whose AEL has been issued by the Province. Users' roles are detailed in Appendix 2. | Users can view all facility information in their District/Metro. However, users can ONLY MANAGE those facilities whose AEL has been issued by the District/Metro. Users' roles are detailed in Appendix 2. | Users can view all information about their Facility in SAAELIP. However, management of information is based on the users' roles as detailed in Appendix 2. | Facility Name, Location based on the SAAELIP Geographic Information System (Province, District Municipality) and total emissions of all pollutants as last reported. Data provided at a facility level with information on MES permitted and non confidential information. |

SAAELIP DATA MANAGEMENT

4.1 Data Collection and Reporting

Data for the NAEIS and SNAEL will be in the format required by the SAAELIP system and the data in the NAEIS will be reported in accordance with the NAEIS Reporting Regulations.

4.2 Data Use

Government shall use data in the SAAELIP for:

- (a) Compilation of emissions inventories at national, provincial, municipality, ward, town or suburb level. Any assessment required for planning and strategy development required in terms of the AQA;
- (b) Matters relating to implementation of AQA and the NEMA (including its subordinate legislation);
- (c) Any other matter to allow government to execute its functions; and
- (d) Monitor compliance with AEL conditions.

4.3 Data Dissemination

The DEFF will publish by the end of December each year, an electronic annual emissions report based on the verified, quality assured information submitted to the NAEIS in the preceding year. The emissions report will include details of total emissions of each criteria pollutant per sector (categories of listed activities). The annual emissions report shall be approved by the Director General responsible for environmental affairs before being published. SAAELIP through SNAEL provides access to members of the public to view data provided at facility level with information on MES permitted and on the non-confidential information.

The provision of such information should be in line with the requirements of legislation as stipulated in APPENDIX 1 of this policy.

4.4 Data Request

Members of the public may also request current or historical data sets that are more detailed than what is published in the SAAELIP and its annual report. These data sets may include among other things:

- (a) Industry level emissions for all pollutants per emission unit;
- (b) Stack parameters;
- (c) Geographic location and coordination associated with each facility;
- (d) Abatement technology used by a facility to reduce emissions; without the details of the facility; and
- (e) Efficiency of the abatement technology used.

The above mentioned data sets may only be issued on condition that consent has been given by data providers.

That notwithstanding the authorities may issue the following data to data requesters without seeking consent from data providers:

- (a) Total emissions of a specific pollutant for specific facility(ies)

The licensing authorities are the custodians of information provided to the SAAELIP by the facilities within their respective jurisdictions and are therefore responsible for dealing with data requests from the public.

In all instances, data in the SAAELIP shall be shared in the form and manner that is not in contravention with the following (also see Appendix 1 for details on the sections):

- (a) Section 36 of Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- (b) Section 73 of the Promotion of Access to Information Act, 2013 (Act No 4 of 2013)
- (c) Section 17 of the Statistics Act, 1999 (Act No. 6 of 1999)
- (d) Regulation 11 of the NAEIS Reporting Regulations, 2015 (GN R283 in GG 38633 of 2015)

In addition, data requests should follow the protocols, policies and procedures for managing data requests published by various spheres of government.

The following paragraphs outline some of the minimum conditions associated with various data requests.

4.4.1 Provision of Data for Research and Academic use

- (a) Data to bona fide scientific researchers shall be provided with a quotation based on the relevant authority's pricing/tariff policy.
- (b) Any provision of data or products for use for research purposes shall be subject to written explanation of the research project for which the data is to be utilised as well as a motivation
- (c) The authority (ies) reserves the right to require, prior to issuing of data, a commitment to provide a copy of the final research document for which research data was supplied by the authority (ies)
- (d) All requests for data for research that is to be undertaken as part of a commercially funded project or for which commercial gain will be forthcoming shall be treated as a commercial data request

4.4.2 Provision of Data to Other Government Departments

- (a) Data to Governmental Departments shall be provided either free of charge or with a quotation based on the relevant authority's pricing/tariff policy
- (b) Requests for data from consultants or third parties commissioned to perform tasks for Government Departments shall be treated as commercial requests

4.4.3 Provision of Data for Commercial Services

- (a) Individual requests for data will be provided with a quote based on the relevant authority's pricing/tariff policy.
- (b) Any provision of data or products for use for commercial purposes shall be subject to a written explanation of the project for which the data is to be utilised as well as a motivation
- (c) The Authority (ies) reserves the right to require, prior to issuing of data, a commitment to provide a copy of the final research document for which research data was supplied by the authority (ies)
- (a) Special conditions shall be applied to any data requested for commercial purposes as the relevant authority (ies) deem fit
- (b) Payment for data gives the user the right to use the data, but it does not transfer ownership of the data to the Client. As such, the user is not entitled to transfer this data to any third party without the written consent of the relevant authority (ies)

4.4.4 Re-sale of Data

- (a) Re-sale of any data provided through the SAAELIP is prohibited

4.5 Data Request Templates

- (a) All data requests as well as data provided must be recorded in a central database
- (b) The DEFF shall develop both electronic and manual templates / data request forms that members can complete to request data from different spheres of government

4.6 Limitations

The following data may not be provided to the data requester:

- (a) Personal information of data subjects that is not already in the public domain
- (b) Data with intellectual property rights or proprietary information
- (c) Details of process for which the company may deem sensitive
- (d) Information such as material throughput, facility processes, efficiency of control technologies and facilities under investigation information will not be made available to the public

4.7 Liability

Government cannot be held liable for the use of such data by third party or for accuracy or inaccuracy of information provided through the SAAELIP. It is the responsibility of the responsible party or third party to ensure that the personal information and any other information obtained from the system is complete, accurate not misleading and updated where necessary.

4.8 Sanctioning of SAAELIP Data Management Policy

Any amendments hereto must be approved by Minister. In the event that there is a need to deviate from any of the provisions of this Policy, a formal deposition document shall be prepared stating the nature and the reasons for the proposed departure from the policy and this shall be submitted to the Deputy Director General responsible for Air Quality Management for approval.

4.9 Ownership, Custody and Intellectual Property Rights

- (a) Intellectual property rights belong to government and the data providers
- (b) DEFF will ensure SAAELIP security and infrastructure integrity
- (c) Government cannot be held liable for the use of such data by third party

4.10 Adherence and Use

This policy forms part of the practices of all SAAELIP users and as such shall be referred to when similar policies are developed. Non-compliance with the provisions of the policy may result in the necessary legal or disciplinary action being instituted against the party in question.

4.11 Referencing

Information retrieved from the SAAELIP shall be referenced as "DEFF, [year in which data was accessed], National Atmospheric Emissions Inventory System"

APPENDIX 1: LEGISLATIVE EXTRACTS

1. NATIONAL ATMOSPHERIC EMISSION (NAEIS) REPORTING REGULATIONS

Regulation 11 and 12 of NAEIS Reporting Regulations state that:

11. It is an offence for any person to disclose confidential information if that information was acquired while exercising or performing any power or duty in terms of these Regulations, except—
- (a) If the information is disclosed in compliance with the provisions of any law;
 - (b) if the person is ordered to disclose the information by a court of law; or
 - (c) if the information is disclosed to enable a person to perform a function in terms of these Regulations.
12. (1) The relevant authority may place NAEIS data and information in the public domain if-
- (a) it does not promote unfair competition;
 - (b) it does not contravene section 36 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); and
 - (c) it does not contravene section 17 of the Statistics Act, 1999 (Act No. 6 of 1999).

2. PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) (PAIA)

Chapter 4 of PAIA deals with the grounds for refusal of access to records.

34 Mandatory protection of privacy of third party who is natural person

- (1) Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information-
- (a) about an individual who has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned;
 - (b) that was given to the public body by the individual to whom it relates and the individual was informed by or on behalf of the public body, before it is given, that the information belongs to a class of information that would or might be made available to the public;
 - (c) already publicly available;
 - (d) about an individual's physical or mental health, or well-being, who is under the care of the requester and who is-
 - (i) under the age of 18 years; or
 - (ii) incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
 - (e) about an individual who is deceased and the requester is-
 - (i) the individual's next of kin; or
 - (ii) making the request with the written consent of the individual's next of kin; or
 - (f) about an individual who is or was an official of a public body and which relates to the position or functions of the individual, including, but not limited to-

- (i) the fact that the individual is or was an official of that public body;
- (ii) the title, work address, work phone number and other similar particulars of the individual;
- (iii) the classification, salary scale, remuneration and responsibilities of the position held or services performed by the individual; and
- (iv) the name of the individual on a record prepared by the individual in the course of employment.

36. Mandatory protection of commercial information of third party

- (1) Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains—
 - (a) trade secrets of a third party;
 - (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected
 - (i) to put that third party at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice that third party in commercial competition.
- (2) A record may “not be refused in terms of subsection (1) insofar as it consists of information
 - (a) already publicly available;
 - (b) about a third party who has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned; or
 - (c) about the results of any product or environmental testing or other investigation supplied by, earned out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk.
- (3) For the purposes of subsection (2)(c), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

37. Mandatory protection of certain confidential information, and protection of certain other confidential information, of third party

- (1) Subject to subsection (2), the information officer of a public body -
 - (a) must refuse a request for access to a record of the body if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or
 - (b) may refuse a request for access to a record of the body if the record consists of information that was supplied in confidence by a third party -
 - (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and
 - (ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.

- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information -
- (a) already publicly available; or
 - (b) about the third party concerned that has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned.

46. Mandatory disclosure in public interest

Despite any other provision of this Chapter, the information officer of a public body must grant a request for access to a record of the body contemplated in section 34(1), 36(1), 37(1)(a) or (b), 38(a) or (b), 39(1)(a) or (b), 40, 41(1)(a) or (b), 42(1) or (3), 43(1) or (2), 44(1) or (2) or 45, if -

- (a) the disclosure of the record would reveal evidence of -
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) an imminent and serious public safety or environmental risk; and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question

65 Mandatory protection of certain confidential information of third party

The head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

70 Mandatory disclosure in public interest

Despite any other provision of this Chapter, the head of a private body must grant a request for access to a record of the body contemplated in section 63 (1), 64 (1), 65, 66 (a) or (b), 67, 68 (1) or 69 (1) or (2) if-

- (a) the disclosure of the record would reveal evidence of-
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) imminent and serious public safety or environmental risk; and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

3. STATISTICS ACT, 1999 (ACT NO. 6 OF 1999)

17. Confidentiality and disclosure

- (1) Despite any other law, no return or other information collected by Statistics South Africa for the purpose of official or other statistics that relates to -
 - (a) an individual;
 - (b) a household;
 - (c) an organ of state;
 - (d) a business; or
 - (e) any other organisation, may, subject to subsections (2) and (3), be disclosed to any person.
- (2) The return or other information contemplated in subsection (1) may, subject to the directions of the Statistician-General, be disclosed—
 - (a) to the Statistician-General and officers concerned of Statistics South Africa who have taken the oath of confidentiality referred to in subsection (7)(a);

- (b) to the person from whom such return or other information was collected or his or her representative;
 - (c) with the prior written consent of the person from whom such return or other information was collected or his or her representative;
 - (d) where the information is already available to the public from the organ of state, business or other organisation concerned; 10
 - (e) in the form of lists of the names and addresses of individual organs of state and other organisations and their classifications by function, type of legal entity and range of numbers of members and employees, or other indicator of size;
 - (f) in the form of lists of the names and addresses of individual businesses and their classifications by industry or activity, type of legal entity, and range of numbers of employees or other indicator of size;
 - (g) in the form of lists of the kinds of products produced, manufactured, stored, bought or sold or services rendered, by businesses, organs of state or other organisations or classes thereof.
- (3) The Statistician-General may, for statistical purposes, disclose to another organ of state information or data gathered in the course of a joint collection undertaken with that organ in terms of section 14(11), on condition that—
 - (a) the name, address or any other means by which the respondents may be identified is deleted;
 - (b) any person who is involved in the collection of, or who may use, that information or data, must first take an oath of confidentiality similar to the one provided for in subsection (7)(a) irrespective of whether he or she has taken an oath of confidentiality in terms of any other law; and
 - (c) the Statistician-General is satisfied that the confidentiality of that information or data will not be impaired.
- (4) Despite any other law—
 - (a) an entry made by the competent person concerned in terms of this Act in any document; or
 - (b) a return or its contents, is not admissible as evidence in legal proceedings, except for purposes of criminal proceedings in terms of this Act.
- (5) Information collected by any person, organ of state, business or other organisation for his, her or its own purposes and communicated to Statistics South Africa is subject to the same confidentiality requirements as information collected directly by Statistics South Africa, irrespective of any other confidentiality requirements to which it may have been subject when it was collected.
- (6) The results of the compilation and analysis of the statistical information collected in terms of this Act may not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that person, business or organisation has consented to the publication or dissemination in that manner.
- (7) The Statistician-General and every officer of Statistics South Africa must—

- (a) before assuming duty, take an oath of confidentiality prohibiting disclosure of any information coming to his or her knowledge by reason of such duty before its release is authorised by the Statistician-General;
- (b) preserve, and promote the preservation of, confidentiality in respect of all information that may come to his or her knowledge by reason of such employment

4. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

31. Access to environmental information and protection of whistle blowers

- (4) Notwithstanding the provisions of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having disclosed any information, if the person in good faith reasonably believed at the time of the disclosure that he or she was disclosing evidence of an environmental risk and the disclosure was made in accordance with subsection (5).
- (5) Subsection (4) applies only if the person concerned -
 - (a) disclosed the information concerned to -
 - (i) a committee of Parliament or of a provincial legislature;
 - (ii) an organ of state responsible for protecting any aspect of the environment or emergency services;
 - (iii) the Public Protector;
 - (iv) the Human Rights Commission;
 - (v) any attorney-general or his or her successor;
 - (vi) more than one of the bodies or persons referred to in subparagraphs (i) to (v);
 - (b) disclosed the information concerned to one or more news media and on clear and convincing grounds believed at the time of the disclosure -
 - (i) that the disclosure was necessary to avert an imminent and serious threat to the environment, to ensure that the threat to the environment was properly and timeously investigated or to protect himself or herself against serious or irreparable harm from reprisals; or
 - (ii) giving due weight to the importance of open, accountable and participatory administration, that the public interest in disclosure of the information clearly outweighed any need for nondisclosure;
 - (c) disclosed the information concerned substantially in accordance with any applicable external or internal procedure, other than the procedure contemplated in paragraph (a) or (b), for reporting or otherwise remedying the matter concerned; or
 - (d) disclosed information which, before the time of the disclosure of the information, had become available to the public, whether in the Republic or elsewhere.
- (6) Subsection (4) applies whether or not the person disclosing the information concerned has used or exhausted any other applicable external or internal procedure to report or otherwise remedy the matter concerned.

- (7) No person may advantage or promise to advantage any person for not exercising his or her right in terms of subsection (4).
- (8) No person may threaten to take any action contemplated by subsection (4) against a person because that person has exercised or intends to exercise his or her right in terms of subsection (4).

5. PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO 4 OF 2013)

Definitions

1. In this Act, unless the context indicates otherwise—

“data subject” means the person to whom personal information relates;

“person” means a natural person or a juristic person;

“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

“processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

“public record” means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body;

“record” means any recorded information—

- (a) regardless of form or medium, including any of the following:

- (i) Writing on any material;
- (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- (iv) book, map, plan, graph or drawing;
- (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- (b) in the possession or under the control of a responsible party;
- (c) whether or not it was created by a responsible party; and
- (d) regardless of when it came into existence.

“responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

2. The purpose of this Act is to—

- (a) give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at—
 - (i) balancing the right to privacy against other rights, particularly the right of access to information; and
 - (ii) protecting important interests, including the free flow of information within the Republic and across international borders;
- (b) regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
- (c) provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act; and
- (d) establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.

CHAPTER 2 APPLICATION PROVISIONS

Application and interpretation of Act

- 1. (1) This Act applies to the processing of personal information—
 - (a) entered in a record by or for a responsible party by making use of automated or non-automated means: Provided that when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof; and
 - (b) where the responsible party is—
 - (i) domiciled in the Republic; or
 - (ii) not domiciled in the Republic, but makes use of automated or non-automated means in the Republic, unless those means are used only to forward personal information through the Republic.

- (2) (a) This Act applies, subject to paragraph (b), to the exclusion of any provision of any other legislation that regulates the processing of personal information and that is materially inconsistent with an object, or a specific provision, of this Act.
- (b) If any other legislation provides for conditions for the lawful processing of personal information that are more extensive than those set out in Chapter 3, the extensive conditions prevail.
- (4) “Automated means”, for the purposes of this section, any equipment capable of operating automatically in response to instructions given for the purpose of processing information.

Lawful processing of personal information

- 4. (1) The conditions for the lawful processing of personal information by or for a responsible party are the following:
 - (a) “Accountability”, as referred to in section 8;
 - (b) “Processing limitation”, as referred to in sections 9 to 12;
 - (c) “Purpose specification”, as referred to in sections 13 and 14;
 - (d) “Further processing limitation”, as referred to in section 15;
 - (e) “Information quality”, as referred to in section 16;
 - (f) “Openness”, as referred to in sections 17 and 18;
 - (g) “Security safeguards”, as referred to in sections 19 to 22; and
 - (h) “Data subject participation”, as referred to in sections 23 to 25.
- (2) The conditions, as referred to in subsection (1), are not applicable to the processing of personal information to the extent that such processing is—
 - (a) excluded, in terms of section 6 or 7, from the operation of this Act; or
 - (b) exempted in terms of section 37 or 38, from one or more of the conditions concerned in relation to such processing.

Rights of data subjects

- 5. A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right—
 - (a) to be notified that—
 - (i) personal information about him, her or it is being collected as provided for in terms of section 18; or
 - (ii) his, her or its personal information has been accessed or acquired by an unauthorized person as provided for in terms of section 22;
 - (b) to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section 23;
 - (c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24;
 - (d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section 11(3)(a);
 - (e) to object to the processing of his, her or its personal information—
 - (i) at any time for purposes of direct marketing in terms of section 11(3)(b); or

- (ii) in terms of section 69(3)(c);
- (f) not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1);
- (g) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71;
- (h) to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and
- (i) to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99.

CHAPTER 3

CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

Condition 5

Information quality

Quality of information

16. (1) A responsible party must take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

Condition 6

Openness

Notification to data subject when collecting personal information

18. (1) If personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of—

- (a) the information being collected and where the information is not collected from the data subject, the source from which it is collected;
- (b) the name and address of the responsible party;
- (c) the purpose for which the information is being collected;
- (d) whether or not the supply of the information by that data subject is voluntary or mandatory;
- (e) the consequences of failure to provide the information;
- (f) any particular law authorizing or requiring the collection of the information;
- (g) the fact that, where applicable, the responsible party intends to transfer the information to a third country or international organization and the level of protection afforded to the information by that third country or international organization;
- (h) any further information such as the—
 - (i) recipient or category of recipients of the information;
 - (ii) nature or category of the information;
 - (iii) existence of the right of access to and the right to rectify the information collected;
- (iv) existence of the right to object to the processing of personal information as referred to in section 11(3); and
- (iv) right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the

information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.

CHAPTER 10 ENFORCEMENT

Interference with protection of personal information of data subject

73. For the purposes of this Chapter, interference with the protection of the personal information of a data subject consists, in relation to that data subject, of—

- (a) any breach of the conditions for the lawful processing of personal information as referred to in Chapter 3;
- (b) non-compliance with section 22, 54, 69, 70, 71 or 72; or
- (c) a breach of the provisions of a code of conduct issued in terms of section 60.

APPENDIX 2: ROLES AND RESPONSIBILITIES

The two tables below list all the possible actors and roles within SAAELIP. The table below lists actors and their roles from the authority side.

| Actors and Roles (Authority) | |
|------------------------------|--|
| Actors | Task Description |
| National AQO | <ul style="list-style-type: none"> - Create Authority Staff users - Generate Nation-Wide Master List - Add/Delete Sources - Assign Audits to National Auditor - Perform audits on the National Level |
| National Staff | <ul style="list-style-type: none"> - Generate Nation-Wide Master List - Add/Delete Sources - Upload and Submit air emissions data on the National Level |
| National Auditor | <ul style="list-style-type: none"> - Perform audits on the National Level |
| National Viewer | <ul style="list-style-type: none"> - View-Only access rights to SAAELIP |
| Province AQO | <ul style="list-style-type: none"> - Add/Delete industrial and non-industrial sources within its jurisdiction - Perform Audits and set status for Audits on the reports within its jurisdiction - Assign Audits to Province Auditor |
| Province Staff | <ul style="list-style-type: none"> - Add/Delete industrial and non-industrial sources within its jurisdiction |
| Province Auditor | <ul style="list-style-type: none"> - Perform Audits and set status for Audits on the reports within its jurisdiction |
| District Municipality AQO | <ul style="list-style-type: none"> - Create Authority Staff users - Generate District-Wide Master List - Add/Delete Sources - Assign Audits to National Auditor - Perform audits on the District Level - Add/Delete industrial sources within its jurisdiction - Create Facility users that lies within the jurisdiction - Issue final approval for industrial Source(s) within its jurisdiction (after preliminary approval of Metropolitan Municipality Staff) - Publish sources to SAAELIP Facility and issue email notifications to the approved sources - Assign Audits to District Municipality Auditor - Perform Audits and set status for Audits pertaining to reports in their district municipality |
| District Municipality Staff | <ul style="list-style-type: none"> - Add/Delete industrial sources within its jurisdiction - Issue preliminary approval for industrial Source(s) within its jurisdiction |

| Actors and Roles (Authority) | | |
|-----------------------------------|--|---|
| Actors | | Task Description |
| District Municipality Auditor | | - Perform Audits and set status for Audits pertaining to reports in their district municipality |
| Metropolitan Municipality AQO | | <ul style="list-style-type: none"> - Create Facility users that lies within the jurisdiction of the Metropolitan Municipality - Add/delete industrial point sources within its jurisdiction - Issue final approval of Industrial Source(s) within the metropolitan municipality (after preliminary approval of Metropolitan Municipality Staff) - Publish Source(s) to SAAELIP Facilities and issue email notifications to the approved sources - Assign Audits to Metropolitan Municipality Auditor - Perform Audits and set status for Audits |
| Metropolitan Municipality Staff | | <ul style="list-style-type: none"> - Add/Delete industrial sources within the metropolitan municipality - Issue preliminary approval of Industrial sources within the metropolitan municipality |
| Metropolitan Municipality Auditor | | - Perform Audits and set status for Audits |

DEPARTMENT OF HEALTH

NO. 624

16 July 2021



SOUTH AFRICAN NURSING COUNCIL
SUID-AFRIKAANSE RAAD OP VERPLEGING
Nursing Act, 2005 (Act No. 33 of 2005)

1

NOTICE IN TERMS OF SECTION 4 (1) (h) REGARDING DETAILS OF PERSONS AGAINST WHOM DISCIPLINARY ACTION WAS
TAKEN IN TERMS OF THE NURSING ACT

| NO | CASE NO. | NAMES | SANC REF. NUMBER | NURSE'S CATEGORY | TYPE OF CASE | SENTENCE | EFFECTIVE & EXPIRY DATE |
|----|----------|-------------------------------|------------------|--|---------------------------------------|--|-------------------------|
| 1. | 06/19/P | Nombuyiselo Mbakaqana | 15474257 | Registered Nurse (General, Psychiatry, Community) and Midwifery | Medication | Caution and Reprimand | |
| 2. | 28/18/P | Nomathamsanqa Olwethu Gandela | 15065600 | Registered General Nurse | Bringing Profession into Disrepute | Twelve months effective suspension | June 2021-June 2022 |
| 3. | 25/15/P | Elwin Cedric Minnaar | 15191471 | Enrolled Nurse | Medication | Twelve months effective suspension | June 2021-June 2022 |
| 4. | 252/10/P | Neil Hendry Neethling | 14126528 | Registered Nurse (General, Psychiatry, Community) and Accoucheur | Sexual Assault | Twelve months effective suspension +Rehabilitation | June 2021-June 2022 |
| 5. | 57/17/P | Ntokozo Rejoice Zondi | 15125115 | Registered General Nurse | Infringing patient's right to privacy | Six months suspension which was further suspended for a period of twelve months on condition that she is not found | June 2021-June 2022 |

| | | | | | | | | |
|----|---------|------------------|----------|---|-------------------|-----------------------|---|--|
| | | | | | | | guilty of improper or disgraceful conduct during the period of suspension | |
| 6. | 36/19/P | Sharita Govender | 13488267 | Registered Nurse (General, Psychiatry, Community) and Midwifery | Poor Nursing Care | Caution and Reprimand | | |

STATISTICAL REPORT

Table 1: CASES PER PROVINCE

| TYPE OF CASE | GP | MP | WC | NW | TOTAL |
|--|----|----|----------|----|----------|
| Medication | - | - | 2 | - | 2 |
| Bringing Profession into Disrepute | - | - | 1 | - | 1 |
| Sexual Assault | - | - | 1 | - | 1 |
| Infringement of Patient's Right to Privacy | - | - | 1 | - | 1 |
| Poor Nursing Care | - | - | 1 | - | 1 |
| TOTAL | - | - | 6 | - | 6 |

Table 2: TYPE OF CASES PER NURSE CATEGORY

| TYPE OF CASE | RN | RN&A | RN&M | EN | ENA | TOTAL |
|--|----------|----------|----------|----------|----------|----------|
| Medication | - | - | 1 | 1 | - | 2 |
| Bringing Profession into Disrepute | 1 | - | - | - | - | 1 |
| Sexual Assault | - | 1 | - | - | - | 1 |
| Infringement of Patient's Right to Privacy | 1 | - | - | - | - | 1 |
| Poor Nursing Care | - | - | 1 | - | - | 1 |
| TOTAL | 2 | 1 | 2 | 1 | - | 6 |

Table 3: TYPE OF SENTENCE PER NURSE CATEGORY

| TYPE OF SENTENCE | RN | RN&A | RN&M | EN | ENA | TOTAL |
|------------------------------|----------|----------|----------|----------|----------|----------|
| Caution and reprimand | - | - | 2 | - | - | 2 |
| Effective suspension | 1 | - | 1 | 1 | - | 3 |
| Suspension further suspended | 1 | - | - | - | - | 1 |
| TOTAL | 2 | - | 3 | 1 | - | 6 |

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 625

16 July 2021

NATIONAL QUALIFICATIONS FRAMEWORK ACT, 2008 (ACT NO. 67 OF 2008)**CALL FOR NOMINATIONS FOR THE APPOINTMENT OF A MEMBER TO SERVE ON THE
SOUTH AFRICAN QUALIFICATIONS AUTHORITY BOARD FOR THE TERM ENDING
31 DECEMBER 2025**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in terms of Section 14 of the National Qualifications Act, 2008 (Act No. 67 of 2008), as amended, hereby invite nominations for further appointments to the Board of the South African Qualifications Authority (SAQA). I have appointed eleven of the twelve members to serve in the Board starting from 1 January 2021 to 31 December 2025. I am required to appoint an additional member in accordance with Section 14(2)(a) of the NQF Act, 2008.

The members appointed must:

- a) Be broadly representative of the education and training sectors and related interests;
- b) Have thorough knowledge and understanding of education and training;
- c) Appreciate the role of education and training in the reconstruction and transformation of the South African economy and society;
- d) Have known and attested commitment to the interests of education and training;
- e) Have knowledge and understanding of qualifications matters and quality assurance in education and training; and
- f) Be competent to undertake the governance and oversee the financial affairs of the SAQA.

In specific, we are looking for expertise in oversight of financial affairs (as per section 14(2)(b)(vi)).

Written nominations must include the following:

- Full names of the individual or organisation making a nomination;
- The nominee's signed written acceptance of the nomination;
- Motivation letter indicating why the nominee must be considered for appointment;
- Comprehensive curriculum vitae, certified copies of Identity Document and qualifications.

The closing date for the receipt of nominations is **20 working days** from the date of publication of this Notice.

Please address all correspondence and any related enquiries to:

The Director-General:

Department of Higher Education and Training

Attention: Ms Bellinah Molaudzi

Private Bag X174

Pretoria

0001

Email: Molaudzi.b@dhet.gov.za

Tel: 012 312 5703 / 012 312 5030



DR BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION, SCIENCE AND TECHNOLOGY

DATE: 20/06/2021

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 626

16 July 2021

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)

AMENDED INSTITUTIONAL STATUTE OF THE UNIVERSITY OF MPUMALANGA

I, Dr Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997) hereby publish the amended Institutional Statute of the University of Mpumalanga set out in the Schedule hereto, which comes into operation on date of publication hereof.

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

22/06/2021

AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF MPUMALANGA

The council of the University of Mpumalanga has made amendments to the Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act 1997(Act No. 101 of 1997) which is hereby published with the approval of the Minister of Higher Education, Science and Innovation in terms of section 33 of the said Act, and comes into operation on the date of this publication.

SCHEDULE

General explanatory note:

- [] words in bold in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.

1. In this schedule the expression “the Statute “means the Statute of the University of Mpumalanga as published under Government Gazette No. 40216, Government Notice No. 922 of 19 August 2016.

2. Substitute paragraph 2(3) with the following paragraph:

2. Name, seat and powers

(3) “The street address of the second campus of the University is: Bheki Mfundo Drive, **[0472]** Siyabuswa, 0474, South Africa”.

3. Insert the following paragraph as paragraph 8A:

8A. Re-appointment of the Chancellor

- (1) At least seven days before the date of the meeting of Council, the secretary to the Council must give due notice to every member of the Council of the intention to consider the re-appointment of the Chancellor for a second term.
- (2) The Chancellor must be re-appointed to the office of Chancellor at a meeting of Council by a majority of the members of the Council.
- (3) The consideration for re-appointment must be by secret ballot.

4. Substitute paragraph 18(1) with the following paragraph

18. Composition

- (1) The Council consists of -
 - (a) the Vice-Chancellor;
 - (b) not more than three Deputy Vice-Chancellors;
 - (c) two members of the Senate, elected by the Senate;
 - (d) one academic employee, other than a member of the Senate, elected by the academic employees;
 - (e) one employee representing administrative and support staff who is not a member of the Senate, elected by the administrative and support staff;
 - (f) two student members elected by the SRC from their ranks, representative of the campuses of the University;

- (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
- (h) the President of the Convocation and one additional member of the Convocation elected by the Convocation provided that both representatives are neither employees nor students of the University;
- (i) **[three] two persons [preferably with due regard to appropriate representation of the municipalities within the Mbombela and the Siyabuswa Campuses of the University are situated of the] to be nominated by the Premier of the Province of Mpumalanga.**
- [(j)] [two donors of the University]**
- [(k)] (i) not more than [six] nine persons with a broad spectrum of knowledge and experience in fields relevant to the objectives and governance of the University, appointed by the Council [on the basis of their experience and expertise with due regard to the regional interest of the University; and]**
- [(k)] (k) The Chairperson of the Institutional Forum.**

6. Substitute Paragraphs 20(5) to 20(9) with the following:

- [(5) The election of the Council members from the ranks of the University's donors must take place in accordance with paragraph 56 of this Statute.]**
- [(6)] (5) The members of the Council who are appointed to the Council on the basis of their expertise and experience must be appointed by means of the following process controlled and supervised by the Registrar:**
 - (a) The Registrar must place an advertisement in three national newspapers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by the Council, to serve on the Council, provided that the media invitation must include an invitation in at least one national newspaper circulating in the Mpumalanga Province, and provided further that if a particular round of advertisements has, in the opinion of the Council, not elicited a satisfactory response, the process may be repeated.
 - (b) The Executive Committee of the Council must, with the assistance of the Registrar, draw up a list of the most suitable nominees for recommendation to the Council, provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The required number of members of the Council must be elected at an ordinary or an extraordinary meeting of Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of the Council.
- [(7)] (6) Apart from the President of the Convocation, the election of one additional member from the ranks of the members of the Convocation who is to serve on the Council must take place in accordance with the procedure prescribed in paragraph 52 of this Statute.**
- [(8)] (7) The process for the appointment of Council members as contemplated in paragraphs 18(1)(c) to 18(1)(e), 18(1)(g) to 18(1)(k), must be facilitated by the Registrar in his or her capacity as secretary to the Council and the Senate.**
- [(9)] (8) In the event of the Council appointing more than three Deputy Vice-Chancellors, the Deputy Vice-Chancellors serving on the Council must be appointed by the [Vice-Chancellor] Council from the ranks of the Deputy Vice-Chancellors. The [Vice-Chancellor] Council may revise the appointments from time to time as necessary.**

7. Substitute Paragraph 24 (1) with the following paragraph:

24. Executive Committee of the Council

(1) The Council must establish a Committee known as the Executive Committee of the Council, which consists of –

- (a) the Chairperson of the Council;
- (b) the Deputy Chairperson of the Council;
- (c) the Vice-Chancellor;

[(d) Four members of the Council, one of whom should be representative of the Senate on the Council and three of whom should be members other than employees or students].

(d) Chairpersons of the Committees of Council

(e) one representative of Senate on Council

8. Substitute 27 with the following paragraph:

27. Committees

(1) Apart from the Executive Committee of the Council as contemplated in paragraph 24, the Council may establish any other committee as well as joint Council and Senate committees.

(2) The Council is obliged to at least establish the following committees to advise the Executive Committee of the Council and the Council on the responsibilities of the Council: -

(a) Human Resources Committee

[(a) committee(s) dealing with the provision and planning of human resources, performance management and retention of staff, as well as the remuneration of staff and members of Council,

(b) Governance, Finance and Investment Committee

(b) committee(s) dealing with the provision and planning of financial resources, including compliance with audit, risk and investment regulations and governance principles,

(c) Facilities Planning and Infrastructure Committee

(c) committee(s) dealing with the provision and planning of physical resources and infrastructure.]

(d) Audit, Risk and IT Governance Committee

(e) Remuneration Committee

(f) Nominations Committee

(g) Strategy Committee

[(d)] (h) Any other committee the Council may deem necessary.

(3) Each committee must have its own charter prescribing its composition, mandate, powers and duties. Charters approved by the Council will have the status of Rules as contemplated in section 29(4) of the Act.

(4) Committees of the Council or joint committees of the Council and the Senate decide on matters within their mandates by a majority vote of the members present at a meeting, provided that the quorum for the meeting will be fifty per cent plus one of the members appointed to the committee.

- (4) The Council may appoint not more than 2 (two) persons who are not members of the Council [or the Senate to committees] as members of the Committee of the Council on account of their special skills and expertise on a specific area that the Committee may be lacking in- depth knowledge in or seeks professional advice on, provided that such persons do not account for the majority of the membership of the Committee.
- (5) The Council may, if deemed expedient for the effective and efficient functioning of the Council appoint Committees other than the Committees contemplated in sub-para 27 (6) and ad-hoc committees of Council.
- (6) The meeting Procedures of the Council as determined by the Rules apply with the necessary changes to the Committees of Council.

9. Substitute Paragraph 55 with the following paragraph

55. [Qualification as donor] Recognition

- [(1) Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, must be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person must represent the donor as applicable and provided further that only donors who have donated more than the minimum amount as contemplated in subparagraph 55(2) must for a period of five years be entitled to elect two members of Council.**
- (2) The donation referred to in subparagraph 55(1), whether in the form of money, either in one sum or in a number of lesser sums, or as property, either in one asset or a number of assets, or as money and property together, must not be less than an amount or valued at not less than an amount fixed from time to time by the Council.]**
The University recognises and registers all bodies or persons who donate to the University.

10. Paragraph 56 is hereby deleted:

[56. Election of representatives of donors to the Council

- (1) The Registrar must call for written nominations of persons to be elected from the ranks of the University's donors as per the Donor Register in the printed and/or electronic media as appropriate.**
- (2) Nominations must be signed by at least two proposers and by the nominee, indicating his or her acceptance of the nomination.**
- (3) Nominations must be lodged with the Registrar at least four weeks before the election.**
- (4) If the number of persons nominated does not exceed the number of vacancies, the persons so nominated must be considered duly elected and the Registrar must announce the names of the members.**
- (5) If the number of persons nominated exceeds the number of vacancies, the Registrar must submit the nominations to the Council.**
- (6) The Council will elect the required number of donors from the nominations received by the Registrar by a majority of votes of the members of the Council present at a properly constituted meeting.]**

11. The following headings are substituted as follows:

CHAPTER 9 EMPLOYEES

- [57.] 56. Appointment
- [58.] 57. Conditions of employment
- [59.] 58. Evaluation
- [60.] 59. Employee discipline
- [61.] 60. Representative employee organisations

CHAPTER 10 STUDENTS

- [62.] 61. Admission and registration of students
- [63.] 62. Student organisations and activities
- [64.] 63. Student Representative Council (SRC)

12. Insert the following paragraph as Paragraph 64:

64. Student Support Services Council

- (1) In accordance with Section 27(3) of the Act, the Council establishes a structure known as the Student Support Services Council to advise the Council on policies for Student Services within the University.
- (2) The Student Support Services Council advises the Council on policies related to the rendering of support services to Students of the University, including policies on financial aid services, health, sports programs, housing facilities and student governance and development.
- (3) The Student Support Services Council advises the Council on policies contemplated in paragraph (1) after consultation with the internal structures as indicated in the Rules.
- (4) The composition, office-bearers, meetings and meeting procedures are determined in the Rules.

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 627

16 July 2021

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998) AS AMENDED**CALL FOR NOMINATIONS FOR THE APPOINTMENT OF THE CHAIRPERSON OF THE QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO) FOR THE TERM ENDING 31 MARCH 2025**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation in terms of Section 26G (4) of the Skills Development Act read with Schedule 3 and paragraph 4 of the Quality Council for Trades and Occupations (QCTO) constitution, hereby invite nominations for the appointment of the Chairperson from interested and relevant parties in the trades and occupations sector, as indicated below:

Nominations must as far as practically possible comply with the requirements outlined below:

- (a) Requisite knowledge and understanding of the QCTO, applicable legislative and government policies and strategies.
- (b) Appropriate and attested leadership and experience in the Post-School Education and Training (PSET) sector especially in the area of quality assurance, which includes accreditation of skills development providers, occupational qualifications development, management and maintenance and certification etc.

Due attention will be given to representation in the QCTO Council with regard to race, gender and disability.

Written nominations must contain the following:

- (a) Full names of the individual or organisation making a nomination;
- (b) The nominee's signed written acceptance of the nomination; and
- (c) One page motivation letter indicating why the nominee must be considered for appointment.
- (d) Curriculum vitae, certified copies of ID and qualification/s.

Nominations and any related enquiries should be directed, within 21 working days after publication of this notice, to:

The Director-General:
Department of Higher Education and Training
(Attention: Ms Vuyokazi Patuleni)
Private Bag X174
Pretoria
0001

Tel : (012) 312 5295
E-mail : QCTOChairpersonNominations@dhet.gov.za

Kindly note that all nominees' qualifications will be subjected to verification by the South African Qualifications Authority (SAQA). The appointed Chairperson will be subjected to security screening.

The appointed Chairperson of the Quality Council for Trades and Occupations will be expected to resume duties from the date of appointment until 31 March 2025.



Dr BE Nziemande, MP

Minister of Higher Education, Science and Innovation

Date: 13/06/2021

NATIONAL TREASURY

NO. 628

16 July 2021

**PUBLIC FINANCE MANAGEMENT ACT, 1999
(ACT NO 1 OF 1999 AS AMENDED)**

**BORROWING POWERS OF WATER BOARDS LISTED
UNDER SCHEDULE 3 PART B OF THE ACT**

I, TITO TITUS MBOWENI, MINISTER OF FINANCE, acting in terms of Section 66(3)(b) of the Public Finance Management Act, 1999 (Act No 1 of 1999), hereby authorise the accounting authority of Rand Water to borrow money up to the limits and extend bank guarantees as stipulated below:

| RAND WATER: BORROWING AUTHORISATION AND RELATED LIMIT | | | |
|--|---|---|--|
| FINANCIAL YEAR | UNCONDITIONAL INTEREST-BEARING DEBT/ BORROWINGS AMOUNT | CONDITIONAL INTEREST-BEARING DEBT/ BORROWINGS AMOUNT | TOTAL INTEREST- BEARING DEBT/ BORROWINGS AMOUNT |
| Ending 30 June 2022 | R7.605 billion | R961 million | R8.566 billion |
| Ending 30 June 2023 | R8.566 billion | R961 million | R9.527 billion |
| Ending 30 June 2024 | R8.296 billion | R961 million | R9.257 billion |

| FINANCIAL YEAR | BANK GUARANTEE |
|-----------------------|-----------------------|
| Ending 30 June 2022 | R849 million |
| Ending 30 June 2023 | R849 million |
| Ending 30 June 2024 | R849 million |

The proposed borrowing limits reflect the maximum interest-bearing borrowings that Rand Water may have at any point in each respective financial period. This means that for as long as Rand Water has interest-bearing borrowings on its statement of financial position (or balance sheet), it will need to adhere to the limits above. A new authorisation will be considered upon expiry, provided Rand Water has outstanding interest-bearing borrowings recorded on its financial statements. Rand Water is required to submit a utilisation request to the National Treasury to the Deputy Director-General: Asset and Liability Management (DDG: ALM) Division before sourcing borrowings for Rand Water's growth projects. In addition, any borrowings related to the hydro-power project is subject to a utilisation request.

The bank guarantee amount reflects the maximum bank guarantee(s) Rand Water provide in favour of Eskom in relation to the Electricity Supply Agreement between the two parties. The cumulative amount of the bank guarantee should not in any of the 3 financial years exceed R849 million.

The borrowing authorisation and related limit is approved with the following compliance requirements:

1. A minimum cash interest cover (CIC) ratio of 3 times, calculated as follows: cash generated from operations (after changes in working capital) divided by cash finance costs (from the cash flow statement);
2. A minimum debt service cover ratio (DSCR) of 1 time, calculated as follows: cash generated from operations (after changes in working capital) divided by total debt service costs (debt capital repayments plus gross interest paid – from the cash flow statement);
3. A gearing limit of 50% calculated as follows: interest-bearing borrowings divided by total equity;
4. Rand Water submits quarterly progress reports to the Asset and Liability Management Division on the above-mentioned requirements as well as the Borrowing Programme and Funding Plan, including utilisation of the borrowing limit **within 30 days after the end of each quarter**; and
5. Rand Water submits bi-annual reports to the Asset and Liability Management Division on the progress of major capital expenditure projects and the project plans for the upcoming 6 months.

The bank guarantee authorisation has the following compliance requirement:

- a. Rand Water is required to have a non-cash secured bank guarantee and must always maintain liquid investments or assets equivalent to R849 million in relation to the financial years highlighted above.



TT MBOWENI, MP
MINISTER OF FINANCE
Date: 28/06/2021

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 629

16 July 2021

NOTICE



COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)

Taking into consideration that CIPC official office days are Mondays to Fridays and does not include week-ends or public holidays, notice is hereby given in terms of and for purposes of the Acts mentioned in the Schedule below, that CIPC will be closed to the public from **10h00 on Friday 24 December 2021 up to and including Friday 31 December 2021.**

The CIPC Offices at –

- a) the Department of Trade, Industry and Competition (the dtic) (77 Meintjies Street, Block F – Entfufukweni) in Sunnyside, Pretoria;
 - b) 1st floor, Office 103, Sancardia Building, 541 Madiba Street, Arcadia, Pretoria;
 - c) Talis House, No 17 Simmonds street, Cnr Main and Simmonds street, Marshalltown, Johannesburg;
 - d) Norton Rose House No 8, Shop Number 3, Riebeeck Street, Thibault Square, Cape Town; and
 - e) (CIPC officials) at Trade and Investment KwaZulu Natal (TIKZN) situated at 1 Arundel Close, Kingsmead Office Park, Kingsmead Boulevard, Stalwart Simelane Street in Durban,
- will re-open at 08h00 on Monday 3 January 2022.

The lodgment of documents and services of legal documents will be accepted on Thursday 23 December 2021 until 15h30.

The days from Friday 24 December 2021 up to and including Sunday 2 January 2022 will be regarded as *dies non* for purposes of the stated Acts.

CIPC offers different lodgment / filing methods for certain services to its customers. During this period, services processed by automated means will continue to be processed while those services which require back-office intervention / finalisation e.g. services which require scanned documents to be e-mailed to dedicated e-mail addresses or uploaded via electronic platforms e.g. New E-Services, will only resume from Monday 3 January 2022.

Please also take note that with regard to name reservations, all reserved names that would have lapsed between Friday 24 December 2021 up to and including Sunday 2 January 2022, will now have their reservation dates moved forward to Monday 3 January 2022 and will, therefore, only elapse on that date.

SCHEDULE

Trade Marks Act, 1993
Patents Act, 1978
Design Act, 1993
Copyright Act, 1978
Companies Act, 2008
Close Corporations Act, 1984
Co-operatives Act, 2005
Registration of Copyright in Cinematograph Film Act, 1977

Kind regards. _____

Rory Voller
29/06/2021 13:18:35 (UTC+02:00)
Signed by Rory Voller,
RVoller@cipc.co.za

SIGNIFLOW.COM

Rory Voller
Commissioner: CIPC

DEPARTMENT OF WATER AND SANITATION

NO. 630

16 July 2021

EXTENSION OF DEADLINE TO SUBMIT COMMENTS AND MAKE REPRESENTATIONS: REGULATIONS FOR THE USE OF WATER FOR EXPLORATION AND PRODUCTION OF ONSHORE NATURALLY OCCURRING HYDROCARBONS THAT REQUIRE STIMULATION, INCLUDING HYDRAULIC FRACTURING AND UNDERGROUND COAL GASIFICATION, TO EXTRACT, AND ANY ACTIVITY INCIDENTAL THERETO THAT MAY IMPACT DETRIMENTALLY ON THE WATER RESOURCE, PUBLISHED ON GOVERNMENT NOTICE NO. 44545 DATED 07 MAY 2021

I, Deborah Mochotlhi, in my capacity as Acting Director-General of the Department of Water and Sanitation, after a careful consideration of submissions made by interested and affected parties hereby extend the period required to submit comments on the draft regulations with additional **60 working days** to the period already prescribed on Government Notice No. 44545 dated 07 May 2021.

The Department (DWS) published the draft regulations in Government Notice No. 44545 dated 07 May 2021 inviting the public to provide comments. The period of one month given for public comments have been reconsidered in light of the requests for an extension by interested and affected parties. Only the period and the addressee are affected by this Notice and all other requirements apply as per previous publication.

All comments and representations must be submitted in writing in any of the following ways:

By post to: The Director-General
Department of Water and Sanitation
Private Bag X313
Pretoria
0001

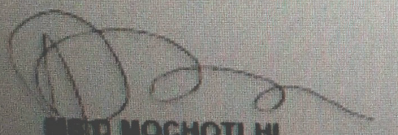
By hand to: The Director-General
Department of Water and Sanitation
Sedibeng Building, 185 Francis Baard Street,
Pretoria

By e-mail to: unconventionalgas@dws.gov.za

Comments or representations must be marked for the attention of: Acting Deputy Director-General: Regulation, Compliance and Enforcement, Mr. Leonardo Manus.

Any enquiries in connection with the proposed Regulations can be directed to Mr. Siboniso Mkhalihi at 012 336 8048 or to mkhalihi@s@dws.gov.za.

Comments received after the closing date will not be considered.


DEBORAH MOCHOTLHI
ACTING DIRECTOR-GENERAL

09/06/2021

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR**NOTICE 423 OF 2021****NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED)**

PLEASE TAKE NOTICE THAT:-

1. The Motor Industry Bargaining Council (MIBCO) (the applicant) has applied to the Commission for Conciliation, Mediation and Arbitration (CCMA) in terms of section 62(1) of the Labour Relations Act 66 of 1995 as amended (the LRA) for a demarcation order to the effect that the activities of the Motor Repair Division of Kidrogen (Pty) Ltd (the second respondent) fall within its jurisdiction and not under the registered scope of the South African Road Passenger Bargaining Council (SARPBAC) (the first respondent).
2. The second respondent operates the MyCiti bus service in terms of a contract with the City of Cape Town. It is registered with SARPBAC in respect of its employees. The second respondent also operates a Motor Repair Division at its depot in Du Noon, where it services and repairs the MyCiti buses. The applicant is of the view that the employees employed in this division fall under its jurisdiction and not that of SARPBAC. The first and second respondents are opposing the demarcation application.
4. The CCMA believes that the question raised by this demarcation dispute is potentially of wider application in that there may be a number of other businesses in a similar situation to that of the second respondent, and those businesses may well be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA. The CCMA therefore invites written representations in relation to the issue in dispute by any interested party.
5. Written representations may be made within 21 calendar days of the date of publication of this notice, and should be clearly marked with reference number **HO 46-21** and directed to:-

Contact: **Ms Shoneez Abrahams**

Tel: **021 469 0125 / 0111**

Fax: **021 465 7193/7/87 or 021 462 5006**

Email: **shoneeza@ccma.org.za**

Hand delivery: **6th Floor, CCMA House
78 Darling Street
Cape Town 8001**

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 77 OF 2021**HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)**RULES FOR THE REGISTRATION OF SPEECH AND HEARING CORRECTIONISTS:
REPEAL**

The Health Professions Council of South Africa hereby repeal, in terms of section 61(5) of the Health Professions Act, 1974 (Act No. 56 of 1974), the rules for the registration of speech and hearing correctionists as published under General Notice No. 554 in *Government Gazette* No. 9918 of 6 September 1985.

Signed by: Munyadziwa Albert Kwindu
Signed at: 2021-04-23 22:31:58 +02:00
Reason: I approve this document

..... 

DR. MA KWINDA**ACTING REGISTRAR****DATE:**

BOARD NOTICE 78 OF 2021

Building 2 Greenstone Hill Office Park Emerald Boulevard Modderfontein
PO Box 8237 Greenstone 1616 Johannesburg South Africa
 Tel 087 940 8800 Fax 087 940 8873 E-mail board@irba.co.za
 Internet www.irba.co.za

**APPOINTMENT OF MEMBERS TO THE BOARD
 OF THE INDEPENDENT REGULATORY BOARD FOR AUDITORS**

Notice is hereby given in accordance with the provisions of Section 11(7) of the Auditing Profession Act, No 26 of 2005, as amended by Act 2 of 2015 and Act 5 of 2021, that the Minister of Finance has appointed the following persons as members of the IRBA Board:

| | Board Member | Qualifications |
|----|----------------------|---|
| 1. | Ruth Benjamin-Swales | <ul style="list-style-type: none"> • Bachelor of Commerce • Post Graduate Diploma in Accounting • Chartered Accountant (SA) • Former Registered Auditor |
| 2. | Fulvio Tonelli | <ul style="list-style-type: none"> • Bachelor of Commerce • Bachelor of Commerce (Honours) • Chartered Accountant (SA) • Former Registered Auditor |
| 3. | Protas Phili | <ul style="list-style-type: none"> • Bachelor of Commerce • Master of Commerce (Accounting) • Post Graduate Diploma in Accounting • Advanced Certificate in Auditing • Chartered Accountant (SA) |
| 4. | Eugene Zungu | <ul style="list-style-type: none"> • Bachelor of Commerce • Post Graduate Diploma in Accounting • Chartered Accountant (SA) • Advanced Diploma in Banking Law • Former Registered Auditor |
| 5. | Chuma Mjali | <ul style="list-style-type: none"> • Business Science Degree (Finance and Accounting) • Post Graduate Diploma in Accounting • Chartered Accountant (SA) • Master of Commerce (Accounting) • Chartered Global Management Accountant |
| 6. | Zine Mshengu | <ul style="list-style-type: none"> • Bachelor of Commerce • Bachelor of Commerce (Honours) • Master of Science (Finance) - Financial Sector Management • Chartered Accountant (SA) • Certified Information Systems Auditor |
| 7. | Naidene Ford-Hoon | <ul style="list-style-type: none"> • Bachelor of Commerce • Bachelor of Commerce (Honours) • Chartered Accountant (SA) |
| 8. | Richard Hawkins | <ul style="list-style-type: none"> • Bachelor of Commerce • Bachelor of Commerce (Honours) |

Established in terms of Act 26 of 2005

| | | |
|-----|------------------|---|
| | | <ul style="list-style-type: none"> Chartered Accountant (SA) |
| 9. | Thabiso Kutumela | <ul style="list-style-type: none"> Bachelor of Commerce Bachelor of Law Master of Law Admitted Attorney of the High Court and member of the Legal Practice Council Certificate in Advanced Company Law Certificate in Competition Law Certificate in Advanced Administrative Law Certificate in Risk Compliance and Governance |
| 10. | Nalini Maharaj | <ul style="list-style-type: none"> B Proc degree Bachelor of Law Admitted Attorney of the High Court and member of the Legal Practice Council Chartered Society of Forensic Sciences Certificate of Accounting for Public Entities and Government Certificate in The Introduction to Corporate Governance Certificate in Corporate Governance and King IV™ Report Certificate in Corporate Governance, Internal Audit and Risk Management Certificate in Financial and Accounting Principles for Public Entities Certificate in Court Annexed Mediation |

In accordance with the provisions of Section 12(1) of the Act, the appointments are for a period of three years effective 8 June 2021 to 7 June 2024.

Imre Nagy
Acting Chief Executive Officer

BOARD NOTICE 79 OF 2021

26 Victoria Link Street, Route 21 Corporate Park, Nellmapius Road, Irene.
Postal Address: PO Box 60114, Pierre van Ryneveld, Centurion, 0045
Tel: +27 (0)12 345 6360 Fax: +27 (0)12 345 6369
Website: www.savc.org.za

REGISTRAR: MR MONGEZI MENYE

VC/1

7 July 2021

**VETERINARY AND PARA-VETERINARY PROFESSIONS ACT, 1982
APPOINTMENT/ DESIGNATION OF PERSONS TO SERVE AS MEMBERS OF THE SOUTH
AFRICAN VETERINARY COUNCIL**

For general information it is made known that the following person elected and appointed as member of the South African Veterinary Council to fill a vacancy caused by the resignation of an elected member of Council and that his term of office will commence on 18 June 2021 and will end on 31 July 2022 in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act no 19 of 1982), as amended:

One veterinary physiotherapist:

Ms JPP Mousley, 11 Hockley Street Port Elizabeth 6070


Kind regards

Mongezi Menye
SAVC, Registrar/CEO

BOARD NOTICE 80 OF 2021**FINANCIAL SECTOR CONDUCT AUTHORITY****FINANCIAL MARKETS ACT, 2012****APPROVED AMENDMENTS TO THE EQUITY EXPRESS SECURITIES EXCHANGE
(ESEE) RULES**

The Financial Sector Conduct Authority (FSCA) hereby gives notice under section 71(3)(c)(ii) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the amendments to the ESEE Rules have been approved. Please be advised that the rules have been published on the official website of FSCA (www.fsca.co.za) and the website of ESEE (www.eese.co.za).

The amendments come into operation on date of publication.

A handwritten signature in blue ink, appearing to read 'B Topham', with a long horizontal flourish extending to the right.

B TOPHAM

FINANCIAL SECTOR CONDUCT AUTHORITY

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