



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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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** **2023** **GOVERNMENT GAZETTE**

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

- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**
- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

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 HEALTH

NO. 3943

6 October 2023

TRADITIONAL HEALTH PRACTITIONERS ACT, 2007 (NO. 22 of 2007)**APPOINTMENT OF MEMBERS OF THE OF INTERIM TRADITIONAL HEALTH PRACTITIONERS COUNCIL OF SOUTH AFRICA**

Notice regarding appointment of persons as members of the Interim Traditional Health Practitioners Council of South Africa for a period of three years, with effect from 13 April 2023 to 12 April 2026 is hereby given.

The Notice is given in terms of Regulation 6 of the *Regulations relating to the appointment of members of the ITHPCSA, published in terms of the Traditional Health Practitioners Act, No. 22 of 2007 under the Government Notice No. R685 in the Government Gazette No. 34546 of 22 August 2011.*

No.	Category of Appointment	Applicable Section of the Act	Name
1.	Chairperson	S 7 (a)	Dr Fikile Mabel Vilakazi-Alberts
2.	Vice- Chairperson and Northwest Prov. Rep	S 7 (b)(c)	Mr Kenneth Mogweng
3.	Free State Prov. Rep	S 7 (c)	Ms Ntsoaki Maria Siase
4.	Mpumalanga Prov. Rep	S 7 (c)	Ms Sara Pula
5.	Northern Cape Prov. Rep	S 7 (c)	Mr. Pieter Collins

No.	Category of Appointment	Applicable Section of the Act	Name
6.	Eastern Cape Prov. Rep	S 7 (c)	Ms Nomasundu Galloway
7.	Gauteng Prov. Rep	S 7 (c)	Ms Lettie Skosana
8.	Limpopo Prov. Rep	S 7 (c)	Mr George Ramabulana
9.	KZN Prov. Rep	S 7 (c)	Mr Sibusiso Robertson Gumede
10.	Western Cape Prov. Rep	S 7 (c)	Mr Mrwetyana Lukholo
11.	Employee of the DoH	S 7 (d)	Mr Ramphelane Morewane
12.	Person versed in Law	S 7 (e)	Adv. Bakwena Monyeki
13.	Member of the HPCSA (Medical Practitioner)	S 7(f)	Vacant
14.	Member of the SAPC (Pharmacist)	S 7 (g)	Ms Tlou Mavis Shivambu
15.	Community Rep	S 7 (h)	Mr Kenneth Fhatuwani Netshiombo
16.	Community Rep	S 7 (h)	Dr Piet Ntsile Kgaphole
17.	Community Rep	S 7 (h)	Dr Mpho Malatji
18.	Diviner	S 7 (i)	Ms Sheila Fihliwe Khama
19.	Herbalist	S 7 (i)	Dr Yvette Natasha Abrahams
20.	Traditional Birth Attendant	S 7 (i)	Ms Nomzamo Patricia Ngidi
21.	Traditional Surgeon	S 7 (i)	Mr Maleke Matshingwane


DR. MJ PHAAHLA, MP
MINISTER OF HEALTH

DATE: 12/09/2023

STATISTICS SOUTH AFRICA

NO. 3944

6 October 2023

REPUBLIC OF SOUTH AFRICA

STATISTICS AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75), explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. 49407 of 6th of October 2023)
(The English text is the official text of the Bill)*

(MINISTER IN THE PRESIDENCY)

[B 00—2023]

GENERAL EXPLANATORY NOTE:

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

BILL

To amend the Statistics Act, 1999, so as to substitute certain definitions and insert new definitions; to amend the provisions dealing with the powers and duties of the Statistician-General; to make provision for the development and implementation of the National Statistics System and National Strategy for the Development of Statistics by the Statistician-General; to strengthen co-ordination and enhance collaboration amongst data producers and data users by creating an enabling environment for the production and consumption of quality statistics within the Republic; to make provision for the establishment of statistics units by organs of state, the submission of annual statistics plans and annual reports by organs of state and the establishment of the Statistical Clearing House in order to promote the functions and objectives of the National Statistics System; to empower the Minister to make regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 6 of 1999

1. Section 1 of the Statistics Act, 1999 (hereinafter referred to as the “principal Act”), is hereby amended—

- (a) by the insertion after the definition of “document” of the following definition: 5
 “**‘entity within the NSS’** means—
 (i) an organ of state; and
 (ii) any organisation, non-profit organisation, or business that produces and uses statistics or collects data;”;
- (b) by the insertion after the definition of “entity within the NSS” of the following definition: 10
 “**‘geographic information’** means information related to place, space and more specifically, information about spatial objects or features and their attributes and may also be referred to as geo-spatial information;”;
- (c) by the substitution for the definition of “Minister” of the following definition: 15
 “**‘Minister’** means the Minister **[of Finance]** in the Presidency or such other Minister as the President may assign to be the executing authority for the purposes of this Act;”;
- (d) by the insertion, after the definition of “Minister”, of the following definition: 20
 “**‘National Statistics System’** (“NSS”) means the ensemble of statistical organisations and units within the Republic of South Africa, that jointly collect, process and disseminate official and other statistics;”;

- (e) by the substitution for the definition of “other organisation” of the following definition:
 “ ‘**other organisation**’ means any non-governmental or non-profit organisation, voluntary association or other organisation other than a business, household or organ of state that does not form part of the entities within the NSS;”;
- (f) by the insertion, after the definition of “other organisation” of the following definitions:
 “ ‘**other statistics**’ means statistics which have not been designated as official by the Statistician-General;
 ‘**prescribed**’ means prescribed by regulation;”;
- (g) by the substitution in the definition of “return” for paragraph (b) of the following paragraph:
 “(b) an officer of Statistics South Africa or of [**another organ of state**] any entity within the NSS which produces statistics, for the purpose of producing official or other statistics;”;
- (h) by the insertion, after the definition of “return” of the following definition: “ ‘**SASQAF**’ means ‘South African Statistical Quality Assessment Framework’ as determined by the Statistician-General;”;
- (i) by the substitution at the end of the definition of “Statistics South Africa” for the full stop of a semicolon; and
- (j) by the insertion after the definition of “Statistics South Africa” of the following definition:
 “ ‘**this Act**’ includes any regulations made in terms of this Act.”.

Insertion of section 1A into Act 6 of 1999 25

2. The following section is hereby inserted after section 1 of the principal Act:

“Conflict with other legislation

1A. The provisions of this Act prevail where there is a conflict relating to the matters dealt with in this Act between this Act and the provisions of any other law, save for the Constitution or any Act expressly amending this Act.”. 30

Amendment of section 2 of Act 6 of 1999

3. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of the following paragraph:
 “(a) a Statistician-General as the Statistician-General of the Republic of South Africa and the head of Statistics South Africa and for a Council;”;
- (b) by the substitution for paragraph (c) of the following paragraph:
 “(c) co-ordination between Statistics South Africa and other [**organs of state**] entities within the NSS that produce official or other statistics;”.

Amendment of section 3 of Act 6 of 1999

4. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
 “**Purpose of official statistics, [and] statistical principles and the NSS**”; and
- (b) by the addition of the following subsections after subsection (2):
 “(3) The purpose of the NSS is to serve as a coordination structure for the production and use of official and other statistics.
 (4) Entities within the NSS other than organs of state, must enter into partnership agreements with the Statistician-General in terms of section 14(11)(b), for the purpose of increasing the body of official and other statistics.”. 50

(5) The NSS must conduct its work in accordance with the United Nations Fundamental Principles of Official Statistics and other relevant domestic, regional, continental and global frameworks governing the production and use of statistics.”.

Amendment of section 4 of Act 6 of 1999

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5. Section 4 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) Statistics South Africa referred to as **[an organisational component]** a national department in the first column of Schedule [2] 1 to the Public Service Act **[and for the purposes of the application of that Act, in terms of section 7(4)(a) 10 of that Act, regarded to be a department]—**”.

Amendment of section 7 of Act 6 of 1999

6. Section 7 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the full stop at the end of paragraph (e)(vi) of “; and”; 15
- (b) by the addition in subsection (1) of the following paragraph:
 “(f) is the custodian of all official data including that arising from commissioned and collaborative work.”;
- (c) by the substitution in subsection (2) for paragraph (a) of the following paragraph: 20
 “(a) cause a population census to be taken in the year 2001 and every **[five] ten** years thereafter, on a date determined by the Minister by notice in the *Gazette*, unless the Minister, on the advice of the Statistician-General and by notice in the *Gazette*, determines otherwise;” 25
- (d) by the substitution in subsection (2) for paragraph (f) of the following paragraph:
 “(f) provide statistical advice to **[other organs of state] entities within the NSS;**”;
- (e) by the substitution in subsection (2)(j) for the words preceding subparagraph (i) of the following words: 30
 “establish and maintain such offices in the provinces as he or she considers necessary, having regard to the needs for official and other statistics for provinces and **[other organs of state] entities within the NSS,** on condition that— ”; 35
- (f) by the substitution in subsection (2)(j) for subparagraph (i) of the following subparagraph:
 “(i) service-level agreements or memoranda of understanding are entered into between Statistics South Africa and **[the provinces] provincial and local government institutions** in question; and”; 40
- (g) by the substitution at the end of subsection (2)(k) for the full stop of a semicolon;
- (h) by the addition in subsection (2) of the following paragraphs:
 “(l) establish a body or unit within Statistics South Africa to coordinate the entities within the NSS; and 45
 (m) publish all official statistics including those arising from commissioned and collaborative work.”;
- (i) by the substitution in subsection (3) for paragraph (b) of the following paragraph:
 “(b) in terms of section 14(7), designate statistics produced by Statistics South Africa or **[other organs of state] entities within the NSS** as official statistics;” 50
- (j) by the substitution in subsection (3)(g) at the end of subparagraph (iii) for the full stop of “; and”;
- (k) by the addition in subsection (3) of the following paragraph: 55
 “(h) promote and assist statistical research, in particular, by providing access, (where he or she may lawfully do so), to data under his or her curatorship.”; and

- (l) by the addition of the following subsection after subsection (5):
 “(6) The Statistician-General must, for the purpose of producing official statistics, have access to any data from any producer or entity within the NSS at no cost.”

Amendment of section 13 of Act 6 of 1999

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7. Section 13 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “(1) The Council must advise the Minister, the Statistician-General or an **[organ of state] entity within the NSS** which produces statistics with regard to—”;
- (b) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 “(a) matters referred to the Council by the Minister, the Statistician-General or that **[organ of state] entity within the NSS**”;
- (c) by the substitution in subsection (2) for paragraph (c) of the following paragraph—
 “(c) an environment which is supportive of the collection, production, storage, dissemination and use of official statistics.”; and
- (d) by the substitution for subsection (5) of the following subsection:
 “(5) The Statistician-General must provide the Council with such secretarial, **[and]** clerical assistance and specialised skills as is necessary for the effective performance of the functions of the Council.”

Amendment of section 14 of Act 6 of 1999

8. Section 14 of the principal Act is hereby amended—

- (a) by the substitution for the heading of the following heading:
 “**Statistical co-ordination among [organs of state] entities within the NSS**”;
- (b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:
 “The Statistician-General may advise **[any organ of state] entities within the NSS** regarding the application of appropriate quality criteria and standards, classifications and procedures for statistics—”;
- (c) by the addition of the following subsections after subsection (12):
 “(13) In order to promote statistical co-ordination among entities within the NSS, the Statistician-General must—
 (a) develop and implement a statistical system to be known as the NSS; and
 (b) develop and implement a National Strategy for the Development of Statistics.
 (14) The purpose of the National Strategy for the Development of Statistics is to—
 (a) develop statistical capacity within Statistics South Africa and other entities within the NSS in the form of skills and infrastructure for official statistics in order to support—
 (i) the monitoring and evaluation programme of the national and sector statistics strategies;
 (ii) planning and decision-making in the three spheres of government and other organs of state;
 (iii) the meeting of national, international and other reporting obligations of the state; and
 (iv) the building of statistical capacity in the form of statistics units within organs of state;
 (b) provide a strategic framework for developing appropriate forms of, and uses for, statistics;
 (c) develop an overall vision for the development of the NSS;
 (d) develop a comprehensive framework for continual assessment of evolving user needs and priorities for statistics and for building the capacity needed to meet those needs;

- (e) provide a framework for mobilising and managing resources nationally and internationally; and
- (f) provide a basis for the effective and strategic management of the NSS.
- (15) The Statistician-General must, in order to promote the functions and objectives of the NSS, establish, oversee and co-ordinate the activities of the following structures: 5
- (a) A committee, comprising representatives of Statistics South Africa, other entities within the NSS and other stakeholders who may be appointed by the Statistician-General, which must be responsible for overseeing the co-ordination of statistical projects in the NSS, with specific reference to statistical production by entities within the NSS and the measurable development outcomes of government; 10
- (b) working groups, comprising technical experts in data handling and analysis from various entities within the NSS, which must be responsible for assembling and validating data on a sectoral basis for all national and international statistical reporting, with specific reference to statistical production by entities within the NSS and the measurable development outcomes of government; 15
- (c) a secretariat, to be provided from the resources of Statistics South Africa, which must be responsible for co-ordinating the operations of the NSS in relation to its administrative, documentation and other service needs; 20
- (d) stakeholder fora, comprising representatives of Statistics South Africa and other organs of state, international agencies, business, organised labour and civil society, at national, provincial and local levels, which must provide a mechanism for discussing issues, concerns and new developments in official statistics and must facilitate dialogue in relation to the proposed direction of statistical development and production, nationally; 25
- (e) a Statistical Clearing House, the composition of which must be determined by the Statistician-General, who must appoint its members and the purpose of which is to— 30
- (i) rationalise surveys being undertaken by various organs of state or entities within the NSS in order to remove duplication; 35
- (ii) utilise a national catalogue or inventory of data sources for producing official and other statistics;
- (iii) make recommendations to the Statistician-General regarding new statistical collections, variations and discontinuance of existing undertakings; and 40
- (f) a state-wide statistics service, which comprises of officials from Statistics South Africa and other entities within the NSS responsible for collection, processing, analysis, storage and dissemination of statistics. 45
- (16) The Statistician-General must develop a code of ethics or conduct for professionals and others involved in the production of statistics within the NSS.
- (17) The Statistician-General must establish and maintain a statistical training programme to enhance statistical capacity in the NSS. 50
- (18) The Statistician-General must develop protocols for access to, and data sharing amongst, entities within the NSS.
- (19) Statistical data produced by an organ of state for the purpose of formulating policy or for public consumption, must be produced by that organ of state— 55
- (a) in accordance with the provisions of this Act; and
- (b) in a manner and form aimed at ensuring the attainment of the objectives of the Act contemplated in section 2(c) and (d).
- (20) (a) Entities within the NSS must produce, or be involved in the production of, official statistics or statistics which may potentially be designated as official statistics and must participate in the development and implementation of the National Strategy for the Development of Statistics and the NSS. 60

(b) The Statistician-General must provide such entities with assistance, facilitation and co-ordination as may reasonably be required for that purpose.

(21) An organ of state required to produce, or to be involved in the production of, official statistics or statistics which may potentially be designated as official statistics, must establish a statistics unit within such organ of state, which unit must—

- (a) be established using the resources of that organ of state;
- (b) be headed by an official appointed by the accounting officer or head of such organ of state, in consultation with the Statistician-General, who must possess the necessary level of seniority to enable access to, and to advise the accounting officer or head of such organ of state in relation to, the issues for which such unit is responsible;
- (c) be a unit operationally independent of, and not subject to the control of, or interference by, other operational units or components within such organ of state;
- (d) be established in accordance with the guidance of the Statistician-General;
- (e) be responsible for ensuring that—
 - (i) the production and handling of data within such organ of state complies with the SASQAF and other standards and guidelines as may be determined from time to time by the Statistician-General; and
 - (ii) the protocol for the release of official statistics determined from time to time by Statistics South Africa, the United Nations Principles of Official Statistics and the African Charter on Statistics, conforms to relevant regional, continental and global frameworks governing the production and use of statistics; and
- (f) in relation to administrative and employment issues and its work programme, be accountable to the accounting authority of such organ of state and must, in relation to professional standards for the production and handling of data and statistics within that organ of state, act in accordance with the guidance of the Statistician-General.

(22) Every entity within the NSS—

- (a) must comply with all standards for the production of official statistics issued from time to time by the Statistician-General;
- (b) must, in relation to official statistics or statistics which may potentially be designated as official statistics which that entity produces from registers, administrative records or lists, or surveys, ensure that they comply with the requirements of the SASQAF determined by the Statistician-General; and
- (c) may seek technical support and advice from Statistics South Africa in relation to the development of registers and the execution of surveys and compliance with the SASQAF.

(23) Entities within the NSS involved in the production of statistics must take all reasonable and expeditious steps, through proper planning, reporting, scheduling and other appropriate means, to seek the timeous designation of their statistics by the Statistician-General as official statistics under subsection (7).

(24) The Cabinet, the Minister or other Ministers, the Forum of South African Directors-General or a cluster of that Forum, may decide that data collected or in the process of being collected by a particular entity within the NSS, must be prioritised for consideration by the Statistician-General, to be designated as official statistics.

(25) In the case of data contemplated in subsection (24), the entity within the NSS must ensure that the statistical data is finalised for purposes of being assessed for such designation within a period not exceeding three years from the date on which, such entity within the NSS, is informed of the decision to prioritise such data for designation as official statistics.

(26) For the purposes of designating data produced by Statistics South Africa or any entity within the NSS as official statistics, the Statistician-General must constitute data quality assessment teams to undertake independent audits or assessments of statistics of such data against quality criteria provided by the SASQAF. 5

(27) Data series submitted for consideration that comply with the criteria of the SASQAF, must be certified as official statistics by the Statistician-General.

(28) In the event that any data series submitted for consideration do not comply with the criteria of the SASQAF, the relevant entity within the NSS must, with the support to be provided by Statistics South Africa, draw up and implement a statistical improvement plan with a view to improve the quality of such data series to meet the criteria determined for designation as official statistics. 10

(29) The Statistician-General must periodically, at such times as he or she may determine, through the data quality assessment teams, review the quality of data series that have already been designated as official statistics, to determine whether they have maintained their status as such, failing which their designation as official statistics may be terminated by the Statistician-General or may be continued, subject to such conditions as may be determined by the Statistician-General. 15 20

(30) Organs of state must—

(a) on an annual basis, submit statistical plans to the Statistician-General for his or her consideration and approval;

(b) ensure that their statistical plans are aligned with national, regional, continental, international and other reporting requirements; and 25

(c) submit annual reports on their statistical collection programmes and activities to the Statistician-General for the purposes of review, to determine the need for possible support by Statistics South Africa and to decide whether the report must be tabled by the Minister in Parliament.”. 30

Amendment of section 15 of Act 6 of 1999

9. Section 15 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) For the purpose of making enquiries or observations necessary for achieving the purpose of this Act, the Statistician-General or any officer of Statistics South Africa authorised by him or her may enter on any land or premises[, **other than a private dwelling,**] of any organ of state, business or other organisation and inspect anything thereon or therein—”. 35

Amendment of section 18 of Act 6 of 1999

10. Section 18 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words following paragraph (g) of the following words:

“is guilty of an offence and liable on conviction to a fine not exceeding **[R10 000] R20 000**, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”; 45

(b) by the substitution in subsection (2) for the words following paragraph (b) of the following words:

“is guilty of an offence and liable on conviction to a fine not exceeding **[R10 000] R20 000**, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act, 1991, or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”; 55

- (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “Any individual [other than an employee of an organ of state], business or other organisation that—”;
- (d) by the substitution in subsection (3) at the end of paragraph (e) for the comma 5 of “; and” and by the addition of the following paragraph:
 “(f) willfully discloses any statistical information contrary to the provisions of this Act.”;
- (e) by the substitution in subsection (3) for the words following paragraph (e) of the following words: 10
 “is guilty of an offence and liable on conviction—
 “(i) in the case of an individual, to a fine not exceeding [R10 000] R20 000, or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1 (1) (a) of the Adjustment of Fines Act, 1991, or to imprisonment for 15
 a period not exceeding six months or to both such fine and such imprisonment; and
 (ii) in the case of a business or other organisation, to a fine not exceeding [R20 000] R200 000 or an amount determined by the Minister from time to time by notice in the *Gazette.*”;
- (f) by the substitution in subsection (4)(b) for subparagraphs (i) and (ii) of the following subparagraphs: 20
 “(i) in the case of an individual, to a fine not exceeding [R500] R1 000 or an amount determined by the Minister from time to time by notice in the *Gazette*; or 25
 (ii) in the case of a business or other organisation, to a fine not exceeding [R2 000] R20 000 or an amount determined by the Minister by notice in the *Gazette.*”;

Insertion of section 20A into Act 6 of 1999

11. The following section is hereby inserted after section 20 of the principal Act: 30

“Regulations

20A. (1) The Minister, after consultation with the Statistician-General and the Statistics Council, may make regulations regarding—

- (a) any matter required or permitted to be prescribed by this Act; 35
 (b) coordination of the entities within the NSS;
 (c) statistical collection methodology and standards;
 (d) procedure on entry and inspection by officials;
 (e) protocols and guidelines on data, access, and confidentiality as contemplated in section 14(18);
 (f) appropriate mechanisms and structures for statistical reporting; 40
 (g) guidelines to implement a National Strategy for the Development of Statistics as contemplated in section 14(13)(b);
 (h) guidelines on the functioning of the Statistical Clearing House as envisaged in section 14(15)(e); and
 (i) any other matter incidental to the matters listed in paragraphs (a) to (h). 45

(2) (a) The Minister must publish the regulations to be made under subsection (1) in the *Gazette* for public comment at least thirty (30) days before the date contemplated for their commencement.

(b) If the Minister alters the draft regulations, as a result of any comment, he or she need not publish those alterations before making the regulations.” 50

Short title

12. This Act is called the Statistics Amendment Act, 2023, and takes effect on a date fixed by the President by proclamation in the *Gazette.* 55

MEMORANDUM ON THE OBJECTS OF THE STATISTICS AMENDMENT BILL, 2023

1. BACKGROUND

The Statistics Amendment Bill (“Bill”) seeks to amend the Statistics Act, 1999 (Act No. 6 of 1999) (“principal Act”), by making provision for the development and implementation of the National Statistics System (“NSS”) and the National Strategy for the Development of Statistics (“NSDS”) by the Statistician-General. The NSS is made up of an ensemble of statistical organisations and units within the Republic of South Africa that are responsible for the joint collection, processing and dissemination of official and other statistics. The purpose of the NSDS includes, amongst others, the development of statistics units within organs of state, the development of a vision for the NSS and the development of a framework for the continual assessment of user needs and priorities. The Bill further seeks to provide for the strengthening of co-ordination mechanisms amongst data producers and data users through the NSS, to foster compliance with norms, standards and methodologies for data collection and to improve the quality of information gathered within the Republic. The Bill enhances collaboration amongst data producers and users of data, to promote the use of quality statistics for planning, policy formulation, monitoring and evaluation as well as evidence-based decision-making.

2. OBJECTS OF BILL

- 2.1 The main objects of the Bill are to—
- (a) substitute and insert certain definitions;
 - (b) promote the functions and objectives of the NSS;
 - (c) strengthen co-ordination and enhance collaboration amongst data producers and data users by creating an enabling environment for the production and consumption of quality statistics within the Republic;
 - (d) introduce the phrase “entities within the National Statistics System” in order to accommodate other data users and producers, other than organs of state; and
 - (e) empower the Minister to make regulations.

3. CLAUSE BY CLAUSE ANALYSIS

- 3.1 Clause 1 seeks to amend section 1 of the principal Act by substituting certain definitions, as well as the inserting of new definitions.
- 3.2 Clause 2 makes provision for dealing with conflicts with other legislation.
- 3.3 Clause 3 seeks to amend section 2(a) of the principal Act by aligning the principal Act with the pivotal role that the Statistician-General plays in relation to statistics in the Republic. This clause also amplifies the role of Statistics South Africa in collaborating with other entities within the NSS in the production and use of statistics.
- 3.4 Clause 4 seeks to amend the heading of section 3 of the principal Act in order to highlight the role of the NSS in the production and use of statistics and to outline its purpose.
- 3.5 Clause 5 seeks to amend section 4(1) of the principal Act by aligning the description of Statistics South Africa with section 7(2)(a) and Schedule 1 to the Public Service Act, 1994 (Proclamation No. 103 of 1994).
- 3.6 Clause 6
- 3.6.1 Clause 6 seeks to amend section 7 of the principal Act by enabling a population census to be conducted by the Statistician-General every ten years instead of five years as contemplated in the principal Act. Clause 6 further seeks to empower the Statistician-General to provide statistical advice to entities within the NSS, thereby substituting the

limitation of the advice to other organs of state to include entities within the NSS, as well as making provision for the establishment of a coordination unit within NSS. This clause further empowers the Statistician-General to publish all collaborative or commissioned work for public use. The proposed amendment to section 7(3)(b) of the principal Act allows the Statistician-General to designate statistics produced by entities within the NSS as official statistics.

- 3.6.2 The proposed addition of paragraph (h) to section 7(3) of the principal Act seeks to promote research in statistical work, and empowers the Statistician-General to grant access to data where it is lawfully possible and to enable the Statistician-General to have access to data.
- 3.7 Clause 7 proposes an amendment to section 13 of the principal Act by the substitution in subsection (1)(a) for the words “that organ of state” with the words “entities within the NSS”. Clause 7 proposes an amendment to section 13(2)(c) of the principal Act by making provision for the Council to advise the Minister, the Statistician-General or organ of state with regard to an environment which is supportive of the collection, production, storage, dissemination and use of official statistics. The proposed amendment to section 13(5) of the principal Act makes provision for the Council to be afforded specialised skills whenever necessary in addition to secretarial and clerical assistance.
- 3.8 Clause 8
- 3.8.1 Clause 8 seeks to amend section 14 of the principal Act by the substitution of the heading of the section so as to highlight an inclusive coordinated approach where all data producers and users will be able to collaborate and receive similar advice from the Statistician-General in so far as the quality criteria, classification and norms and standards of data are concerned. Clause 8 proposes the addition of subsection (13) to section 14 the principal Act and requires that the Statistician-General develop a NSDS within the Republic. The amendment also empowers the Statistician-General to create capacity in statistics within the Republic by proposing that statistics units should be established within other organs of state.
- 3.8.2 The proposed new subsections (15), (16), (17) and (18) empower the Statistician-General to establish, amongst others—
- (a) a committee comprising officials from Statistics South Africa and other entities within the NSS;
 - (b) working groups comprising people with technical skills in data handling and analysis;
 - (c) a secretariat to provide administrative support to the NSS;
 - (d) stakeholder fora to be established at a national, provincial and local level;
 - (e) a Statistical Clearing House to oversee the production of statistics within the Republic to avoid duplication in the production of statistics; and
 - (f) a state-wide statistical service comprising officials of Statistics South Africa and other entities within the NSS.
- 3.8.3 The creation of these structures is designed to strengthen coordination and collaboration amongst data producers and users within the Republic. The amendment empowers the Statistician-General to develop a code of ethics for professionals in the field of statistics and to establish and maintain a training programme to enhance statistical capacity within the NSS. The amendment also empowers the Statistician-General to develop protocols for data sharing and access amongst entities within the NSS. The proposed subsection (19) provides that all statistical data produced by an organ of state for the

purpose of formulating policy or for public consumption must be produced in accordance with the provisions and objects of the principal Act. The proposed new subsection (20) makes it mandatory for all entities within the NSS to produce official statistics or such statistics which may potentially be designated as official by the Statistician-General. The amendment further provides that the Statistician-General be tasked with facilitating and offering the necessary assistance as well as coordination to the entities within the NSS.

- 3.8.4 The proposed new subsection (21) provides for the establishment of statistics units in other organs of state and envisages the establishment of a statistical unit that will operate independently within an organ of state.
- 3.8.5 The proposed new subsection (22) emphasises the need to comply with the South African Statistical Quality Assessment Framework (“SASQAF”) and allows for the entities within the NSS to request assistance from Statistics South Africa whenever required. In terms of the proposed new subsection (23), all entities within the NSS are required to timeously ensure that all statistics are designated as official by the Statistician-General.
- 3.8.6 The proposed new subsection (24) empowers the Cabinet, the Minister and the forum for South African Directors-General to make decisions on the prioritisation of certain statistics to be designated as official by the Statistician-General.
- 3.8.7 The proposed new subsection (28) provides that, where the statistics referred for consideration do not comply with the quality standards, a statistical improvement plan will be developed with the assistance of Statistics South Africa to remedy the defects with a view to enable the statistics to meet the quality criteria for designation as official statistics.
- 3.8.8 The proposed new subsection (30) makes it obligatory for organs of state to submit annual statistical plans and annual reports to the Statistician-General to enable him or her to review the programmes and activities of organs of state and to consider whether any support may be required from Statistics South Africa.
- 3.9 Clause 9 proposes an amendment to section 15(1) of the principal Act by the deletion of the phrase “other than a private dwelling” to address the limitations faced by the Statistician-General or an officer of Statistics South Africa when carrying out his or her duties for statistical purposes in terms of the principle Act.
- 3.10 Clause 10 proposes an amendment to section 18 of the principal Act which deals with offences and penalties for a contravention of certain provisions.
- 3.11 Clause 11 seeks to amend the principal Act by the insertion of a new section 20A which empowers the Minister to make regulations.

4. IMPLEMENTATION PLAN

The implementation of the Bill does not require a detailed implementation plan as the existing structures and processes within Statistics South Africa will not be affected by the proposed amendments. The proposed amendments will be phased in over time in accordance with a priority schedule to be determined by the Statistician-General.

5. CONSULTATION

- 5.1 Statistics South Africa consulted with stakeholders both nationally and in the nine provinces on the implementation of the Bill.

- 5.2 The topics on which Statistics South Africa consulted with the stakeholders include—
- (a) implementing statistical geography;
 - (b) strengthening co-ordination mechanisms and compliance;
 - (c) creating a state-wide statistical service;
 - (d) institutional arrangements and protocols; and
 - (e) data revolution.
- 5.3 Statistics South Africa consulted with the following stakeholders:
- (a) national government departments i.e. (Department of Planning, Monitoring and Evaluation (“DPME”), National Treasury, Department of Cooperative Governance and Traditional Affairs (“Cogta”), the South African Revenue Service (“SARS”), South African Police Service (“SAPS”), the Department of Energy and the Department of Women;
 - (b) provincial government departments;
 - (c) local government;
 - (d) civil society organisations;
 - (e) organised labour; and
 - (f) academia.

6. FINANCIAL IMPLICATIONS FOR THE STATE

There will be financial implications for the state with regard to the staffing requirements of the NSS which must have the capacity to service all entities within the Republic. There is a need for personnel to provide professional, secretarial and clerical support to the Statistics Council members as well as additional staff to give effect to the changes envisaged to ensure the efficient functioning of the NSS. In addition to the above, various structures need to be established by the Statistician-General which will require funds, for example, the Committees, Secretariat and Statistical Clearing House.

7. CONSTITUTIONAL IMPLICATIONS

Statistics South Africa and the State Law Advisers are of the considered opinion that the provisions of the Bill are consistent with the Constitution.

8. PARLIAMENTARY PROCEDURE

- 8.1 Statistics South Africa and the State Law Advisers are of the opinion that the Bill must be dealt with in accordance with the procedure envisaged in section 75 of the Constitution since it contains no provisions to which the procedure outlined in section 74 or 76 of the Constitution applies.
- 8.2 The State Law Advisers are of the opinion that it is not necessary to refer the Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), since it does not contain provisions pertaining to customary law or the customs of traditional communities. The Bill does not pertain to any matter referred to in section 154(2) of the Constitution.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3945

6 October 2023

**INVITATION FOR PUBLIC COMMENT ON THE DRAFT AMENDED PUBLIC INTEREST
GUIDELINES RELATING TO MERGER CONTROL**

1. The Competition Commission of South Africa has amended its Public Interest Guidelines relating to merger control.
2. Stakeholders and interested parties are invited to submit comments on the revised draft public interest guidelines within a period of 30 business days from the publication of this notice in the Government Gazette. Comments should be submitted to the Mergers & Acquisitions Division of the Competition Commission of South Africa for the attention of Ms. Phillipine Mpane, email: phillipinem@compcom.co.za.

Brief background note

In February 2019, the Competition Act No. 89 of 1998 (as amended) (“the Act”) was amended by the Competition Amendment Act, No. 18 of 2018 (“the Amendment Act”). The main objectives of the Amendment Act were to deal with the structural challenges of high levels of concentration and the racially skewed spread of ownership of firms in the South African economy. In this regard, the public interest provisions in merger control were amended to explicitly create public interest grounds to address ownership, control and the support of small businesses and firms owned or controlled by historically disadvantaged persons.¹

The Competition Commission’s (“Commission”) likely approach to the amendments to section 12A of the Act are set out in the draft revised public interest guidelines attached hereto (the “Draft Guidelines”). Paragraphs 4, 5 and 6 of the Draft Guidelines set out the Commission’s approach to the public interest assessment contemplated in section 12A of the Act. The Amendments to section 12A now make it explicit that -

1. the competition and the public interest assessments are equal in status;
2. notwithstanding the outcome of the competition assessment, a determination must be made as to whether the merger is justifiable on substantial public interest grounds, and
3. a merger’s effect on each individual public interest factor must be assessed to reach an overall determination on the merger’s justifiability or otherwise, on substantial public interest grounds.

The Commission’s approach to section 12A of the Act is informed by the imperative of transformation enshrined in the Act. In this regard, the Commission notes that the Preamble to the Act provides:

“That apartheid and other discriminatory laws and practices of the past resulted in...unjust restrictions on full and free participation in the economy by all South Africans;

That the economy must be open to greater ownership by a greater number of South Africans;

In order to-

provide all South Africans equal opportunity to participate fairly in the national economy...”

That aspirational transformative intent is endorsed by the Constitutional Court in *Mediclinic*:²

¹ Background note on Competition Amendment Bill, 2017. Published in Government Gazette No. 41294, pages 5 – 71. The Bill resulted in the adoption of the Competition Amendment Act 18 of 2018.

² Competition Commission of South Africa v Mediclinic Southern Africa (Pty) Ltd and Another 2022 (4) SA 323 (CC) at paragraph 4.

“Colonialism, neo-colonialism and apartheid orchestrated an institutionalised concentration of ownership and control of all things of consequence in our national economy along racial lines. Unsurprisingly, the commanding heights of the corporate sector are seemingly the exclusive terrain of our white compatriots. It is this indisputable reality and our shared commitment to ensuring that South Africa really does get to belong to all who live in it, that the constitutional imperatives, laid out in the Preamble, to improve the quality of life of all citizens and free the potential of each are realised, that the likes of the Competition Act had to and got to see the light of day.”

The Draft Revised Public Interest Guidelines take guidance from these principles.

DRAFT REVISED PUBLIC INTEREST GUIDELINES

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 allows the Competition Commission (“Commission”) to prepare guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act.
- 1.2. In February 2019, the Act was amended by the Competition Amendment Act, 18 of 2018 to deal more deliberately with the structural challenges of concentration and the racially skewed spread of ownership of firms in the South African economy. In this regard, the public interest provisions have been amended to explicitly create public interest factors that address ownership, control and support to small businesses and firms owned or controlled by historically disadvantaged persons.
- 1.3. These guidelines are intended to indicate the approach that the Commission may adopt and the type of information the Commission may require when evaluating the public interest factors in section 12A(3) of the Act.
- 1.4. However, merger analysis is inherently dependent on the facts of a specific case and these guidelines do not prevent the Commission from exercising its discretion to request information or assess factors not indicated in these guidelines, on a case-by-case basis. Further, the guidelines are subject to change based on the experience of the Commission in assessing mergers, as well as the jurisprudence emanating from the decisions of the Competition Tribunal, Competition Appeal Court and Constitutional Court.
- 1.5. These guidelines are not binding on the Commission, the Tribunal or the Courts but any person interpreting or applying section 12A(3) of the Act must take the guidelines into account.³

2. DEFINITIONS

The following terms are applicable to these guidelines –

- 2.1 “**Acquiring Firm**” means an acquiring firm as defined in section 1(1)(i) of the Act;
- 2.2 “**Act**” means the Competition Act No. 89 of 1998, as amended;
- 2.3 “**Commission**” means the Competition Commission;
- 2.4 “**CAC**” means Competition Appeal Court;

³ Section 79(4) of the Act.

- 2.5 “**ESOP**” means an Employee Share Ownership Plan;
- 2.6 “**HDPs**” means historically disadvantaged persons as contemplated in section 3(2) of the Act;
- 2.7 “**Medium-sized business**” means a medium-sized firm as determined by the Minister by notice in the Gazette;
- 2.8 “**Public Interest**” means the Public Interest factors articulated in section 12A(3) of the Act;
- 2.9 “**SMEs**” means small and medium-sized businesses as defined in section 1(1)(xxxix) of the Act;
- 2.10 “**SPLC**” means substantial prevention or lessening of competition, as contemplated by the Act;
- 2.11 “**Target Firm**” means a target firm as defined in section 1(1)(xxxxi) of the Act;
- 2.12 “**Transferred Firm**” means a transferred firm as defined in the Determination of Merger Thresholds and Method of Calculation Schedule to the Act dated 1 April 2009;
- 2.13 “**Tribunal**” means the Competition Tribunal; and
- 2.14 “**Workers**” means workers as defined in section 1(1)(xxxiv) of the Act.

3. LEGISLATIVE FRAMEWORK

- 3.1 Section 12A of the Act sets out how the Commission is required to consider a proposed merger. It reads as follows:

“(1) Whenever required to consider a merger, the Competition Commission or Competition Tribunal must initially determine whether or not the merger is likely to substantially prevent or lessen competition, by assessing the factors set out in subsection (2), and if it appears that the merger is likely to substantially prevent or lessen competition, then determine –

- (a) whether or not the merger is likely to result in any technological, efficiency or other procompetitive gain which will be greater than, and offset, the effects of any prevention or lessening of competition, that may result or is likely to result from the merger, and would not likely be obtained if the merger is prevented; and*
- (b) whether the merger can or cannot be justified on substantial public interest factors by assessing the factors set out in subsection (3).*

(1A) Despite its determination in subsection (1), the Competition Commission or Competition Tribunal must also determine whether the merger can or cannot be justified on substantial public interest factors by assessing the factors set out in subsection (3)."

3.2 In relation to the assessment of public interest considerations in a merger, section 12A(3) of the Act provides as follows:

"When determining whether a merger can or cannot be justified on public interest factors, the Competition Commission or the Competition Tribunal must consider the effect that the merger will have on –

- (a) a particular industrial sector or region;*
- (b) employment;*
- (c) the ability of small and medium businesses, or firms controlled or owned by historically disadvantaged persons, to effectively enter into, participate in or expand within the market;*
- (d) the ability of national industries to compete in international markets; and*
- (e) the promotion of a greater spread of ownership, in particular to increase the levels of ownership by historically disadvantaged persons and Workers in firms in the market."*

4. THE COMMISSION'S APPROACH TO THE LEGISLATIVE FRAMEWORK

4.1 Section 12A of the Act makes it explicit that the competition assessment and the Public Interest assessment are equal in status and that the Commission must assess the effects of all mergers on both competition and Public Interest grounds.⁴

4.2 If the Commission finds that a merger is likely to result in a SPLC, the Commission will, in terms of section 12A(1)(a), establish whether the merger will result in any technological, efficiency or other procompetitive gain which will be greater than, and offset, the effects of the merger on competition. A determination must then be made in terms of section 12A(1)(b) of the Act regarding whether the merger can nonetheless be justified on substantial Public Interest grounds.

4.3 If the Commission finds that it is unlikely that a merger will result in a SPLC, the Commission must still determine whether the merger is justifiable on Public Interest grounds. In this regard, the Commission will determine the effect of the merger on each

⁴ This is particularly clear from the amendment to section 12A(1A) of the Act.

public interest element arising from the merger. Thereafter, the Commission will determine the merger's net effect on the Public Interest.

4.4 The determination above will be conducted by the Commission on a case-by-case basis and on a balance of probabilities.

5. GENERAL APPROACH TO ASSESSING PUBLIC INTEREST PROVISIONS

5.1 As a point of departure, the Commission considers that the framework for merger assessment contemplated under the Act requires a determination into the merger's *likely* effect (i.e., positive or negative) on each Public Interest factor set out in section 12A(3). In this regard, the outcome of the assessment must be more probable than not, and the parties will be required to provide qualitative and quantitative evidence for any claims regarding the effect of a merger on Public Interest.

5.2 The Commission's assessment will focus on those Public Interest factors that are merger specific and raise substantial positive or negative effects.⁵ Guidance on the Commission's approach to the assessment of each Public Interest factor is set out in section 6 below.

5.3 Where the Commission concludes that a particular Public Interest factor is substantially positively affected by the merger, no further assessment into that factor will be required.

5.4 Where the Commission concludes that a particular Public Interest factor is substantially negatively impacted by a merger, the Commission will consider remedies that address the negative impact on that particular Public Interest factor.

5.5 If a merger results in a negative effect on a particular Public Interest factor, the Commission will require remedies that specifically address the negative effect identified (e.g., a negative effect on employment should be addressed by a remedy that addresses the employment harm and not, for instance, by a remedy positively advancing another Public Interest factor). However, if the negative effect on the Public Interest factor cannot be remedied, the Commission may, on a case-by-case basis, consider equally weighty countervailing Public Interest factors that outweigh the negative impact identified.

5.6 The Public Interest assessment will follow the general approach set out below:

5.6.1 determine the likely effect of the merger on each Public Interest factor;

5.6.2 determine whether such effect, if any, is merger specific;

⁵ A merger specific Public Interest effect is an effect that is causally related to, or results from, the merger. See Walmart Stores Inc./Massmart Holdings Ltd, 73/LM/Dec10.

- 5.6.3 determine whether such effect, if any, is substantial;⁶
- 5.6.4 where the effect on a Public Interest factor is negative, merger specific and substantial, consider possible remedies to remedy that effect; and
- 5.6.5 where the negative effect contemplated in paragraph 5.6.4 cannot be remedied, the Commission may, on a case-by-case basis, consider other equally weighty countervailing Public Interest factors, whose effect outweighs the negative impact identified.
- 5.7 The steps in paragraphs 5.6.1 to 5.6.5 above are cumulative. In other words, where an effect is not merger specific, the enquiry into that effect will stop at that stage. Likewise, where an effect is found to be merger specific but not substantial, the enquiry into that effect will stop at that stage.
- 5.8 Where the Commission finds that a merger has a net positive effect on the Public Interest, the Commission will likely conclude that the merger is justifiable on substantial Public Interest grounds.
- 5.9 Where the Commission finds that a merger has a net negative effect on the Public Interest, the Commission will likely conclude that the merger is not justifiable on substantial Public Interest grounds. This may result in remedies being imposed to address the specific Public Interest factors that are substantially negatively impacted by the merger. Where the Commission finds that any substantial negative Public Interest effects arising from the merger countervail any substantial positive Public Interest effects, the Commission will likely consider that the merger is not justifiable on substantial public interest grounds.
- 5.10 It bears mention that the determination into a merger's net effect on the Public Interest includes consideration of both the quantitative and qualitative effects of the merger on each Public Interest factor, and cumulatively, on the Public Interest factors as a whole. Thus, by way of example, despite finding that most of the Public Interest factors applicable to a merger are substantially positively affected by a merger, those effects may be countervailed by substantial negative effects arising from a single Public Interest factor.
- 5.11 The likely approach to each Public Interest factor as well as the information that the Commission is likely to require relating to each Public Interest factor is discussed below.

6. APPROACH TO EACH PUBLIC INTEREST FACTOR

⁶ Section 12A 1(b) of the Act.

6.1 THE EFFECT ON A PARTICULAR INDUSTRIAL SECTOR OR REGION

- 6.1.1 When assessing the likely effect of a merger on a particular industrial sector or region, the Commission will consider the effect of the merger on development, environmental sustainability and employment in a particular industrial sector or region of South Africa, amongst others.
- 6.1.2 In determining the likely effect, the Commission will consider, amongst others, the following:
- 6.1.2.1 the applicable industrial and environmental policy objectives or best practices;
 - 6.1.2.2 local economic conditions;
 - 6.1.2.3 impact on local production, manufacturing or deindustrialisation, for example closure or relocation of existing local production facilities or opening of new production facilities and/or substitution of locally produced goods or services with imports;
 - 6.1.2.4 the effect of the merger on the environment (e.g., pollution, increased carbon emissions, etc.);
 - 6.1.2.5 impact on social projects and upliftment programs that contribute to upliftment of the region or sector;
 - 6.1.2.6 impact on local resources or inputs, for example, whether the merger results in the movement or diversion of local resources to other (e.g., international) markets or the creation of opportunities to beneficiate local resources;
 - 6.1.2.7 contribution of either or both the merger parties to the revenue of local municipality/government, for example through levies, rates and taxes, and the effect of the merger on this contribution; and
 - 6.1.2.8 commitments made in terms of sector or industry specific legislation or license conditions.
- 6.1.3 In determining whether the likely effect on the industrial sector or region is substantial the Commission will, in general, consider the following factors:
- 6.1.3.1 the importance and strategic nature of the relevant products to the sector or region, and of the sector or region to the broader economy;
 - 6.1.3.2 the importance to a sector, region or community within a region of the identified social projects and upliftment programs undertaken by the firms;

- 6.1.3.3 the general socio-economic circumstances of the inhabitants of the region;
 - 6.1.3.4 whether the sector in question involves or influences any constitutionally entrenched rights;
 - 6.1.3.5 whether the merger impedes or contributes towards any public policy goals or economic development plans that are relevant to that sector or region; and/or
 - 6.1.3.6 the importance of a firm to the sector or region and the benefits that flow from that firm to that sector or region.
- 6.1.4 Generally, the Commission may consider the effect on a particular industrial sector or region to be substantial:
- 6.1.4.1 where the effects arising from the merger's impact upon the primary market under consideration are far-reaching and flow beyond that market and sector;
 - 6.1.4.2 the merger impedes public and/or industrial policy goals that would have far-reaching consequences for the sector as a whole;
 - 6.1.4.3 the sector has extensive forward and backward linkages;
 - 6.1.4.4 the sector employs a large number of low-skilled or semi-skilled Workers;
 - 6.1.4.5 the effect of the merger on the region would threaten that region's livelihood and sustainability or would support its continued livelihood and sustainability;
 - 6.1.4.6 where the sector under consideration is one where the goods or services traded involve or influence constitutionally entrenched rights;
 - 6.1.4.7 the effect is of such magnitude and scale that if allowed, would be irreversible and cannot be undone; and
 - 6.1.4.8 expansion of productive capacity and increased capital expenditure over a period of time will likely be considered substantial as opposed to short term or consumption expenditure on non-core goods and services.
- 6.1.5 The Commission will consider remedies on a case-by-case basis. Appropriate remedies to address any likely negative effect on the industrial sector region may include:

- 6.1.5.1 capital expenditure in the operations of the firm in the affected sector or region or within the affected value chain. This capital expenditure must be incremental to pre-merger capital expenditure plans;
- 6.1.5.2 increased localisation;
- 6.1.5.3 the establishment of a fund or other initiatives to develop local production in the relevant value chain. These funds and/or initiatives must be incremental to any previously planned/committed funds;
- 6.1.5.4 the obligation to continue to supply to local producers; and/or
- 6.1.5.5 the obligation to continue sourcing from local suppliers.

6.2 THE EFFECT ON EMPLOYMENT

- 6.2.1 The merger parties must declare all (i) potential retrenchments that are being considered at the time of the merger and/or (ii) retrenchments that have been considered and/or (iii) retrenchments that have been implemented from the time of the initiation of merger discussions to the date of filing, irrespective of whether they contend that these are due to the merger or due solely to operational reasons.⁷
- 6.2.2 In determining the effect of a merger on employment, the Commission's primary consideration will be the direct effect on employment within the merger parties. In assessing this, the Commission will consider, inter alia, the overall nature of the transaction, including the extent of overlap and duplication in the merger parties' activities, the rationale for the transaction, and the intention of the merger parties relating to employment and the target business as well as any plans to create further employment opportunities within the merged entity.
- 6.2.3 As a secondary consideration, the Commission will also consider the likely indirect effect of the merger on the general level of employment in a particular sector or region. In assessing this effect, the Commission will consider whether the merger impacts on the level of employment post-merger due to, inter alia, job creation or loss of job opportunities, duplications, cost-cutting measures, cancellation of supply/distribution arrangements, and/or relocation of offices, factories, and facilities.
- 6.2.4 In determining whether any identified effect on employment is merger-specific the Commission will:

⁷ BB Investment Company (Pty) Ltd and Adcock Ingram Holdings (Pty) Ltd (case:18713) paragraphs 109 - 110.

- 6.2.4.1 consider whether the proposed employment effects are in any way linked to the intentions, incentives, policies, rationale and decisions of the acquiring group and the incentives of the target group to be attractive to potential purchasers or prepare itself for a potential merger;
- 6.2.4.2 accept retrenchments or new jobs declared by the merger parties to arise from the merger, as being merger-specific; and
- 6.2.4.3 assess the merger specificity of retrenchments when merger parties claim that retrenchments are not merger related and when merger parties are relying on this argument to approve a merger that is likely to result in an SPLC.
- 6.2.5 Where retrenchment proceedings by the Target Firm or Transferred Firm or the Acquiring Firms are proposed or initiated in terms of the Labour Relations Act 66 of 1995 (i) shortly before the proposed merger is notified, (ii) during the merger notification process or (iii) are anticipated, proposed or initiated shortly after the merger approval date, the merger parties should inform the Commission of such retrenchments.⁸
- 6.2.6 For purposes of paragraph 6.2.5, the Commission will generally consider an appropriate pre-merger period to be the time from the initiation of merger discussions to the date of filing, and an appropriate post-merger period to be one year following the date on which the merger is implemented.
- 6.2.7 Without derogating from paragraph 6.2.4 and for the avoidance of doubt, the Commission is likely to conclude that any retrenchments implemented or contemplated by either merger party, within the time periods contemplated in paragraph 6.2.6, are merger specific. Therefore, the merging parties will bear the onus to prove (on a balance of probabilities) that any such retrenchments, are not merger specific.
- 6.2.8 In determining whether the likely effect on employment is substantial, the Commission will consider:
- 6.2.8.1 the counterfactual to the merger and whether the retrenchments or employment creation would, in any event, have occurred absent the merger or were unavoidable. Where the Commission finds that the counterfactual is likely to be the acquisition of a target / transferred firm by another purchaser who is likely to retain all or some of the Workers, the merger parties may not be able to claim all employment creation or job retention as merger-specific;

⁸ Walmart Stores Inc. and Massmart Holdings Limited 110/CAC/Jul11 and 111/CAC/Jul11.

- 6.2.8.2 the number of Workers who are likely to be affected relative to the affected workforce;
 - 6.2.8.3 the affected Workers' skill levels. The Commission will consider information on the affected Workers' qualification, experience, job grade, job description and position within the organization in determining the skill level;
 - 6.2.8.4 the likelihood of the Workers being able to obtain alternative employment in the short-term considering various factors. In this regard, the Commission may assess the possibilities for redeployment within the merged entity, the natural attrition rate within the merger parties, the type of skills and their transferability to other industries and businesses, the economics of the region, opportunities for re-employment in the region and the overall unemployment rate in the country;
 - 6.2.8.5 the nature of the sector relevant to the employment effect, including whether the sector employs largely unskilled Workers, the unemployment rate in the sector, whether the sector is experiencing a trend of retrenchments, whether the sector is a mature or declining sector, and whether the sector is an emerging sector which would suggest future employment opportunities; and
 - 6.2.8.6 the predominant nature of employment by the acquiring firm for example, whether the parties employ seasonal or permanent Workers, and/or are engaged in a business that involves bidding or contracting.
- 6.2.9 The Commission will consider substantiality on a case-by-case basis and may exclude management Workers from the affected number of Workers should it view these Workers as having alternative employment prospects in the short term.
- 6.2.10 The Commission will provide an opportunity to the merger parties to substantiate any positive effects or to submit arguments to justify any substantial negative effects arising from the merger on employment.
- 6.2.11 The Commission will consider the following in analysing such representations made in respect of a negative effect on employment:
- 6.2.11.1 whether a rational process has been followed to arrive at the determination of the number of jobs to be lost; that is, whether there is a

- rational link between the number of jobs proposed to be shed and the reasons for the job losses/reduction;⁹
- 6.2.11.2 whether the merger-specific substantial job losses are justified by an equally weighty and countervailing effect on another Public Interest factor;¹⁰
- 6.2.11.3 whether the merger parties have provided full and complete information to the Commission and sufficient information to the Workers to enable them to consult fully on all issues.¹¹
- 6.2.12 The parties will need to meet all three requirements in paragraphs 6.2.11.1 to 6.2.11.3 above for the Commission to accept their submissions as justifying the negative effect arising from the merger.
- 6.2.13 Where the merger parties submit a Public Interest justification for the job losses, the Commission may accept the following as countervailing Public Interest arguments:¹²
- 6.2.13.1 the merger is required to save a failing firm. Such information should be submitted as part of the competition assessment in terms of Form CC4(2);
- 6.2.13.2 where the merger is required because the firms will not be competitive unless they can lower their costs to be as efficient as their competitors and this can only be achieved by employment reduction through the merger; or
- 6.2.13.3 where the merging parties provide substantive evidence that the merger will lead to lower prices for consumers because of the merged entity's lower cost base and this lower cost base can only come about or is materially dependent upon the proposed employment reduction.¹³
- 6.2.14 Where parties make submissions on how they arrived at the proposed figure for retrenchments, this should not be arbitrary, random or a "guess estimate".¹⁴ A simple task of comparing the merger parties' list of Workers or making assumptions on the likely job losses is unlikely to suffice.

⁹ Metropolitan Holdings and Momentum Group Limited (41/LM/Jul 10), paragraph 69.

¹⁰ Metropolitan Holdings and Momentum Group Limited (41/LM/Jul 10), paragraph 69 -72.

¹¹ BB Investment Company (Pty) Ltd and Adcock Ingram Holdings (Pty) Ltd (Case: 18713), paragraphs 107-110.

¹² Metropolitan Holdings and Momentum Group Limited (41/LM/Jul 10), paragraph 77.

¹³ Metropolitan Holdings Limited and Momentum Group Limited (41/LM/Jul10).

¹⁴ Metropolitan Holdings Limited and Momentum Group Limited (41/LM/Jul10).

- 6.2.15 Failure to show that a rational process has been followed in determining the likely effect on employment will generally result in the Commission making an adverse finding.
- 6.2.16 The Commission will consider the appropriate remedy on a case-by-case basis. The following remedies may be considered to remedy a negative effect on employment:
- 6.2.16.1 requiring that merger parties commit to a minimum headcount employment number for up to 5 years post-merger,
 - 6.2.16.2 placing a moratorium on job losses for a period of time not less than 3 years post implementation (including the date between merger approval and implementation);
 - 6.2.16.3 placing a cap on the number of job losses;
 - 6.2.16.4 staggering the number of job losses over a period of time;
 - 6.2.16.5 providing funding to reskill affected Workers in order to improve their prospects of obtaining alternative employment within a short period of time;
 - 6.2.16.6 obliging the parties to re-employ or give preference to affected Workers should positions become available; and
 - 6.2.16.7 creating jobs and preferential re-employment for previously retrenched Workers.

6.3 THE ABILITY OF SMALL AND MEDIUM BUSINESSES, OR FIRMS CONTROLLED OR OWNED BY HISTORICALLY DISADVANTAGED PERSONS, TO EFFECTIVELY ENTER INTO, PARTICIPATE IN OR EXPAND WITHIN THE MARKET

- 6.3.1 In determining the likely effect of the merger on the ability of SMEs and firms owned/controlled by HDPs to effectively enter into, participate in or expand within the market, the Commission will determine whether the merger has an effect on any of the following factors:
- 6.3.1.1 entry conditions or expansion opportunities within a market including raising or lowering barriers to entry or expansion;
 - 6.3.1.2 preventing or granting access to key inputs, services, pricing and supply conditions with respect to volume discounts, quality, and the imposition/application of private standards, having regard to prevailing market circumstances;

- 6.3.1.3 whether the merger parties will continue purchasing from/supplying to SMEs or firms owned/controlled by HDPs for a reasonable period post-merger;
 - 6.3.1.4 preventing or allowing training, skills upliftment, and development in the industry; and
 - 6.3.1.5 denying or granting access to funding for business development and growth.
- 6.3.2 In analysing this provision, the Commission will, amongst other factors, consider:
- 6.3.2.1 whether any impediment arising from the merger limits the entry, growth, and expansion of SMEs and firms owned/controlled by HDPs and their participation in the relevant market or adjacent markets;
 - 6.3.2.2 whether SMEs or firms owned/controlled by HDPs rely on the target firm for supply of inputs to a significant extent;
 - 6.3.2.3 whether the target firm is a significant customer of SMEs or firms owned/controlled by HDPs;
 - 6.3.2.4 whether the merger will result in a notable adverse change in terms and conditions of trade or supply between the target firm and SMEs or firms owned/controlled by HDPs; and
 - 6.3.2.5 whether any effect on SMEs or firms owned/controlled by HDPs has a secondary effect on other Public Interest factors such as employment and the industrial/sector or region.
- 6.3.3 In determining the appropriate remedy to address the identified negative effect on the ability of SMEs and HDPs to become competitive the Commission will consider the following:
- 6.3.3.1 The establishment of a supplier development fund for technical, financial or other assistance to SMEs and firms owned/controlled by HDPs.
 - 6.3.3.2 The following principles will be considered in designing an acceptable supplier development fund:
 - 6.3.3.2.1 funds committed to the supplier development fund must be incremental to any pre-merger fund/support for smaller firms or suppliers;

- 6.3.3.2.2 funds may be disbursed by way of grants, preferential or low interest loans, or equity;
 - 6.3.3.2.3 monitoring and reporting obligations must align with the life of the fund;
 - 6.3.3.2.4 if funds are disbursed as loans, the repayment of loans will extend the life of the fund and monitoring and reporting obligations will similarly be extended until all repaid loans are also fully disbursed; and
 - 6.3.3.2.5 no administrative, operational or other transaction fees can be subtracted from the fund value.
- 6.3.3.3 support for the sustainable integration of SMEs and firms owned/controlled by HDPs into the value chain of the merger parties for a reasonable period;
 - 6.3.3.4 continued support or procurement of services or products from SMEs and firms owned/controlled by HDP suppliers;
 - 6.3.3.5 establishing skills development and training programs and transferring of technology; and/or
 - 6.3.3.6 obliging parties to continue access and supply on reasonable and non-discriminatory terms and conditions.

6.4 THE ABILITY OF NATIONAL INDUSTRIES TO COMPETE IN INTERNATIONAL MARKETS

- 6.4.1 When assessing the impact of the merger on the ability of national industries to compete in international markets, the Commission will consider the following factors, amongst others
 - 6.4.1.1 the nature/structure of the industry and the market dynamics within the industry, including at a global level;
 - 6.4.1.2 the nature of competition and the market position of the firm in the domestic economy;
 - 6.4.1.3 whether a change in productive capacity is required in order for the merged firm to compete globally against other firms;
 - 6.4.1.4 the policy considerations that are relevant to the sector;

- 6.4.1.5 the strategy of the merger parties in relation to international competition; and
- 6.4.1.6 the impact on local consumers for both intermediate and final products.
- 6.4.2 When analysing whether the effect on the ability of national industries to compete in international markets is merger-specific, the Commission will consider whether economies of scale or increased production could have been attained without the merger.
- 6.4.3 When assessing the substantiality of any effect of a merger on a national industry's ability to compete in international markets, the Commission will consider, amongst other factors:
 - 6.4.3.1 the role and importance of the national industry in the South African market;
 - 6.4.3.2 the role and importance of the national industry or sector in the international market/s;
 - 6.4.3.3 the relative structure and size of the national industry or sector by international standards;
 - 6.4.3.4 the extent of the effect on the sector should the national industry's ability to compete in international market/s be hindered; and
 - 6.4.3.5 whether the merger impedes the realisation of any related public policy goals and relevant industrial policies in relation to the national industry in question.
- 6.4.4 The Commission may consider the following remedies, amongst others:
 - 6.4.4.1 obliging the merger parties to invest within their operations a specified time period;
 - 6.4.4.2 obligation to create jobs;
 - 6.4.4.3 obligation to introduce new products and technology;
 - 6.4.4.4 commitment to entering export markets or increasing exports; and
 - 6.4.4.5 training, re-skilling or skills upliftment programs.

6.5 THE PROMOTION OF A GREATER SPREAD OF OWNERSHIP, IN PARTICULAR TO INCREASE THE LEVELS OF OWNERSHIP BY HISTORICALLY DISADVANTAGED PERSONS AND WORKERS IN FIRMS IN THE MARKET

- 6.5.1 The Amendments to the Act intend to advance the economic transformation agenda envisaged in the Preamble to the Act. It bears mention that the Amendments envisage that merging parties “...*proactively* address concentration and ownership representativity concerns arising in markets in which they are active.”¹⁵
- 6.5.2 Given the foregoing, the Commission considers that unlike the other Public Interest factors, section 12A(3)(e) confers a *positive obligation* on merging parties to promote or increase a greater spread of ownership, in particular by HDPs and/or Workers in the economy.
- 6.5.3 Considering this, the Commission’s point of departure will be that all mergers are required to promote a greater spread of ownership.
- 6.5.4 A finding that a merger does not promote a greater spread of ownership as contemplated by this Public Interest factor will inform the Commission’s determination of whether the merger can or cannot be justified on substantial public interest factors.
- 6.5.5 As indicated above, the Commission will determine the substantiality of a merger’s effect on each Public Interest factor on a case-by-case basis and on a balance of probabilities. However, given that section 12A(3)(e) is a feature of every merger assessment, it is likely to have a significant impact on the overall Public Interest assessment conducted by the Commission. Therefore, it is possible that a merger that does not promote a greater spread of ownership in terms of section 12A(3)(e) of the Act is substantial enough to render a merger unjustifiable on Public Interest grounds.
- 6.5.6 The Commission further considers that the obligation to promote or increase a greater spread of ownership as contemplated in this Public Interest factor, pertains to all mergers that have an effect in South Africa.
- 6.5.7 The Commission’s point of departure in establishing the effect of a merger on this Public Interest factor will be to ascertain the extent of ownership by, amongst others, HDPs and / or Workers at each of the acquiring group and the target firm/s. This assessment will include a review of, amongst others, the following documents:
- 6.5.7.1 independently verified, valid B-BBEE certificates;

¹⁵ See the Explanatory Note to the Amendments which explains that same are “...aimed at addressing two key structural challenges in the South African economy: concentration and the racially-skewed spread of ownership of firms in the economy.”

- 6.5.7.2 incorporation documents; and
 - 6.5.7.3 identity documents of shareholders.
- 6.5.8 The Commission will consider both the direct and indirect levels of ownership by amongst others, HDPs and/or Workers in each of the merger parties. In this regard, the merger parties must provide the HDP and/or Worker ownership levels by all firms controlling the Acquiring Firm and all firms controlling the Target Firm. The Commission will consider the pre-merger level of HDPs' and/or Worker ownership of a selling firm to be attributable to a target firm where that target firm does not have its own HDP and/or Worker ownership credentials.
- 6.5.9 For the avoidance of doubt, even if a merger promotes ownership by HDPs, this does not preclude the obligation to consider increased ownership by Workers, and vice versa.
- 6.5.10 The Commission will regard ownership to include ownership of voting shares or an interest in either a business or part of a business, including tangible assets (such as property, equipment and land) and intangible assets (such as intellectual property).
- 6.5.11 The Commission will determine a merger's impact on HDP and/or Worker ownership levels by considering any relevant quantitative and qualitative factors. These factors include the number shares or interests held; the value of such shares or interests; whether the shares or interests owned confer additional rights such as board representation; whether the shares / interests held pertain to productive or passive assets; and whether any increase in shares /interests held confers control for the purposes of section 12 of the Act.
- 6.5.12 To establish the effect of a merger on this Public Interest factor, the Commission will consider the following factors, amongst others:
- 6.5.12.1 the extent of the dilution and/or increase of the HDP/Worker shareholding within the target firm post-merger, noting that a lack of promotion of ownership levels will not be considered to be responsive to this provision
 - 6.5.12.2 whether the merger promotes participation through, inter alia, board representation, shareholding and participation in decision-making within the merged entity;
 - 6.5.12.3 the breadth of representation of the shareholding i.e., a large number of HDPs and/or a broad base of Workers;
 - 6.5.12.4 the level of transformation in the relevant sector/s

- 6.5.12.5 sector transformation targets and the HDP/Worker ownership levels of the acquirer relative to these targets;
- 6.5.12.6 the number of Workers employed by the merger parties in South Africa;
- 6.5.12.7 the size of the merger parties' operations in South Africa. In this regard, the Commission will consider the revenue and asset value of the firms' South African operations;
- 6.5.12.8 shareholding that ensures that Workers/HDPs participate in the productive activities / operations of the merged entity are more likely to be considered substantial than a purely economic/financial interest;
- 6.5.12.9 To establish the extent of harm to this Public Interest factor (and hence the extent of remedial action), the Commission will consider:
- 6.5.12.9.1 the size of the merger parties' respective operations in South Africa;
 - 6.5.12.9.2 whether the target is empowered and there is a dilution in shareholding by HDPs/Workers;
 - 6.5.12.9.3 whether the acquiring firm is transformed;
 - 6.5.12.9.4 the relevant sector/s have a low level of transformation;
and
 - 6.5.12.9.5 the size of the target and acquiring firms in the market.
- 6.5.12.10 The Commission will provide an opportunity to the merger parties to substantiate any positive effects or to submit arguments to justify any failure to promote a greater spread of ownership, particularly by HDPs and/or Workers.
- 6.5.12.11 The Commission will consider the following in analysing representations made in respect of a failure to promote a greater spread of ownership:
- 6.5.12.11.1 whether the target firm is in business rescue;
 - 6.5.12.11.2 whether the transaction reduces debt of HDP/Workers arising from previous empowerment transactions;

- 6.5.12.11.3 the merger parties' rationale for not promoting HDP and/or Worker ownership or participation within the merged entity, noting that a historical preference or policy not to allow additional third-party shareholding is unlikely to be considered an acceptable reason for failing to remedy this public interest factor;
 - 6.5.12.11.4 whether the merger parties have offered an alternative form of ownership and participation of Workers and/or HDPs elsewhere within the acquiring group or merged entity to mitigate the dilution occasioned by the merger;
 - 6.5.12.11.5 whether the merger results in a change in the quality of shareholding by HDPs and/or Workers, such as whether the shareholding becomes unencumbered or confers voting rights or board representation; and
 - 6.5.12.11.6 whether the acquiring firm has more than 50% shareholding by HDPs.
- 6.5.12.12 In considering possible remedies to address any substantial effect on the promotion of a greater spread of ownership by historically disadvantaged persons and/or workers in firms in the market, the Commission may consider the following remedies, amongst others:
- 6.5.12.12.1 commitments to concluding alternative ownership agreements with HDPs/Workers in the acquiring firm, the target firm or the merged entity within a reasonable period post-merger; and
 - 6.5.12.12.2 divestitures to HDP shareholders which would create a greater spread of ownership in another part of the business, noting that the following factors will be considered in assessing the suitability of a divestiture:
 - 6.5.12.12.2.1 the historical and projected future performance of the divestiture business;
 - 6.5.12.12.2.2 whether the divestiture business can either be a sustainable standalone entity or can otherwise

operate as a viable business in its own right; and

6.5.12.12.2.3 whether the divestiture business requires initial support from the merged entity and whether such support can be provided without raising competition concerns.

6.5.12.12.3 The Commission will generally require that divestitures be done in such a way that HDPs and/or Workers are involved in the operations of the divestiture business and are not primarily (or solely) involved as financial or passive investors in the divestiture business.

6.5.13 Where an ESOP is proposed as a remedy in terms of section 12A(3)(e) of the Act, the following principles will apply, amongst others:

6.5.13.1 If the merger results in a dilution in the level of ownership by (amongst others) HDPs and/or Workers, the ESOP should remedy the full extent of the dilution. For example, if a merger results in a dilution of shareholding by HDPs or Workers of 10 percentage points, an ESOP of 10% will be required.

6.5.13.2 If the merger does not dilute ownership, but does not promote ownership by amongst others, HDPs or Workers, the ESOP proposed should hold no less than 5% of the value/shares of the merged entity but may be required to hold a higher shareholding based on the facts of the case.

6.5.13.3 Structure of the ESOP:

6.5.13.3.1 a unitised employee share ownership trust can be established for allocated shares; and

6.5.13.3.2 the merged entity can also consider apportioning a portion of profit after tax for purchase of shares at market value and for these to be maintained in share registry by the company secretary.

6.5.13.4 Cost to Workers to participate in the ESOP:

- 6.5.13.4.1 Workers must not be required to pay to participate in the ESOP, unless otherwise elected by the relevant Workers; and
- 6.5.13.4.2 firms must make provision for independent legal, financial or other experts to act on behalf of Workers in the establishment of the ESOP. For the avoidance of doubt, any expenses incurred by the Workers and/or their representatives shall be paid for by the merged entity.
- 6.5.13.5 Governance of the ESOP:
- 6.5.13.5.1 if there is a board of trustees, the board must be balanced and Workers must be represented on the board, e.g., for every trustee appointed by merged entity; one trustee must be appointed by Workers and there should be one independent trustee; and
- 6.5.13.5.2 the independent trustee will be recommended and appointed by the Workers, subject to the candidate being acceptable to the merged entity.
- 6.5.13.6 Duration of the ESOP:
- 6.5.13.6.1 The ESOP must be perpetual/evergreen to cater for a changing workforce.
- 6.5.13.7 Participants of the ESOP:
- 6.5.13.7.1 all current and future Workers who are eligible; and
- 6.5.13.7.2 maternity leave will have no adverse impact on qualifying criteria.
- 6.5.13.8 Participation benefits of the qualifying Workers:
- 6.5.13.8.1 beneficiaries will be entitled to: (a) dividends and (b) capital growth/upside based on their participation rights calculated with reference to units allocated to beneficiaries; and
- 6.5.13.8.2 beneficiaries will cease to participate for bad leaver events such as resignations and dismissals.

6.5.13.9 Value and funding of the ESOP:

- 6.5.13.9.1 the value of the ESOP will be determined with reference to issued shares and valuation as at the month preceding the establishment and commencement of the ESOP;
- 6.5.13.9.2 the merged entity must provide some vendor finance if required;
- 6.5.13.9.3 if there is vendor financing of the ESOP, it should be interest-free; and
- 6.5.13.9.4 dividend policy must provide for a “trickle” dividend in the ratio of at least 35:65, i.e., at least 35% of any dividends declared will flow to beneficiaries and at most 65% will be utilised to service the vendor financing. The dividend policy must be such that once dividends are declared by the merged entity, the company or the trustees have no discretion on whether to pay same to the trust in accordance with this ratio.

6.5.14 Where an HDP transaction is proposed to promote ownership as envisaged by this Public Interest factor, the following principles will apply, amongst others:

- 6.5.14.1 HDP transactions should be no less than 25% + 1 share and should ideally confer control on the HDPs to ensure that the remedy is responsive to requirement to promote *ownership* by HDPs in firms in the market.
- 6.5.14.2 The merger parties will have discretion to choose the HDPs.
- 6.5.14.3 The parties must inform the Commission of the proposed HDP transaction prior to its implementation to allow the Commission to assess compliance with the conditions.

7. DISCRETION

Section 79(4) provides that guidelines are not binding on the Commission, the Tribunal or the Courts but that any person interpreting or applying section 12A(3) of the Act must take the guidelines into account. The above guidelines thus present the general methodology that the Commission will follow in assessing Public Interest issues in merger analysis. Notwithstanding the above, this will not fetter the discretion of the Commission to consider other factors on a case-by-case basis should a need arise.

8. EFFECTIVE DATE AND AMENDMENTS

These guidelines become effective on the date indicated in the Government Gazette and may be amended by the Commission from time to time.

DEPARTMENT OF WATER AND SANITATION

NO. 3946

6 October 2023

INVITATION TO SUBMIT WRITTEN COMMENTS IN TERMS OF SECTION 110 OF THE NATIONAL WATER ACT 1998 (ACT 36 OF 1998) ON THE CONSTRUCTION OF THE MOKOLO AND CROCODILE (WEST) RIVER WATER AUGMENTATION PROJECT (MCWAP) AND THE ENVIRONMENTAL IMPACT ASSESMENTS RELATING THERETO

The Minister of Water and Sanitation intend to construct the Mokolo And Crocodile (West) River Water Augmentation Project (MCWAP-2A) as government waterworks as contained in Part A of the Schedule hereto. The implementation of Phase 1 of the Mokolo and Crocodile (West) River Water Augmentation Project (MCWAP-1) is completed.

In terms of section 110(1)(b)(iii) interested parties are invited to submit written comments on the waterworks (Part A of Schedule) and the environmental impact assessment (Part B of Schedule), 60 days after date of publication. Comments must be submitted to the Director-General, Department of Water and Sanitation (DWS), Private Bag X313, Pretoria; and marked for attention of Mr. JA Bester, Chief Engineer, Directorate: Water Resources Development Planning.

SCHEDULE FOR THE CONSTRUCTION OF THE MOKOLO AND CROCODILE (WEST) RIVER WATER AUGMENTATION PROJECT (MCWAP) AND A SUMMARY OF THE ENVIROMENTAL IMPACT ASSESMENTS**A. DESCRIPTION OF THE SCHEME**

The objective of the MCWAP is to abstract and transfer water from the Mokolo River and the Crocodile (West) River to augment domestic, industrial and other users in Lephalale and surrounding areas. The project will further secure water for Eskom's newly built Medupi Powerstation which is a strategic user.

The MCWAP consists of the following phases (see attached **Figure 1**):

i. Mokolo Crocodile (West) River Water Augmentation Project Phase 1 (MCWAP-1)

MCWAP-1 consists of conveyance infrastructure from Mokolo Dam to the town of Lephalale and industrial users. The infrastructure consists of a pump station at Mokolo Dam, bulk water pipelines from Mokolo Dam to Lephalale Town (total length of 42,7 km), Grootegeluk Mine, Matimba and Medupi Power Stations.

The MCWAP-1 was implemented at a capital cost of R1,86 billion.

ii. Mokolo Crocodile (West) River Water Augmentation Project Phase 2A (MCWAP-2A)

MCWAP-2A will abstract and transfer surplus return flows from the Crocodile (West) River to the new developments in the Lephalale Local Municipality.

MCWAP-2A has a design capacity of 75 million m³ /a and comprises of abstraction works at Vlieëpoort near Thabazimbi, pumping stations and bulk pipelines to the users in Lephalale and surrounding areas.

MCWAP-2A includes a River Management System (RMS) on sections of the Crocodile (West) River and its tributaries in order to assure water availability for the existing users and for the transfer scheme. The RMS will include the reach of the Crocodile (West) River downstream of Hartbeespoort Dam up to the proposed Vlieëpoort Abstraction Weir, the reach of the Moretele River downstream of Klipvoor Dam up to its confluence with the Crocodile (West) River, as well as to the reach of the Elands River downstream of Vaalkop Dam up to its confluence with the Crocodile (West) River.

DWS has also determined a high confidence reserve which was published in the Government Gazette (Gazette No. 45568) on 3 December 2021 in terms of Section 16 of the National Water Act, Act No. 36 of 1998, following a detailed technical study which included an extensive stakeholder participation process. The Reserve sets water quality and quantity limits for the water resources to ensure ecological sustainability and provision of basic human needs as per the requirements of the National Water Act.

The total estimated capital cost for the implementation of the MCWAP-2A amounts to R 15 billion (cost base December 2022 and exclusive of Value Added Tax (VAT))

B. SUMMARY OF THE ENVIRONMENTAL IMPACT ASSESMENTS

The environmental authorisation of MCWAP-1 and MCWAP-2A was done in accordance with the National Environmental Management Act, 1998 (Act No. 107 of 1998).

MCWAP-1: The environmental authorisation of MCWAP-1 was granted on 3 December 2010 by the Department of Forestry, Fisheries and the Environment (DFFE), stipulating the following key conditions:

- i. The ecological reserve requirements downstream of Mokolo Dam must be maintained.
- ii. A search and rescue operation should be conducted to identify vegetation material and plants which may be relocated or re-used during rehabilitation and landscaping of the servitude.
- iii. The appellant must have an ongoing invasive plant and weed monitoring and eradication programme for the servitude once construction is completed.
- iv. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan their activities.
- v. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface water and subsurface flows. Drainage measures must promote the dissipation of storm water run-off and not enhance erosion.

All EA conditions were met in the implementation of MCWAP-1.

MCWAP-2A: The environmental authorisation of MCWAP-2A was granted as follows:

- a. Water Transfer Infrastructure - Environmental Authorisation was granted by the former Department of Environmental Affairs, which is now known as the Department of Forestry, Fisheries and the Environment (DFFE), on 18 March 2019; and
- b. Quarries and Borrow Pits – Environmental Authorisation was granted by the Department of Mineral Resources and Energy (DMRE) on 6 January 2022 and 22 September 2022 respectively.

The following specialist studies were done during the Environmental Impact Assessment (EIA) process; Baseline Aquatic and Impact Study, Terrestrial Ecological Impact Assessment, Agricultural Impact Assessment, Heritage Impact Assessment, Wetland Impact Assessment, Socio-Economic Impact Assessment, Wildlife Impact Assessment, Specialist Opinion on the Impact of the MCWAP-2A on Hartbeespoort Dam, Assessment of Greenhouse Gas Emissions, and an Environmental Noise Study. Additional studies included an assessment of the Bat cave, Heritage and Palaeontology, Greenhouse gas emissions of the project, Roads and Traffic Assessment, Sedimentation Assessment and Ambient Air Quality.

Some of the key conditions for MCWAP-2A that emanated from the EIA process include the following:

- i. The River Management System must be in place prior to the commissioning of the proposed transfer scheme.
- ii. Specific attention will need to be paid to managing impacts to road users for all public roads (including the D1649, D3677, R510 and D175) and private roads.
- iii. The land acquisition and compensation process need to adhere to all legal requirements, in negotiation with the affected landowners. This process must be undertaken fairly and must commence timeously prior to the construction phase.
- iv. Construction and operational activities need to be planned and coordinated in consultation with the affected landowners in order to minimise impacts on game farming, ecotourism and crop production.
- v. Ensure compliance with the biosecurity protocols of the relevant properties in relation to the construction and maintenance of the pipeline.
- vi. Manage the impacts associated with the scouring of sediment back to Crocodile (West) River from the desilting works during the operational phase.

Eight (8) appeals were lodged against the Environmental Authorisation for the MCWAP-2A Water Transfer Infrastructure during the Appeal Period from 18 March 2019 to 30 July 2019. The Minister of Environment, Forestry, and Fisheries dismissed all the appeals against the MCWAP-2A on 11 October 2020.

For further information please visit: <https://www.dws.gov.za/iwrrp/MCWAP/#>


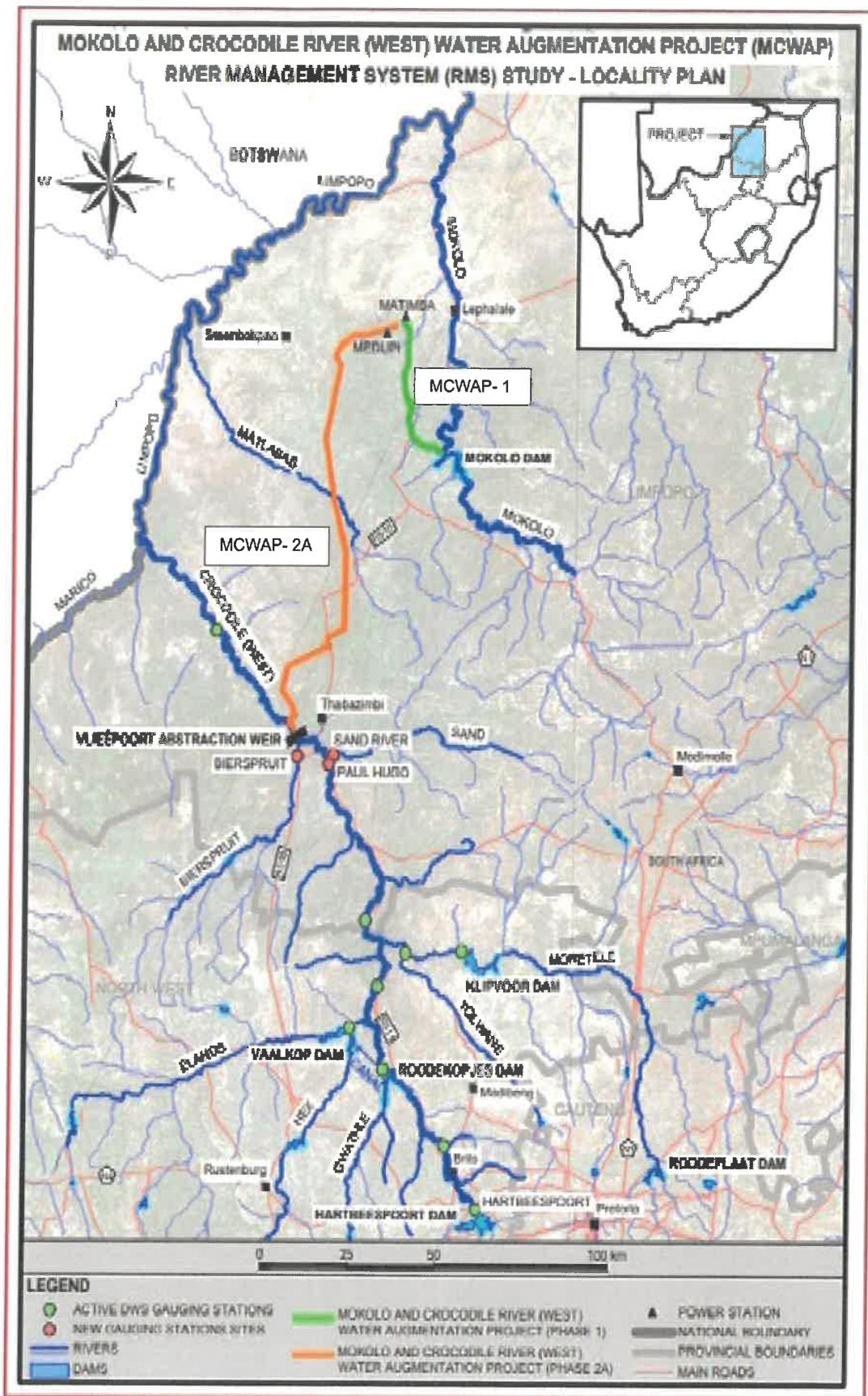

MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 29/08/2023

Figure 1: Layout Map of MCWAP-2A



DEPARTMENT OF WATER AND SANITATION

NO. 3947

6 October 2023

TRANSFORMATION OF GAMTOOS IRRIGATION BOARD INTO GAMTOOS WATER USER ASSOCIATION IN TERMS OF SECTION 92(1) OF THE NATIONAL WATER ACT (NO.36 OF 1998)

I, Senzo Mchunu, the Minister of Water and Sanitation, hereby declare in terms of section 98(6) of the National Water Act, 1998 (Act No. 36 of 1998) that –

- (a) The Gamtoos Water User Association is established.
- (b) The Association's name is the Gamtoos Water User Association.
- (c) The area of operation of the Association is situated within the Mzimvubu to Tsitsikamma Water Management Area entirely within the Eastern Cape Province. The extended area of jurisdiction and area of operation are acceptable, as this will improve participation and collective management of the Gamtoos Catchment. This incorporates the quaternaries of Gamtoos L90A-C, L82H, and L82J, Baviaans L81A-D; and Kabeljous L90G.
- (d) The constitution of the Gamtoos Water User Association has been approved.
- (e) Any other water resource(s) and/or waterworks situated outside the area described in paragraph (c) above, the Department of Water and Sanitation or the responsible authority may request the Water User Association to control, which is situated under Water Management Area number 5 in the National Water Resource Strategy 3 (NWRS3) in the Province of the Eastern Cape, and
- (f) Delegation of powers and functions of the Water User Association is per the delegations of 31 March 2023 which will be provided to the Water User Association.



**MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION**

DATE: 26/9/23

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2058 OF 2023**

NOTICE: IN TERMS OF SECTION 25(1) AND (2) OF THE NGQUSHWA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT (SPLUM) BYLAW (2016) READ WITH SECTION 24 (1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT OF 2013 (ACT 16 OF 2013)

Notice is hereby given in terms of Section 25(1) and (2) of the Ngqushwa Local Municipality Spatial Planning and Land Use Management (SPLUM) Bylaws (2016) read with Section 24 (1) of the Spatial Planning and Land Use Management Act of 2013 (Act 16 Of 2013) that the Council of Ngqushwa Local Municipality adopted the new Ngqushwa Municipality Land Use Scheme (2022.)

The approval took place during the Council meeting of the 5th May 2022 (*Reference: OCM- 10.3.4: 05/05/2022*) and the implementation of the Land Use Scheme will commence on the date of publication of this notice.

The Ngqushwa Municipality Land Use Scheme, 2022, can be viewed during normal office hours at the office of Mr W Mayeza the Technical Services building on Erf 313, Main Road, Peddie.

N MGENGO
MUNICIPAL MANAGER

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2059 OF 2023****INXUBA YETHEMBA****UMASIPALA WASEKHAYA / PLAASLIKE MUNISIPALITEIT / LOCAL MUNICIPALITY****NOTICE /2023****NOTICE IN TERMS OF SECTIONS 25(1) AND (2) OF THE INXUBA YETHEMBA SPATIAL PLANNING AND LAND USE MANAGEMENT(SPLUM) BYLAWS (2015) READ WITH SECTION 24 (1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT OF 2013(ACT 16 OF 2013)**

Notice is hereby given in terms Sections 25(1) and (2) of the Inxuba Yethemba Spatial Planning and Land Use Management(SPLUM) Bylaws (2015) read with Section 24 (1) of the Spatial Planning and Land Use Management Act of 2013(Act 16 of 2013) that the Council of Inxuba Yethemba Local Municipality adopted the new Inxuba Yethemba Integrated Land Use Scheme (2023).

The approval took place during the Council meeting of the 28 April 2023 (Reference: C367/23 and the implementation of the Integrated Land Use Scheme will commence on the date of publication of the notice.

The Inxuba Yethemba Integrated Land Use Scheme, 2023, can be viewed during normal office hours at the office of the Municipal Manager (Municipal Complex, 1 JA Calata Street, Cradock, 5880) during normal office hours.

MR.M.W. MBEBE
ACTING MUNICIPAL MANAGER

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 2060 OF 2023****NYANDENI LOCAL MUNICIPALITY
NYANDENI LAND USE SCHEME, 2023****NOTICE: IN TERMS OF SECTION 25(1) AND (2) OF THE NYANDENI LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT (SPLUM) BYLAWS (2017/18) READ WITH SECTION 24 (1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT OF 2013 (ACT 16 OF 2013)**

Notice is hereby given in terms of Section 25(1) and (2) of the Nyandeni Municipality Spatial Planning and Land Use Management (SPLUM) Bylaws (2017/18) read with Section 24 (1) of the Spatial Planning and Land Use Management Act of 2013 (Act 16 Of 2013) that the Council of Nyandeni Local Municipality adopted the new Nyandeni Land Use Scheme (2023)

The approval took place during the Council meeting of the 30th June 2023 (Resolution number: 3151) and the implementation of the Land Use Scheme will commence on the date of publication of this notice.

The Nyandeni Land Use Scheme, 2023, can be viewed during normal office hours (8:00-17:00) at the office of the Acting Senior Manager: Planning and Development, Mr A Zituta at Office 56, Nyandeni Local Municipality, 5160.

Nyandeni Local
Municipality
Municipality Building
B.N NOMANDELA DRIVE
Libode
5160

**MR G.N CEKWANA
ACTING MUNICIPAL MANAGER**

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 2061 OF 2023

Winnie Madikizela-Mandela Local Municipality

Physical Address
51 Winnie Madikizela
Mandela Street
Postal Address
P O Box 12
Bizana



Office of the Municipal
Manager
Tel: 039 251 0230
Fax: 039 251 0917
lmahlaka@mbizana.gov.za

Winnie Madikizela-Mandela Local Municipality
Winnie Madikizela-Mandela Local Municipality Land Use Scheme
2023

NOTICE: IN TERMS OF SECTION 25(1) AND (2) OF THE WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT (SPLUM) BY-LAWS (2016) READ WITH SECTION 24 (1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT OF 2013 (ACT 16 OF 2013).

Notice is hereby given in terms of Section 25(1) and (2) of the Winnie Madikizela Mandela Local Municipality Spatial Planning and Land Use Management (SPLUM) Bylaws (2016) read with Section 24 (1) of the Spatial Planning and Land Use Management Act of 2013 (Act 16 Of 2013) that the Council of Winnie Madikizela Mandela Local Municipality adopted the new Winnie Madikizela Mandela Local Municipality Land Use Scheme (2021).

The approval took place during the Council meeting of the 25 June 2021 and the implementation of the Land Use Scheme will commence on the date of publication of this notice.

The Winnie Madikizela Mandela Local Municipality Land Use Scheme can be viewed during normal office hours. For further enquiries on the above, please contact: Contact Persons: Ms. Donna Makasi Contact Number: 064 864 3629 Email: Makasid@mbizana.gov.za.

MR. LUVUYO MAHLAKA
MUNICIPAL MANAGER

Vision: A vibrant socio economic growing municipality that creates sustainable communities with equal opportunity for all.

STATISTICS SOUTH AFRICA

NOTICE 2062 OF 2023

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate (**Base Dec 2021=100**)

Rate: **August 2023 – 4.8**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2063 OF 2023

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 60079-30-1 Ed 2	<i>Explosive atmospheres – Part 30-1: Electrical resistance trace heating – General and testing requirements.</i> Specifies general and testing requirements for electrical resistance trace heaters for application in explosive atmospheres with the exclusion of those for EPL Ga and Da.	2023-11-16
SANS 60079-30-2 Ed 2	<i>Explosive atmospheres – Part 30-2: Electrical resistance trace heating – Application guide for design, installation and maintenance.</i> Provides guidance for the application of electrical resistance trace heating systems in areas where explosive atmospheres may be present, with the exclusion of those classified as requiring EPL Ga/Da (traditional relationship to Zone 0 and Zone 20 respectively).	2023-11-16
SANS 20658 Ed 1	<i>Medical laboratories – Requirements for collection and transport of samples.</i> Specifies requirement and good practice recommendations for the collection and transport of samples intended for medical laboratory examination.	2023-11-13
SANS 23118 Ed 1	<i>Molecular in vitro diagnostic examinations – Specifications for pre-examination processes in metabolomics in -urine, venous blood serum and plasma.</i> Specifies requirements and gives recommendations for the handling, documentation and processing of urine, venous blood plasma and serum intended for metabolomics analysis in the pre-examination process.	2023-11-13
SANS 62053-41 Ed 1	<i>Electricity metering equipment – Particular requirements – Part 41: Static meters for DC energy (classes 0,5 and 1).</i> Applies only to static watt-hour meters of accuracy classes 0,5 and 1 for the measurement of DC electrical energy in DC systems, and it applies to their type tests only.	2023-11-13
SANS 20166-2 Ed 1	<i>Molecular in vitro diagnostic examinations – Specifications for pre-examination processes for formalin fixed and paraffin-embedded (FFPE) tissue – Part 2: Isolated proteins.</i> Gives guidelines on the handling, documentation, storage and processing of formalin fixed and paraffin-embedded (FFPE) tissue specimens intended for the examination of isolated proteins during the pre-examination phase before a molecular assay is performed.	2023-11-13
SANS 20134 Ed 1	<i>Uniform provisions concerning the approval of motor vehicles and their components with regard to the safety-related performance of hydrogen fuelled vehicles (HFV).</i> Applies to: 11.1. Part I – Compressed hydrogen storage systems for hydrogen-fuelled vehicles on their safety-related performance.	2023-11-21
SANS 10085-1 Ed 2	<i>The design, erection, inspection, use, modification and dismantling of steel access scaffolding and working platforms – Part 1: General.</i> Covers steel access scaffolding commonly used for supporting workers and materials, plant or equipment during construction, maintenance and demolition work.	2023-10-23
SANS 23081-2 Ed 2	<i>Information and documentation – Metadata for managing records – Part 2: Conceptual and implementation issues.</i> Outlines a framework for defining metadata elements consistent with the principles and Implementations outlined in SANS 23081-1.	2023-11-28
SANS 62885-9 Ed 1	<i>Surface cleaning appliances – Part 9: Floor treatment machines with or without traction drive, for commercial use – Methods for measuring the performance.</i> Outlines the characteristic performance parameters for walk-behind and ride-on floor scrubbers and sweepers and other floor cleaning machines in accordance with IEC 60335-2-72:2016 (published in South Africa as an identical adoption under the designation SANS 60335-2-72:2017).	2023-11-25

SANS 17409 Ed 1	<i>Electrically propelled road vehicles – Conductive power transfer – Safety requirements.</i> Specifies electric safety requirements for conductive connection of electrically propelled road vehicles to external electric circuits.	2023-11-25
SANS 61215-1-2 Ed 1	<i>Terrestrial photovoltaic (PV) modules – Design qualification and type approval – Part 1-2: Special requirements for testing of thin-film Cadmium Telluride (CdTe) based Photovoltaic (PV) modules.</i> Sets out the requirements for the design qualification of terrestrial photovoltaic modules suitable for long-term operation in open-air climates.	2023-11-28
SANS 60773 Ed 1	<i>Rotating electrical machines – Test methods and apparatus for the measurement of the operational characteristics of brushes.</i> Applies to test methods for the measurement of the operational characteristics of brushes designed to operate on commutating and slip ring machines under specified test conditions.	2023-11-25
SANS 8201 Ed 1	<i>Alarm systems – Audible emergency evacuation signal – Requirements.</i> Specifies two parameters of the audible emergency evacuation signal, that is, the temporal pattern and the required sound pressure level at all places within the intended signal reception area.	2023-11-25

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

SANS 1575 Ed 1.2	<i>Burnt clay paving units.</i>	Amended to delete the annex on notes to purchasers.	2023-11-16
SANS 1515-3-2 Ed 1.1	<i>Gas measuring equipment primarily for use in mines – Part 3-2: Fixed, transportable, and vehicle-mounted toxic gas measuring and warning sensor heads, instruments and devices.</i>	Amended to update referenced standards, the definitions, the clause on requirements, to remove references to certification, to update the requirements for marking, the annex on assessment of compliance with this part of SANS 1515 and to remove reference to certification mark.	2023-11-16
SANS 448 Ed 1.2	<i>Ethanol gel for gel burning appliances.</i>	Amended to update referenced standards.	2023-11-14
SANS 585 Ed 4.3	<i>The production of frozen fish, marine molluscs, and products derived therefrom.</i>	Amended to update LISTERIA Note to change 4 days to 5 days on clause 5.5, table 2 and table 3, And to delete Note 1, Note 2 and Note 4 of table 2.	2023-11-13
SANS 1794-1 Ed 1.1	<i>Personal protective clothing for hazardous industrial environment (Heat and flame).</i>	Amended to update referenced standards, and to delete the annex on notes to purchasers.	2023-11-13
SANS 1228 Ed 2.3	<i>Abrasion-resistant polymeric gloves: Lined type.</i>	Amended to update referenced standards, and to delete the annex on notes to purchasers.	2023-11-13
SANS 1437 Ed 2.2	<i>Footwear soling material and footwear sole and heel component.</i>	Amended to delete the annex on notes to purchasers.	2023-11-13
SANS 1107 Ed 1.2	<i>Disposable portable condensed aerosol fire extinguishers.</i>	Amended to update referenced standards, and to delete the annex on notes to purchasers.	2023-11-23
SANS 868-1-1 Ed 1.2	<i>Compression-ignition engine systems and machines powered by such engine systems, for use in mines and plants with explosive gas atmospheres or explosive dust atmospheres or both – Part 1-1: Hazardous locations in underground mines – Basic explosion protected engines.</i>	Amended to remove the certification mark scheme.	2023-11-28
SATS 61850-1-2 Ed 1.1	<i>Communication networks and systems for power utility automation – Part 1-2: Guidelines on extending IEC 61850.</i>	Amended to update terms and definitions, the clause on what to extend in relation with IEC 61850 and the clause on the "main activities for extending IEC 61850.	2023-11-25

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

Standard No. and year	Title, scope and purport
SANS 10237:2023 Ed 2	<i>The design, testing and installation of self-supporting metal cladding.</i> Covers the requirements for the design, testing and installation of self-supporting longitudinally profiled sheet metal cladding systems for the external cladding of roofs and sides of buildings, spanning at least 600 mm between supports.
SANS 704:2023 Ed 3	<i>Terminology work – Principles and methods.</i> Establishes the basic principles and methods for preparing and compiling terminologies both inside and outside the framework of standardization.
SANS 1718-3:2023 Ed 3	<i>Gaming equipment – Part 3: Monitoring and control systems for gaming equipment.</i> Specifies the general hardware and software requirements and the list of significant events required for a monitoring and control system for use in a casino.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act

Standard No. and year	Title, scope and purport
SANS 2220-2-5:2023 Ed 1.3	<i>Electrical security systems – Part 2-5: Access control systems – Biometric readers. Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards.
SANS 60079-7:2023 Ed 4.1	<i>Explosive atmospheres – Part 7: Equipment protection by increased safety "e". Consolidated edition incorporating amendment No. 1.</i> Amended to update the requirements on connection facilities for external conductors.
SANS 555-1:2023 Ed 1.1	<i>Fluids for electrotechnical applications – Part 1: Unused inhibited mineral insulating oils for transformers and switchgear. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards, the clauses on classification, identification, general delivery requirements and sampling, methods of test, and on specific requirements for special applications, the annex on potentially corrosive sulfur, and to delete the annex on notes to purchasers.
SANS 1183:2023 Ed 2.2	<i>Nurses' woven uniform fabric (polyester-and-cotton). Consolidated edition incorporating amendment No. 2.</i> Amended to delete the annex on notes to purchasers.
SANS 1272:2023 Ed 2.1	<i>Military webbing. Consolidated edition incorporating amendment No. 1.</i> Amended to delete the annex on notes to purchasers.
SANS 1423-3:2023 Ed 2.2	<i>Performance requirements for textile fabrics of low flammability – Part 3: Upholstery fabrics. Consolidated edition incorporating amendment No. 2.</i> Amended to delete the annex on notes to purchasers.
SANS 1423-4:2023 Ed 2.2	<i>Performance requirements for textile fabrics of low flammability – Part 4: Bedding fabrics, bedcovers and pillows. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 22134:2008 Ed 1	<i>Practical guidelines for socioterminology.</i>
SANS 60384-6:2007 Ed 2	<i>Fixed capacitors for use in electronic equipment – Part 6: Sectional specification: Fixed metallized polycarbonate film dielectric d.c. capacitors.</i>

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of the South African Norm for the development of South African National Standards, the following technical committee has been established:

Committee No.	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS

Notice is hereby given that the following standards gazetted for public enquiry have been retracted.

Standard No.	Title	Scope	Date gazetted

SCHEDULE B6: GENERAL

Notice is hereby given that the following standards/draft standard have been renumbered.

Standard/draft No.	Title	Scope	New number/designation

SCHEDULE B7: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

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